

GERMAN JEWISH REFUGEE LAWYERS ABROAD: THE BONN CONFERENCE OF 1991

M.H. Hoeflich*

During the latter part of the nineteenth century the restrictions that had relegated most German Jews to ghettos gradually loosened. During World War I, Jews were allowed to serve in the German armed forces. Gradually Jews were permitted to practice the professions, including law. By the time of the establishment of the Weimar Republic after the war, Jewish lawyers had assumed a major role in the profession and were amongst the most well-known practitioners and law professors. German legal science became a world leader, in large part due to Jewish lawyers and legal scholars.

With the accession to power of Hitler and the National Socialist party in the 1930s, however, things changed radically. Between 1933 and 1941 when the "Final Solution" was adopted and the genocide of the Jewish people was adopted as a state policy, Jews in Germany and German occupied territories were systematically oppressed and murdered. They were deprived of their rights and dismissed from their jobs. Once again they were confined to ghettos. The "Jewish element" in the German legal profession and in the law schools was brutally eliminated. During the period from 1933 to 1941, when escape became impossible, a few Jewish lawyers were able to flee and resettle abroad. These individuals emigrated to Britain, Palestine, Egypt and to the United States. Emigration was rarely easy. Anti-semitism was strong throughout the world during this period and no country, not even the United States, welcomed these refugees with open arms. A few, however, those who were lucky or persistent, did succeed in emigrating and many of these refugee lawyers went on to exceptionally successful careers in their adopted homelands.

In 1989, I was contacted by Professor Marcus Lutter of the law faculty of Bonn University and by Dr. Ernst Stiefel, a member of the firm of Coudert Brothers in New York and himself a refugee lawyer who had resettled in the United States, with a proposal that the three of us serve as coordinators for a conference to be held at Bonn in 1991 which would bring together an international group of legal scholars and surviving refugee lawyers. The subject of the conference was to be the life histories of those men and women who succeeded in escaping from Nazi Germany and who went on to successful legal careers in the United States and Britain. As we discussed the feasibility of

* A.B. Haverford, J.D. Yale, M.A. Cambridge. Dean, Professor of Law and Professor of History, Syracuse University College of Law.

this project it became clear to me that such a conference must take place both to ensure that the memory of these individuals not be lost and also to highlight to the world how great a contribution these individuals had made to the legal profession in the United States and Britain. The year 1991 was especially appropriate for the conference to be held because it marked the fiftieth anniversary of the adoption of what may well rank as the most horrific plan ever conceived in the history of humankind: Hitler's Final Solution.

During the period between 1989 and 1991, Professor Lutter, Dr. Stiefel and I were able to make the necessary arrangements. The conference was supported by a grant from the Deutsche Forschungsgemeinschaft. Thirty scholars from the United States and Germany were invited to prepare papers on individual refugee lawyers. In addition, we invited surviving refugees, including Fritz Kessler, Rudolph Schlesinger, Stephen Riesenfeld, Dr. Stiefel and Ernst Bodenheimer. All but Professor Bodenheimer attended. Unfortunately, Professor Bodenheimer died only a few months before the conference took place. In September 1991, all of the scholars travelled to Bonn. There, at the University, the conference took place over a three day period. In addition to the speakers, lawyers and law professors were in attendance from the United States, Germany, Austria, Italy and Japan. In addition, representatives of the German government, including Dr. Klaus Kinkel, the German Minister of Justice, and Dr. Helmut Schafer, the Deputy Foreign Minister of Germany, were present. For three days, the conference participants heard the life histories of the refugees and evaluated the remarkable influence they had exercised upon the legal system and legal profession in the United States, Great Britain and post-war Germany.

While the conference marked a milestone in the study of German refugee lawyers, it must be understood to be the beginning of this study not the end. The following article written and delivered at the conference by Professor Bernhard Grossfeld and Professor Peter Winship is an example of the study focusing on the life experiences of two refugee lawyers, Ernst Rabel and Arthur Lenhoff. The conference papers will all be published in the near future. More importantly, the study of these remarkable individuals is continuing. Dr. Leonie Breuning of Hannover University's Institute for the Study of Emigration and I are now at work on a larger study of forty-seven emigré lawyers. It is our hope that over the next several years we will be able to compile complete histories of these individuals and, in so doing, illuminate more fully the role these refugees played in shaping the present legal profession and laws of the United States, Great Britain and Germany.