

The Fate of Jewish attorneys who immigrated from Germany and Austria to Israel

The Holocaust, the greatest tragedy of the 20th Century, destroyed the outstanding cultural elite of Europe.

Looking at the German and Austrian Jewry at the end of the 19th century and the beginning of the 20th century with people like Martin Buber, Sigmund Freud, Kurt Eisner, Max Liebermann, Albert Einstein, Fritz Haber, Gustav Mahler, Stefan Zweig, Arnold Zweig, Franz Werfel, Edmund Husserl, Kurt Weill we see that this group was the essence of Modernism in all aspects of culture- science, law, engineering, journalism, banking, art, theatre, music and journalism.

If it hadn't come to an abrupt and so horrible end, we would stay as the flag holders of the Weimar culture until this very day..

In this presentation I shall describe the building of a Jewish society in Israel through the emigration of Jewish lawyers from Germany to Palestine.

The Zionist movement brought to Palestine scholars like Arthur Rupin (1876-1943) who had studied law in Berlin and came to Palestine in 1907 and was the founder of the Jewish settlements in Palestine or Menachem Dunkelblum (1890-1950), who came to Palestine in 1911, was a prominent attorney and at the establishment of the State in 1948 was nominated as one of the first 5 judges of the Supreme Court of Israel . So were also the founders of the Israeli legal system Moshe Smoira (1888-1955) and Felix Rosenblueth (1887-1978).

But most of those who established the rule of law in Israel were quite assimilated and enjoyed the Era of the Weimar republic. Their religion was worshipping BILDUNG (High Culture). Less than 2000 Jews immigrated to Palestine up to 1933. Then came the holocaust and out of this dark place, the world that had fallen to stones, 50000 Jews left Germany, in 1933, 30000 in 1934 and 20000 in 1935. When the state of Israel was established it had 120000 JEKES (As the immigrants from Austria and Germany were called) The magnificent cultural elite arrived to Palestine dedicated to build a Democracy in which the essence will be the everlasting improving civilization that derived from the ideas of Lessing, Kant and Hegel..

Let me start by telling the story of Felix Rosenblueth.

He was born in Messingwerk, near Eberswalde.

A little city which had ("Messing" in English) and was ruled by Gustav Hirsch, a prominent leader of the Halberstadt Jewish. Community.

Felix was born to a religious family, yet his father made it a point to open all the doors of broad education for his children. They were celebrating the Birthday of Kaiser Wilhelm on the 27th of January in a very festive prayer and a ball in the synagogue.

In the family library there were all the German classics like Lessing, Goethe, Schiller, Kleist and even Heine, who was both converting to Christianity and a rebel against the Reich.

Felix studied law in Freiburg from 1905 onwards together with Hans Cohn, Julius Cohn, Martin Goldschmitt, Harry Dresdner, Richard Lichtheim, Hermann Graetz and Kurt Blumenfeld.

They all joined the "Bund juedischer Korporationen" and participated in the Zionist Congress in Basel on that year.

Kurt Blumenfeld and Felix established in 1914 the KJV ("Kartell Juedischer Verbindungen", an amalgamation of the two Jewish student's organizations in Germany. As leaders of a Zionist Organization they enhanced, together with the leaders of the World Zionist Organization, the program for Palestine to become the land for the future Homeland (Heimat).

On the 2nd of August 1914 Felix joined the army and served as an officer in World War I. He was wounded and was discharged with honors at the end of the war.

After the assassination of Walter Rathenau in June 1922, Felix came to Palestine, studied Hebrew as well as the English legal system in order to get a lawyer's license in Jerusalem.

He passed the "foreign lawyers" law council examination in February 1932.

He then joined the office of Moshe Smoira who had already established himself as a lawyer in Jerusalem.

In Palestine Felix became a leader of a political party, "Aliyah Chadasha" (New Immigration) and soon was very active in politics. He moved to Tel Aviv to head the office of Smoira, Krohngold & Co.

On the 12th of June 1947 Felix approached Ben Gurion and encouraged him to declare as soon as possible a declaration of independence.

As soon as the United Nations general Assembly decided on the 29th of November 1947 that the Jewish people have the right to establish their own state, he pushed forward to the declaration of a state. On May 15th 1948 he was among those who signed the Declaration of Independence. He became Minister of Justice.

A year later he changed his name to a Hebrew one, Pinchas Rosen.

At that time, he already was surrounded by advisors all of whom came from Germany or Austria. The most prominent of those were Herman Chaim Cohn from Luebeck, Rudolf Hinzheimer (Uri Yadin) from Karlsruhe, Jitzchak Silbiger from Vienna and Siegfried Moses from Lautenburg.

His best friend, Moshe Smoira was appointed President of the Supreme Court.

Out of this collaboration many material laws as well as procedure and evidence rules were steered in the direction of BGB principles

Thus the principles of "Rechtswissenschaft" (legal science), "Rechtsstaat" (rule of law) and human rights were imported from the Weimar system to Israel.

One should note, that the Israel legal system has some chapters of the ottoman law, many of the laws which were endorsed by the British High Commissioner and the rest is Knesset legislation for the last 56 years.

Felix stayed as Minister of Justice until 1961 and left Parliament in 1968.

Moritz (Moshe) Smoira (1888-1955), the first President of the Supreme Court in Israel was born in Koenigsberg, studied law in Berlin and was active in promoting Zionist ideas. During his studied he taught Hebrew . When he got married in 1914 , his wife Esther Horowitz convinced him that they should live in Palestine. Yet he had to postpone this as he was drafted to the Army and then he completed his Ph.D. . In 1921 he packed the 134 volumes of the Weimar Goethe edition and came to be the legal advisor to the workers union in Palestine. He did not like very much litigation and too Chaim Krongold as a partner.. When the Law Classes started in 1926 he lectured on Companies Law . When Felix Rosenbluet arrived he took him to be in the Tel Aviv Branch of the firm.

In all this years he refused to become a judge because he felt antagonism to the British rule in Palestine.

As President of the Supreme Court from 1948 until 1955, he was able to glorify the Weimar Regime (“one of the most democratic constitutions”).

Together with the other judges in the Supreme Court most of them Immigrants from Germany and Austria, he was able to control the behavior of the newly established administration to behave in accordance with democratic rules.

At his vacations he used to take two friends with him and while walking, each of them read aloud roles in Faust of Goethe.