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At the Service of the Jewish Nation

Jacob Robinson and International Law

Jacob Robinson (1889–1977) spent the greater part of his life in Eastern Europe. As a politician, minority rights activist, and specialist in international law, he had already gained an international reputation while living in Lithuania. Based in New York starting in 1941, he worked between the poles of specifically Jewish and generally human interests. Through his efforts to inculcate Jews with a national self-consciousness and his activity in the fields of international law and historiography, Robinson left his mark on European and world history.

Jacob Robinson: At first glance, one would never suspect that behind such an Anglo-Saxon sounding name stood a man who was once said to have embodied “in his biography and personality... the heritage of East European Jewry, which has been lost”.¹

Given the diversity of the Jewish experience and Jewish culture in a space as large and heterogeneous as Eastern Europe, such a statement ought to be taken only with a grain of salt. But there is no doubt that Jacob Robinson’s Jewish socialisation within the multinational structure of life in the western part of the Russian Empire was characterised by extraordinarily complex conditions. It is perhaps exactly this extraordinary experience that, although unique, was typical for other Jewish circles as well.

Moreover, there is the fact that Robinson remained in Eastern Europe after the collapse of the Russian Empire. When he was forced to leave during the Second World War, he had already spent the greater part of his life in Eastern Europe. Unlike many Jews who came from the region and achieved fame and standing only after their arrival in the west, Robinson had already made a name for himself beyond Eastern Europe before the war. His tireless commitment was driven by a form of Jewish-national self-perception that was particularly pronounced in Eastern Europe. For decades, his political and academic work produced results not only in the narrow confines of the Jewish world. It also left its mark on the course of world history.

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¹ “Jacob Robinson – 75 Jahre”, *Israelitisches Wochenblatt für die Schweiz*, (11 December 1964); Omry Kaplan-Feuereisen, “Jacob Robinson”, in Gershon David Hundert, ed., *The YIVO Encyclopedia of Jews in Eastern Europe* (New Haven 2008), pp. 1,567-1,568.

Childhood and Apprenticeship

Jacob Robinson was born in 1889 in Serei (today Seirijai, Lithuania), a small town in the Suvalki Guberniia (province) of the Russian Empire. Since the Vienna Congress (1814-1815), the Jews of this remote northeastern corner of Congress Poland, which was settled mostly by Lithuanians and Jews, had been caught between worlds. What separated them from the rest of the Jews in Congress Poland was what bound them to the Jews of the neighbouring gubernii of Kovno (Kaunas), Vil'na (Vilnius), and Grodno (Hrodno): a certain understanding of religion (the rational, misnagdic tradition), language (the Lithuanian dialect of Yiddish), and a stronger contact with Russian than Polish culture, the result of regional demographics.

As citizens of Congress Poland, the Jews of the Suvalki Guberniia were subjected to a different legal system than their brethren in neighbouring Russia. On a general level, Congress Poland, unlike the rest of Russia, was based on the Napoleonic Code, French civil law. Furthermore, due to Poland's special status under international law within the Russian Empire, there were two separate legislative processes in St. Petersburg: A general one for the empire and one for the Polish provinces, where general law was not automatically valid. The Russian government used this constellation as a political tool in order to create an additional level of legal dualism specifically directed at the empire's Jews.

In the first 50 years after the Congress of Vienna, the legal position of the Jews in Congress Poland was clearly worse than in the Russian areas of the Pale of Settlement, the group of gubernii to which the Jews were largely confined. However, political changes after the Polish Uprising of 1863 suddenly left the Jews in Congress Poland with more freedom and rights than in Russia. These new conditions provoked a mass migration of Jews from Russia to Poland, which – in accordance with Russian intentions – stirred anti-Jewish feelings in Poland, which in turn reduced the likelihood of a Polish-Jewish alliance aimed at Russia.²

The unusual place of this pocket of historical and cultural Lithuanian Jewry within Congress Poland and the special position of Congress Poland within the Russian Empire may well have played a role in shaping the young Robinson. But there were other features special to the situation of the Jews in the Suvalki Guberniia that also influenced him. The region's geographical proximity to Prussia probably facilitated the penetration of the Jewish Enlightenment (Haskalah) and other progressive ideas into the smallest towns of the province. The inevitable encounter between the deeply religious and compact Jewish population and modern and secular values led to conflicts of identity and inner-Jewish cultural strife.

These tensions were palpable in Robinson's immediate surroundings. His father, David, was a pious and educated man. He carried the family name Rabinsohn with pride because it reflected the family's prestigious origins, a two-century long unbroken chain of rabbis, which was supposed to have begun with the illustrious Talmud schol-

² Given the extensive literature on the history of Jews in Eastern Europe, it is remarkable that the background, purpose, extent, function, and results of this legal dualism has hardly been addressed. One exception is Michael J. Ochs, *St. Petersburg and the Jews of Russian Poland, 1862-1905*, unpublished dissertation, (Harvard University 1986). Ochs's research ought to be continued and expanded.

ar Yom Tov Lippman Heller (1578–1654).³ Independent of his traditional moral conduct, David was also a proponent of the Haskalah, a maskil, who held proto-Zionist views and sought to spread the use of modern Hebrew. At the same time, however, he worked as a teacher at state-run elementary schools for Jews, which were seen as an instrument of Russification, because pupils were taught in Russian, not in Yiddish, the children's native language.⁴

By contrast, Jacob's uncle on his mother's side, Efim Semionovich London, had gone a step farther. After studying medicine in Warsaw, he became a well-known scientist in St. Petersburg and a welcome guest at the court of Nicholas II. He provided financial support to his sister's large family back in Suvalki Guberniia.⁵

When Jacob was still quite young, his family moved to Vishtinets (today Vištytis, Lithuania) on the German-Russian border. The small-scale, cross-border commerce left its mark on the small town – economically and culturally. Overall, the town's 2,500 inhabitants – Jews, Germans, Lithuanians, Poles, and Russians – lived peacefully alongside one another. Many of the circa 800 Jews were day labourers who sympathised with the General Jewish Workers Union in Lithuania, Poland and Russia. Community life, however, was characterised by an especially strong Hebrew-Zionist tendency.⁶ Robinson was also raised in this spirit, attending the local Jewish religious school (heder) and receiving instruction from his father at the state elementary school.⁷ Together with his formal education, Jacob's continuous interaction with this heterogeneous environment afforded him a hybrid education on several levels. In Vishtinets, a microcosm full of dissociations great and small, the highly talented Robinson developed into a comparatist in the broadest sense of the word at an early age.

Jacob first came into contact with high politics by a curious coincidence. In the summer of 1901, when a fire destroyed the Jewish part of Vishtinets, no lesser figure than Kaiser Wilhelm II hurried to aid the town. At his own cost, the Kaiser ordered the staff of his manor in the East Prussian settlement of Rominten (today Raduzhnoe, Russia) to tend the homeless and to initiate reconstruction efforts. Without prior notice, he appeared one day in Vishtinets and presented the astonished population a donation for the homeless from the Tsar. For the town's Jews, Wilhelm's visit was even more memorable because it took place – probably unintentionally – on Yom Kippur. The Jews had to interrupt their religious service and rush to the market place. It is said

³ The surname “Robinson” has its origins in the name “Rabinsohn” and is very rarely encountered among East European Jews. Like Rabinovic, Rabinovitch, Rabinov, Rabinski, etc., it marks the rabbinical lineage of the first person to adopt the surname. The vowel shift from “A” to “O” and the loss of the “h” in “sohn” makes identification difficult. The German spelling “Rabinsohn” goes back to 1795-1807, when the territory that later became the Suvalki Guberniia was under Prussian control.

⁴ Jacob Robinson, *Autobiographical Interviews. Records and Transcripts* (1977), pp. 1-4 (private collection).

⁵ Robinson had six brothers. Robinson, *Autobiographical Interviews*, pp. 6-8. On Efim S. London, see his entry in *Evreiskaia entsiklopedia*, 10 (St. Petersburg 1910).

⁶ Dov Levin, ed., *Pinkas Hakehillot-Lithuania* (Jerusalem 1996); Mendel Sudarski, ed., *Lite*, 1 (New York 1951); Chaim Leikowicz, ed., *Lite*, 2 (Tel Aviv 1965); *Yahadut Lita*, 1-4 (Tel Aviv 1959-1984).

⁷ Robinson, *Autobiographical Interviews*, p. 6; Jacob Robinson, *Curriculum Vitae*, n.d. [probably 1964-1965] (private collection).

that Jacob's father was asked to greet the Kaiser in the name of the Jewish community and thank him for his generous help.⁸

Once Jacob had completed heder and elementary school, his family, following the example set by Uncle Efim, reluctantly decided to send him to the gymnasium in Suwalki, the provincial capital. Due to his uncle's influence in St. Petersburg, Jacob was accepted at the gymnasium, even though the places for Jewish pupils had already been distributed. Jacob, still a religious adolescent, left home at age 14.⁹

Suwalki was at this time a city of over 20,000 inhabitants, mostly Poles and Jews. The years that Jacob spent there at the Russian gymnasium – 1904 to 1910 – were decisive in determining the future course of his life. For one, the model student discovered a passion for the Russian language and its literature. Far more important, however, he came into contact with the major ideas and themes of the day: nationalism, socialism, and revolution. First and foremost, however, his self-perception changed fundamentally. He observed that his Polish and Lithuanian peers no longer defined themselves by their common Catholic faith, but by their ethnicity. The Poles were engaged in a fierce struggle against Russian oppression, while the Lithuanians were fighting for their freedom against the Russians and Poles. How should the Jews behave in this situation? With which party should they side?

Religion lost its traditional, identity-forming function for Robinson, as he absorbed works by Chaim Nachman Bialik, Vladimir Jabotinsky, and Simon Dubnov. These strengthened his growing belief that the Jews were in reality not merely a religious community, but, like the Poles and the Lithuanians, another nation, albeit a special one.¹⁰ As such, according to Robinson, the Jews should support neither the Poles nor Russians, but should recognise their own national interests and pursue their own goals.

After taking his school-leaving exam, the now secular Robinson studied law at the Warsaw University from 1910 until 1914. Since there was no mandatory attendance, he spent most of his time in Suwalki, where he worked as a tutor – just as he had done while a pupil at gymnasium.¹¹

Immediately upon graduating, he was drafted into the Russian Army in July 1914 and a little later sent to the front without any military training. By sheer luck, he survived a full year of combat and long marches, before finally being captured by the Germans in September 1915. The following three years were spent in various prisoner of war camps in East Prussia. Because he held an academic degree, he was treated as an officer, according to customs of the day. He was spared forced labour and could order books. He therefore used the time to educate himself further. In these years, he learned several languages, studied history, and honed his understanding of international relations.¹² When he was released from captivity in November 1918, he returned home with the skills and motivation to dedicate himself to the task that moved him most: raising the national self-awareness of the Jews. To a certain extent, almost everything that Robinson did afterwards stemmed from his efforts to realise this goal.

⁸ An article about this unusual event is in preparation.

⁹ Robinson, *Autobiographical Interviews*, p. 8.

¹⁰ *Ibid.*, pp. 21-23.

¹¹ *Ibid.*, pp. 29-38.

¹² *Ibid.*, pp. 39-62; Jacob Robinson to Leo Zuckermann, 31 December 1914 and 20 April 1915 (private collection).



Jacob Robinson, around 1935

Educator of the Nation

Six months after the war, Robinson left Suvalki, by that point Suwałki, Poland, in order to establish an unusual middle school in the new Republic of Lithuania. Not far from Vishtinets, in the little town of Virbalis, Robinson oversaw the establishment of a pedagogically progressive school where only Hebrew was used.¹³

In his youthful zeal, Robinson was quite aware that he and his staff were, as he wrote, “extremists” and “revolutionaries”.¹⁴ In this school, which was co-financed by the Lithuanian state, they sought to educate the children in “love of the nation” and to induce the “hebraisation of the younger generation’s thoughts”. The displacement of Yiddish by Hebrew was to cure Jewish children of the “disease of polyglottism”, which, in Robinson’s view, stood in the way of establishing a strong Jewish national consciousness.

The teaching methods were drawn up according to the Polish example so that every subject was taught from a Jewish-national perspective. Robinson placed great value in the study of the Jewish present, unlike traditional Jewish schools, where the past always stood front and centre. By means of his “Jewish-universal humanism”, in which Jewish life and thought were understood in a general context of time and space, Robinson at the same time tried to make the interaction between the Jews and their environment a subject of discussion. He published the instruction plan he developed within the framework of this “revivalist work” as a textbook about the Jews in the present. In this work, which seems rather strange from a contemporary standpoint, Robinson ambitiously claimed that he had presented the “first complete introduction to living Jewry” and had given the “people of the book a book for the people”.¹⁵

In the three years he spent in Virbalis, Robinson laid the foundation for his career in Lithuania. For one, he distinguished himself in the various institutions that constituted Jewish autonomy within Lithuania.¹⁶ For another, he learned Lithuanian, so that he soon belonged to the small number of Jews in the country who could write and speak Lithuanian fluently.¹⁷ In the autumn of 1922, he moved to Kaunas, the interwar Lithuanian capital, in order to dedicate himself to new pursuits.

While Robinson was still trying to gain admission to the bar as a lawyer, the government was overthrown, the Lithuanian parliament (Seimas) dissolved, and a new election called for May 1923. Although Robinson was still largely unknown among the country’s Jews, the General Zionists offered him a promising place on the list of Jewish Seimas candidates. The “united electoral list” of the Jewish, German, Russian, and Belarusian minorities did well enough to allow Robinson, the sixth of seven Jewish delegates, to enter the Second Seimas.¹⁸ A few months later, he was elected chairman

¹³ Robinson, *Autobiographical Interviews*, pp. 66-70; Lietuvos Centrinis Valstybes Archyvas [LCVA], Vilnius F. 391, Ap. 2, B, 1930-1933.

¹⁴ Jacob Robinson, *Akhsania shel Tora* (Berlin 1921), p. 2. All of the following quotes originate from this book.

¹⁵ Jacob Robinson, *Yedi’at ‘amenu, demografyah ve-sotsyologyah, sefer limud ve-‘iyun* (Berlin 1923), pp. 8-9.

¹⁶ Sarunas Liekis, *A State within a State? Jewish Autonomy in Lithuania, 1918-1925* (Vilnius 2003).

¹⁷ Robinson, *Autobiographical Interviews*, p. 70; LCVA, F. 391, Ap. 2, B, 1933.

¹⁸ See the very interesting, but little noticed document that originated under Robinson’s leadership and was published by the Jewish parliamentary group in the Seimas: *Barikht fun der yidisher seym-fraktsye fun tsveyten litvishen seym (1923-1926)* (Kaunas 1926).

of the Jewish parliamentary group. In this capacity, he later advanced to become the de facto speaker of the entire minority bloc.

Overnight, Robinson found himself in the spotlight, for the explosive nature of the minority question in postwar Europe also offered him an international stage. Moreover, parallel to his election to the Seimas, Robinson became the co-publisher of the Zionist daily *Di Yidishe Shtime*, the unofficial organ of the Jewish parliamentary group. Through his articles on both broad issues of principle and daily politics, he regularly reached a broad public. Robinson may well have tried to represent the interests of the entire Jewish population and to lead them to a minimum of unity. But he, too, was not above the fray in the fierce ideological and political struggles that divided Lithuania's Jews. Because this inner turmoil made a unified front in the Seimas impossible, the minorities' struggle against the government and parliament's unceasing efforts to reduce their national autonomy was all the more hopeless.¹⁹

Defender of Minorities, Specialist in International Law

Under pressure from the victorious members of the Entente, the defeated powers of the Great War (save for Germany) and the newly created or territorially enlarged states (save for Italy) had to commit themselves by treaty to guaranteeing their minorities a minimum of legal rights. By 1922, when Lithuania also had to accept such provisions, its minorities had already acquired a much broader set of rights, including collective rights. Consequently, the abrogation of the latter in 1924 and 1925 did not violate Lithuania's international obligations. However, a consequence of this about-face in Lithuanian minority policy was that, in Lithuania as well, much greater importance came to be attached to the League of Nations system for the protection of minority rights.

This new political reality marked the start of Robinson's scholarly preoccupation with questions of international minority rights. In the summer of 1925, he received an additional inducement to immerse himself in this issue: an invitation to participate in the European Congress of Nationalities (ECN) in Geneva. At this event, which was initiated by Europe's German minorities, Robinson was to represent the Jews of Lithuania.

Like all of the other Jewish participants at the ECN, Robinson sympathised with the Zionist-oriented *Committee of Jewish Delegations* (CDJ). Since the Versailles Conference, the CDJ had been involved on behalf of Jewish minority rights in Eastern Europe – both within the framework of the League of Nations and in the field of publishing. Leo Motzkin, the spiritus rector of the transnational CDJ, became one of the chairmen of the ECN, once it was institutionalised. At the Geneva gathering, Robinson made his first major appearance before an international audience.

Over the next five years, Robinson worked on behalf of the ECN, giving speeches, drafting papers, and writing articles.²⁰ The problems he encountered prompted him to publish an annotated bibliography on the minorities question. With this important work, which collected the relevant articles and books in 20 languages, Robinson gained recognition in academic circles around the world.²¹ Somewhat later, he assumed the role

¹⁹ Barikht; Liekis, *A State within a State?*

²⁰ *Sitzungsberichte des Kongresses der organisierten nationalen Gruppen in den Staaten Europas* (Vienna and Leipzig 1925-1933); *Nation und Staat. Deutsche Zeitschrift für das europäische Minoritätenproblem*, 1927-1933; Sabine Bamberger-Stemmann, *Der Europäische Nationalitätenkongress 1925 bis 1938* (Marburg 2000).

²¹ Jacob Robinson, *Das Minoritätenproblem und seine Literatur* (Berlin 1928).

of a mediator between Eastern and Western Europe, translating – from Russian into German – a study that reflected the Soviet Union’s understanding of international law.²² Given Robinson’s specialised knowledge and preference for comparative approaches, the publishers of the *Encyclopaedia Judaica*, Nahum Goldmann and Jakob Klatzkin, asked Robinson – allegedly at the behest of Simon Dubnov – to supplement Dubnov’s own overview of Jewish autonomy in history with a contribution on Jewish autonomy in the present.²³ The elections to the Third Lithuanian Seimas in the summer of 1926 created new political conditions that seemed promising for the minorities. However, that December, the army staged a coup. Antanas Smetona replaced the parliamentary system with an authoritarian one. With that, the work of the Jewish faction in the Seimas – the last official representation of Jewish interests in Lithuania – came to an end. As a matter of necessity, Robinson concentrated on his career as a lawyer. Over the years, he earned a good name for himself and achieved relative prosperity.

Animated by his work in Lithuanian courts, Robinson wrote numerous articles on the Lithuanian legal system as well as a highly regarded systematic index of Lithuanian legislation.²⁴ Because the Jews and the other minorities were no longer able to participate in political life, Robinson sought different ways of making clear to those in power the wishes and needs of the Jewish population. In 1928, together with several influential Lithuanians, Robinson founded a club for Jewish-Lithuanian cultural understanding (*Lietuvių ir Žydų kultūrinio bendravimo Draugija*).²⁵ Still, it was not until the 1930s that – in the tradition of *shtadlanut* (intercession, pleading) – he was able to press the concerns of the entire Lithuanian Jewish community, as well as those of the Zionist cause, before senior government officials in Kaunas.

News of Robinson’s activism spread as far as distant Palestine, reaching David Ben Gurion, who in 1933 characterised Robinson as “the most important man in Lithuania”.²⁶ Although this assessment was quite exaggerated, Robinson had indeed gained access to the highest political circles in Kaunas. For reasons unknown, the Lithuanian Foreign Ministry approached him in September 1931 with a request to state Lithuania’s case at a secret hearing before the Permanent German-Lithuanian Council of Conciliation. A few weeks later, the Foreign Ministry asked him to prepare a study on the status of the disputed Memel Territory under international law.

In early 1932, amid an international crisis over Lithuanian policy towards the Memel Territory’s German minority, Robinson accompanied Lithuanian Foreign Minister Dovas Zaunius to Geneva for a hearing of the League of Nations Council, where Zaunius had to deliver an official response to charges levelled against Lithuania.²⁷ Because the quarrel could not be settled in Geneva, the highly charged case was passed on to the Permanent Court of International Justice in The Hague. Here, too, Robinson was present as an advisor during the legal proceedings, while his still incomplete study of the Memel question served as the basis of the Lithuanian defence. On 11 August 1932, the court ruled in Lithuania’s favour on the most salient points.²⁸

²² Evgenij A. Korowin, *Das Völkerrecht der Übergangszeit. Grundlagen der völkerrechtlichen Beziehungen der Union der Sowjetrepubliken* (Berlin 1929).

²³ Jacob Robinson, „Autonomie in der jüdischen Gegenwart“, *Encyclopaedia Judaica*, 3 (Berlin 1929), pp. 758-764.

²⁴ Jokubas Robinzonas, *Lietuvos istatymu raidynas* (Kaunas 1933).

²⁵ LCVA, F. 402, Ap.4, B. 578.

²⁶ David Ben-Gurion, *Diaries*, entry for 21 April 1933, Ben-Gurion Archives, Israel.

²⁷ LCVA, F. 383, A. 7, B. 1328.

²⁸ Permanent Court of International Justice, Series A/B, Nr. 49.

Lithuania's unexpected success before the Court of International Justice reflected well on Robinson and was greatly appreciated by the Lithuanian government. In 1934, Robinson published his study on Memel in the form of a legal commentary to the Memel Convention of 1924. The erudition and cogent reasoning contained in this study gained Robinson renown and respect among specialists around the world.²⁹

Although the legal conflict revolved around questions of constitutional law, Robinson's willingness to defend Lithuania had consequences for his role in the minority movement. After all, the disputed Lithuanian measures were seen by the German minorities as a brutal attack on the rights of the German inhabitants of the autonomous Memel Territory. Although the court had essentially ruled Lithuania's actions lawful, under these conditions it almost inevitably appeared that Robinson, the prominent defender of Europe's minorities, had changed sides. By declining to participate in the annual, high-profile meeting of the ECN in 1931 and 1932, Robinson effectively put an end to his public involvement in the congress – even before the representatives of the Jewish minorities walked out on the ECN due to the German minorities' refusal to take a clear stand against Hitler's antisemitic policies.³⁰

For Robinson however, the struggle for minority rights had lost none of its importance. Based in Kaunas, he continued to participate in the activities of the CDJ as a member of its executive committee. Shortly after the National Socialists came to power in Germany, Robinson had the idea of petitioning the League of Nations in order to draw attention to the fact that Hitler's antisemitic laws violated the German-Polish Convention on Upper Silesia. The general provisions of the Minorities Treaties negotiated at Versailles had been incorporated into this 1922 agreement between Warsaw and Berlin so as to secure the rights of the Polish minority in the German province of Upper Silesia and those of the German minority in Poland's Autonomous Silesian Voivodeship.

Robinson's creative idea to insist on the rights of Jews in German Upper Silesia on the basis of this bilateral agreement encountered resistance even within the CDJ. But in May 1933, when action was taken along the lines of this suggestion, the petition went down in history: Germany accepted the League of Nations Council's endorsement of the petition. This unique success brought relief to the Jews of Upper Silesia until 1937, when the Polish-German Convention expired.³¹

A lack of sources makes it difficult to reconstruct Robinson's political activities after 1933. The extent of his involvement in the CDJ after Motzkin died in November 1933 is just as unknown as his relationship with the World Jewish Congress (WJC), which was established in 1936 and succeeded the CDJ. Since Lithuania had given him a diplomatic passport, it is assumed that the government continued to draw on his services as an advisor until the late 1930s.³² It is only certain, however, that he continued to work as a lawyer in Kaunas and to publish, primarily on Lithuanian legal issues. Furthermore, there is evidence to suggest that he was rather successful as an advocate of Jewish interests, and that he set up an unofficial political committee of Lithuanian Jews.³³

The outbreak of the Second World War in September 1939 caught Robinson by surprise while he was on vacation with his family in France. The flood of Jewish refugees from

²⁹ Jacob Robinson, *Kommentar der Konvention über das Memelgebiet vom 8. Mai 1924* (Kaunas 1934).

³⁰ Bamberger-Stemmann, *Nationalitätenkongress*.

³¹ Many of the relevant documents can be found in the Central Zionist Archives (CZA), especially under A 306 and A 126; Philipp Graf, *Die Bernheim-Petition 1933* (Göttingen forthcoming).

³² LCVA, F. 238, Ap. 2, B. 417.

³³ American Jewish Archives, Cincinnati. World Jewish Congress Collection. Series C, Box 14, File 26 [AJA, WJC, C14/26]; Yahadut *Lita*, v. 2; Robinson, *Autobiographical Interviews*.

Poland confronted the Lithuanian government and the Jewish community with enormous problems. Beseched to return to Lithuania, Robinson began the journey home in November 1939 – via Germany.³⁴ Given the chaotic conditions, Robinson's actions over the next six months were said to be of immeasurable value. Once in Vilnius, which the Soviet Union had handed over to Lithuania in October, Robinson familiarised the local Jews with Lithuanian institutions, mediating between both sides as well as between the government, the refugees, and the various relief organisations. Robinson helped to stabilise the refugees' situation and make it possible to care for them. He also tried to help as many refugees as possible leave Lithuania for Palestine or the United States.³⁵ It was only with considerable effort that Robinson managed to get himself to safety. Only at the end of May 1940 – just before the Soviet occupation – was he able to leave the country. Travelling first to the Soviet Union, he then journeyed from Moscow to his family in southern France via Romania, Yugoslavia, and Italy. The Robinsons then made their way to Lisbon. From there, they set sail for New York in November 1940.³⁶

The Institute of Jewish Affairs

Two months after his arrival in New York, Robinson founded the Institute of Jewish Affairs (IJA). Already in April 1939, he had submitted a proposal to the WJC to create, together with other important Jewish organisations, a central "Institute for Research on the Jewish Present", which would enable the political leadership of the Jewish world to base their decisions on scholarly work.³⁷ However, it soon became clear that the political and ideological rifts were insurmountable for such a joint undertaking. Thus, the IJA was supported only by the WJC.³⁸

With Max Laserson, Jacob Lestschinsky, and Arieh Tartakower, Robinson had first-class social scientists at his disposal.³⁹ The first thing on the agenda was a study of the international system in the interwar period. Based on the findings of this investigation, Robinson hoped to present the peace conference expected after the war with a concept for a more effective system of minority protection in Europe. But the institute's programme changed with the course of the war. Under Robinson's guidance, the IJA began to collect all of the available information on the situation of the Jews in those areas under National-Socialist occupation. The nascent archive developed into an extremely important resource for the IJA's research.⁴⁰

As a result of this work, Robinson knew by the end of 1942 that the National Socialists were striving for the physical annihilation of the Jews in Eastern Europe. He prepared the material that the political leadership of the WJC – in particular, Stephen S. Wise and Nahum Goldmann – passed on to the Allies in the hope of moving them to intervene.

³⁴ Robinson, *Curriculum Vitae*; Robinson, *Autobiographical Interviews*, pp. 126-128.

³⁵ Jahahut *Lita*, v. 2, pp. 360-362; Robinson, *Autobiographical Interviews*, pp. 129-141.

³⁶ Robinson, *Autobiographical Interviews*, pp. 140-141; AJA, WJC, C1/1, Robinson to Hans Kohn, March 6, 1941.

³⁷ AJA, WJC, A9/6 and C71/27, Jacob Robinson, *An Institute for Contemporary Jewish Research. Proposal Presented to the World Jewish Congress by Jacob Robinson* (Kaunas, 29 April 1939).

³⁸ AJA, WCJ, C67/16 und C68/1.

³⁹ See the corresponding entries in the *Encyclopaedia Judaica*.

⁴⁰ The files regarding this matter are extensive and dispersed over several archives and countries, but they are mostly located in the AJA, WCJ.

Robinson increasingly concentrated on developing a legal basis for the punishment of the National Socialist crimes against the Jews and for claims for compensation.⁴¹ According to Goldmann, Robinson and his younger brother Nehemiah drew up ideas and concepts that were “absolutely revolutionary”. These would later be applied at the Nuremberg Trials of German war criminals and would form the legal basis of the compensation treaties between the Conference on Jewish Material Claims Against Germany (Claims Conference), Israel, and Germany.⁴²

In an exchange predominately with U.S. authorities over several years, Robinson argued that the prevailing definition of war crimes be extended to cover National-Socialist persecution of the Jews in its entirety. In addition, the Jews were to be seen as a collective victim independent of their citizenship. In June 1945, Robinson met with Robert M. Jackson, the designated chief prosecutor for the Trial of the Major War Criminals. Close cooperation between the IJA and Jackson’s team ensued with regard to the Jewish aspects of the trial.⁴³ Robinson submitted an abundance of documents to Jackson’s office as well as legal and statistical studies for the preparation of the trial – among them a detailed investigation estimating the number of Jewish victims of Nazi persecution to be about 6 million persons. Along with other data from memoranda produced by the IJA, this piece of information found its way into the indictment submitted by the Allies to the International Military Tribunal.⁴⁴

In November 1945, Robinson travelled to Nuremberg to help draft the Jewish brief presented to the Tribunal by U.S. prosecutors during the hearing of evidence.⁴⁵ Although Robinson was in New York during most of the proceedings, he remained in close contact with Jackson’s office. In August 1946, he again travelled to Nuremberg in order to advise Jackson’s designated successor, Telford Taylor, in the preparation of some of the 12 subsequent trials to be deliberated before U.S. military tribunals.⁴⁶

At this time, the peace treaties between the victors and vanquished were being negotiated in Paris. Because the restitution of Jewish property came up as an issue, Robinson, acting on behalf of the WJC and the Jewish Agency, also travelled to the French capital, where he went to great lengths to impress upon the Allied delegations the urgent need to find a solution to this problem.

In connection with his work in Paris, Robinson received a letter from Polish-Jewish lawyer Raphael Lemkin, the man who in 1944 had coined the term “genocide”.⁴⁷ In this letter, Lemkin informed Robinson, in a rather unfortunate choice of words, that he had been “the great inspiration for genocide”. The sources do not make clear whether Lemkin had really been influenced by Robinson’s ideas. It is possible that Lemkin was only seeking to emphasise a request he had made of Robinson, namely, that he press for a prohibition of genocide to be embedded in the Paris Peace Treaties.⁴⁸ But even if Lemkin’s letter had

⁴¹ Nehemiah Robinson, *Indemnification and Reparations. Jewish Aspects* (New York 1944).

⁴² Nahum Goldmann, *Das jüdische Paradox* (Cologne and Frankfurt am Main 1978), pp. 166-167; Nahum Goldmann, “Introduction”, in Nehemiah Robinson, *Ten Years of German Indemnification* (New York 1964), pp. 7-11.

⁴³ A first approach to Robinson’s and the IJA roles in the Nuremberg Trials is Michael R. Marrus, “A Jewish Lobby at Nuremberg: Jacob Robinson and the Institute of Jewish Affairs, 1945-1946”, *Cardozo Law Review*, 4 (2006), pp. 1,651-1,666.

⁴⁴ AJA, WJC, C14/23.

⁴⁵ AJA, WJC, C14/16 and C14/17.

⁴⁶ AJA, WJC, C14/19.

⁴⁷ Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington 1944).

⁴⁸ AJA, WJC, C14/21, Memorandum and letter by Raphael Lemkin (London, 28 August 1946).

reached Robinson in time, it is still doubtful that Robinson would have granted him this favour. By then, the main emphasis of his interest had shifted decisively.

Israel – A State for a Nation

Robinson had been torn for decades between the ideal of Zionist colonisation in Palestine and the moral obligation to take part in the struggle for Jewish rights in Eastern Europe. At least in part, the latter worked against the former. However, now that this tension had been tragically resolved by Nazi Germany's murder of the East European Jews, Robinson was able to dedicate himself to the transformation of Palestine into a Jewish state.

In May and June 1945, at the founding conference of the United Nations in San Francisco, Robinson, in cooperation with representatives of the Jewish Agency, had been able to convince a majority of governments to accept a provision drawn up in the sense of the Zionist movement. The formulation, which entered the UN Charter as Article 80, Paragraph 1, secured the continuity of the rights that the British had guaranteed the Jewish people under the League of Nations mandate for Palestine.⁴⁹ In 1947, during negotiations on Palestine before the United Nations, this passage of the UN Charter was to receive special importance in the arguments of the Jewish Agency.⁵⁰

However, Robinson was not able to realise his second goal in San Francisco. During the Second World War, the League of Nations system for the protection of minorities had fallen into disrepute due to Nazi Germany's instrumentalisation of the ethnic German minorities throughout Europe. From his own experience, Robinson knew all too well the many problems surrounding the protection of minorities in Europe. But because he had also personally experienced the effectiveness of the system – particularly in preventing major violations – he tried to avoid tossing out the baby with the bathwater.⁵¹ Therefore, he did his utmost to see that the idea of general human rights, which enjoyed great popularity, did not degenerate into a mere declaration of principles, but, following the example set by the Minorities Treaties, led instead to concrete obligations on the part of states, whose compliance could be legally enforced before a supervisory body.⁵² Disappointed by the clear setback that the UN Charter represented in comparison with the statutes and practices of the League of Nations, Robinson published an analysis of the place of human rights in the UN Charter.⁵³ At the invitation of the United Nations, he then served for three months at the end of 1946 as a special advisor for drafting the legal framework of the Human Rights Commission's work.⁵⁴ Sensing a decision in the Palestine question by the United Nations, Robinson left the IJA in February 1947 and, as a legal advisor to Jewish Agency, prepared the appearances of its political leadership before various UN bodies.⁵⁵

⁴⁹ AJA, WJC, C98/14, Goldmann's report to the administrative committee of the WJC, (7 February 1945).

⁵⁰ Jacob Robinson, *Palestine and the United Nations* (Washington 1947).

⁵¹ Jacob Robinson, et al., *Were the Minorities Treaties a Failure?* (New York 1943).

⁵² AFA, WJC, C98/14, Robinson's report to the Administrative Committee of the WJC (7 February 1945); Jacob Robinson, "From the Protection of Minorities to Promotion of Human Rights", in *The Jewish Yearbook of International Law, 1948* (Jerusalem 1949), pp. 115–151.

⁵³ Jacob Robinson, *Human Rights and Fundamental Freedoms in the Charter of the United Nations. A Commentary* (New York 1946).

⁵⁴ AJA, WJC, C14/26.

⁵⁵ Israel State Archives, Jerusalem. Dossiers of the Foreign Ministry.

After the founding of the State of Israel in May 1948, Robinson served as legal counsel to the Israeli delegation to the United Nations for ten years. The hundreds of memoranda he wrote on legal, political, and administrative issues bear witness to the crucial role he played in consolidating Israel's international position and diplomatic service. As a member of the UN's Sixth Committee (Legal Committee) – and for a period its vice president – he was at the forefront of the further development of international law.⁵⁶ In addition, the wartime efforts that he and brother Nehemiah had done to create the legal foundations of collective restitution came to fruition in 1952, when the reparations treaties between Israel, the Claims Conference, and the Federal Republic of Germany were signed. Both brothers also participated in the negotiations in Holland.⁵⁷



Jacob Robinson, acting on behalf of Israel, signs the UN convention declaring persons missing in the Second World War as dead, New York, 6 March 1950.

⁵⁶ Ibid.

⁵⁷ Goldmann, "Introduction"; Robinson, *Curriculum Vitae*.

Pioneer in Holocaust Research

In 1957, Robinson retired from the Israeli diplomatic service in order to focus on a new task. He still concerned himself with questions of international law – as can be seen by the course he gave at the prestigious Academy for International Law in The Hague (1958) and his comprehensive bibliography on international law (1967)⁵⁸ – but the last 20 years of his creative output were aimed primarily at the historical examination of the Holocaust. His task, to which he was especially well suited, was to initiate research projects on the Holocaust and to co-ordinate and oversee the work of Claims Conference-supported institutes in New York (YIVO), Jerusalem (Yad Vashem), London, and Paris. Under Robinson's supervision, numerous publications appeared, and Yad Vashem, Israel's Holocaust memorial authority, was turned into an important research institute. Robinson also took on the editing of Holocaust-related subjects for the Jerusalem edition of the *Encyclopaedia Judaica* (1971) and published several finding aides for the study of the Holocaust.⁵⁹ Moreover, together with Nehemiah, who had assumed the directorship of the IJA in 1947, he centralised the efforts of Jewish organisations around the world to support the work of prosecutor's offices investigating National Socialist criminals by providing documents and locating witnesses.⁶⁰

After the capture of Adolf Eichmann, the Israeli government invited Robinson to serve the Israeli attorney general as a special advisor for legal and historical questions and to prepare and accompany him throughout the trial. Incensed by some of the judgments and the numerous errors in Hannah Arendt's reporting on the trial, Robinson responded with his own book. He tried to refute Arendt's statements and interpretations point by point. This work made him known to a wider public and propelled the controversy over Arendt's *Eichmann in Jerusalem* (1963) to its climax.⁶¹

Jacob Robinson died in New York on 25 October 1977. He was 88. Given his many achievements on behalf of the Jewish cause, he was described by Nahum Goldmann as "one of the greatest figures in the [sic] Jewish history of this last half century".⁶² In truth, through the pursuit of specific Jewish goals as an academic, politician, and specialist for international law, Robinson, a modest man who acted mostly behind the scenes throughout his long and productive life, wrote not only Jewish, but European and world history.

Translated by Richard Mann, Berlin

⁵⁸ Jacob Robinson, *Metamorphosis of the United Nations, Recueil des Cours de l'Académie de Droit International*, (1958); Jacob Robinson, *International Law and Organization. General Sources of Information* (Leyden 1967).

⁵⁹ Jacob Robinson and Philip Friedman, *A Guide to Jewish History under Nazi Impact* (Jerusalem and New York 1960); Jacob Robinson, *The Holocaust and After. Sources & Literature in English* (Jerusalem 1973); Jacob Robinson and Henry Sachs, *The Holocaust. The Nuremberg Evidence. Digest, Index and Chronological Tables* (Jerusalem 1976); Jacob Robinson, Yehuda Bauer, *Guide to Unpublished Materials of the Holocaust Period*, 1-6 (Jerusalem 1970-1981).

⁶⁰ Documents on this are to be found at archives in Jerusalem (Yad Vashem, Claims Conference) and New York (YIVO).

⁶¹ Jacob Robinson, *And the Crooked Shall Be Made Straight. The Eichmann Trial, the Jewish Catastrophe, and Hanna Arendt's Narrative* (New York 1965).

⁶² CZA, Z6-2748, Nahum Goldmann, Paris, (11 December 1977). [Obituary for Jacob Robinson].