

Give us an accommodating rabbi



Andrzej Zozula and
Nozyk Synagogue,
Warsaw

Dispute about property

Restoration of pre-war Jewish property was meant to solve a painful problem from the past. Unintentionally, however, it has given rise to a whole new one, as ruthless fighting for property has begun in the Jewish community in an atmosphere of high emotions and mutual accusations.

PIOTR PYTLAKOWSKI

Suddenly and irrevocably, Bolesław Szenicer was fired from his job. The police had just found a wild plantation of Indian hemp [marijuana] in the Jewish cemetery on Okopowa Street in Warsaw. Szenicer was the superintendent of that cemetery. While no-one suspects him of actually growing the weed, or of even knowing what it was, his employers still found the superintendent guilty of neglect. Bolesław Szenicer's employers were the [Orthodox] Jewish Religious Community of Warsaw. A meeting of its board of directors was promptly called, and the decision was made to kick out the superintendent. Officially, it was stated that he lost his job for having failed to inform his employers about the findings made by the police.

As strange as it may sound, Bolesław Szenicer spent his childhood and youth at the cemetery on Okopowa Street, and was still there as he entered middle age. His father, Pinkus Szenicer, had been taking care of the same Jewish burial ground [the largest in Europe] from the early 1950's. Bolesław took over from him in 1980. At the time he was fired, he had been the cemetery's superintendent cum caretaker cum guide for 22 years. At a time when the Jews disappeared from Warsaw – some because they emigrated, some because they changed their faith, and some because they were keeping their Jewishness a secret, Szenicer was openly Jewish, complete with skullcap and beard, always introducing himself as “Bolesław Szenicer, a Warsaw Jew like all my forefathers.”

Even his opponents admit that the cemetery was saved from destruction thanks to his efforts. However, they insist, he was able to use the cemetery to make some

savings of his own. “He is a crook” – says one person who was in favour of giving Szenicer the sack. “He would take money from Jews for taking care of the graves.” That may be true – however, he is also known to have invested his own money, including five thousand dollars he had won playing bingo in the early 1990’s, to set up the *Gesia Foundation*, an organization devoted to caring for the cemetery.

Dark clouds had been gathering over the superintendent ever since the Orthodox Jewish Religious Community of Warsaw was registered in 1997. The community came to be dominated by the so-called “new Jews”¹ – a group of young, ambitious, and eloquent participants of the educational summer-camps organized by the Lauder Foundation from 1989 onwards for people who wanted to study Jewish traditions, learn about their roots, or simply wanted to convert to Judaism. The new Jews seem not to have liked Szenicer, and wanted to put a trusted person of their own in charge of the cemetery. They blamed him for the mess and disorder at the cemetery, with tombstones disappearing and weeds growing tall among the graves.

Szenicer would reply by saying that more investment was required, that more caretakers should be employed, and that there was a big hole in the wall that needed mending, to which they would again reply that the cemetery was a mess. And since they charge money for visiting the cemetery, insisted Szenicer, some of that money, making up several tens of thousands of Polish zloty, should go back into taking care of the cemetery. In a word, the board of the Warsaw community and the superintendent of the cemetery did not see eye to eye. The reader may note that Szenicer was, and continues to be, a member of the [Orthodox] Jewish Religious Community of Warsaw himself. [Since this article appeared Bolesław Szenicer has successfully registered a rival Orthodox community, *Gmina Wyznaniowa Starozakonnych w RP* (Community of the Old Testament Faith in Poland. – see their website at <http://www.jewishcem.waw.pl>).]

Money On The Horizon

In terms of Jewish issues in Poland, the watershed came in February 1997 when the Polish Parliament [*Sejm*] passed an act on the relationship between the state and the Jewish religious communities. Under the new act it was possible to initiate what were referred to as “regulatory proceedings” by which it became possible to claim restitution of properties that had belonged to Jewish communities before the war. At the same time, important changes were introduced into the regulations governing official registration of churches and other religious groups, including Jewish groups.

A minimum of 100 members was required for a group to gain entry into the official register kept by the Ministry of Internal Affairs and Administration (before the changes the required number was only 15). As a result, previously established

[¹ This group has steadily increased its power, to the point where today those once called “new Jews,” such as Andrzej Zozula, Piotr Kadlčík, Konstanty Gebert, and Stanisław Krajewski, are now the firmly established and essentially immovable leadership of the ZGWŻ. Particularly ironic in view of the unquestioned pedigree of the “old Jews” whom they have succeeded in ousting or sidelining, most of the “new Jews” are not *halachically* Jewish and so had to convert. Many of their conversions were supervised by Michael Schudrich, the Orthodox Rabbi of Warsaw and Łódź. A significant part of their power results from the support and guidance they receive from Rabbi Schudrich, whose policies and preferences they in turn zealously support. It is not an exaggeration to call the relationship symbiotic. – Ed.]

Jewish groups all over Poland wishing to be considered official communities were frantically searching for people they could put on their lists. These had to be Polish citizens of established Jewish ethnicity or religious practice, resident in Poland, and willing to declare themselves to be Jewish [, no small matter in a part of the world infamous for anti-Semitism].

Proceedings for the restoration of former properties of Jewish communities were to be conducted by the re-established Union of [Orthodox] Jewish Congregations in Poland [*Związek Gmin Wyznaniowych Żydowskich w RP*, widely known as the ZGWŻ or "the Union"], comprised of eight member communities and about two thousand individual members -- not necessarily, but in fact almost entirely, Orthodox. [The understanding was that the ZGWŻ would act on behalf of all the Jews of Poland, whether Orthodox or not, and would hold and manage the properties in trust for all the Jews of Poland; however, these important details were not spelled out in the act, and the ZGWŻ has never implemented them of its own accord.]

Inevitably, not all Polish Jews found their place in the ZGWŻ. "I am not religious, and as the whole thing smacked of *chutzpah*, I didn't join" – says an old Warsaw Jew who wishes to remain anonymous, a survivor bearing a concentration camp number tattooed on his forearm. He has never hidden his Jewish roots but today he does not want to cash in on his martyrdom. "There is money on the horizon, so I'm not surprised by the high emotions and the erupting conflicts" – he adds. This is particularly poignant in view of the fact that over fifteen thousand people of Jewish descent are estimated to be living in Poland². Based on that estimate, a significant majority of Polish Jews can take no part either in claiming restitution of the property of their forefathers or in benefiting from the proceeds of restitution.

Szenicer, who is believed by some in the Jewish community to be an enthusiast of Jewish cultural heritage, opposed the official line from the outset. He was against claiming property only in order to sell it directly afterwards. "For the past four years we have been witnessing a barbarous devastation of the material culture of Polish Jews, taking place under the Restitution of Jewish Property Act. Whatever had not been destroyed by the Nazi vandals is now disappearing before our very eyes with the acquiescence of the Board of the Jewish Religious Community in Warsaw and the ZGWŻ" – he wrote in August 2002 in a letter of protest sent to Jewish organizations and to the Israeli embassy. "After my protests it was inevitable that they would get rid of me; the hemp in the cemetery was a convenient pretext for them" – he explains of the deeper reasons behind his being fired.

Szenicer protested against the sale of a pre-war Jewish hospital in the town of Siedlce. The building was returned to the ZGWŻ, who promptly sold it for 610,000 złotych³. "Everything was confidential and still is. It is not known who bought the property, or where the money received went to. The same secrecy shrouds the sale

[² The United States government, in its annual Religious Freedoms Report, published by the State Department, has estimated that the number of persons in Poland entitled to call themselves Jews may be as high as twice this number, i.e. 30,000. Not surprisingly, the ZGWŻ and the Orthodox Rabbi of Warsaw and Łódź take issue with such estimates, arguing that few of such people are truly Jewish according to the Orthodox (halachah) definition of Jewish. Naturally, who is deemed to be a Jew will depend on who is writing the definition and what, ultimately, is at stake.

- Ed.]

[³ To calculate approximate values for U.S. dollars, divide by 3.6; for Euros, divide by 4.4; and for British Pounds, divide by 6.6. – Ed.]

of a ritual bath [*mikvah*] in Siedlce for 180,000 złotych, a ritual bath and the ruins of a synagogue in Otwock for 216,000 złotych, a house of prayer in Sokołów for 100,000 złotych and a ritual bath in Mińsk Mazowiecki for 190,000 złotych” – lists Szenicer.

Andrzej Zozula, Executive Director of the ZGWŻ, member of its board of directors, and vice-president of the board of the Orthodox community in Warsaw, who is regarded as the main advocate of the system of promptly selling returned properties, counters the accusations: “We are not happy to have to sell. But the truth is that the ZGWŻ cannot afford to maintain all the properties that are returned to us.”

When asked to what use the money from the sales of properties has been put, Zozula says he does not want to get into details. This is an internal matter of the Jewish community who are free to do with their property whatever they want, he asserts. “Exactly” – comments Szenicer. – “They always dodge these questions this way. I belong to that Jewish community, too, and I demand clear calculations.”

Who are Szadaj’s Jews?

”The fewer Jewish communities there are, the smaller the number of people who may make claims for restitution -- and divide the results. According to the law, only the communities that belong to the ZGWŻ have the right to make claims, so the ZGWŻ controls the process, and no one controls the ZGWŻ.” – explains Jakub Szadaj, former treasurer of the ZGWŻ, now president of the *Independent Community of the Mosaic Faith in Gdańsk* [Związek Niezależnej Gminy Wyznania Mojżeszowego – Gdansk], which is registered with the government, but not recognized by the ZGWŻ. Szadaj and the ZGWŻ activists have been in litigation for several years. Szadaj claims that he got into their bad books when he opposed transfers of restitution profits abroad [meaning to the World Jewish Restitution Organization, an affiliate of the World Jewish Congress. The WJRO is a private organization but has the quasi-official support of the government of Israel. The feeling in the WJRO is that the proceeds from the sale of Polish-Jewish properties returned through the restitution process belongs at least as much to Israel, the successor to Poland as the home of the Jews, as to the few Jews remaining in Poland.] “In 1968, I was sentenced to ten years’ imprisonment for political activity, and served over a half of my sentence. I believe I have the right to consider myself a true Polish patriot. And as a patriot, I cannot agree to as much as one zloty being transferred out of the country” – he declares.

ZGWŻ activists have a different story. They say that Szadaj was chucked out because he had accepted money for consenting to the desecration of a Jewish cemetery in *Łębork*. After Statoil built a filling station infringing on the cemetery, instead of litigating to force them to move the filling station and restore the cemetery, Szadaj took 200,000 złotych from the Norwegian company to settle the claims.⁴ “They could chuck me out, if they liked, but why did they dissolve the

[⁴ For the Orthodox, who believe very literally in a resurrection of the body upon the coming of the Messiah, there is no more sacred property than a Jewish cemetery, since without a properly interred body there can be no resurrection. The idea of accepting money as compensation for the sort of desecration that occurred in Gdansk is unthinkable to such people. They would have seen any acceptance of the desecration in exchange for money as a kind of bribe, even though it occurred after the fact, and as an additional desecration and a heinous insult to Jewish law (*Halachah*) – more insulting still, when done by a Jew, such as Mr. Szadaj. The Rabbi of the

Jewish community in Gdańsk?” – asks Szadaj. According to ZGWŻ activists, Szadaj had included fictitious members in the Gdansk community’s enrollment. Journalists from the Gdańsk office of *Gazeta Wyborcza* [the *Electoral Gazette*, widely considered the best daily newspaper in Poland, founded and edited by Adam Michnik, a highly respected secular Jew active in the Solidarity movement] conducted a private investigation among the supposed members of Szadaj’s community. They concluded that many people had been tricked into signing the list. Apparently, the people were told that they were being registered as members of a pension fund, and were paid 20 złotych per signature. One of the interviewees quoted by the reporters in Gdańsk was appalled to discover the truth. “Me Jewish?! Just look at the crucifix and at the Holy Virgin on the wall!” – exclaimed the upset woman. However, the public prosecutor did not classify the incident as a crime and discontinued the proceedings.⁵

Szadaj claims that all the 150 members of the Gdansk community were questioned by the police. Everyone was informed that they would be asked a question that may be left unanswered under international conventions. The question was: *Are you Jewish?* “They all answered 'Yes.'" – says Szadaj with satisfaction. “If just one of them had denied it, I could have been charged with fraud. And the situation described in *Gazeta Wyborcza* can be explained. The journalists visited people without notice, and asked them if it was true that they were Jewish. Many denied it out of fear. That wartime fear is still deeply ingrained in the minds of many Polish Jews.”

The newly formed Gdańsk community led by Jakub Szadaj, replacing the Gdansk community that had been a part of the ZGWŻ until they disbanded it, has been entered in the register of religious groups by decision of the Ministry of Internal Affairs and Administration. The ZGWŻ challenged that decision in the courts, but in vain.

The Itch For Land In Poznań

Andrzej Beryt, president of the Jewish Religious Community in Poznań [like Szenicer and Szadaj, he has since co-founded and registered an independent community, *Izraelicka Niezależna Gmina Wyznaniowa w Poznaniu* (Independent Community of the Izrealite Faith in Poznań)], has fought his own battle with the ZGWŻ activists who would never give their consent to a full Jewish community being established in Poznań, the main city of Wielkopolska -- meaning one with the same level of autonomy and authority as the other eight communities that comprise the ZGWŻ. “And do you know why?” – asks Beryt. “Because in Warsaw some of them have an itch for certain valuable plots of land in Poznań.”

Warsaw community, Michael Schudrich, is very strictly Orthodox and is also known to be strongly – some have said fanatically – devoted to the mission of finding and restoring the Jewish cemeteries of Poland, even when doing so means neglecting or selling other Jewish properties (such as synagogues and *mikvahs*) to provide the necessary funds. – Ed.]

[⁵ The falsification of electoral and other rolls is widespread in Poland, the most corrupt country in Europe, according to *Transparency International*. Given the pressure that all Jewish groups were under following the change in regulations in 1997, suddenly requiring each group to have an enrollment of at least 100 members, it is fair to wonder whether any of the enrollment lists is entirely free of bogus members. There is a strong element of "calling the kettle black" in these accusations and counter-accusations of any particular group not meeting the 100 member threshold. – Ed.]

Beryt mentions two plots that had belonged to the Jewish community before the war: 6 hectares located at Poznań's International Trade Fair facility (where there was once a Jewish cemetery) and one hectare near the Opera house, where the price of land is now close to 500 dollars per square meter.⁶ The Ministry of Internal Affairs and Administration issued a decision recognizing the Israelite Religious Community. As in Gdansk, with the community formed by Jakub Szadaj, the ZGWŻ appealed against that decision all the way to the Supreme Administrative Court, where the Ministry's decision was reversed, but only because the Poznań community did not have all the required number of members. "Today the registration of our community is legally valid – says Beryt. – We have the one hundred signatures and a valid decision of the Ministry."

He admits that recruiting 100 people was a problem as there were not enough Jews in Poznań, however sympathizers from nearby towns helped out.

Beryt got into conflict with the ZGWŻ for reasons diametrically opposed to those of Jakub Szadaj in Gdańsk. He believes that Jews from all over the world should be in charge of the restitution of Jewish properties in Poland, not only the few remaining communities in Poland, since it is the former who are the descendants of the people who made possible the properties in the first place. "We believe that the world Diaspora should be represented in negotiations with the Polish authorities by the World Jewish Restitution Organization (WJRO) in Jerusalem" – he explains. In the present situation, the Israelite Religious Community in Poznań is, like the community in Gdansk, not recognized by the ZGWŻ, and therefore has no say in how the Poznań properties are to be treated, and no share in how the proceeds, should there be any, will be distributed or used.

The only highly visible Jewish organization in Poznań is a branch office of the ZGWŻ. It refers to itself as the Jewish *Gmina*, or Jewish community, but this is confusing. It is controlled entirely by the ZGWŻ in Warsaw, and has no legal capacity to make independent restitution claims. [Naturally, the group calling itself the *Gmina* does not even acknowledge the existence of the group headed by Andrzej Beryt, thus creating even more confusion.]

"One half of the Wielkopolska region has been incorporated into the jurisdiction of the community of Wrocław, where it does not belong" – says Andrzej Beryt. "And

[⁶In addition to its efforts to recover these other properties, on 6 May 2002, the ZGWŻ acquired title to the former *Neue Synagoge Posen*, the largest synagogue between Berlin and Warsaw, and the only synagogue in Poznań, out of five, remaining from before the war. Viewed through the eyes of those interested in selling properties for profit, the *Neue Synagoge* is an exceptional prize. The building itself is very run down and in need of a great deal of work if it is to be preserved for posterity. It has not been used as a synagogue since September 1939. In 1943 the Nazis converted it to a swimming pool for soldiers. It is still a swimming pool, now used by school children. However, the land under the building, being exceptionally well located, is some of the most promising in Poznań for new central city development. Estimates of the land value have ranged from 2.5 million US dollars to more than three times that amount, with Poland's recent accession to the EU driving speculative values higher everyday. The ZGWŻ is aware of the synagogue's value and the economics of land development in Poznań, and has therefore put no money into maintenance of the building. It has in fact refused money and professional services offered by an American foundation for the purpose of preserving the building. The widely voiced assumption is that the ZGWŻ plans to sell the building and land, as it has done in several other cases. For more information about the synagogue, including photographs, see the website of Poznań Synagogue Project, <http://www.poznansynagogueproject.org> – Ed.]

do you know why? Because the people in Warsaw want things to be in confusion, as this makes it easier for them to do whatever they please. We have become reconciled to that, because we don't care for the restitution of properties. We don't want to get rich this way.”

Enough Time To Make You Gray

In 1998-1999 the World Jewish Restitution Organization and the activists of the ZGWŻ were in tough negotiations. They debated the idea of setting up a joint foundation to deal with restitution and management of property. The minutes of the meetings show that financial matters dominated the talks.

The Polish Jews calculated that the WJRO should make an initial contribution of 800,000 dollars (as an interest free loan), which they estimated to cover the costs of preparing formal restitution claims. The parties did not hide the fact that there was good business at stake. The WJRO tried bargaining, trying to convince their Polish counterparts that 500,000 dollars would be enough in the beginning but the ZGWŻ negotiators took an unyielding stance.

The late Feliks Lipmann, president of the Jewish community in Katowice (Lipmann recently committed suicide for unknown reasons; it is not known what's happened to the funds of the community in Katowice [approximately 800,000 zloty], which were under Lipmann's management), said straight up why the WJRO should give lots of money fast: “We are talking about big profits here, but I can't see those profits coming. We'll go gray-haired before we even get enough money to cover the expenses.” One of the Polish Jews was trying to persuade the others: “The Kraków community is inches away from claiming back 1,700 square meters in the city centre. Do you see what money we are talking about here? Those are mind-boggling sums.” When talking about their project, the speakers used words like business, enterprise, profits. No-one mentioned the fundamental purpose of setting up the foundation, which is mentioned in its statute: **“to act in order to protect and preserve the material and spiritual heritage of Jews in Poland, particularly of architectural monuments – synagogues, ritual baths and Jewish cemeteries.”** [Emphasis added. – Ed.]

During the talks, arguments flared up about the division of administrative regions, aimed at clarifying which areas should be left to Polish communities to make official restitution claims, and which should be the jurisdiction of the WJRO. Polish Jews tried to allocate part of the Regained Lands in the west of Poland [those lands that had been Prussian or German following the Third Partition in 1795, and were not again part of Poland until after the First World War] to the WJRO, who protested against the plan, saying it was unfair as there had been no substantial pre-war Jewish communities in the west, and therefore there would be no substantial restitution claims.⁷ The Polish side were trying to convince them that there were

[⁷ In the end the WJRO obtained for itself no meaningful participation with the ZGWŻ in the restitution, management, preservation, and where appropriate, disposition of Jewish properties in Poland, all of which are now in the control of the ZGWŻ, despite attempts by the WJRO and other non-Polish Jewish organizations in 2001 and 2002 to restore a balanced relationship with meaningful input on the part of world, not just Polish, Jewry. Many of the problems arising from insular ownership by only a small minority of those with a moral, if not a legal, right to the properties were predicted by the WJRO early on – including the swift sale of properties for short-term profits, and a complete lack of transparency and accountability the proceedings.

cemeteries there, meaning low costs and large plots. Andrzej Zozula said openly: “In those areas we could possibly claim compensation for the various things built on top of the cemeteries. They would pay, but we don’t know whether we actually have the right to accept money for that kind of thing – as far as we know, and we have asked several rabbis, we have no such right. But I think you could undoubtedly find accommodating rabbis who would agree to it.”⁸

Monopoly on Jewishness

Ordinary members of Jewish communities feel disgusted and confused in this atmosphere of a rat-race for synagogues, cemeteries and ritual baths. In the summer [of 2002] Marta Banaszyńska, a member of the Warsaw community, visited Krzeszowice near Kraków, where she found out that the community in Kraków had just sold the newly returned house of prayer and *mikvah* (ritual bath). “I spoke to the woman who bought it. She wants to open a butcher’s shop in the house of prayer. She wants to brick in the beautiful arched windows, and to take down the women’s gallery” – she says. – “I was appalled and horror-struck.”⁹

The Warsaw community is looking for buyers of a newly reclaimed building on Chocimska Street. A rabbi’s house before the war, today it houses the Nigerian embassy. Andrzej Zozula denies this: “These rumors must be spread by Szenicer. We are not selling it. The building generates profits for us because the Nigerians are paying rent.” In the meantime, a written offer of sale has been drafted -- a copy is in this author’s possession -- complete with building and plot plans.

Suspicion underpins the arguments between the various Jewish activists. Who sides with whom? And against whom? Smears and outright lies are commonplace, often spoken by those high up in such organizations. So are rumors. The ultimate insult is to accuse someone of faking his Jewish descent. This charge has, for example, been leveled against Jakub Szadaj. An unknown author has conducted a peculiar verification of the list of members of the Warsaw community. Some of the three hundred names on the list have been marked: “Not Jewish”. Among other people, this note has been entered next to the name of a scientist who has a reputation for being very religious. “This is no laughing matter” – warns a friend of the slandered scientist. – “It might kill him if he knew that someone is questioning his Jewish roots.”

One thing is certain, no one, even his greatest enemy, dares to question the Jewish background of Bolesław Szenicer. Recently, Szenicer has taken part in a new grass-roots initiative. He is one of the 60 signatories and co-founders of a new Jewish

For an early but very interesting article on the conflict between the WJRO and the ZGWŻ, see: <http://www.jrep.com/Info/10thAnniversary/1997/Article-4.html>]

[⁸ This is, of course, exactly the issue that resulted in Jakub Szadaj being thrown out of the ZGWŻ, though in this case Mr. Zozula seems content to wash his hands of the matter, apparently saying that such double desecration (the acceptance of money for damage done to Jewish cemeteries) might be acceptable so long as it was blessed by a rabbi, or done by someone outside the ZGWŻ, for example the WJRO. – Ed.]

[⁹ In Poland a butcher’s shop would necessarily sell pork, in fact it would sell mostly pork. The idea of selling pork in a former Jewish house of prayer is presumably part of why the woman was so shocked by its intended use. It is, however, possible in Poland to sell properties with restrictions – for example, it would have been possible to include a clause in the deed forbidding the sale of pork, or the conduct of other businesses deeply offensive to some Jewish sensibilities. However such restrictions usually lower the value of the affected properties.]

community, to be called the Community of the Old Testament Faith in Poland.
“Before the war there was such a community, located in Praga”¹⁰ – says Szenicer.
"Once we have 100 members we'll apply for official registration. That will be the
end of the monopoly on Jewishness in Warsaw."¹¹

-- Translated from Polish by Piotr Szymczak, MA (Oxon.)

Items in brackets are editorial information not in the original article.

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<http://polityka.onet.pl/artukul.asp?DB=162&ITEM=1098745&MP=1>

¹⁰ [A suburb of Warsaw, on the east side of the Vistula.]

¹¹ Szenicer reached his goal of 100 names not long after this article appeared and registered the new community shortly afterward. Like Szadaj and Beryt before him, he was immediately challenged in the courts by the ZGWŻ, and as with their organizations, his was ultimately approved.