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ACT

Enacted on 20th February 1997

Concerning the Jewish Communities in the Republic of Poland.

(Dz. U. stated on 26th April 1997)

Chapter 1

General Regulations

Art. 1.

1. The Act defines relations between the State and the Jewish religious communities within the Republic of Poland (“Jewish communities”), and their legal and financial status.
2. In instances respecting Jewish communities, not otherwise defined in the Act, legislation already in force shall govern.
3. **Changes in the Act shall not be effective except upon consultation with [and approval of?] the Board of Directors of the Union of Jewish Congregations [ZGWŻ] in the Republic of Poland.¹**

Art. 2.

1. Jewish communities are constituted of persons of the Jewish faith who have attained the age of [???], who are citizens of the Republic of Poland, and who live within the territory of the Republic of Poland.
2. Jewish communities have formed the Union of Jewish Congregations in the Republic of Poland (the “Union”).

¹ This is a curious clause for at least two reasons. First, what is meant by consultation? Perhaps it is clearer in the Polish text, and perhaps it is well understood in Polish legislative practice. But if this were an Anglo-American law the use of “consultation” without more would raise serious questions. That is why I have introduced in brackets the concept of approval, for I believe that must have been the intention of the draftsmen and the understanding of all sides. This brings us to the second issue. Again in Anglo-American legislative practice the government cannot delegate its role to a non-governmental entity. Here, by enacting a law that cannot be modified except with the acceptance of the Union, the legislature has transferred a significant portion of its sovereign power to make, change, and repeal laws to a non-governmental entity. Depending on the answers to a number of questions – e.g. Polish legislative and judicial practice, Poland’s Constitution, etc. – this clause, placed as it is at the head of the entire law, might be enough to invalidate the entire law, if it were to be challenged in court. My guess (based on intuition rather than research) is that instead of invalidating the whole law, the clause itself would be found invalid and withdrawn from the law. In any case, I also suspect that the political fallout from challenging the law, or any part of it, would be enormous. No one in Poland wants to do anything that can be characterized as being “against the Jews.” One can assume, I believe, that any challenge to this law, no matter how well intentioned and well argued, would be so characterized both inside and outside Poland., assuredly by members of the ZGWŻ who have the most to lose. Other Jewish groups, inside and outside Poland, might well support a change in this dangerously one-sided law.

Art. 3.

1. **Jewish communities voluntarily follow the Jewish faith and manage their affairs in accordance with that faith and its traditions.²**
2. **Jewish communities in managing their affairs shall act in accordance with their own internal rules, particularly those of their internal rules pertaining to the organization of the Jewish communities themselves, as resolved by general assembly of the Union in consultation with the Religious Council of the Union.³**

Art. 4.

Jewish communities and the Union are organizationally independent from any foreign religious and laic authority.⁴

Chapter 2

The Corporate Bodies and Their Administration

Art. 5.

1. Concerning the Legal status of corporate bodies:
 - 1) Jewish communities;
 - 2) Union.

2. The administration of the corporate bodies mentioned in point 1 is performed by:
 - 1) for each of **the individually denominated Jewish communities⁵** – the board of that community;

² This clause is broad enough to admit all the various types of Jewish religious practice ever practiced in Poland – Chassidic, orthodox, conservative, reform, even Sephardic (the first form practiced in Poland) etc. It says nothing about cultural, secular Judaism, and so could be presumed to exclude it by omission; but see article 17, which specifically includes the protection and preservation of Jewish culture as an objective of the Act. The legislative history of the law may make all this clearer. By all counts (the most reliable, in my view, is that of the US State Department, which has the benefit of being disinterested) the secular Jews of Poland outnumber the religious Jews of Poland by about eighteen or nineteen to one. In any case, this clause raises an issue, for the ZGWŻ is now an orthodox organization that has a demonstrated history of excluding other types of Jews. Does Poland have a Constitutional obligation to promote pluralism? To prevent discrimination? What about the European Union?

³ This manages to be both circular and contradictory. What happens if there is a conflict between clause 3.1 and the activities of the ZGWŻ allowed by 3.2? Ultimately, who decides who is a Jew, for what purposes, and by what tests? (If Hallachah had been the standard for the Nazis, as it is for the orthodox, the Holocaust would still have been a hideous tragedy, but there would today be significant numbers of Jews in Central Europe. Conversely, if Himmler's views of who was a Jew were sufficient to decide who went to the gas chambers, shouldn't the same standards apply to who deserves to participate in the restitution? How can you possibly have a broad definition of Jew for who is murdered and a narrow one for who is compensated?) Who or what protects a person's right or privilege (if he has one) to declare himself Jewish? This clause seems to suggest that the ZGWŻ holds all these prerogatives and can exercise them without any higher, more democratic oversight. Of course, they claim to have the highest possible oversight, but I am not talking about that. What happens if a Jew is excluded from his "inheritance" under the restitution laws by virtue of being excluded from the Jewish community as not meeting the standards of Jewishness set out by the ZGWŻ? Isn't there an inherent conflict of interest in all this? The fewer the members of the ZGWŻ, the bigger each member's share of the restitution award. Does arbitrary exclusion from the ZGWŻ, if condoned by Polish law, constitute an unreasonable taking of a property right without due process and without proper compensation? Do the Polish Constitution or other Polish laws reflect such concepts – and if they do, are they enforced by the courts?

⁴ What is this about? I think it was meant to underline the separation of the ZGWŻ from the WJRO – remember that restitution is the context in which this law was passed, even if the law itself covers more than just restitution.

⁵ There are currently eight: Warsaw (the largest), Wrocław (the second largest), Łódź, Legnica, Bielsko-Biała, Katowice, Krakow, and Gdansk. Each of them has two seats on the Board of Directors of the Union, with a tie-breaker vote being held by the President. Poznań has never been recognized as an autonomous community. Recognition must come from the ZGWŻ. Andrzej Beryt, leader of a breakaway faction of the Poznań community,

- 2) for the Union – the board of the Union.
3. Two active members of the board of each corporate body mentioned in point 1, with the president of the board among them, are empowered to make declarations on behalf of their respective corporate bodies.

Art. 6.

Other [Jewish?] organizational units, upon nomination by the Union, may gain legal status pursuant to the rules and regulations of the Ministry of the Interior and Administration.

Art. 7.

1. Creating new Jewish communities and abolishing or modifying ones already existing shall be done, if at all, as stated in the internal rules of the Jewish communities.⁶

2. The Union shall immediately inform the Voivod holding office in the jurisdiction where the Jewish community is located of any activity mentioned in point 1.

3. Newly created Jewish communities gain legal status the moment the Voivod receives written notification of their creation. A copy of the written notice, officially marked as received by the Voivod, shall be proof of the legal status of the newly created Jewish community.

4. The notification received by the Voivod should set forth the new community's official address, a description of its territorial reach, and should also name the members of the board of the community.

asserted in an article in *Polityka* (October 2002) that the reason Poznań has never been recognized as autonomous is that within Poznań are the most valuable Jewish properties in Poland – far too valuable, in his view, for the ZGWŻ to turn them over to the comparatively small and independent-minded local community. The ZGWŻ, managed from Warsaw by members of the Warsaw community (e.g. Piotr Kadlčik, President, and Andrzej Zozula, Executive Director) who are noticeably hostile to Poznań, has continued its ownership of these especially valuable properties since restitution.

⁶ Clauses like this show how easy it has been for those of a determined mind-set – the so-called „New Jews” mentioned in the *Polityka* article (which include both Kadlčik and Zozula) – to crack the whip when necessary. But does such a clause allow for the violation of basic principals of fairness and due-process? The question is how well enshrined in Polish law these concepts are. In any case, this clause is fundamentally undemocratic. Does it violate anything in the Polish Constitution? Dissent within the ZGWŻ has been ruthlessly silenced more than once. In fact it was once not exclusively orthodox; that condition has been the result of ejecting or forcing the withdrawal of all non-orthodox and non-compliant members. Bolesław Szenicer left more or less voluntarily, after being rebuked and silenced over his complaints about the mismanagement, sale, and destruction of Jewish properties. Jakub Szadaj and his entire community were ejected, as were Andrzej Beryt and his. Jerzy Kichler, once President of the ZGWŻ and a member of Wrocław's once vibrant and rapidly growing conservative community, was ejected from the Board and marginalized. I have heard rumors of a new breakaway community in Poznań, dating from about nine months ago, but I have not yet been able to make contact with them and don't even know the names of the leaders. The official leader of the Poznań group that is affiliated with the ZGWŻ (not officially a “community” [gmina] though it refers to itself as one) is a retired school teacher named Alicja Kobus, whose nickname among local journalists is “the little dictator.” She brooks no challenge to her authority. She likes to create the impression among outsiders (who generally will have no way of knowing that she isn't telling the truth) that her Poznań group is both a fully-fledged community, in the manner of Warsaw and Wrocław, and the sole Jewish group in Poznań. She vehemently denies the existence of any others or any dissention. In this she receives the support of the Rabbi of Warsaw, Michael Schudrich, whose mantra is “Jewish Unity at all costs.” Together they have co-opted the Archbishop of Poznań, Stanisław Gądecki, who fancies himself a supporter of Jewish rights in Poland, but who has become part of the ZGWŻ's effort to control all Polish Jewish activity, and to freeze out of the discussion all those who question their authority to represent all the Jews of Poland.

5. Other notifications that should be made:

- 1) To the Ministry of the Interior and Administration – in the case of the appointment or removal of any member of the Union’s board.
- 2) To the proper Voivod – in the case of the appointment or removal of any member of the board of the Jewish community located within that Voivod’s jurisdiction.

Art. 8. Corporate bodies mentioned in art. 5, point 1, are not responsible for the obligations of other corporate bodies.

Chapter 3

Activity of Jewish Communities

Art. 9. 1. The organization and performance of public worship and the giving of religious services come under the Jewish communities’ internal law.

2. In order to realize the right to perform public worship and ritual activities connected with the Jewish faith, Jewish communities are responsible for the provision and distribution of kosher foods, for ritual baths, and for kosher butchering.

Art.9a. (1) 1. Marriage contracted in the way defined by Jewish communities’ internal law produces civil effects, if it meets the requirements of the Family and Guardianship Code of the Republic of Poland.

2. The ecclesiastic who performs a marriage is defined by Jewish communities’ internal law.

Art. 10. Religious funeral services and mourners’ observances may take place at communal cemeteries if conducted in accordance with the law in force.

Art. 11. 1. Members of Jewish communities have the right to the followings days off from work and school, and for the duration of the following religious feasts, that according to the law, are not otherwise holidays:

- 1) Jewish New Year [Rosh Hashanah] – 2 days
- 2) The Day of Atonement [Yom Kippur] – 1 day
- 3) The Feast of Tabernacles [Sukkot] – 2 days
- 4) The Gathering of The Eighth Day [Shemini Atzeret] – 1 day
- 5) The Joy of Torah [Simchat Torah] – 1 day
- 6) Passover [Pesach] – 4 days
- 7) Schawuot [Shavuot] – 2 days

2. The terms of the feasts, mentioned in point 1, are described by Jewish calendar.

3. Members of Jewish communities have the right to dispensation from work and school for the duration of the Jewish Sabbath, lasting from sunset on Friday until sunset on Saturday, and also on feast days as mentioned in point 1, in accordance to the rules stated in separate regulations.

Art. 12. 1. Jewish communities have the right to carry on catechetical discourse and to teach the Jewish religion according to the rules stated in separate regulations.

2.(2). **(ART. 12 CANCELED)**

Art.13. Jewish communities have the right to found and run schools and other educational and protective institutions according to the rules stated in separate regulations.

Art.14. Soldiers in active service are ensured to be able to take part in religious services on the Jewish Sabbath and religious acts during the feast days named in Article 11, point 1, away from their military unit, if in the town where their military unit is stationed or in its vicinity there is no synagogue or house of prayer, and if such departure from the military unit doesn't interrupt any important obligations.

Art.15. 1. Regulations regarding postponement of military service because of educational endeavors also apply to persons learning in rabbinical schools in the Republic of Poland and abroad.

2. Rabbis shall be transferred to the military reserves. They shall not be called up to do military exercises during peacetime. Though, with the approval of the Jewish community's board, they can take a course in performing the duties of an army chaplain.

3. In the case of announced mobilizations and during war, persons mentioned in point 1 and 2, are to serve in conformity to the needs of armed forces:

- 1) ecclesiastic – to perform duties of army chaplain,
- 2) persons studying in rabbinical schools – to the health services or to the civil defense services.

4. In the case of announcing mobilization and during war, adequate military organs, holding intercourse with the board of the Union, will appoint two Jewish men from among those not mobilized, to perform pastoral services for civilians.

Art. 16. (3) Ecclesiasts, accordingly to their internal law, may perform religious services for Jewish persons staying in educational, protective, health care, social care and in penal institutions.

Art 17. 1. Religious organizations can be created, in accordance to the resolutions of the board of the Union and the board(s) of the individually denominated Jewish communities, in order to perform their religious, educational, charitable, cultural and social services and especially to safeguard the heritage of Jewish culture and tradition in Poland and to propagate knowledge about the history and rules of the Jewish faith.⁷

2. The regulations applicable to such associations are to be applied also to Jewish organizations, noting particularly the following:

- 1) **the board of the Union has the right to repeal the creation, mentioned in point 1, of such organizations, and to apply to the court for dissolution of such organizations.**
- 2) **application to the court for dissolution of the association, introduced by adequate organ, takes place after consultation with the board of the Union,**
- 3) **in the case of the dissolution of any of Jewish organizations, the assets of that organization become assets of the Union or other Jewish community.**⁸

Art.18. Jewish communities and other Jewish corporate bodies, whose activity is defined in the act, can run charity organizations, especially educational, protective and health care organizations.

Art.19. The charity and protective organizations and also organizations taking care of the religious upbringing of youths are not charged for perpetual use of the ground given them.⁹

⁷ This is a strong statement of the importance of culture and heritage, but it in this clause it is subordinated to religious considerations.

⁸ What the Board giveth, the Board taketh away. Note what happens to the assets.

Art. 20. 1. The Union has the right to broadcast divine services and social, religious, ethical, and cultural programs in the mass media.
2. The way of realizing the right, mentioned in point 1, is defined by the agreement between the applicable units of the public Radio and Television corporation and the Union.

Art. 21. **State, municipal and religious institutions shall cooperate, in the way defined in separate regulations, in order to protect, preserve and make accessible the monuments of architecture and art, also religious pieces of art and culture and also to make available for use and study the documents, museum collections, and files, owned by Jewish communities.**¹⁰

Chapter 4

Property issues

Art 22. 1. **Corporate bodies of the Jewish faith mentioned in art. 5 have the right to purchase, own, and dispose of, real and personal property, and to acquire and dispose of other rights, and to freely manage their properties.**¹¹

2. **Jewish communities and the Union may realize the rights mentioned in point 1 unaided or with aid of foundation(s), created especially for that purpose, with the participation of foreign corporate bodies, physical persons, and Jews originating from Poland, foreign organizations, and the World Jewish Restitution Organization.**¹²

Art.23. 1. Jewish religious cemeteries are owned by Jewish communities or by the Union, and do not undergo expropriation.

2. Cemeteries that are State property or belong to territorial autonomous units towards which procedures, mentioned in art. 30, have been started, receive protection consisting in the application of laws to protect them from transfer to third parties or other uses..

⁹ I'm not sure, but I think this refers to perpetual usufruct, one of the means of property ownership used in Poland. I believe it means that such properties are to be free from taxation.

¹⁰ Emphasis added. I have not seen these „separate regulations” – clearly it is necessary to do so. On its face this clause appears to require governmental cooperation to achieve the protection and preservation of Jewish monuments. How has this been squared with the ZGWŻ's previous sales and demolitions?

¹¹ **This for me is the sticking point of the whole business. The law seems to give the ZGWŻ an utterly free hand in the management (including the disposal) of the restituted property. But in the same law, in an adjacent clause, it seems also to require that the properties be preserved and protected. If the point of the law is to protect the properties, then why is the ZGWŻ not being held to account for its failure to protect the properties? If the point is just to funnel restitution/compensation to the Jews of Poland, without regard to what is done with it, then why mention preservation of cultural heritage at all? What happens in the event of conflicts between Article 22 and Article 21? Do the requirements to protect and preserve govern, or do the rights to dispose of and freely manage govern? So far the ZGWŻ has done nothing – as in absolutely nothing – to preserve and protect these properties. On the other hand, it has felt free to dispose of properties, even allowing them to be demolished.**

¹² Notice that this is permissive, not prescriptive. The WJRO had obligated itself to provide the money for the legal processes necessary to claim and acquire the properties under the restitution law. The ZGWŻ also helped to create a foundation, the Foundation for the Preservation of Jewish Heritage in Poland, whose mandate was to initiate and pursue all the legal claims for Jewish properties that would make their way into the portfolios of the ZGWŻ or its constituent autonomous members. The current president of the FPJHP is Monika Krawczyk, a lawyer in Warsaw who is also a member of Regulatory Commission on Jewish Communal Properties Restitution (a department within the Ministry of Internal Affairs and Administration), as well as being a member of and legal advisor to the ZGWŻ. Part of the problem, I fear, is that Poland, and the ZGWŻ in particular, tolerates and even encourages gross conflicts-of-interest of types that would be unacceptable, even illegal, in more advanced democracies.

Art. 24. In the case of the annulment of any Jewish community, or other corporate body, created on the strength of the act, its property becomes the property of Union.¹³

Art. 25. 1. Jewish communities' and the Union's property and takings are under the general tax regulations, except as stated in points 2 – 5.

2. Jewish communities and the Union are released from real property taxation respecting real property or its parts that have been assigned for non-habitable purposes, except, however, that this does not include parts assigned for economical activity.

3. Real property or habitable parts of real property assigned for the use of ecclesiasts can be released from real property taxation if:

- 1) they are entered in the register of monuments,
- 2) they serve the function of boarding-schools run by corporate bodies acting according to the act,
- 3) they are in the buildings wherein are found:
 - a) the offices of the boards of the individually denominated Jewish communities, as existing on the day when the act comes into force
 - b) the offices of the Union

4. The purchasing and disposal of financial objects and rights by Jewish communities and the Union, in the way of: legal activities, inheritance, rights of prescription and endowment, is released from fiscal duty if it relates to:

- 1) objects and rights not assigned for economical activity,
- 2) machines, appliances, printing materials and paper brought from abroad.

5. The purchasing and disposal of financial objects and rights, mentioned in point 4, is released from law-fees, except from office fees.

Art. 26. Gifts for Jewish communities or the Union sent from abroad shall be free from custom duty if they are:

- 1) assigned for cultural, ritual, charitable, protective and educational purposes, (except for excise goods and passenger cars),
- 2) machines, appliances, printing materials and paper.

Art. 27. 1. Jewish communities and the Union have the right to collect contributions for religious, charitable, protective, scientific, educational purposes and for supporting ecclesiasts.

2. (4) Collections, mentioned in point 1, do not require any additional license from the State or municipal administrations, if they take place within places of worship, or at places and on occasions habitually accepted and traditionally set.

[END PART ONE]

[START PART TWO]

Chapter 5

Temporary and final regulations

¹³ It's obvious how such a clause might be used to keep power at the center. Whether it's fair or not depends entirely on how fairly it is applied.

Art. 28. 1. Jewish communities and the Union existing on the day when the Act comes into force, acting in accordance to the law hitherto in force, become by the terms of this law Jewish communities and the Union as such terms are used in this act.

2. A list of Jewish communities, mentioned in point 1, is scheduled in the Act.¹⁴

Art. 29. 1. The real property in the possession of Jewish communities or the Union on the day when the Act comes into force, becomes by the terms of this law their property under this law.

2. Conveying the legal ownership of real property, as mentioned in point 1, is completed when the proper Voivod makes a decision, given in response to the application of a Jewish community or the Union.¹⁵

Art. 30. 1. **On the request of Jewish communities and the Union a certain procedure, further called the “restitution procedure” may be undertaken within this Act.**¹⁶ The restitution procedure pertains to conveying the ownership of real property that on the 1st day of September 1939 was owned by Jewish communities, or any other Jewish corporate body acting within the territory of the Republic of Poland¹⁷, to Jewish communities or the Union if:

1) on that day there were Jewish cemeteries or synagogues located on such real property; or

¹⁴ See Schedule A, following Article 37.

¹⁵ I don't fully understand this clause – I think it means simply that during the inevitable transition period (presumably back in 1997-98) the Voivod had to review and approve (though its not clear how much discretion he may have had in the matter, or why) the conveyance of properties already owned by local Jewish communities (which prior to 1997 were far less formally controlled, either by the State or by any central organization like the ZGWŻ) to their post-Law-of-1997 equivalents. This would have entailed a shift of more than formalistic proportions in the cases where “old” communities did not meet the requirements set out for the “new” communities. For example, prior to this law, all that was required to be a community was a membership numbering 15. After this law came into effect, the requirement jumped to a membership of 100. Presumably the affected properties were forfeited to the central ownership and management of the ZGWŻ.

¹⁶ I wonder why it reads “and” the Union. Please check to see if the translation is accurate in this matter. Construed strictly this clause would mean that no restitution procedure could be undertaken without the accord and participation of the Union. Else the Act has stressed the independence of the individual communities. But here, for restitution matters, the Union is made central and indispensable.

¹⁷ The Act goes on to address the procedures for restitution applicable to Jewish properties in areas absorbed into Poland following the war, but it completely avoids addressing the fact that in many cases these properties would have represented a different, sometimes even a hostile, Jewish tradition. If the point of the restitution were merely to shift assets into Jewish hands for Jewish use, this might not matter much. In fact it might presumably make the management and disposal of such assets less emotional and more businesslike. However, since the Act speaks of the protection and preservation of Jewish culture and its architectural monuments – Articles 21 and also 17 – one has to assume that the draftsmen had something in mind beyond the mere transfer of assets. But did they intend for the properties to become the corpus of something amounting to a trust? Poznań does not fall into the category of previously German properties that became part of Poland at the end of the war. If anything, its position is even more complex – for it was largely a German Jewish enclave until the transfer of Poznań to Poland following the Second World War, at which point the German Jews, like the Germans in general, were put some pressure to relocate to Germany. The resulting vacuum created space for Polish Jews as well as Polish Christians. Thus in Poznań the relative importance as well as the relative numbers of Reform/Conservative (German) Jews and orthodox (Polish) Jews shifted very substantially in a short time. This fact alone is interesting, and means that Poznań – historically speaking – presents a special case of countervailing tendencies within the Jewish history of Poland. Historians recognize this, but the resurgent Jewish community based in Warsaw appears to find it embarrassing (or perhaps threatening) since they make every possible attempt to rewrite the history to make it more Polish and less German. For example, the ZGWŻ seems to treat nearly all Jewish properties in the west of Poland as something like “found property” available to be used solely as sources of funds, and not part of the Polish Jewish tradition. Of course many of these properties, including the Poznań synagogue, strictly speaking were not part of the Polish Jewish tradition. They were, however, part of the larger European Jewish tradition – in fact this area formed a sort of East-West border zone between areas of strict orthodoxy further east and areas of even more thorough assimilation and Haskallah further west. The combined residuum of Haskallah and Germany in Poznań seems to result in an outlook varying between indifference and loathing among those who have, unfortunately, assumed control of the ZGWŻ.

- 2) on the day when the Act comes into force, there are buildings located on such real property that previously served as community houses for Jewish communities or as places of religious worship, or for charitable, protective or educational purposes associated with the Jewish faith.

2. Upon a request, as mentioned in point 1, the restitution procedure may also be initiated regarding the conveyance of the ownership of real property in the Western and Northern Territories of the Republic of Poland that, on 30 January 1933, was the property of synagogal communities operating according to the Second Act of 23 July 1847 - *Concerning the Jews (Collected Prussian Laws, Volume 30)* or other Jewish corporate bodies or estates, [whose legal status has not otherwise been settled](#)¹⁸:

- 1) if on 30 January 1933 there were Jewish cemeteries or synagogues located on such property;
- 2) on the day when the Act comes into force, there are buildings located on such real property that previously served as community houses for synagogal communities or as places of religious worship, or for charitable, protective or educational purposes.,
- 3) in order to restore religious worship, charitable, protective and educational activity associated with the Jewish faith.

3. The real property that became property of a Jewish community following enactment of the Law of 10th May 1990 – i.e. Regulations Regarding Territorial Autonomies And Members Of Local Government (Dz. U. Nr 32, pos. 191, Nr 43, pos. 253 and Nr 92, pos. 541, from 1991 r. Nr 34, pos. 151, from 1992 r. Nr 6, pos. 20, from 1993 r. Nr 40, pos. 180, from 1994 r. Nr 1, pos. 3 and Nr 65, pos. 285, from 1996 r. Nr 23, pos. 102 and Nr 106, pos. 496 and from 1997 r. Nr 9, pos. 43) shall undergo the procedure mentioned in points 1 and 2.

4. [Regulations mentioned in points 1 and 2 can not violate rights acquired by third parties.](#)¹⁹

Art. 31. 1. Regarding the real property described in art. 30, point 1, the restitution may consist, [without reference to point 2](#)²⁰, in:

- 1) conveying the ownership of the real property,
- 2) awarding substitutional real property, if conveyance of the ownership of the property in question would be difficult to realize,
- 3) in case of the impossibility of realizing either of the procedures mentioned in points 1 and 2, awarding proper compensation as established by reference to the regulations regarding expropriation of real property.

2. Regarding Jewish cemeteries and the real property described in art. 30 point 2, restitution can consist only in conveying ownership. In the event of the impossibility of realizing such conveyance, the restitution procedure with reference to such property shall be discontinued.

¹⁸ I am confused by the phrase “whose legal status has not otherwise been settled.” Does it refer back to properties, which would make some sense, or to “other Jewish corporate bodies or estates,” which it appears to refer to, but which doesn’t make much sense. I suspect this is the fault of the translation and not something inherent in the original text. Please let me know what the proper translation should be.

¹⁹ Third parties here means intervening claimants – those who acquired their property rights, presumably in good faith though the act does not seem to require it – sometime between 1 September 1939 (or 30 January 1933) and the date of the Act. What it means here is that the Polish government is not obligated to make restitution (either actual or substitutional) of properties of which it no longer has control.

²⁰ I’m not sure why this is mentioned here. Could you please check the translation against the original and let me know what the translation should be, if different from this? It’s not usual drafting practice to mention something if what you want to say is that it should be disregarded.

Art. 32 1. The regulation procedure, mentioned in art. 30, is carried out by the Regulatory Commission on Jewish Communal Properties Restitution (“Regulatory Commission”), consisting of representatives designated in equal number by the Ministry of Interior and Administration and the Board of the Union.

2. The petitioner for an act of restitution, along with any other interested party, including representatives of the State, concerned individuals, and religious organizations, can attend and participate in the restitution proceeding.

3. [The motions concerning beginning of the restitution procedure are to be submitted within a five year period, dating from the day when the Act comes into force.](#)²¹ Any claims initiated after that time shall be invalid.

4. All legal and administrative proceedings concerning real property described in art. 30 are hereby suspended, with effect from the date of this Act; the courts and the State and local governments’ administrative organs shall pass the files concerning these properties to the Regulatory Commission.

5. Adjudicative bodies of the Regulatory Commission, two members of which shall be chosen by Ministry of Interior and Administration and two by the Board of the Union, shall investigate all matters affecting the disposition of any real property affected by this Act.

6. The restitution procedure is free of any fees.

7. The numerical size of the Regulatory Commission, detailed regulations and rules of procedure, and the wages to be paid to the members of the Regulatory Commission and its support staff, shall be determined by the Ministry of Interior and Administration in consultation with the Board of the Union.

Art. 33. 1. The adjudicative bodies, after receiving a motion commencing the restitution procedure, shall investigate the matter and determine if such petition is acceptable or unacceptable.

2. Participants in the restitution procedures have a right to address the adjudicative body investigating their case, and to present their position in the event of any dispute. If, in the event of a dispute, a settlement is not reached, the adjudicative body shall make a determination. Settlements and determinations shall have the status of a judicial writ of execution.

3. Determinations regarding the petitions, as well as the settlements reached in the event of disputes, should describe:

- 1) the legal status of the real property,
- 2) participants’ obligations regarding such status, especially the obligation to convey ownership or possession of the real property if it is not already owned by or in possession of the petitioner,
- 3) in case of awards of compensation, the amount of the obligation and the deadline for payment.

4. Determinations by the adjudicative bodies and settlements by the interested parties shall effect the required registration in the real-property register and the record of land.

5. An adjudging team’s determination is final and can not be appealed.

6. In the case of substitutional property or payment of compensation, the cabinet, by way of decree, shall decide from which organizational or municipal units the real property shall be taken to be conveyed as substitutional property, or upon which State organizational unit the obligation of paying compensation shall be imposed.

Art. 34. 1. If an adjudicative body or the entire Regulatory Commission sitting as adjudicator is unable to reach a determination, the participants in the restitution procedure shall be informed in writing.

²¹ The deadline has been extended more than once, I believe. I have not paid much attention to these extensions, since the Poznań synagogue is not affected.

2. The participants in any such unresolved restitution procedure can, during the six months following the date of receipt of the notification mentioned in point 1, submit an application for restarting the suspended legal or administrative proceedings, and if the proceeding are not promptly restarted, they may resort to the courts, on pain of the claim expiring prior to a determination. In investigating and investigating the matter, the court shall apply the rules described in art. 31.

Art. 35. Conveyance of the ownership of any real property mentioned in art. 29 and 30 and all fees and charges normally applicable to the enrolment of such conveyance into the real-estate register and land records are to be free of any taxes and fees.

Art. 36. The decree made by the President of the Republic of Poland on 14 October 1927 concerning the organization and legal status of Jewish communities within the territory of the Republic of Poland except from Silesian province (Dz. U. from 1928, Nr 52, pos. 500 and from 1945 Nr 48, pos. 271) and any other regulations concerning issues described in the act.²²

Art. 37. The Act comes into force 14 days from the day of its announcement.

SEE NEXT PAGE FOR SECHEDULE A.

²² Obviously, some text is missing here. I imagine what this article of the Act says is that this new law supercedes all previous laws. If you get a chance, please provide me with the full English text of the article.

SCHEDULE A

LIST OF POLISH JEWISH COMMUNITIES WITH AUTOMOMOUS LEGAL STATUS

Jewish community in Bielsko-Biała
Jewish community in Gdańsk
Jewish community in Katowice
Jewish community in Kraków
Jewish community in Legnica
Jewish community in Łódź
Jewish community in Szczecin
Jewish community in Warszawa
Jewish community in Wrocław.