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JEWES BETWEEN TWO TOTALITARIAN SYSTEMS: PROPERTY LEGISLATION

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This article is a presentation of the general condition of Jews in Croatia after World War II in the crucial post-war period, 1945 (with reference to previous developments) until the beginning of 1948. The main characteristic of the position of Jews in Croatia was the restoration of the Federation of Jewish communities in Belgrade and Jewish communities in Croatia, renewal of their membership in international Jewish organizations, as well as the assistance and relief provided by international Jewish organizations to the few surviving Jews in Croatia. Particular attention is given to property issues, relating both to personal property and the property of Jewish communities and organizations in Croatia. This article shows the direct link between repatriation/citizenship with the right of property restitution, as well as the series of laws which, together with penalty clauses, mandated consequential measures involving the seizure of property. Having first identified the pre-war ownership of the property, the new Yugoslav legal system created a framework to nationalize Jewish property, thus changing the property structure of the new Yugoslavia.

Keywords: Jews, Jewish community, *Shoah*, Croatia, World War II, property issues

Introduction

The Jewish community in Croatia was almost obliterated in the period of the *Shoah*. Between 70 and 80 per cent of Croatian Jews were killed and their property was looted and/or destroyed. After World War II, the majority of pre-war Jewish communities and societies were not re-established. Their property

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had been ransacked, often destroyed, as was the case with Jewish cemeteries and other forms of their cultural heritage, both tangible and intangible.

It is impossible to present exact figures as to the number of Jews in Zagreb or Croatia before World War II, as it depends on the methodology and the definition of the term “Jew”. There are varying estimates of the pre-war Jewish population in Croatia. Jaša Romano, one of the first people to study the number of *Shoah* victims, has made an estimate of the population immediately before World War II based on the pre-war census of Jewish community members, data published in the *Jewish national calendars (Jevrejski narodni kalendari)* that the Federation of Jewish Religious Communities of Yugoslavia (*Savez jevrejskih veroispovednih opština Jugoslavije – SJVOJ*) produced annually between 1935 and 1941. According to these estimates there were about 25,000 Jews living in Croatia. His estimates were later adopted by other authors. It is difficult to speak about the number of the Jews who survived in Croatia and Zagreb because some of them never repatriated but were in various *Displaced persons camps (DP camps)* waiting for visas to emigrate to one of the countries which took in Jewish refugees. Following the example of other European countries, we can assume that a certain number of people “disappeared” by taking another name and identity to continue life in another country. The estimated number of surviving Croatian Jews is between 4,000 and 5,000.¹

In the autumn of 1944 there was an order for all refugees to repatriate to Yugoslavia. At the time there were about 3,000 Jewish internees in Italy. If they refused to return, they were to lose their citizenship.² According to the report from December 1944 of one of the officers of the Jewish humanitarian organization *The American Jewish Joint Distribution Committee (JDC)* Zvi Leiman, kept in the Central Zionist Archives in Jerusalem (CZA), many wanted to return merely to preserve their assets, but they were also afraid of losing their citizenship.³

¹ Based on the list of members of pre-war Jewish communities, Jaša Romano estimates there were 25,000 Jews in the territory of Croatia, Slavonia and Srijem, 1,500 in Slovenia, Međimurje and Prekmurje, and 400 in Dalmatia. According to his estimates, the number of Jewish community victims was 80 per cent in Croatia, Slavonia and Srijem, 86.6 per cent in Slovenia, Međimurje and Prekmurje, and 37 per cent in Dalmatia. Jaša Romano, *Jevreji Jugoslavije 1941.-1945. Žrtve genocida i učesnici Narodnooslobodilačkog rata* (Beograd: Savez jevrejskih opština Jugoslavije, 1980), p. 201. Other authors who wrote on the number of the *Shoah* victims were Vladimir Žerjavić, “Demografski pokazatelji o stradanjima Židova u NDH”, *Zbornik radova Antisemitizam, Holokaust, Antifašizam* Zagreb: Židovska općina Zagreb 1996), pp.133-139; Ivo and Slavko Goldstein, *Holokaust u Zagrebu* Zagreb: Židovska općina Zagreb – Novi Liber, 2001), pp. 636-648; Ivo Goldstein, “Genocid nad Židovima u Nezavisnoj Državi Hrvatskoj”, *Povijest u nastavi*, 2 (2004), no 1:40-50; Esther Gitman, *Kad hrabrost prevlada, Spašavanje i preživljavanje Židova u Nezavisnoj Državi Hrvatskoj 1941.-1945.* (Zagreb: Kršćanska sadašnjost, 2012) and Marica Karakaš Obradov, *Novi mozaici nacija u ‘novim poredcima’* (Zagreb: Hrvatski institut za povijest, 2014).

² About 7,000 people from Yugoslavia were registered as refugees in Italy. Mateo Bratanić, *Hrvatski zbjegovi u Egipt* (Ph.D. dissertation, University of Zadar, 2009), p. 177.

³ Ari Kerkkänen, *Yugoslav Jewry: Aspects of Post-World War II and post-Yugoslav Developments*

The SJVOJ was reinstated at the end of 1944, and in 1945 the Association of Jewish religious communities (*Udruženje ortodoksnih jevrejskih veroispovednih opština*) was also re-established. The Jewish religious community Zagreb (*Židovska bogoštovna općina Zagreb – ŽBOZ*) was active throughout the war. Their greatest activity was known as Care of camps (*Skrb za logore*) by which the Community predominantly took care of Jews interned in the NDH concentration camps, as well as the few remaining Jews in Zagreb. Until May 1943, within the Community there was a communal kitchen, old people's homes, a kindergarten and school, and health care. This is why it was quick to act in the new situation, providing help to Jews not only in Zagreb, but all over Croatia and in part of Slovenia; it was a kind of mirror image of the SJVOJ. It provided help with necessary accommodation, meals, medical help, search for family members, instruction for baptized members in how to return to the Jewish religious community, as well as logistical support in property reappropriation.⁴ After the restoration of the Jewish communities in Osijek, Split and Čakovec, it continued as a quasi-logistical centre for Croatian Jewry as a whole.⁵

As distinct from other East European countries where Jewish communists tried to limit the function of their communities to solely religion, the Jewish community in Yugoslavia kept most of their former activities within the existing communities by founding different parallel associations. There were, however, no longer separate Ashkenazi or Sephardic communities.⁶

There was also a desire to resume some pre-war Jewish societies, at least in the communities where a considerable number of Jews returned. Although Jewish communities were structured differently in different countries (communities, cultural associations, synagogues etc.), besides the communities *per se* there were Jewish societies in specific areas, such as *Chevra Kadisha*, humanitarian, women's, youth, Zionist, cultural groups, etc. In post-war Croatia those societies were not re-established, as the Communist authorities thought that any social or charitable activities had to be state managed. In this way, the Jewish community lost some of its basic societies and activities that had fashioned it for centuries.⁷ This was also the end of the *Društvo čovječnosti*

(Helsinki: Studia Orientalia, 2001), p. 40.

⁴ After the last deportation in May 1943, the only Jews remaining in Zagreb are those in *mixed marriages*, as defined by racist criteria (see Note 19), so most of these activities are interrupted. See Ivo and Slavko Goldstein, *Holokaust u Zagrebu* (Zagreb, Židovska općina Zagreb i Novi liber, 2001). Its activity from May 1945 is presented in Naida-Mihal Brandl, "Djelatnost židovske bogoštovne općine u Zagrebu 1945.-1946. godine", *Radovi – Zavod za hrvatsku povijest* 47 (2015), no 2:675-710.

⁵ JIM, ŽOZ Archives, sign. K 63-3-3/1-9.

⁶ Ari Kerkkänen, *Yugoslav Jewry: Aspects of Post- World War II and post-Yugoslav Developments* (Helsinki: Studia Orientalia, 2001), p. 40.

⁷ *Chevra Kadisha* (Aramaic אֲשִׁיֶדֶק הַרְבַּח): *holy society*. One of the oldest Jewish charitable societies (traces dating to the 4th c. CE) taking care of a person's last needs before the death, preparation of the deceased person for the burial, and the burial itself, purchasing land for the grave,

(Humanity Society) which was originally founded by Jews and notable for the important role Jews played.⁸

The Jewish community in Yugoslavia resumed its membership in some international Jewish organizations, such as the World Jewish Congress (WJC), *Sochnut* (The Jewish Agency),⁹ HIAS¹⁰, ORT¹¹ and many others. Concurrently, however, the Zionist organization was not rehabilitated, and Yugoslavia prohibited its Jewish citizens to have any contact with the World Zionist organization (WZO).¹² In his monograph: *Yugoslav Jewry: Aspects of Post- World War II and post-Yugoslav Developments* Ari Kerkkänen notes the anti-Zionist tradition among Yugoslav Communists, which was especially strong among Jewish Communists. In Eastern Europe after the complete Communist takeover (1948) these organizations were “voluntarily” disbanded.¹³

The *Spomenica Saveza Jevrejskih opština Jugoslavije 1919-1969* (Commemorative Volume of the Association of Jewish Communities of Yugoslavia) of 1969, never mentions the World Zionist Organization, but the chapter on connections with Jewish communities and organizations worldwide states that “before World War II the Association and numerous Jewish social organizations in Yugoslavia had numerous contacts and cooperated with a great number of Jewish communities and various world organizations abroad, and after the liberation certain factors, which were necessarily different from the earlier ones, acted in channeling those contacts and cooperation...”; noting the decrease in the number of the communities and community members.¹⁴ However, in the first contacts with *Sochnut*, the post-war SJVOJ writes “very cautiously” on the situation and asks people not to contact them from Palestine, to not jeopardize the sensitive situation found there.¹⁵

etc. With time it became a charitable society taking care of the sick and participating in charity activities.

⁸ Mila Kolar Dimitrijević, *Društvo čovječnosti 1846.-1946.* (Zagreb: Židovska općina Zagreb, 1998).

⁹ לארשי פראל תידיהיה תנוכה / The Jewish Agency for Palestine was founded in 1908 under the name Office for Eretz Israel (ילארשי פראה דרשמה / The Palestine Office). In Hebrew, instead of the word Palestine is the Jewish name of the territory – *Eretz Israel*.

¹⁰ HIAS (*Hebrew Immigrant Aid Society*) is an American Jewish charity organization founded in 1881 to assist refugees who were fleeing pogroms in the Russian Empire

¹¹ ORT, Association for the promotion of trade (*Общество Ремесленного Труда*) is a Jewish organization for the promotion of education and vocational training in Jewish communities over the world.

¹² The World Zionist Organization was founded at the initiative of Theodore Herzl at the First Zionist Congress which took place in Basle, Switzerland, in August 1897.

¹³ Ari Kerkkänen, *Yugoslav Jewry: Aspects of Post-World War II and post-Yugoslav Developments*, pp. 43-44.

¹⁴ *Spomenica Saveza jevrejskih opština Jugoslavije 1919.-1969.* Beograd: Savez jevrejskih opština Jugoslavije, 1969.), p. 120

¹⁵ Ari Kerkkänen, *Yugoslav Jewry: Aspects of Post-World War II and post-Yugoslav Developments*

In the first years after the war, the most intensive contact with an international Jewish organization was with *The American Jewish Joint Distribution Committee* (Joint/JDC).¹⁶ Unlike other Central European and East European countries where it was active, the JDC did not have an office in Yugoslavia, but it worked via the Autonomous Committee (*Autonomni odbor – AO*) for relief within the SJVOJ.¹⁷ The activity of the JDC via the Autonomous Committee lasted from 1945 to 1952 – the amount of assistance was substantially decreased in 1949 when about sixty per cent of Yugoslav Jews emigrated to Israel – and there are several different interpretations of the start of this activity. Menachem Shelah cites that both during and after the war JDC cooperated with various American governmental and non-governmental organizations and with several UN agencies, including the United Nations Relief and Rehabilitation Administration (UNRRA). In 1945 there was a Jewish architect called Morris Dubin in the UNRRA delegation who had been asked by the JDC to assess the situation in Yugoslavia. He concluded that the Jewish community needed relief, and a JDC medical delegation arrived in Yugoslavia, but it acted outside the UNRRA.¹⁸

On the other hand, the Jewish Religious community Belgrade (*Jevrejska veroispovedna opština Beograd*) contacted the JDC via Bucharest, and the first relief came from there. In July 1945, Julije Wiener, a JDC representative for Yugoslav Jews, arrived in Bari. His letter of July 23, sent to the Jewish Religious Community in Belgrade, was made available to the Jewish Religious Community Zagreb. The ŽBOZ sent preliminary data on the situation in their area (but it is not clear who signed the letter). They were not able to provide exact data “because they are only being collected, and people are coming back”. But this report shows the situation in this and in many other communities in Croatia. This initial data comprised about 19 per cent survivors, including those in emigration. It was estimated that there were about seven to eight thousand Jews in Yugoslavia at the time, and some communities were completely eradicated. About 1,200 to 1,300 Jews returned to Croatia, nearly half of them baptized,

Helsinki: Studia Orientalia, 2001), p.43. The autor bases his research on archive material from the Centra. Zionist Archives (CZA) of 1945 and 1946.

¹⁶ Mark I. Rosen, *Mission, Meaning and Money: How the Joint Distribution Committee Became a Fundraising Innovator* (Bloomington: iUniverse, 2010). The American Jewish Joint Distribution Committee is a Jewish humanitarian organization headquartered in New York, USA. It was founded in 1914 and is presently active in 40 countries. It is known by its acronym, JDC or Joint.

¹⁷ The *Spomenica Saveza Jevrejskih opština Jugoslavije 1919.-1969.*, pp. 121-122 lists the chronology of contacting the JDC, which started its organized action of relief to Romania early in 1945. The author insists that the formation of the Autonomous Committee, instead of JDC's direct relief “resulted in introduction to the post-war principles and practice of our community and the Association, duly respecting the total internal independence and autonomy of the community and the Association, regarding the foreign organizations.” (*Spomenica*, p. 122).

¹⁸ Menachem Shelah, *Ha keshet ha-Yugoslavi: Yugoslavia ve-’aliyah bet 1938-1948* (Tel Aviv: Am oved, 1994), p. 134.

and some had returned to Judaism in the meantime. The Zagreb community had 600 to 700 members, and during the war about 700 to 800 members in “mixed marriages”¹⁹ remained, so the number of Jews in Zagreb was approximately two thousand. Other estimates speak about 600-700, with a certain number of those passing through Zagreb on their way home. However, it was necessary to provide for the transport of the returnees daily, and to give them food and money. The Zagreb Jewish community also took care of the country communities because only the communities in Osijek and Čakovec had been restored and everyone turned to Zagreb for help. They all lacked the basic means of livelihood (clothing, underwear, footwear, linen, blankets...). If they were able to return to their homes, they found them looted, there was perhaps only some bare furniture. The author was invited to Bari to answer all the JDC questions, but he did not believe the authorities would permit him to travel. He was only able to travel to Trieste and he proposed Julije Wiener to send someone there. The priority was to provide necessary permits for the transport of possible material from the JDC. He also appealed for second-hand clothing because winter was approaching.²⁰

¹⁹ Naida-Mihal Brandl, “Djelatnost Židovske bogoštovne općine u Zagrebu 1945.-1946. godine”, p. 683. It is important to note that the term *mixed marriage* during World War II in the NDH was used as a race definition, or, pursuant to racial laws, as a marriage between *Aryans* and *non-Aryans*. The legal framework for entering into a marriage in the Habsburg Monarchy, Austro-Hungarian Empire, and, consequently, in the Kingdom of Yugoslavia was very complicated, because different laws were in force in different parts of the monarchy and in different parts of Yugoslavia at the same time. Since 1783 there were various marriage laws in different parts of Croatia, and they were used in the period between the two World Wars. In practice, in the parts of Yugoslavia which were directly under the Hungarian rule until 1918, there was a possibility of a civil marriage (Rijeka, Međimurje, Prekmurje, Baranja, Bačka and Banat). Dalmatia used Austrian laws, but in the former Croatia and Slavonia there was no possibility of a civil marriage. This is why the woman usually converted to the religion of the partner (Judaism was treated as a religion in Yugoslavia) in order to get married. By converting to Judaism the person becomes a Jew, so it is not a mixed marriage. It was a mixed marriage only for the Ustasha authorities and for their racial laws. However, many Jewish post-war documents continue using the term. One should still be cautious after the *Basic Law regarding Marriage* was passed on April 3, 1946 (*Službeni list FNRJ*, 29/46) which prescribes a mandatory civil marriage because mixed marriages are made after that. More in Bertold Eisner, *Međunarodno, međupokrajinsko (interlokarno) i međuvjersko bračno pravo Kraljevine Jugoslavije* (Zagreb: Tipografija, 1935). In a broader context see Derek Beales, *Joseph II, Against the World 1780-1790, Vol 2 of Joseph II* (Cambridge: Cambridge University Press, 2009); Judith von Schmädell, “The History of Marriage Law in Austria and Germany: From the Sacrament to Civil Contract”, *Hitotsubashi Journal of Law and Politics* 37 (2009), pp. 41-47; Croatian context in Ljiljana Dobrovšak, “Ženidbeno (bračno) pravo u 19. stoljeću u Hrvatskoj”, *Croatica Christiana Periodica*, 29 (2005), no. 56:77-104; Nenad Hlača, “Forma sklapanja braka u Republici Hrvatskoj od liberalizma do katolicizma i natrag”, *Bogoslovska smotra*, 76 (2006), no. 4:1057-1071.

²⁰ JIM, ŽOZ archives, K.63-3-3/1-119 of August 17, 1945.

Jewish property immediately after the war

When defining the term “Jewish property” we should distinguish between the private property (which a person acquired via inheritance of his own enterprise) and the property of communities and different Jewish organizations. This article deals only with the property of individual persons, because of the complexity of communal property, both in 1941 and in 1945. The fate of Jewish property in Croatia is slightly different to other examples of criminal deprivation of property in the post-war system, as most Croatian Jews had their property confiscated immediately after the Independent State of Croatia was proclaimed, when it passed a series of laws (Statutory provisions), most of them between April and June, 1941.²¹ At first, this deprivation had all the characteristics of robbery – individuals or groups came to Jewish flats or premises and looted them or took over their property.²² Then the Statutory provision of May 3, 1941 provided for the establishment of the Office for the restoration of economy (*Ured za obnovu privrede*) with the Ministry of national economy.²³ The Office managed and supervised the firms whose owners had unknown residence and which were taken into state ownership. Later, it underwent organizational change and was dissolved by the end of 1941. Part of its activities relating exclusively to Aryans and their firms was taken over by the Ministry of trade, industry and commerce, while other activities were taken over

²¹ Re. deprivation of Jewish property on the territory of the Independent State of Croatia – see: Nada Kisić Kolanović, “Podržavljenje imovine Židova u NDH”, *Časopis za suvremenu povijest* 30 (1998), no. 3:429-453; Zlata Živaković Kerže, “Podržavljenje imovine Židova u Osijeku u NDH”, *Časopis za suvremenu povijest* 39 (2007), no. 1:97-116; Naida Mihal-Brandl, “Židovski identitet/i u Hrvatskoj nakon Drugog svjetskog rata: kratak pregled”, *Nacionalne manjine u Hrvatskoj i Hrvati kao manjina – europski izazovi* (Zagreb, 2015), pp. 167-194. A list of nearly all legal regulations passed against Jews can be found in Boško Zuckerman, “Političke prilike tijekom ustrojstva NDH i psihologija Holokausta Židova u Bosni i Hercegovini 1941. godine”, *Prilozi*, 39 (2010), pp. 65-67.

²² Ivo and Slavko Goldstein, *Holokaust u Zagrebu*, (Zagreb: Židovska općina Zagreb – Novi liber, 2001), pp. 105-117

²³ Boško Zuckerman, “Političke prilike tijekom ustrojstva NDH i psihologija Holokausta Židova u Bosni i Hercegovini 1941. godine” (pp. 65-67) lists government decrees relating to property: *Zakonska odredba o sačuvanju hrvatske narodne imovine* of April 19, 1941; *Zakonska odredba o imenovanju povjerenika kod privrednih poduzeća* of April 19, 1941; *Zakonska odredba o redovitom poslovanju i sprečavanju sabotaze u privrednim poduzećima* of April 30, 1941; *Zakonska odredba o osnivanju ureda za obnovu privrede* of May 2, 1941; *Zakonska odredba o dužnostima i pravima povjerenika, imenovanih kod privrednih poduzeća* of May 16, 1941; *Zakonska odredba o dužnostima i pravima povjerenika, imenovanih kod privrednih poduzeća* of May 16, 1941; *Provedbena naredba zakonskoj odredbi o ispražnjenju i naseljenju stambenih i poslovnih prostorija iz razloga javne sigurnosti* of June 5, 1941; *Zakonska odredba o sprečavanju prikrivanja židovskog imetka* of June 5, 1941; *Zakonska odredba o obveznoj prijavi imetka židova i židovskih poduzeća* of June 5, 1941; *Zakonska odredba o izvlastbi zgrada u korist države* of 9 June 1941; *Zakonska odredba o izvlastbi tiskara* of June 12, 1941; *Zakonska odredba o osnutku Državnog ravnateljstva za ponovu* of June 24, 1941; *Zakonska naredba o podržavljenju imetka Židova i židovskih poduzeća* of October 10, 1941; *Zakonska odredba o podržavljenju židovske imovine* of October 30, 1942.

by the Ministry of State treasury. The Statutory provision on the allocation of activities of the dissolved State directorate for restoration (*Naredba o podjeli poslova ukinutog Državnog ravnateljstva za ponovu*) of January 14, 1942, provided for the establishment of a special Office for nationalized property (*Ured za podržavljenu imovinu*), continuing the work of the dissolved directorate, which had come within the remit of the State treasury.²⁴

Jewish property in NDH was confiscated in several phases. Jewish property was identified by applying the Statutory provision regarding compulsory reporting of Jewish property and enterprises (*Zakonska odredba o obveznoj prijavi imetka Židova i židovskih poduzeća*) of June 5, 1941. The property was reported to the Office for Economic Renewal. The purpose of this provision was to prevent the abalienation of Jewish property²⁵, and beside the obligation to report the property within 20 days, Jews had to list the property abalienated between April 10 and June 5, 1941, and any other future abalienation of property exceeding the “regular home requirements” could be effected only following the prior approval of the Ministry of national economy. A Jewish enterprise was defined as an enterprise belonging fully or partially to Jews or an enterprise with Jewish members of the board or Jewish management.²⁶

On August 7, 1941, the Statutory provision regarding the property of emigrants from the territory of the NDH (*Zakonska odredba o imovini osoba iseljenih s područja NDH*) was passed, also relating to Jewish property. The State Agency for Economic Renewal was obliged to immediately initiate the provision, whereby movable property and real estate belonging to persons who emigrated was declared the property of NDH.²⁷

There were two basic Statutory provisions for the nationalization of Jewish property: the *Zakonska naredba o podržavljenju imetka Židova i židovskih poduzeća* (Statutory provision regarding the nationalization of Jews and Jewish enterprises), of October 10, 1941, and the Statutory provision regarding nationalization of Jewish properties (*Zakonska odredba o podržavljenju židovske*

²⁴ HR-HDA-215: *Ministarstvo državne riznice NDH*, description of the archival collection. The State Economic commission, another institution which had important authority in managing nationalized property is described in Nada Kisić Kolanović, “Podržavljenje imovine Židova in NDH”, p. 440.

²⁵ This refers to the transfer outside the institutionalized alienation of Jewish property.

²⁶ Nada Kisić Kolanović, “Podržavljenje imovine Židova in NDH”, p. 438.

²⁷ *Ibid.* A part of the property, depending on the decision of the authorities, could be left for use to the next of kin, a spouse or non-self-supporting persons. In the description of the fund HR-HDA-215: Ministry of the NDH State treasury says that the State directorate for reconstruction and the State directorate for economic reconstruction were established pursuant to the same Statutory provision of June 2, 1941, while Kisić Kolanović says that the State directorate for economic reconstruction was founded on July 1, and that it has taken the task of economic reconstruction when the sale of Jewish property, especially big enterprises was transferred to the authority of that directorate.

imovine), of October 30, 1942. The Provision authorized the State directorate for reconstruction “to nationalize the property of each Jew, as well as any Jewish enterprise, with or without compensation, in favour of the Independent State of Croatia, in order to reconstruct the economy”. The provisions on nationalization and possible compensation were passed by the State directorate for reconstruction, and the provision on nationalization came into force the moment it was issued. Pursuant to the Statutory provision regarding nationalization of Jewish properties of October 30, 1942, the NDH was the owner of all property and the rights pertaining to the property of all persons supposed to be Jews, and in accordance with para. 3 of the Provision regarding racial identity of April 30, 1941, the inheritance of such people who died after February 10, 1941 became the property of the NDH. All persons who had illegally come into the possession of such property were invited to return the property by the end of November, under amnesty. After that, any possession of nationalized property was deemed a criminal offence, the exception being the Jews who were recognized by the *Poglavnik* as *Aryan*.²⁸

There is no unique legislation regulating property relations after 1945. During the war, the second session of the Anti-Fascist Council of the National liberation of Yugoslavia (*Antifašističko vijeće narodnog oslobođenja Jugoslavije* – AVNOJ) and the State Anti-Fascist Council of National Liberation of Croatia (*Zemaljsko antifašističko vijeće narodnog oslobođenja Hrvatske* – ZAVNOH) and their presidencies passed laws to regulate property relations in the New Yugoslavia. After passing the Constitution of 1946, legislative bodies of the new state continued passing a series of related laws (Provisional Assembly of the Democratic Federal Yugoslavia, and after the FNRJ Constitution it was the National Assembly, and in Croatia, the Sabor).²⁹

The main intent of the laws, comprised of rulings, decrees and legislation, was to regulate ownership/property relations, or rather to return to the situation that existed before April 6, 1941. The other aim was to establish a direct link of repatriation and citizenship with the right to the return of property or

²⁸ Nada Kisić Kolanović, “Podržavljenje imovine Židova in NDH”, pp.438-439. The Provision also referred to the Jews who were obliged to hand all valuables to the State “and which do not serve for modest life needs”, and have not done so yet.

²⁹ A broader context of the postwar legislation dealing with property relations is given by Marijan Matićka “Zakonski propisi o vlasničkim odnosima u Jugoslaviji (1944.-1948.)”, *Radovi Zavoda za hrvatsku povijest* 25 (1992), pp. 123-148. The author gives a broader context of property relations immediately after the war, and I am relying on that article. I am not listing all the laws dealing with property relations, but only those which are directly relevant to the theme of this article. For more information on property issues see Jadranko Crnić, Ana-Marija Končić, eds., *Konfiskacija, nacionalizacija, ratna dobit, agrarna reforma, kolonizacija i drugi oblici prisilnoga prestanka vlasništva; Zakon o pretvorbi društvenog poduzeća* (Zagreb: Narodne novine, 1991); Slobodan Nešović, ed., *Zakonodavni rad Pretsedništva Antifašističkog veća narodnog oslobođenja Jugoslavije i Pretsedništva Privremene narodne skupštine (19. novembra 1944. - 27. oktobra 1945.) po stenografskim beleškama i drugim izvorima* (Beograd, 1951).

its ownership. Together, as evidenced later, these laws were to enable change in the property structure of the new state.

There were several methods of seizing property in communist Yugoslavia: sequestration, confiscation, nationalization, expropriation and the agrarian reform.³⁰

Sequestration is the act of temporarily removing, separating or seizing anything from the possession of its owner under process of law, and putting it under state control until a final court ruling. Confiscation is the forced removal of someone's possession(s) in favour of the state, without compensation. It can be complete (taking away the entire property) or partial (taking away a specific part of property). The property of an individual person is defined as the possession which is his personal property, or his share in the joint property with other individual persons. Property also includes all property rights. Nationalization is a state measure by which, on the strength of the law, all sorts of private property are nationalized. This measure can include some forms of compensation, but it can also be without any compensation. Expropriation is the seizure of certain property with some compensation and this measure is mainly applied when there are changes in landowning relations being introduced.³¹ Agrarian reform is the redistribution of agricultural land by the government. Although in traditional historiography the Jews are not associated with land ownership, Croatian Jews, especially those in Slavonia, were the owners of large areas of land. Due to the limited scope of this article, laws relating to agrarian reform will not be a subject of this review.³²

The series of laws and statutory provisions dealing directly or indirectly with property law starts with two ordinances passed by the AVNOJ Presidency of November 21, 1944: Ordinance concerning the treatment of property which owners had to abandon during the occupation and property taken by the occupier and supporters (*Odluka o postupanju s imovinom koju su vlasnici morali napustiti u toku okupacije i imovinom koja im je oduzeta po okupatoru i njegov-*

³⁰ The explanation of the terms *sequestration* (temporary dispossession or management of the total property or a part of it until the final court ruling), *expropriation* (taking away some property with compensation); *confiscation* (official removal of someone's possession in favour of the state without a compensation), *nationalization* (nationalizing different forms of private possession) are found in Tomislav Anić, "Normativni okvir podržavljenja imovine u Hrvatskoj/ Jugoslaviji 1944.-1946.", *Časopis za suvremenu povijest* 39 (2007), no. 3:25-62.

³¹ Marijan Maticka, "Zakonski propisi o vlasničkim odnosima u Jugoslaviji (1944.-1948.)," p. 125.

³² *Konfiskacija, nacionalizacija, ratna dobit, agrarna reforma, kolonizacija i drugi oblici prisilnoga prestanka vlasništva; Zakon o pretvorbi društvenog poduzeća*, pp. 109-114; 259-331. They are the Law regarding land reform and colonization, its amendments and interpretations, a series of laws connected to land areas, Law regarding agricultural land, its amendments, ordinances on compensation amount, etc.

im pomagačima)³³ and Ordinance for the shift of enemy property under state administration to state ownership over the property of absent persons and the sequestration of property forcibly removed by occupying authorities (*Odluka o prijelazu u državno vlasništvo neprijateljske imovine u državnoj upravi nad imovinom neprisutnih osoba i o sekvestru nad imovinom koju su okupatorske vlasti prisilno otuđile*).³⁴ These ordinances became Laws in 1945 and 1946 and were later amended several times. This article deals with the texts of the two laws rather than the ordinances.³⁵

Article 1 of the Law concerning the treatment of property which owners had to abandon during the occupation and the property taken by the occupier and supporters (*Zakon o postupanju s imovinom koju su vlasnici morali napustiti u toku okupacije i imovinom koja im je oduzeta po okupatoru i njegovim pomagačima*), which in a slightly changed form was passed on May 24, 1945, indicated that such property was to be “immediately returned to the owner regardless of the claim of the property holder”.³⁶ The owner was to contact the relevant court for the return of property or the right to inherit property. Heirs could file such a claim one year after the end of the war. Article 1 also

³³ The Law regarding dealing with the property which the owners had to abandon during the occupation and the property taken by the occupier and his supporters (*Zakon o postupanju s imovinom koju su vlasnici morali napustiti u toku okupacije i imovinom koja im je oduzeta po okupatoru i njegovim pomagačima*) was passed pursuant to this Ordinance on May 24, 1945 (*Službeni list DFJ* 36/45); further amendments and interpretations in *Službeni list DFJ* 52/45; *Službeni list FNRJ* 64/46; 88/47; 99/48.

³⁴ *Službeni list DFJ*, 2/1945. Law regarding the validation and amendments of the Ordinance for the shift of enemy property under state administration to state ownership over the property of absent persons and the sequestration of property forcibly removed by occupying authorities (*Zakon o potvrdi i izmjenama Odluke o prijelazu u državno vlasništvo neprijateljske imovine, o državnoj upravi nad imovinom neprisutnih osoba i o sekvestru nad imovinom koju su okupatorske vlasti prisilno otuđile*) was passed pursuant to this Ordinance, on 31 July 1946 (*Službeni list FNRJ*, 63/46).

³⁵ In connection with these two Ordinances and Laws is the Law regarding the protection of national resources and their management (*Službeni list DFJ*, 35/45; 86/46); it defines the manner of managing these resources. A new office of managing national resources was founded, (DUND), land offices (ZUNDS) and offices at lower administrative levels. HR-HDA-313: Land administration of national resources of the People’s Republic of Croatia (ZUND): ZUND of Croatia is an organ of the State office of national resources of Federative Yugoslavia and operates pursuant to the Ordinance of AVNOJ on the transfer to the state ownership of enemy property, on state management of the property of absent persons and on the sequestration of the property that the occupying forces forcefully misappropriated, of November 21, 1944. ZUND was abolished by the Decree of the Economic Council of FNRJ of January 10, 1946 and stopped working by the Ordinance on the liquidation of the Presidency of the Government of the People’s Republic of Croatia of March 12, 1946. The same Ordinance applies to the liquidation of district and city management offices, and their work, as well as the work of ZUND was taken over by the departments of national property, ministries and professional department of People’s Committees (HR-HDA-313).

³⁶ Article 1 of the Law regarding dealing with the property which the owners had to abandon during the occupation and the property taken by the occupier and his supporters.

defines the term “property” under the Law. Pursuant to Art. 3, the obligation to apply for the property referred to people who came into possession of the property as defined in Art. 1. It was then handed over to the relevant authority for managing national resources “regardless of whether the property was bought, illegally appropriated, received for custody or received in any other manner.”³⁷ Article 6 set a limit to the return of the property; when it was passed to the next of kin, it stated that the court would “be governed by the reasons of equity to the damaged family and to the interests of the national economy, pursuant to Article 5 of the AVNOJ decree of November 21, 1944, and in the case of the property being substantial, it will cede only a part of the property so that there is no unjust hoarding of wealth in the hands of the persons who are given the property to manage”. Art. 7 set limits for giving cash, securities and jewellery only in cases when necessary for good management of the property. Art. 6 defined the return of industrial, trade, crafts, agents and other firms and shops on condition “the owner has not ceded them to the occupier or put them at his disposal and they were not used for warfare.” In practice, the above provisions from these articles often made it impossible for the returnees to regain lost property even in the period 1945-1946, i.e. before the law regarding property confiscation which soon followed. The owner of the confiscated property would apply to the court and also to the ŽBOZ for help.³⁸ The ŽBOZ actively helped Croatian Jews to collect documentation and file requests for the return of property, which is amply shown in its archives. Together with a series of applications written to the District Court in Zagreb related to the return of property, there is further ŽBOZ correspondence showing how the Community actively participated in property restitution efforts for Jews all over Croatia, Yugoslavia and the world. A separate group consisted of owners or their heirs who were not in Yugoslavia at the time.³⁹ There were a number of circumstances that could halt the restitution process: in the case of collabora-

³⁷ Art. 3 of the Law regarding dealing with the property which the owners had to abandon during the occupation and the property taken by the occupier and his supporters. In its version of August 2, 1946, it is modified to make it even more difficult to repossess the property and its transition to state ownership. In this way, there is no repossession of the property where anybody made major investments during the war, if they are forms of major importance for the “national economy” of a republic or FNRJ or it concerns firms serving for military purposes which cannot be achieved otherwise. A similar case applies to Art. 8.

³⁸ Naida-Mihal Brandl, “Židovski identitet/i u Hrvatskoj nakon Drugog svjetskog rata: kratak pregled”, pp. 183-184.

³⁹ E.g. JIM, ŽOZ archives, K.63-3-3/1-136 of May 17, 1945. The shop *Hugo Wollner i drug* (*Hugo Wollner & Co*) is now called *Ivan Frankić*, and the flats, during the war, were used by the assistant manager of the Generali insurance (Italian) and an Italian officer; JIM, ŽOZ archives, Box 63, F1 K.1, of July 24, 1945 (from the letter we also learn that Ruža and Srećko Hoffmann were saved by escaping to Hungary, but in 1942 the man disappeared near Novi Sad and was killed by the Ustashi); JIM, ŽOZ archives, sign. K.63-1-1/1, different dates, 1945; JIM ŽOZ archives, sign K.63-1-1/1 of 5 July 1945. Among the paintings which were collectively included in this list there is one given by name – a R.Rodin; JIM ŽOZ archives, sign. K.63-1-1/1-22 to 26 of August 1, 1945.

tion with the occupier the owner had no right to repossess his property, and the court would decide on the right of inheriting such property, what and how much would be returned, as well as the timeframe for filing the request for the return of the property. In a number of examples we can see that “collaboration with the occupier” was interpreted very broadly, and the owners or the heirs were accused of it in a series of cases, with the result that the property was not returned or was confiscated.

In his memoirs, *Tako je to bilo u Nezavisnoj Državi Hrvatskoj*, Zeev Milo (ex Müller) described when his father tried to return to the family mill in Virovitica, which originally belonged to his grandfather, Adolf Pajtaš.⁴⁰ In 1941, the mill had been assigned an Ustasha commissioner, who was arrested after the war but released following the intervention of the Müller family. In the meantime, the mill had another commissioner who, prior to joining the Partisan forces, was the leader of the local Ustasha association, and during the war was opposed to saving the Pajtaš family (who were to be proclaimed indispensable). The case took some time and finally Milo went to Virovitica to ask for the return of the property. The National court, consisting of a professional judge and two national judges held a session and ruled that the mill was to be temporarily granted to the heirs until the issue of inheritance was formally resolved, while his father, as an expert, was appointed manager. However, on November 20, 1945, the District National Court in Daruvar had a trial “in the criminal proceedings against Adolf, Roza and Andrija Pajtaš of Virovitica, presently of unknown address, for the crime against the state pursuant to Art. 10 of the Criminal Law, based on charges made by the public prosecutor of the Daruvar district of 8 November 1945... “In the name of the people” the court ruled that the accused, Adolf, Roza and Andrija Pajtaš, born in Hungary, of “Israelite” religion, literate, “other details unknown, of unknown address, were guilty of having given their enterprize *Gizela*, a steam-powered flour mill, immediately upon the establishment of the NDH, to the commissioner appointed by the Ustasha authorities and thus put the firm in the service of the occupiers and their collaborators; and for having cooperated in the mill together with the commissioner until the autumn of 1942; and having made favourable contracts for *Zempra*, whereby they strengthened the economic power and potential of the enemy; and thus committed the criminal offence pursuant to Art. 10 of the Law on the protection of national honor of Croats and Serbs in Croatia, and pursuant to Art. 18 of the above Law, the complete mill *Gizela* in Virovitica is to be confiscated, together with the real estate on which the firm is located, together with the complete inventory and the machines of the enterprize”.

They were also found guilty of having employed a German who belonged to the *Kulturbund* as a senior miller. Other witnesses were brought who testified that the mill was working exclusively with *Zempra* and a contract and

⁴⁰ Zeev Milo, *Tako je to bilo u Nezavisnoj Državi Hrvatskoj (1941-1945) s opširnim historijskim pregledom tog razdoblja* (Beograd: Naklada Ivica Eskenazi, 2004), pp. 242-243.

other documents were found to confirm the allegations. The ruling included an especially cynical sentence that the accused had put his professional expertise at the disposal of the occupiers and their collaborators for a year and a half, and that the “defense of the accused that their circumstances as Jews demanded they do so could not be accepted because it was unquestionable that they could simply have prevented the enterprise from operating by halting work. Since they failed to do that, this increases their guilt”. The court felt that the ruling was “moderate”, because the offences committed were in line with the Law on offences against the State, but since the offence was committed before the Law came into force, the accused were sentenced pursuant to article of the *Ordinance on the protection of national honour...*, which was less strict. The mitigating circumstance was that “the accused, being Jews, were taken to a Jewish concentration camp where any trace of them was lost and nothing is known about their destiny. But the aggravating circumstance was that they treated people badly in their enterprise” and the court considered the penalty of confiscation as balanced.⁴¹ In his book, Zeev Milo wrote that the trial was held without the knowledge of the heirs, and the witness was Franjo Kovačević, a former Ustasha commissioner who was responsible for taking the Müller family to Auschwitz. Milo finally managed to see the deputy public prosecutor in Belgrade. When asked for an explanation, the prosecutor’s answer was, “Your fault. You shouldn’t have asked for the return of the mill. We had no choice but to follow our procedures. Don’t take it personally.” This case is a good illustration that confiscation, as a penalty consequent to many post-war laws, was the real reason behind many court cases.

The Law on amendments to the Ordinance for the shift of enemy property under state administration to state ownership over the property of absent persons and the sequestration of property forcibly removed by occupying authorities (*Zakon o potvrdi i izmjenama Odluke o prijelazu u državno vlasništvo neprijateljske imovine u državnoj upravi nad imovinom neprisutnih osoba i o sekvestru nad imovinom koju su okupatorske vlasti prisilno otuđile*) dealt in part with the property of the *German Reich* and its citizens and of people of German nationality regardless of their citizenship, and defined who could avoid having his property taken. The other part of the Law regulated the treatment of FNRJ citizens living abroad, and who had not answered the summons for repatriation, or had deserted the country. Until passing the Law on confiscation (which will be examined later), such property was placed under State sequestration, or another protection measure was applied according to the Law on confiscation. Art. 2 dealt with the remaining family who could claim a part of the property “sufficient for adequate maintenance”, but if it was a large property or one property significant to the economy (industrial firms, workers etc.), the property went to the State, and “the next of kin shall get a compensation for

⁴¹ Ruling of the Daruvar national court, No. kz. 298/1945, of 20 November 1945. I thank Mr Zeev Milo for letting me use a Xerox copy of the ruling.

the part sanctioned". Art. 6 regulated the sequestration of books, archive material and museum pieces, paintings and statues, scientific collections, musical instruments and other articles of historical or artistic importance.

There are two laws dealing with confiscation. The AVNOJ Presidency adopted the Law regarding property confiscation and its implementation (*Zakon o konfiskaciji imovine i izvršenju konfiskacije*) by which they wanted to solve problems of confiscation perpetrated during the war and immediately after it, but it used different criteria and procedures, which resulted in arbitrariness and mistakes.⁴² The other law was the Law regarding types of penalties (*Zakon o vrstama kazni*) along with amendments.⁴³

The direct link of repatriation and citizenship with the right of repossession of property upon repatriation is seen in the Law regarding citizenship of the DFJ (*Zakon o državljanstvu Demokratska Federativne Jugoslavije*) and the Law regarding citizenship of the FNRJ (*Zakon o državljanstvu Federativne Narodne Republike Jugoslavije*), both of which stipulated that foreign citizens were not allowed to possess property in Yugoslavia, meaning that all those who did not repatriate were denied citizen rights and thus their property.⁴⁴

The laws, orders and instructions which substantially influenced the position of Jews in Croatia were those dealing with nationalization of "private economic enterprises". The first one was passed in 1946, the others in 1947 and 1948. Although the latter do not belong to the timeframe of this paper, they are a part of the process which was to end in the period 1948 to 1952, when more than a half of the Jews who repatriated after the war opted to emigrate to Israel, thus ending a phase in the history of the Jewish community in Croatia. Art. 1 of the Law regarding the nationalization of private business enterprises (*Zakon o nacionalizaciji privatnih privrednih poduzeća*)⁴⁵ dealt with nationalization and state ownership of all "economic firms of general interest for the State and the Republics" in 42 branches of economy. The Presidium of the National Assembly of FNRJ proclaimed which firms were of interest to the State and the Republics (Art. 2 of the Law). Pursuant to Art. 8, the owners were entitled to compensation for the nationalized property, but, pursuant to Art. 14, this did not include firms serving "social, humanitarian, cultural and other purposes". The Decree regarding the transfer of equipment and merger of nationalized enterprises with state economic enterprises and regarding the prior appraisal of the assets of such nationalized enterprises (*Naredba o prijenosu uređaja i spajanju nacionaliziranih poduzeća sa državnim privrednim poduzećima i o prethodnom popisu i procjeni imovine ovih nacionaliziranih poduzeća*)⁴⁶ is an

⁴² *Službeni list DFJ*; 40/45; 70/45; *Službeni list FNRJ* 61/46; 23/49; 79/49; 30/50.

⁴³ *Službeni list DFJ*, 44/45, *Službeni list FNRJ*, 66/46.

⁴⁴ *Službeni list DFJ*, 64/45, *Službeni list FNRJ*, 54/46 and 105/48.

⁴⁵ *Službeni list FNRJ*, 98/46.

⁴⁶ *Službeni list FNRJ*, 17/47.

indicative example of how nationalized enterprises were restructured, thus losing their identity. This made it possible to merge the nationalized enterprises with the state economic enterprises, to merge two nationalized enterprises and to transfer movable property and real estate of nationalized enterprises to state economic enterprises, after the listing and evaluation of the assets of nationalized enterprises being merged or transferred. (Art. 2 of the Law).

The Law concerning amendments to the Law regarding the nationalization of private economic enterprises (*Zakon o izmjenama i dopunama Zakona o nacionalizaciji privatnih privrednih poduzeća*)⁴⁷ of April 28, 1948 extended the scope of nationalized enterprises (Art. 1 of the Law), as well as the definition of real estate owned by foreign citizens, foreign institutions, foreign private and public subjects (Art. 3 of the Law). This article stipulated that a “Yugoslav citizen who acquires foreign citizenship shall lose the right of ownership over real estate in FNRJ, and the real estate shall become the property of the State. Instructions for the transfer of nationalized property of foreign subjects, foreign institutions or foreign private and public-law subjects (*Uputstvo za prenos vlasništva nacionaliziranih nekretnina stranih državljana, stranih ustanova ili stranih privatnih i javnopravnih osoba*)⁴⁸ of June 12, 1948 aimed at identifying real estate in urban areas on FNRJ territory that had come under state ownership based on the Law concerning the amendment of the Law regarding the nationalization of private economic enterprises (*Zakon o izmjenama i dopunama Zakona o nacionalizaciji privatnih privrednih poduzeća*). This was done by local executive committees, but this identification of property was also the duty of “all foreign citizens, institutions, private and public-law subjects” as well as of “users, usufructuaries and plenipotentiaries...” “They are equally obliged to report their real estate on the territory of FNRJ and also the persons who are no longer citizens of FNRJ to the relevant executive committee of the district or the city/local national committee, within 15 days of receiving the certificate”.

It is difficult to identify all the laws by which individual legal subjects were dispossessed of their property. Sometimes they are general in nature, as was the case with the above, but sometimes they were laws regarding ownership of a specific type of activity. One such law was the Law regarding the purchase of private pharmacies (*Zakon o otkupu privatnih apoteka*)⁴⁹ which abolished all concessions for private pharmacies, rendering them state owned.

The authorities of the new Yugoslavia also passed a series of laws which, in addition to the “main” penalty provisions, included consequential measures by which property was confiscated. This included laws dealing with “crimes against the national honour of Croats and Serbs in Croatia”, laws affecting German and Austrian citizens as well as Yugoslav citizens of German nationality,

⁴⁷ *Službeni list FNRJ*, 35/48.

⁴⁸ *Službeni list FNRJ*, 53/48.

⁴⁹ *Službeni list FNRJ*, 50/49.

etc. Thus, having first identified the ownership by restitution of the property, a way of repossessing it was also manifested in the framework of the new Yugoslav legal system.

Case study – the “Na-Ma case” or the “Case against the Jews”⁵⁰

One of the post-war trials which concerned a number of members of the Jewish community was the “Na-Ma case”. It was a trial of “economic criminals”, and the accused were, as far as I have found, Rudolf Klein, Dezider Abraham, Hugo Wollner, Viktor Kohn and Levin Stein. There is different information concerning the case in a number of sources, and it is not clear how it concluded. In the manuscript of the *Židovski biografski leksikon* there is conflicting data on the number of accused: from thirteen, of whom twelve were Jews, to twelve, of whom five were Jews. The State Archives in Zagreb do not contain a single document connected to the case, and there are only records in the District Court in Zagreb (HR-DAZG-1184) and in the County National Court in Zagreb (HR-DAZG-1218) for individual defendants, as well as data on the confiscation of property of Rudolf Klein and Dezider Abraham.

The principal defendant in the trial was Rudolf Klein,⁵¹ deputy manager of the Na-Ma chain of state department stores who was, in April 1947, charged of “negligently doing his duty and causing great losses to the enterprise”. As the principal defendant, he was sentenced to death by firing squad, and his property was confiscated. After the confiscation ruling, the total property of someone sentenced under FNRJ jurisdiction was transferred to the provisional administration and supervision (sequestration) of the City National Committee – Department of public property.⁵²

⁵⁰ The name of the trial is taken from Ivo Goldstein, ed., *Židovski biografski leksikon* (Jewish biographical lexicon) (manuscript)

⁵¹ Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), “Rudolf Klein” (1902-1946/1947?), merchant. Before the Second World War he graduated from the Commercial college, then worked in Zagreb as a clerk. Together with his wife Zdenka nee Rendeli he wore the Jewish sign, but was later exempt from wearing it. He was baptized, then fled to the coast, but he and his wife were first interned in the camp in Kraljevica, then at Kampor on the island of Rab. After the capitulation of Italy and the liberation of the camp, he fought with the Jewish war battalion, and then worked in the District national court in Glina. After the liberation he returned to Zagreb where he worked as the deputy manager of Na-Ma.

⁵² HR-DAZG-1218: “Ruling Kf. 60/47-2 for the listing and assessment of Klein, Rudolf, former deputy manages of Na-Ma, from Zagreb, Šulekova 7, which was placed under temporary management of GNO – Department of public property in Zagreb, pursuant to the ruling of the District Court for the city of Zagreb, No. R.135/947 of 7 February 1947” and “Ruling of GNO in Zagreb, Department of communal economy, Property department: sequestration K60/47. Under District Court of Zone II and III of the City of Zagreb, Križanićeva 3, ...GNO in Zagreb, Department of communal economy, Property department re. sequestration 583 Imov-1947/F 1187” of 24 March 1947. This sequestration was stopped because a confiscation procedure

Dezider Abraham⁵³ was the procurement manager in Na-Ma. His court records have not been preserved, just the court minutes from 1946 and a hefty deed of confiscation. Na-Ma sued him on December 21, 1946 for “having ordered the sale of bad suits. i.e. speculation”. The description says that he got a verdict by “the District Court in Zagreb, No 23/10-47”. On February 7, a ruling was passed allowing the transfer of the total property of Dezider Abraham found on the territory of FNRJ to the provisional administration and supervision of the City national committee - Department for national property in Zagreb. Sequestration was performed on February 27, and his wife Zlata Abraham was appointed guardian. There is a very meticulous list of movables found in the flat, the two rooms used by the Abraham family, from upright piano, settee and wardrobes to the smallest pieces of clothing or objects for personal use, which show details of Dezider and his family’s private life. The numbers in front of the items going into sequester are marked in red pencil. The ruling of the District Court for the city of Zagreb was passed on April 9, 1947. As part of the confiscation deed, the hand-written letter of June 5, 1947 says: “the legally valid ruling by the District Court for the city of Zagreb of 9 April 1947 K-153/47 passed a decision on Dezider Abraham, by which, among other things, his property is to be confiscated. The penalty of confiscation shall come into effect as of 1 August 1945. See verdicts in Konf. 78/47 and 384/49 (joint) ref I (comrade Herlinger)”. The confiscation ruling is dated 24 June 1947, jurisdiction of the District Court for Zone I and II of the city of Zagreb, Amruševa 2. This is the case of movables in the flat at Haulikova 1/I, two rooms with the use of a kitchen and bathroom. The sequestered and then confiscated property was estimated at 51,680 dinar, while Na-Ma had outstanding debts of 153,558.50 dinar.⁵⁴

1-234/47 was started against Rudolf Klein “for real estate registered in land registry book, insert No. 139 Land registry division city of Zagreb, No. 486 with 197.4 square “hvat” at Ilica 148/a, to the name of Rudolf Klein in ¼ of the property share are put under provisional authority and supervision of the State in ¼ of the co-ownership part of the two real estates R.K. (sequestration) The City administration of public housing in Zagreb is invited to take over the abovementioned property immediately. Firstly possible liabilities have to be identified for rent or lease...”

⁵³ Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), “Dezider Abraham” (1892. – ?). After the establishment of the NDH he was an employee of the ŽBOZ. In July 1941 he managed *Skrb za logore*. At some point he left Zagreb.

⁵⁴ HR-DAZG-1218: The sequestration will be done by a court delegate with an adjuster if necessary. The property of the sequestered person are the real estate of Klein, Rudolf of Zagreb, consisting of one quarter of a part of the three-story house at Šulekova 7 and one quarter of a three-story house in Ilica 148/a. The sequestration is to be entered in the land registry books on the real estate of the sequestered person Klein, Rudolf, Šulekova 7, entered in the land registry record No. 1397, Zagreb, cadastre plot No. 486/house, yard and garden in Ilica No. 148/a and in the land registry record 133387, Zagreb cadastre plot 1957/41 house with yard in Šulekova 7. The District Court for Zone I and IV are requested to enter this into their records, as well as the land registry court. See also, Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), “Dezider Abraham”.

His wife Zlata Abraham lodged an appeal against this decision on July 1, 1947 through the solicitor Tomo Jančiković, in which she apparently was not successful.⁵⁵ Although it seems he was sentenced to death, he was taken from prison straight to Rijeka to the s/s *Radnik* in December 1948 and emigrated to Israel. I do not know anything about his destiny after that.⁵⁶

In one version, Hugo Wollner was sentenced to death by a firing squad, and in another version he was sentenced to ten years in prison, but in both he was put on the ship to Israel in 1948.⁵⁷

His co-accused in the trial was Viktor Kohn, director of the *Ivo* restaurant and other fast food restaurants belonging to Na-Ma, who had been arrested in the spring of 1946 and sentenced to two months in prison. After his release from prison he was manager of the Lavoslav Schwarz Jewish old people's home, and in 1948 he emigrated to Israel with his family.⁵⁸

⁵⁵ By this appeal she tried to save as much as possible of her movable property which was included in the confiscation, connecting it to her dowry before the marriage. This document shows that, in 1934, she married Hugo Abraham and had a daughter Tea Abraham with him. Her husband was killed at Jadovno, and she hid her things with different Karlovac friends and escaped. She met Dezider after the war when he returned from German camps (it is not clear whether they were concentration camps or camps for prisoners of war) and they married on March 15, 1946.

⁵⁶ I found his name on the list of emigrants in the first *aliyah* (immigration to Israel), 1948, together with her husband and her daughter (JIM ŽOZ archives, lists of *olim* for Israel). See also Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), "Hugo Wollner", Zeev Milo, *Tako je to bilo u Nezavisnoj Državi Hrvatskoj*, p. 243; in his biography the author says that Hugo Wollner was accused of speculation and sentenced to 10 years in prison. He attempted suicide several times, and was released only in 1948 to go to Israel by ship.

⁵⁷ Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), "Hugo Wollner" (1894-1945 ?). Merchant, before the Second World war, owner of a wholesale underwear and knitwear business in Nikolićeva street in Zagreb, employing some 50 people. Major patron of the Jewish credit and savings bank in Zagreb before the Second World war. President of the Trusteeship board of Apprentice home, founded in 1933, where young people were taught glazier's trade, tailoring and some other trades. After the establishment of the NDH he asked for Aryan rights, and was refused by the state commissioner to continue working in his former firm with his partner Gustav Wollner. He escaped to Hrvatsko primorje, was interned by Italians in the camp at Kraljevica, then, in June 1943, was taken to camp Kampo on the Island of Rab. After the capitulation of Italy and the liberation of the camp in September 1943 he joined the partisan movement and was a member of the commission for taking care of Jewish refugees from Rab on the liberated territory of Lika, Kordun and Banija. After the liberation he returned to Zagreb and started working in Na-Ma.

⁵⁸ Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), "Viktor Kohn" (1900-1978). From 1935 to 1941 he was manager of the popular restaurant *Ivo*, the first fast food restaurant in Croatia. After the establishment of the NDH, in July 1941 he was the procurer and the chef of the restaurant in the Jewish religious community in Zagreb. Together with his wife and heirs he started wearing the Jewish sign, they were arrested twice, and both times were saved by the staff of the restaurant *Ivo*. His friends helped them to get a pass to Karlovac, then to Crikvenica, they were in the camp at Kraljevica and Kampo on the island of Rab. After the capitulation of Italy he joined the partisans and became the main purchasing officer for ZAVNOH and the

Another co-accused was Levin Stein, “son of Jakob, Jew, employee of Na-Ma, no (property), born 1 March 1906 in Zagreb, married - 2 children” The date on the deed was July 8, 1946, and the date of the seizure and court ruling was October 3, 1946. Levin Stein was sentenced, to one month of forced labour and one year suspended sentence for speculation.⁵⁹

Conclusion

The Jewish community in Croatia suffered greatly during the Second World War. The few Jews who survived were in the territory which was not under the control of the Independent State of Croatia. Not all who survived repatriated. As the new state legislature linked property rights with citizenship, they were deprived of any means of regaining their property. The ones who did repatriate did not necessarily return to their original homes or towns. Jews returned to not infrequent denunciations and places that reminded them of the trauma of which they were often the only survivors in their families. Many Jewish communities were not restored after the war, and those that were often were tiny. At that time the Jewish religious community in Zagreb was a logistic and social centre for those who did return to the territory of Croatia.

The survivors also faced legal and social insecurity, like the rest of the population. The situation of Jews belonging to the pre-war middle class was especially difficult because the new authorities wanted to *settle accounts with the middle class*. During the NDH they were robbed and taken to concentration camps or they hid or escaped. In the new system, they were seen as suspicious, as *class enemies*. They returned to situations where confiscation (the penalty accompanying many criminal offences) was applied to the property of surviving Jews because the state wanted to alter the structure of ownership. Those Jews who managed to survive the Second World War as “indispensable personnel” in an enterprise were regarded as collaborators with the enemy. All these measures of confiscating property in communist Yugoslavia achieved their objective of changing the ownership structure, a similar process happened only in Czechoslovakia. A number of Jews were also suspected of being British spies, and this continued into the post-war period. Finally, Jews remained an untrusted minority group, *per se ipsa*.

Although the law defined them as a religious community, they were perceived as another non-Slavonic minority, which in the period immediately af-

Government of the People's Republic of Croatia, where he remained until the end of the war. After the liberation he returned to Zagreb, became the manager of the restaurant *Ivo* and other fast-food restaurants belonging to Na-Ma.

⁵⁹ HR-DAZG-1184, District court for the city of Zagreb (1945-1946), sign. 68. There is only an entry in the court register from 1946. Ivo Goldstein ed. *Židovski biografski leksikon* (manuscript), “Levin Stein”.

ter the war when tens of millions of people crossed various borders, was not an endearing condition. The time immediately following the Second World War is thus marked by the emigration of Germans, Hungarians, Italians and Turks. (The Czech and Polish migrants mainly emigrated because they were invited by their original countries in the context of their post-war relationship with the German minority in Czechoslovakia and Poland.) Until 1948, it was not easy to emigrate from Yugoslavia, and the destinations were Western countries, the USA and Australia. After 1948, there was a new phase, when the regime decided to let its Jews emigrate (except those who had jobs in high demand), and about half of those who survived and who had not yet emigrated moved to Israel. In the process, they had to waive Yugoslav citizenship (Yugoslavia did not recognize dual citizenship), and relinquish their property and right of reappropriation. 1948 marks the determinative end of post-war Jewish history in Yugoslavia, and this history symbolically concludes in 1952 when the process of emigrating to Israel drew to a close, and the Jewish communities deleted the word "religious" from their name.

Juden zwischen zwei Totalitarismen: gesetzliche Regelung des Vermögensrechtes

Zusammenfassung

In dieser Arbeit wird in kurzen Zügen allgemeine Lage der Juden in Kroatien nach dem Ende des Zweiten Weltkrieges im schicksalsreichen Jahre 1945 dargestellt und ihre Entwicklung bis zum Beginn des Jahres 1948 auch grob skizziert. Die Hauptmerkmale der Lage der Juden in Kroatien nach dem Kriegsende werden beschrieben: die Restauration des Bundes der jüdischen Gemeinden in Belgrad und der jüdischen Gemeinden auf dem Gebiet Kroatiens, Versuche der Wiederherstellung der jüdischen Organisationen aus der Vorkriegszeit, Erneuerung der Mitgliedschaft in internationalen jüdischen Organisationen sowie Hilfeleistung der internationalen jüdischen Organisationen wenigen Juden in Kroatien, die den Krieg überlebten. Vermögensfragen und vor allem jene, die mit dem persönlichen Vermögen der Juden sowie mit dem Vermögen der jüdischen Gemeinden und Organisationen in Kroatien in Verbindung stehen, werden besonders berücksichtigt. Im Artikel wird eine direkte Verbindung zwischen Repatriierung/Staatszugehörigkeit und dem Recht auf Wiedergabe oder Besitzen des Vermögens hergestellt und zwar auf Grund einer Reihe von Gesetzen, die außer wichtigen strafrechtlichen Bestimmungen auch konsequentialistische Maßnahmen beinhalten, die die Konfiskation des Vermögens ermöglichen. Nachdem zuerst das Eigentum im Prozess der Wiedergabe des Vermögens identifiziert worden war, wurde auf solche Weise

ein Modus für die Konfiskation des Vermögens im Rahmen des neuen jugoslawischen Rechtssystems gefunden, was alles die Veränderung der Eigentumsstruktur im neuen Jugoslawien zum Ziel hatte.

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