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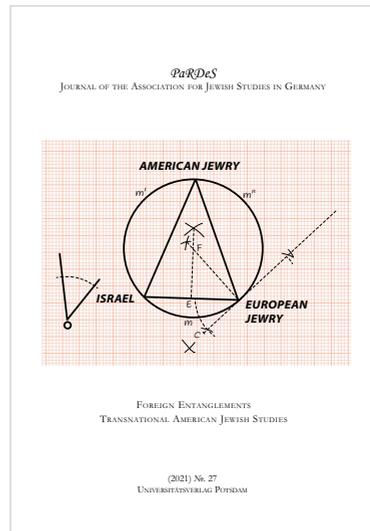
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“Advocate of the Jewish People” Nehemia Robinson’s Legal Activism after 1945: An Introduction

by Elisabeth Gallas and Miriam Rürup

Source: Memorial Brochure “1898–1964: Dr. Nehemia Robinson,” World Jewish Congress, New York, 1965

In the field of international law in the US, a plethora of new or redefined concepts developed in response to the Second World War, the Holocaust, and the emergence of the Cold War. Many Jewish lawyers, often émigrés, participated in the preparation of perpetrator trials and filing indemnification claims against Germany. They assumed key roles in redefining human rights and refugee law standards and helped create tools to counter genocidal violence internationally. Recent scholarship has started to systematically explore this field, recognizing a Jewish angle in postwar legal history and international relations, that many of the innovative approaches and ideas involving human rights law came from Jewish legal scholars in the US, often refugees from Europe. Their work left a visible mark on conventions and legal documents for international forums like the United Nations,¹ reflecting their European experience and education from the interwar and war periods.²

¹ See for example James Loeffler, *Rooted Cosmopolitans: Jews and Human Rights in the Twentieth Century* (New Haven: Yale University Press, 2018); James Loeffler and Moria Paz, eds., *The Law of Strangers: Jewish Lawyers and International Law in the Twentieth Century* (Cambridge: Cambridge University Press, 2019); Nathan A. Kurz, *Jewish Internationalism and Human Rights after the Holocaust* (Cambridge: Cambridge University Press, 2021); Gilad Ben-Nun, “How Jewish is International Law?” *Journal of the History of International Law* 23 (2020): 249–281; Philippe Sands, *East West Street: On the Origins of Genocide and Crimes against Humanity* (London: Weidenfeld & Nicholson, 2016).

² Rotem Giladi, *Jews, Sovereignty, and International Law: Ideology and Ambivalence in Early Israeli Legal Diplomacy* (New York/Oxford: Oxford University Press, 2021); Miriam Rürup, “Legal Expertise and Biographical Experience. Statelessness, Migrants, and the Shaping of New Legal Knowledge in the Postwar World,” *Geschichte und Gesellschaft* 43 (2017): 438–465; Leora Bilsky and Annette Weinke, eds., *Jewish-European Émigré Lawyers: Twentieth Century International Humanitarian Law as Idea and Profession* (Göttingen: Wallstein, 2021).

Historians created new awareness for this group of Jewish lawyers who, after experiencing the monstrous crimes of the Holocaust, turned to law and found consolation in making the world more peaceful. But this narrative has become imbalanced. As James Loeffler aptly describes it, “[a]rchetypal victims, Jewish lawyers come to represent avatars of international morality. This has then created a metanarrative in which exile and suffering spur moral revolution and global justice.”³ He calls for a more comprehensive and nuanced approach to Jewish legal biographies, giving room to the lawyers’ political interests, their prewar experiences and political activities, social factors, and personal sensibilities.⁴

With Loeffler’s caveat in mind, it is clear that for Jewish lawyers, having been forced to leave their homelands and familiar national legal systems for the international sphere, the law represented a matter of professional survival. For sure, most émigré lawyers and legal scholars did not turn to international law, but those who did deserve even more scholarly attention than they have so far received, and questions such as whether they took a specifically Jewish approach to international law – or even to law in general – ought to be considered.⁵

One person of note, Nehemia Robinson (1898–1964), has received too little attention in this growing field of interest. Robinson has often been overshadowed by his much more prominent brother, the lawyer Jacob Robinson. Yet he significantly shaped the legal activities of the World Jewish Congress (WJC) as well as other central Jewish organizations in the US that functioned as the motors of Jewish international advocacy from the 1940s to the 1960s. This Lithuanian-born jurist, trained at Jena University in Germany in the 1920s and practitioner of law in Kovno, Lithuania, in the interwar period, masterminded most of the important interventions in international criminal law launched by the WJC from New York.

On a theoretical as well as practical level, Nehemia Robinson actively commented on, shaped, and applied new legal instruments to confront the

³ James Loeffler, “Promise and Peril: Reflections on Jewish International Legal Biography”, in *Jewish-European Émigré Lawyers*, eds. Bilsky and Weinke, 35–50, here 43.

⁴ Loeffler, “Promise and Peril,” 44.

⁵ For the most recent publication addressing this broader question, see Michael Stolleis and Till van Rahden, eds., *Emanzipation und Recht: Zur Geschichte der Rechtswissenschaft und der jüdischen Gleichberechtigung*, (Frankfurt/M.: Vittorio Klostermann, 2021).

Nazi crimes and to fill gaps of international criminal law regarding the interests, claims, and needs of non-state collectives, especially those of Jews in distress.

Robinson demonstrates the transnational perspective in Jewish historical studies not only because of his work as a lawyer deeply committed to the Jewish cause and the struggle for justice, but by looking at his career, we can understand this specific form of commitment and its impact. He personified the worldwide dimension of Jewish legal activism as it evolved after World War II and under the impression of the growing divide between East and West.

By focussing on one specific document we want to highlight some of the main areas of American Jewish legal activism in the postwar period with its international implications, and to emphasize how the new definitions and concepts Robinson brought forward reflected the ideas and practices of his prewar life in central and eastern Europe. This document reveals much about how Jewish activists in the transnational sphere, one which linked Europe, Israel, and the US, understood Robinson’s work and how they embodied the global connections which brought Jews together, across boundaries. The document is a memorial brochure created by his colleagues after Nehemia Robinson’s sudden and unexpected death in January 1964 at the age of 66. It expressed their grief and collective dedication to further his work.

The 45-page long brochure, published by the WJC, consists of three parts: the “Tributes and Messages” of a few dozen colleagues, friends, and acquaintances form the centerpiece, supplemented by an opening biographical sketch and an unpublished article by Robinson at the end.⁶ The eulogies vary in length and include political tributes and individual messages from colleagues and fellow activists, such as from the WJC and the Zionist movement. The editors grouped these pieces according to Robinson’s areas of activity as well as along national lines, with separate groupings of those from Israel, West Germany, and the US.

Featuring many characteristics James Loeffler identified as the later “mystification” of the group of Jewish international lawyers, this collective eulogy

⁶ We worked from a copy of the brochure held by the National Library of Israel (General Collection, system no. 990021985150205171), which indicates it formerly belonged to “Feinberg,” most likely Nathan Feinberg, himself an activist in the Comité des Délégations Juives and an expert in international law, who had immigrated to Palestine in 1924 and was a key figure in the establishment of the faculty of law at the Hebrew University of Jerusalem.

must certainly be assessed critically for a historically balanced reconstruction of Robinson's activities. Still, this collection represents an ideal starting point for a first biographical *tour d'horizon* of this multifaceted figure. An even closer reading could open up questions for future research in the area of American Jewish postwar advocacy from a transnational perspective, or rather within a transnational milieu.

Jewish Legal Activism in the Postwar Period

The first section of the brochure, entitled "Biography," together with the contribution of Robinson's WJC peer Maurice L. Perlzweig, which opens the second, main section, featuring the condolences of Robinson's colleagues, reveal the many facets of his political and professional commitments. He stands for an entire generation and network of scholars and activists involved in the postwar American endeavor to invest in international relations and peace with the aim of supporting Jewish sovereignty on the one hand, and a safe Jewish diaspora existence on the other. In advocating both, Robinson took a clear stand in the face of the postwar Zionist call for the "ingathering of the exiles," and just like his brother, his understanding of strengthening the Jewish diaspora went hand in hand with, for example, support of Israel in all claims with Germany. The brochure lists the eulogists from Israel, such as from Golda Meir, under the heading, "Robinson had won the love and affection of all Israel."⁷

Beginning in 1947 Robinson headed the Institute of Jewish Affairs in New York. The WJC's think tank for Jewish politics and legal problems had, since its establishment in November 1941, evolved into one of the strongest voices in the concert of Jewish international agencies and organizations striving to integrate the Jewish perspective into international negotiations about the postwar order.⁸

The brochure highlights four areas Robinson was especially involved in, whether through commentary, conceptualization, or practical initiatives: "con-

⁷ Memorial Brochure "1898–1964: Dr. Nehemia Robinson," World Jewish Congress, New York, 1965, 17.

⁸ Gil Rubin, *The Future of the Jews: Planning for the Postwar Order* (forthcoming); Zohar Segev, *The World Jewish Congress during the Holocaust: Between Activism and Restraint* (Berlin/Boston: De Gruyter, 2014).

temporary Jewish affairs, the United Nations, prosecution of war criminals, and indemnification of the victims of the Nazi terror.”⁹ Because of this dual approach – providing strategies and ideas but also working to implement them – Robinson stands as an example of what we want to call a Jewish legal activist. He published systematic commentaries on the UN conventions that were most important from the Jewish perspective, and provided pioneering work in the realm of restorative justice, especially concerning restitution and indemnification claims.¹⁰ But he also was involved in the “tracing of witnesses, who could testify to the crimes committed by the Nazi regime,”¹¹ helping the German and Austrian public prosecutors’ offices find and integrate into their investigations hundreds of testimonies.¹² As a significant number of the contributions in the brochure make clear, he never retreated to a scholarly existence, but rather was always equally absorbed in practical work.

His work was oriented towards creating a better future for the Jews in the diaspora. As the brochure implies, he prepared the documents for the WJC’s advocacy for the Jews in the Soviet Union and Arab countries, hoping to improve their situations at home or to assist in their migration to Israel or elsewhere. He was a global player in touch with representatives of Jewish communities all over the world, and his knowledge of the living conditions of Jews from Argentina to Australia proved indispensable to the WJC’s political strategies.¹³ Beyond the context of Jewish politics, he “made innumerable contributions in the field of human rights and in the development of an international community in which such rights would be developed and protected” in the ranks of the UN.¹⁴ Convinced that “Jewish rights were best protected if the human rights were assured,” as historian Nathan Kurz recently put it,

⁹ Memorial Brochure, 8.

¹⁰ Comments on the Declaration of Death of Missing Persons, the Convention Relating to the Status of Refugees, the Convention to the Status of Stateless Persons, the Genocide Convention, and the Universal Declaration of Human Rights. His most important work regarding restitution issues is: Nehemia Robinson, *Indemnification and Reparations: Jewish Aspects* (New York: Institute of Jewish Affairs, 1944).

¹¹ Memorial Brochure, 9.

¹² Dagj Knellessen, “Zeugen gesucht. Nehemia Robinson und die Zentrale Stelle,” *Jüdische Geschichte & Kultur. Magazin des Dubnow-Instituts* 3 (2019): 22–23.

¹³ See Kurz, *Jewish Internationalism*.

¹⁴ Memorial Brochure, 12.

Robinson took part in many UN meetings, including the 1951 Refugee Convention where he pushed for the implementation of the principle of *non-refoulement*, negotiated and signed on Israel's behalf by his brother Jacob.¹⁵

At the same time, Nehemia Robinson meticulously confronted the catastrophe of the past in his urge to bring Nazi perpetrators to trial and to ensure victims their rightful indemnifications. The voices collected in the brochure underline Robinson's vast efforts in this sphere, in particular emphasizing that the pathbreaking treaties concluded with Germany on the issue of reparations in 1952, which led to the famous Luxembourg Agreement, would not have been concluded without his commitment and knowledge.¹⁶

European Roots

Robinson's activities and profile can be understood as deeply rooted in European Jewish traditions of diplomacy and political intervention that took off in the 19th century and came to fruition in the interwar period. Many jurists, mostly those stemming from eastern European countries, after the First World War were deeply invested in creating the means to improve the legal situation of the Jews worldwide, supporting and enforcing Jewish minority rights and legal equality in the new nation states born in the former Habsburg and Russian empires, and protecting Jews from violent assaults and pogroms. The so-called *Gegenwartsarbeit*, "work in the present," aimed at supporting Jewish national minorities (as opposed to the future-oriented Zionist projects that turned all attention towards Palestine and, after 1948, Israel) should be understood as the main political influence on activists like Robinson.¹⁷ The Institute of Jewish Affairs can be seen as an heir to the *Comité des Délégations Juives*, active at the 1919 Paris Peace Conference and representing Jewish interests in various states and at the League of Nations in the interwar period. People who contributed to the brochure embodied this continuous line of activity, most prominently then president of the WJC, Nahum Goldmann. While Robinson's commitments echo those of his predecessors working for the *Comité* in Paris

¹⁵ Kurz, *Jewish Internationalism*, 2; Gilad Ben-Nun, "From Ad Hoc to Universal: The International Refugee Regime from Fragmentation to Unity 1922–1954," *Refugee Survey Quarterly* 34 (2015): 23–44; Rürup, "Legal Expertise," 438.

¹⁶ Dan Diner, *Rituelle Distanz: Israels deutsche Frage* (München: DVA, 2015).

¹⁷ Dimitry Shumsky, "Gegenwartsarbeit", in *Enzyklopädie jüdischer Geschichte und Kultur*, vol. 2, ed. Dan Diner (Stuttgart/Weimar: Metzler, 2012), 402–406.

and Geneva, we learn from the testimonies in the brochure that he was fully aware of the flaws in international law after the First World War that had failed to adequately protect the Jews of Europe. As his peers suggest, this failure drove him to think of different legal means that might be more successful and, just as importantly, protect all minority groups in the world.

Most prominently we can see this shift in perspective in his work for indemnification and restitution claims. Rooted in European traditions of legal advocacy, Robinson at the same time was in search of new forms and instruments that would address new global challenges. In the brochure, colleagues praise his involvement in this area above all others. Moses A. Leavitt, treasurer of the Conference on Jewish Material Claims against Germany, emphasizes in his eulogy that the innovative idea of installing Jewish trustee and successor organizations to claim and manage heirless or unidentifiable Jewish property that had been stolen, “aryanized,” dispersed, or left behind during the war, and found in Germany by the Allied troops, was mainly Robinson’s. And he takes his tribute even further, claiming, “without him, I am convinced, we could not have secured the indemnification law as it was finally adopted by the German Parliament – without his knowledge and effort.”¹⁸ What was pioneering in Robinson’s intervention into existing international regulations on restitution was firstly to challenge the territorial principle that foresaw the return of war booty to the countries of origin, and secondly to give non-state actors, such as the Jewish people, a voice and representation in negotiations that by principle only allowed for states to take part in. In his long and comprehensive 1944 study, “Indemnification and Reparations: Jewish Aspects,” he laid down this new approach to restitution and indemnification procedures and provided an innovative perspective in international law, opening a greater role for NGOs and non-state representatives. His vision clearly echoed the legal acknowledgement of Jewish national autonomy and minority status pressed for by Jewish politicians and activists in eastern Europe and elsewhere during the interwar period. But it also bears the traces of its time and place of creation. Without the Holocaust as a motor *ex negative*, and without the US government opening up to new forms of legal representation (certainly also motivated by Cold War sensibilities), Robinson’s ideas would hardly have succeeded.

¹⁸ Memorial Brochure, 14.

As the brochure clearly shows, a wide field of legal activity existed in the aftermath of World War II, but it was shaped in part by prewar antecedents. By focusing on the networks of people in combination with their biographical backgrounds we can deepen our understanding of how international law was transformed in the postwar period. Nehemia Robinson can serve as an example, both in his personal and professional biography but also with the network in which he operated, mirrored in this brochure. It assembles many different people from, so to speak, opposing factions and legal traditions: judges and lawyers from West Germany, which at this point was not known for being keen on prosecuting former Nazi perpetrators, as well as Zionist activists and Israeli politicians, who had not yet established diplomatic relations with either of the two Germanies. Robinson's function as a mediator between East and West, the old and the new world as well as different fields of legal activity become evident in this brochure. Historians now can use his example as a lens through which to view some of the understudied connections of Jewish legal history, to broaden our understanding of postwar legal activism by non-state actors, and appreciate the transnational dimensions of American Jewish legal history.