



**Start of [Ernst Frankenstein was
born in Dortmund, Germany...].**

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[Ernst Frankenstein was born in Dortmund, Germany...], 1990

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Ernst Frankenstein was born in Dortmund, Germany, on May 31st, 1881, grew up in Berlin where his parents moved in 1884. I have never written about him because he is my father, a fact that in my eyes disqualified me. He was sufficiently prominent in his field, leaving a considerable number of works in print: a four - volume treatise "Internationales Privatrecht", published between 1926 and 1936, "Projet d'un code européen de droit international privé", started four years later and published in 1950, books, essays and articles on other subjects. They have been read, reviewed, used by students, forgotten and rediscovered. Anyway they exist on the shelves of university libraries and private ones. There seemed to be nothing to add.

And then almost forty years after his death, many of his papers and manuscripts have come into my possession and I found not only material pertaining to his published works and correspondence, but a vast documentation on his family and life. Someone who placed order and reason so high, does not collect and leave such information for no purpose. Only I ignore the purpose he had in mind. He was too private a person to wish to exist other than through his writings. The history of his family that I only now discover, was to him, I believe, a history among others. Perhaps the answer can be found with the lawyer he was, who knew the value of individual testimony to the understanding of complex processes and events. The notes he jotted down throughout his life, were they not precisely that: the testimony of a witness to the troubled history of Germany and its Jews in his time? He was a German and Jew.

He was born the year where, not so far away, in England, an old Jewish statesman of Venetian descent was buried in Westminster Abbey and where, further to the East, in Russia, survivors buried fellow Jews massacred in pogroms.

It was a year of sorrow and fear for the ones, pride for the others. The difference of fate owed little to chance; history was the determining factor. A subject that was to interest passionately the future jurist and author and reflect on his way



of thinking. History taught him the precariousness of the existence of minorities, especially of the Jews. His own family had lived for centuries not far from the Rhine. They were Germans. Some went to live abroad. They travelled but did not flee. And it was given to this particular member to see the shadows that others did not see and to keep ahead of events.

He was a schoolboy in the eighteen-eighties, a student in the nineties, in 1903 a doctor of law. But already for a number of years his free time was devoted to what he considered his true vocation. The adolescent, enthralled by the 'Meistersinger', wrote play upon play which must not have seemed strange in a family where music and literature held so big a part. Publishing a trade-paper could not have given great satisfaction to his artistic father, an excellent pianist, but not a talented provider; the son had to help out. He would have preferred to devote his days to writing, but found the study of law that would give him access to a profession, congenial with its schooling of the mind. And most important, it provided a key to the structure of human society.

His travels as a student, walking tours, talent for languages, made him choose early an international discipline: private international law, in which he was encouraged by Justizrat Julius Magnus who was to become a lifelong friend. A heart condition, diagnosed in 1902 kept the young lawyer out of the armed forces, and it was as a civilian that he witnessed the folly of war. It brought him personal grief: his closest friend, the poet Walther Heymann fell in 1915.

Two years later, in 1917, his mother died. The words pronounced at the brief non-religious ceremony in the Lichterfelde cemetery reveal the bond between mother and son. The mother who did not 'write but lived poetry' and shared the artistic aspirations of her children. The strong, frail woman who loved the German forests, the pine-trees of Thuringia amongst which she used to walk. Ailing, she recreated in her mind a world she was losing well before many would be brutally deprived of it by a barbarian

régime.

The evermore foreboding shadows of the post-war years were not due to pessimism or melancholy. In December 1918 he had married the young Ilse Neustadt who, for love of him, left her native Hamburg to which she was deeply attached. Together they made their home in Dahlem, where his main work was to see the light, where children were born, trees planted. These were happy, long days; starting at his office in town, the afternoon writing at home till the evening with its reading out aloud of books and listening to records. But the outside world on its course to disaster could not be ignored. The social disorder in Germany, poverty, inflation, the assassination of Rathenau, the Hitler Putsch, the ever growing crowds of unemployed and the ominous tides of brownshirts in the streets. And yet, few seemed to understand his leaving the country in 1931 (two years before Hitler came to power) 'for research at the Bibliothèque Nationale' in Paris, in fact to explore the possibilities of emigration. And when, in 1933, he left for good, there were still those who wanted to believe that so enlightened a people as the Germans would not for long remain under this evil spell and that they would soon awake from the Nazi nightmare. Others however, well-informed, well-established, just as their very opposites who had known too many nightmares elsewhere, filled the railway stations, in the hope of getting on a train that would take them out of Germany.

The Italian embassy whose legal adviser EF had been for many years, was helpful in procuring him all information and an immediate appointment at the foreign ministry, where a paper was issued asserting that the lawyer and his family travelled for professional reasons, and that EF's presence in Italy was of vital interest to the Reich. In fact, wishing to settle in the country he loved and where he felt at home, he wanted to seek the views of colleagues in Milan and Rome. The honour of being made later in the year a 'Commendatore of the Order of the Italian Realm' that he must have known about, was not to prevail in his mind over Professor Giorgio Del Vecchio's words of

friendship and concern: the régime could not be relied on to do anything (such as permitting an academic appointment of a German Jewish refugee) that might incur the displeasure of the Wilhelmstrasse. He left Italy and took us to France, a familiar and congenial country, but too close, geographically, to the German Reich. His forebodings were to prove true. In breach of the Versailles and the Locarno treaties, Germany remilitarized the left bank of the Rhine in March 1936. The lack of reaction of the British and the French was a signal to EF that it was unwise to stay on in Paris. England was a country he knew little, and whereas he expressed himself in Italian and French almost as fluently as in German, thus being able to contribute to publications in all three languages, he did not write in English. But he loved the English poets and was to admire the courage of the people during the war. He was to live in the country for twenty-three years and, after a period of adaptation, wrote books and essays in English, but never felt at home in England. His home was the German language that he had never ceased to love. He was a German Jew and lived this duality fully. Though in childhood he knew little about his Jewish heritage, he studied as an adult the history of the people to whom he felt he belonged. 'Schicksalsgemeinschaft', the community of fate shared, as he called it, was a strong bond to the man who had seemed up to then to have none that he had not freely chosen.

'Justice for my people' was not just the title of a book he wrote and for which he did extensive research in the darkest hours of the war: it was a cry from the heart of a very quiet man, it was the cause he served to the end of his days with the tools that were his, the pen and the trained mind of the lawyer.

The outline of his life runs through the works in print and is in no way contradicted by the papers and the diary I only got to know recently. The latter however add another dimension to the story. Unlike most diaries his is not a day to day account of events and thoughts. It covers the first thirty-seven years of his life, and was written down, probably from earlier notes, in

the mid-thirties. A few lines per year, in the same small, regular handwriting, with the same pen, the same ink. The diary includes a family-tree.

I have no recollection of it ever being mentioned. I now find it in the diary, and the original that it was copied from in a letter written in 1935 by Julius Frankenstein, son of the brother of EF's grand-father who lived in Hanover, as well as a photo of the old cemetery of Hemmeringen, with Jewish tombstones. The letter refers to one that EF must have written, and answers questions he must have asked. This seems surprising for someone who had never shown much interest in family history and makes me wonder whether the questions did not stem from the same foreboding that had made EF leave Germany in the early thirties, and in the mid-thirties gather information that soon there would be no one left to give.

Thinking back to the time of this exchange that I knew nothing about, I do remember the subject of preoccupation that was foremost on his mind: how to get people out of Germany. The numerous letters written and received, application-forms filled in, in the struggle against bureaucracy that had sprung up in England and other countries faced with the problem of asylum-seekers, mainly Jews. Barriers were set up to reduce their numbers to the lowest possible level.

To come back to the family tree: the first Frankenstein mentioned, Lucas, was born around 1780 in the Hessian locality of Frankenstein. Profession 'banker' in a small town and collector for the state-lottery. A dishonest employee absconded with the money of the winning ticket that he was to deliver to a client. Lucas had to sell everything he owned, to restitute the considerable sum, and was ruined. Thus his younger children did not receive the same education as the elder ones. One son went to live in London, another in Bordeaux. Still another, Nathan, born in Hemmeringen in 1821 was a mechanical engineer who, for many years, worked on the railway line that was to link Cologne to Berlin. He settled in Dortmund, married, is said thave built

the first sewing machine, died in 1897. EF attended the funeral.

On the Melchior side - his mother was born Adele Melchior - the pattern was similar. The first Melchior in the family tree was born in 1730 in the Palatinate. The second, Abraham, in 1775, his son, Herz, in 1823, whose daughter, Adele, was born in 1855. In both families, the first names in the second part of the century had ceased to be Jewish. They were called Adele, Mathilde, Elise, Emil, Charles in the one, Alvine, Otilie, Reinhold, Emilie, in the other. The exception being EF's father, Sally, born in Dortmund in 1850.

Apart from sharing the evolution of first names, the two families seemed to have had much in common. On the same page of the local newspaper that carries the announcement of the engagement of Adele and Sally in 1879, is announced the engagement of another Frankenstein-Melchior couple. But the number of love letters that Sally and Adele exchanged in a clandestine correspondence, signed Ernst and Elisabeth, makes an 'arranged' marriage unlikely. The son born a year after the marriage inherited the name of the 'suitor' and was called Ernst. His sister, born six years later, was not called Elisabeth, but Grete (Margarethe). The family moved house frequently. First in Dortmund and then in Berlin where the young couple went to live with their tree year old boy. The Melchior family owned a trade-paper in the capital that needed an editor, unless the job was created for Adele's husband. He wrote well, a trait found in both families. They were well-read, but lacked entrepreneurial spirit: they acquired knowledge, skills, but no fortune with the exception of another Ernst, born in 1852 in Cologne, who was to become Ernest, Sir Ernest Cassel in England, an eminent financier. His friendship with the Prince of Wales, future Edward VII brought him the nickname of 'Windsor Cassel' amongst his peers. He died in 1924. He was best known for his wealth, philanthropies and his grand-daughter, Edwina, named after the king who was her godfather. She was later to become Lady Mountbatten.

Neither her name, nor her grand-father's were familiar to us children before we came to England. Probably because Sir Ernest had converted to Christianity and to EF, though a non-practising Jew, the idea of leaving a persecuted community was unacceptable. The fate of the Jews in Eastern Europe could not have been ignored by Cassel who was a close friend of Jacob Schiff, the New York German Jewish banker who, deeply affected by the pogroms in Russia, put all his energy into creating the Hebrew Imigrant Aid Society (HIAS), that would help Jews get to the United States. However, though not a Zionist, Cassel contributed generously to another friend's, Sir Moses Montefiore's development plans in Palestine.

To EF the 'Hofjude' was an anachronism, and the world of finance held no attraction to him, inspite of his having had to become, at an early age, an earner. A quite considerable one, judging by the figures of his income already before the first world war. He would have preferred to devote his days to writing, but knew that the pen was unlikely to provide financial security to his parents, whereas the legal practice would do so. As later it enabled him to create the home he had longed for with the young Ilse Neustadt.

In 1930 he was invited to give a series of lectures at the Hague Academy of International Law. It was a happy experience. He was a born teacher and looked forward to other such occasions in the future. But politics decided otherwise. Instead of summer seminars, it was emigration. Removal vans were to transport his vast library, furniture and even a couple of trees in containers to Paris, where a plot of land had to be rented for the latter. Three years later, other removal vans were to take all that had come from Berlin, the trees excepted, to London. Thanks to the books and the garden, the setting somewhat reduced in size seemed little changed. The long walks in Northwood resembled those in Dahlem. In the evenings we listened to the same records and to EF's reading out aloud the German classics that he did not want his children to be deprived of. The war had not yet broken out, but he knew that it was imminent and that he

would not return to Germany, once it was over. His home, nevertheless, remained a German-speaking one, which contributed to the sense of continuity that he brought to all things. The same continuity in the small, steady handwriting. Whatever the language he wrote in, it resembled that of the schoolboy of the Kaiser Wilhelm Gymnasium inspite of the change from the Gothic to the Latin script many years earlier. The essays of the student, the verses and dramas of the young poet were all of the same hand. Perhaps because he had the faculty of remaining one and the same in changing circumstances.

And circumstances were changing rapidly: the international lawyer, whose clientèle had been one of major corporations and private interests, was now defending causes. The fourth volume of his 'Internationales Privatrecht' was still at the printers, and people, not colleagues or friends or clients came to our Passy home. Meetings were held in EF's study and lectures in the large entrance hall. The speakers were, as I now see in the guest book, eminent personalities. In the London home, too, there were meetings and the subjects discussed, the same; but it was the late thirties and time was running out. The fate of the Jews in Germany was growing desperate. And there was the British White Paper that would close the doors of Palestine to those who might have found a safe haven there. EF's whole energy went into fighting this document. Whith dismay he followed the Evian Conference that had decided not to decide anything. To the Nazi regime both the conference and the White Paper were clear signals that it could go ahead with what was later to be known as the 'final solution'.

After the war, the British government pursued its policy of keeping the surviving Jews out of Palestine and prevented the few who had made it to Haifa from landing and sent them back to Bergen-Belsen in Germny or to internment camps in Cyprus. EF addressed an open letter, published in the U.S., to the British foreign secretary, Ernest Bevin. The letter, not a cry of outrage, but like 'Justice for my People', a concise history of the peoples involved, and a vigorous debunking of the myths



created to justify the policy. The letter did not go unnoticed.

At about the same time, he wrote an essay on the German question exploring the ways to integrate, into a pacified Europe, this complex people that had brought such havoc to the world but had been capable of contributing the highest feats to human culture.

He had witnessed the aftermath of the first world war that had led to disaster. I remember the discussions he had with other intellectuals in Oxford and in London. Some refugees, politically engaged, planned to return to Germany to participate in its reconstruction. EF respected their choice that was not his. He had severed all links with his native land long ago. His thoughts were turned more and more towards the future, a future, where the events of the past decades must not be allowed to repeat themselves. Mentalities would have to change. He used a pen-name for the 'Future of Man' to avoid the utopian aspirations expressed in this book, to reflect on 'Justice for my People' and his other writings.

He greeted the declaration of independence of the Jewish State in May 1948 with a sigh of relief, joy and apprehension. The transcript of a lecture held in Jerusalem in 1953 reveals his ardent wish to see the young state play its part fully in the intellectual endeavours of the community of nations.

His 'Projet d'un code européen de droit international privé' had been published in the Netherlands three years before. He had found encouragement for the vast enterprise from other convinced Europeans and eminent jurists, amongst them René Cassin, one of the fathers of the Declaration of Human Rights and future Nobel Peace Prize laureate: a Frenchman and a Jew.

The 'Code' was later to find a special resonance with Professor Kurt Siehr who dwells at some length on it in his analysis of EF's writings. More than half a century his junior, Kurt Siehr comes of a long line of distinguished German jurists. His academic career has taken him to numerous universities in

different countries, and regularly to those of Tel-Aviv and Jerusalem. He also taught at the Hague Academy of International Law. The two men were not to meet, but their affinities of thought, culture and ideals is evident.

As a young man, EF had written fiction. But for most of his life he had not felt free to choose his subjects: they were imposed on him by events. There was one, however, that he had particularly at heart after the creation of the State of Israel and the ensuing wars: the reconciliation of Arabs and Jews for which he wanted to reach a larger public, one that did not read essays or books of law. Where better could it be expressed than in a play, by an Arab girl and a Jewish boy caught in an air raid where, facing the same danger, they became aware that they did not fear each other but for each other?

He did not have time to finish it. Unlike the youthful dramas, this text resolutely headed away from tragedy. The English dialogue was simple, in an everyday language. EF had a good ear and was in tune with his time. A faculty that had not prevented him from foreseeing what most of his fellow men had not seen or not wanted to see.

That in his last manuscript confrontation should have been replaced by recognition, arguments by feeling would not have surprised those who knew him.

He chose to serve causes. Literary creation was, as he always said 'for later'.

Björn Reil





**End of [Ernst Frankenstein was
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