



Kafka's estate executives: the state is trying to take over the manuscripts

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The estate executives of Esther Hoffa, Max Brod's secretary, blame the state for “ugly efforts” to take over Franz Kafka's manuscripts. They argue that it is a conduct that is “inappropriate for a democratic state”, which is reminiscent of “dark states, that we would not want to belong to”. Last week, attorneys Shmulik Cassouto and Rami Hadar, the estate executives appointed by the court, filed their final report to the Tel-Aviv Family Court, leading up to the judgment, which is soon expected.

The estate executives' arguments are a harsh indictment against the state, who recently argued in court that Kafka's manuscripts belong to the National Library in Jerusalem and that Esther Hoffa violated the will of Brod, Kafka's friend, who requested to transfer them to a public archive, and even mentioned explicitly the National Library as their preferred destination.

“There is a strong scent of ‘nationalization’ coming from this case. Any decent person who looks at it will find it hard not to feel a sense of unease on the state's ugly efforts, going on for years, to take over Kafka's manuscripts”, the attorneys wrote in their response. According to them, Max Brod gave these manuscripts to “the person closest to him”, his secretary Esther Hoffa, and therefore the state has no right to expropriate them from the hands of her heiresses – Hava Hoffa and her sister Ruth Wisler, who passed away one month ago.



The attorneys, who are represented by their counsels Dan Novhari and Ronen Bar-On, argue in the report that the state has to honor the last wish of Max Brod, who appointed his secretary Esther Hoffa to handle his estate, and determined that she will decide where the manuscripts in the estate will be transferred to. “It is the right of every person to do with his possessions as he wishes – puzzling as it is”, they wrote.

According to them, Basic Law: Human Dignity and Liberty requires the state and its mechanisms to “carefully guard the right to property of every person, including the property of elderly women, even if they are ‘not so nice’, and even if it is frustrating for the state that in their hands fell a treasure that Israel would be happy to display with pride and for show”.

In the report, the attorneys also referred to the death of Ruth Wisler, Esther Hoffa’s daughter, and argued that after her death, court has to respect the “will of the deceased”. According to them, “all the main players of the fascinating case had passed away”. Therefore, the starting point for any decision that meets the threshold of the court is respecting the will of the deceased.