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A Jewish Lobby at Nuremberg: Jacob Robinson and the Institute of Jewish Affairs, 1945-46

"[W]e have been working in this field for four and a half years," insisted Dr. Jacob Robinson in June 1945, referring to the Holocaust and speaking authoritatively to United States Supreme Court Justice Robert H. Jackson, the newly appointed American Chief Prosecutor for the Nuremberg War Crimes Tribunal. This article takes up the disputed question of how the Holocaust was perceived in the immediate wake of the Second World War from the vantage point of a Jewish lobby at the Trial of the Major War Criminals at Nuremberg – the New York based Institute of Jewish Affairs (IJA), directed by Robinson, a committed researcher and lobbyist as well as a learned international lawyer. It explores the Institute's case made to Jackson and his team, looking at how Jewish professionals, consumed by evidence of the destruction of the European Jews, understood the Jewish calamity and tried to relay their concerns to a wider public.

Historians continue to debate how the Holocaust appeared at this most famous of the postwar trials of Nazi leaders. I have myself argued that, notwithstanding the centrality of other issues in the American trial plan, the varied objectives of the Allied powers and the eventual outcome of the proceeding, Nuremberg was a major landmark in the presentation of the dreadful fate of the Jewish people at the hands of the Nazis. Although the Holocaust was not, to be sure, described at Nuremberg quite as we would today, the trial provided the first validation, before an international body, of the death toll of six million; it provided major elements of the history of the Holocaust such as the role of Adolf Hitler and his immediate entourage, especially the SS; prewar persecutions; the mass shootings of the Einsatzgruppen; the Wannsee Conference of 1942; ghettoization; the death camps of the East, especially Auschwitz; the uprising of the Warsaw Ghetto; the Hungarian Jewish deportations, and so on. Others have focused on the trial's shortcomings: how the emphasis on conspiracy tilted Nuremberg in the direction of an overly "intentionalist" interpretation of the Holocaust; how the American obsession with crimes against peace distracted attention from the assault on European Jewry; how the trial's privileging of documentary evidence meant that Jewish voices were scarcely heard before the tribunal; and how the framing of the case meant inattention to prewar crimes and, more importantly, prevented the presentation of the Holocaust as a distinctive element of Nazi criminality. In what follows, I revisit this debate from the perspective of those with "four and a half years" of painful accumulation of information, frustration, and appeals on behalf of the Jewish victims of the Nazi onslaught.

The Institute of Jewish Affairs was not, to be sure, the only Jewish presence in the lobbying on behalf of a trial of major German war criminals or the only organized effort to bring the destruction of European Jewry to the attention of those who scrambled, at the end of the war, to organize an international proceeding. In England, among others, the great Cambridge University authority on international law, Professor Hersch Lauterpacht, made the case for a war crimes trial and he may have been the first to recommend applying to the Holocaust the category of "crimes against humanity". In the United States, drawing on his understanding of the slaughter, which included that of his own family, Raphael Lemkin lobbied single-mindedly for the recognition of a new crime of genocide, a term that he coined in his 1944 book Axis Rule in Occupied Europe. And, in the American Office of Strategic Services (OSS), the forerunner of the Central Intelligence Agency, a junior official in the Research and Analysis Section named Charles Irving Dwork, with a Ph.D. in Judaic Studies from the University of Southern California, was for a time responsible for gathering information on the Holocaust with a view...
to assisting American prosecutors.³

But so far as I have found there was only one explicitly Jewish lobby — constituting what we would now call a Non-Governmental Organization or NGO — organized to concern itself specifically with the Jewish issue and which made its case insistently to the American prosecution team.⁴ Founded in New York in 1941 as a joint project of the American Jewish Congress and the World Jewish Congress, the Institute grouped together specialists on Jewish matters committed to documenting and exploring what one might call the “big picture” for World Jewry: the course and direction of Jewish life in the modern period, Jewish minority rights, the Jewish fate at the hands of Nazism, and the fortification of Jewish rights in the postwar period.

Robinson was unquestionably the key figure. A distinguished jurist born in 1889 in the Lithuanian town of Seirijai (pronounced “ Saray”), Robinson was a tireless crusader who brought a broad European perspective to the task. After his legal training at the University of Warsaw, Robinson had a double career in Lithuania, both as a Jewish educator and founder of a Hebrew Gymnasium in Virbalis, and as a Zionist legislator, representing the Jewish faction in the Lithuanian parliament and later serving the Lithuanian government both a legal advisor and its representative at the International Court in The Hague. Fleeing to the United States in 1940, he lectured at Columbia University as well as heading the Institute when it was formed in 1941. Widely acknowledged for his expertise in international law, and working closely with his brother Nehemiah, Robinson continued to formulate Jewish positions on such matters as Nazi war crimes and Nazi reparations. Fifteen years later he assisted the Israeli prosecution in formulating its case against Adolf Eichmann. Robinson is perhaps most widely remembered today for his detailed polemic against Hannah Arendt’s reportage of that trial, When the Crooked Shall Be Made Straight.

The Jewish Perspective and the American Trial Plan

In Robinson’s first encounter with Justice Jackson he conveyed the substance of the Jewish case for the prospective Nuremberg trial. Accompanied by New York state Judge Nathan Perlman and Dr. Alexander Kohanski, Robinson met Jackson at the Federal Court House in New York for an hour and a half on June 12, 1945, just over a month after the latter’s appointment by President Harry Truman, to head the United States prosecution team.

At their meeting on the 12th, understood as strictly confidential, Robinson made a wide-ranging claim for a hearing to the powerful architect of the American case, and indeed of the Charter of the Nuremberg Trial, to be negotiated by the Allied powers in the succeeding weeks. Robinson praised Jackson’s report to Truman (released on the 7th), with its public outline of the American trial plan, calling it a “historic document” and noting that “it meets some of our aspirations in this matter.”⁵ From the report Robinson knew that the centre piece of the American case would be “the establishment of a well-documented history of what we are convinced was a grand, concerted pattern to incite and commit

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⁴ According to Robinson himself, “the matter of war crimes is one of the very few in which our group is the only Jewish group that made a contribution and remained active in to the end (sic).” Minutes, meeting of the World Jewish Congress with Robert H. Jackson in New York City, June 12, 1945, Records of the World Jewish Congress, Jacob Radler Marcus Center of the American Jewish Archives, (hereinafter WJC Archives), Truman Presidential Museum & Library (hereinafter TPML), http://www.trumanlibrary.org/whistlestop/study_collections/nuremberg/index.php?action=docs#1945. Retrieved, September 6, 2005. Robinson’s English was imperfect, leading to formulations such as this and an occasional corresponding lack of clarity.

the aggressions and barbarities which have shocked the world." Without additional fanfare, Robinson came quickly to the point, asserting a central Jewish interest in the forthcoming trial. "The Jewish people is the greatest sufferer of this war," he said, "if not in absolute number of its casualties ... [then] certainly in relative numbers (the ration of surviving Jews in Europe to their pre-war total in the same areas. It therefore has a case of its own against the master Nazi criminals and their accomplices." Robinson embraced the idea of a Nazi "master plan" – a conspiracy that embraced both the Nazi leaders and their organizations. And, lest the point was lost, Robinson insisted that it was the Jewish people which was at issue -- not just Jews who happened to be the victims. "The Jewish casualties ... are not a pure incident of the war or its preparatory stage, but the result of a well-conceived, deliberately plotted and meticulously carried out conspiracy." This conspiracy, moreover, "was directed not only against the Jews under their control, but also against those beyond their reach." Robinson took pains to emphasize that the anti-Jewish objectives of the Hitlerian regime were at the very core of the conspiracy. Referring to the "motives of the Nazi plot," he argued that attacking Jews was "dynamite to explode democratic society." Even after the German defeat, Europe remained infested "...with anti-Jewish feeling." Pressing his case, Robinson felt that "a specific indictment for the crime committed against our people will clear the atmosphere in Europe and make it easier for the survivors to reestablish themselves there." "Jewish survivors [were] entitled to have someone represent them at the trials," Robinson said. There should, he argued, be some amicus curiae presence of Jewish survivors that would "bring to the fore more clearly the moral implications of punishing the conspirators against an entire people." Jackson, for his part, listened intently to Robinson's presentation, asking at several points for supportive documentation – in particular on the numbers of Jewish victims and the original sources for incriminating Nazi statements. Gently, he pushed back on the matter of a specific charge of anti-Jewish activity and specific Jewish representation. Jackson "explained that it is intended to have one military trial embracing the whole conspiracy of the Nazis against the world, in which the Jewish count should have its place." As to more general Jewish representation, "the international military tribunal might not be well disposed towards such an idea," he said. "[O]ther groups might also ask for the same consideration, which would complicate matters."

The minutes of the June 12th meeting suggest that the matter of Jewish representation was not definitively settled, and indeed the issue was discussed within Jewish circles in the weeks and months that followed. Jackson was not opposed in principle, although he had reservations. In London, in August, possibly through the good offices of Lauterpacht, he proposed to call Chaim Weizmann, the revered president of the World Zionist Organization, to testify as "an authority on the total picture of the Holocaust," as Robinson later put it. The British opposed the idea, fearing that the testimony would fuel support for the Jewish case in Palestine. For their own reasons, Robinson and his staff were ambivalent. On the one hand, they recognized the "unique opportunity of pronouncing an earth-shaking j'accuse" on the crimes against world Jewry, as an internal memorandum put it. This would be a "historic occasion," not unlike Weizmann's appearance before the Peel Commission ten years before, appealing "to the emotions and reason of mankind."

On the other hand, "We have to expect a severe cross-examination," and the result could be to focus guilt not on the Nazi accused, but on the

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bystanding nations. Weizmann, his close associates knew, was in frail health and might not be up to the challenge. "[U]nless skillfully handled," an IJA memorandum put it, "... the whole appearance [might] boomerang."

Israeli political scientist Shlomo Aronson is probably right to observe that given the conceptions of the day, Robinson's accent on the crimes against the "Jewish people" "may have grated on Jackson's ear," observing that throughout the trial the American prosecutor referred to the Jews as a "race" — "albeit in a culturally neutral sense." In 1945, the Jewish collectivity was far from clearly defined in ethno-cultural terms as it is today. Non-Jews in particular were sometimes reluctant to think of the Jews in collective terms at all, except as a religion, arguing that doing so implicitly cast some sort of aspersion on them, or even involved playing the game of anti-Semites and Hitler. Important as this issue is to us, however, what is apparent from the presentation of the Jewish case to Jackson, at this early point in the preparation of the Nuremberg Trial, is the degree to which he and Robinson agreed on the essentials and were set to cooperate. Robinson understood the importance of fitting the Jewish case within the wider American project for Nuremberg. And Jackson, for his part, knew he needed help, and that Robinson and his team were well placed to provide it.

**Jewish Assistance in the Preparation of the American Case**

Toward the end of their meeting on June 12th, Robinson and Jackson discussed how they would work together: Robinson wanted Jackson to appoint someone on his team to deal with the Jewish issue; Jackson seemed more inclined to rely on the IJA for documentary assistance, both for legal and other matters. As the Institute's minutes noted, "Justice Jackson expressed interest in receiving from us all pertinent material we may be able to submit." Helpfully, Jackson noted that "he does not expect perfection in the preparation of such material, as he realizes the need for speedy action." A week later Robinson appeared in Washington to hand deliver his first installment — about a dozen studies, including a paper on the "Armenian Massacres," surveys of anti-Jewish laws, statistical analyses, legal briefs on particular topics, and so on. Robinson's involvement continued throughout the summer of 1945, as the Americans prepared their case, and as Jackson negotiated with Allied representatives in London on the shape of the Nuremberg proceedings. As requested, the Jewish researchers worked on both legal and substantive matters. In July, for example, Robinson wrote to Jackson directly, recommending that one important defendant be added to the list — "SS Obersturmfuehrer Adolf Aichman ... sometimes spelled Eichmann," referred to as "a man who is probably more directly responsible for the destruction of the Jews than any other single Nazi" (sic). Material in the archives of the Institute shows that the Jewish team also worked on German legal theory, problems associated with defining aggressive war, and so on.

Jackson's Office of Chief Counsel expanded to include several hundred people, with a shifting organizational structure that included extensive involvement in Jewish matters, both in a Section IV, Crimes Against Humanity, but also elsewhere. Robinson had a stream of communications with this office and with Dwork, both of whose abilities to deal with the material he came to question.

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11 Aronson, *Preparations for the Nuremberg Trial*, 265.
never left Washington to join the prosecutors in Europe, and his OSS unit seems to have dropped out of involvement in the trial’s preparation. Robinson later described Section IV in particular as “a group of men of good will but who lack competence in Jewish affairs.” “The deeper reasons for this state of affairs,” he concluded, were three-fold: “(1) American unpreparedness; (2) the assumption that a military man (and a lawyer, to boot) must know everything, especially how to execute any orders she may receive; (3) over-simplification of the whole Jewish matter.”

While maintaining their role as lobbyists, Robinson and the IJA never felt frozen out. In his succinct view, “we, those who are competent, are on the outside, and those who are on the inside are incompetent. The solution was either to bring the outsiders in, or to educate the insiders. The former was deemed more expedient, and that’s what was done.” Bringing the outsiders in meant continued involvement as the American prosecution took shape. Robinson flew to London in late August—apparently to help prepare the then expected testimony at the trial of Chaim Weizmann, but he remained in active contact with Jackson’s Office. In London during the preparation of the indictment, he was summoned to Nuremberg in the autumn—at first, in order to give evidence to support the allegation, in the indictment, of 5.7 million Jewish victims, and later to assist the American prosecutors, both with respect to the presentation of the Jewish case by Major William F. Walsh, the use of captured German films of Jewish ghettos, and in the interrogation of at least one of the German witnesses, SS Captain and Eichmann deputy Dieter Wisliceny, conducted by Lieutenant Colonel Smith W. Brookhart.

**Robinson’s Evaluation of the Presentation of the Holocaust at Nuremberg**

How did Robinson and his colleagues at the IJA evaluate the presentation of the Holocaust at Nuremberg? While by no means fully satisfied, and with reservations that perhaps grew in significance as the years passed, the Jewish lobby that is at the centre of this paper understood the momentous significance of the trial and the Jewish contribution to it. Nuremberg, Robinson was already stating in December 1945, created a revolution in legal thinking on war crimes, and the Jewish contribution had been “instrumental” in the resulting transformation.

Strikingly, given his own European background and international experience, Robinson’s perspective was utterly American. Like many of the American participants in the trial, Robinson ascribed important shortcomings to the exigencies of international cooperation. He attributed the insufficient attention or focus on Jewish matters in the indictment of the accused to “the system of division of labor among the four governments, resulting in four different styles which are not strongly unified.” In what turned out to be a momentous decision, the clarification of the four-power Charter of the Nuremberg Trial in the Protocol of October 6, 1945 resulted in a restrictive interpretation of “crimes against humanity,” rendering these “accompanying” or “accessory” crimes by requiring them to have been committed in connection with or in execution of war crimes or crimes against peace. As a result, Robinson noted, crimes against the Jews before the war did not fall within what constituted crimes against humanity at Nuremberg; and perhaps even more damagingly, the Holocaust was never highlighted as a distinct crime as Jewish lobbyists hoped it would be when they began work in the summer of 1945. In Robinson’s own phrase, describing the International Military Tribunal’s deductions

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17 Ibid.
18 "Col. Brookart (sic), a good American criminal lawyer, is conducting Wisliceny’s (sic) interrogation: It was impossible for me, a civilian without status, to get the permit necessary to interrogate him. So the following procedure was adopted: I would prepare the questions, Col. Brookart would go to see Wisliceny and put these questions to him, get his replies, and bring them to me. I would write these answers up and Brookart would take them back to Wisliceny for his approval, etc.” Ibid.
19 Ibid.
from this formulation, the Holocaust did not emerge “as a unit in fact and in law.”20

In a key passage in Robinson’s confidential report to Jewish leaders in New York in December 1945, he balanced these shortcomings with effusive appreciation of the American role in formulating the Jewish case. “If there is any group that took the Jewish case seriously,” he said, “it is only the Americans” (sic). It was the United States which drove home the case for “Crimes against Humanity,” he contended. Neither the British, nor the French nor the Soviets provided a framework for the integration of Jewish concerns into the prosecution’s case. “It is the self assertion of American leadership in world affairs on the moral plane which has proved of tremendous importance. The others missed the bus.” Robinson was unreserved in his praise of Jackson, particularly for the latter’s opening speech for the American prosecution. Robinson reminded his listeners of how Jackson described the goal of the Holocaust: “It is my purpose to show a plan and design, to which all Nazis were fanaticall committed, to annihilate all Jewish people .... The persecution of the Jews was a continuous and deliberate policy.” “[H]ow could it have been better said than that?” Robinson asked his Jewish audience rhetorically, then making a point of how this impacted on the trial. “At this point the defendants were at their lowest ebb, completely crushed. This situation gave rise to a certain competition among the four prosecutors in their desire to speak on the Jewish case ... .”21

What Robinson appreciated about Jackson’s presentation was the authoritative acknowledgement, from the highest perch of prosecutorial authority, of the comprehensive, murderous anti-Jewish objective at the core of Nazi criminality – a theme to which all four prosecuting powers were, in the end, formally committed. Documenting the existence of a policy of deliberate, comprehensive mass murder was considered a major achievement. “[T]he ultimate goal of Nazi-German policies with regard to the Jewish people was nothing short of complete physical annihilation,” was one typical IJA formulation, among many similar observations in 1945.22 Assessing the judgment of the court the following year, Robinson wrote that it was “important to emphasize that time and again the Court underlines the connection between the initial stage of persecution and the so-called ‘final solution.’”23

Over and over again, in memoranda describing the prosecution, the IJA took note whenever there was “prominent place” devoted to describing the murder of the Jews and whenever there was clear evidence of the Nazis’ murderous objectives. Tracking how this was done was one of the few discussions in which IJA material ventured outside an American perimeter: “The case presented by the British Prosecutors also made frequent references to the Jews as victims of Nazi oppression,” noted one report. “The French and the Russians, dealing with war crimes in the narrower sense of the word, also dealt with the crimes against the Jews.”24 Were the Jewish lobbyists of 1945 gratified by too little? Fully to appreciate Jewish perceptions of how their wartime ordeal was treated in 1945-46 one must imagine a time before “Holocaust” was an established category, before Raphael Lemkin’s “genocide” was an established term which could be applied to the Nazis’ assault on Jews or anyone else, and when anti-Semitism not only maintained a place in respectable opinion but was even resurgent in many parts of liberated Europe. As the evidence accumulated – with reference to what are for us indelible landmarks such as Wannsee, the Einsatzgruppen, ghettos, Auschwitz, the Warsaw Ghetto, Robinson

must have felt that his essential goals were achieved. "The evidence submitted to the IMT in the Jewish case was overwhelming," he wrote a dozen years later, "more than eight hundred Nazi self-accusing documents (in whole or in part) were presented and thirty-three witnesses were heard in addition to all the defendants present."25

Did the failure of the Jewish lobby to get a separate Jewish presence at Nuremberg as an amicus curiae rank as a shortcoming in Robinson's evaluation? Definitely not. Speaking confidentially in December 1945, Robinson told his Jewish listeners that in the context of the actual conduct of the trial, and in particular the arrangement of the courtroom, this demand did not make sense. "Far away from Nuremberg, the idea of our 'representation' or 'observers' being officially admitted to the trials sounded like a good idea. But the fact is that there are no 'representatives' at Nuremberg at all. The court consists of the floor and the gallery. The 'representatives' of the countries not represented on the bench are in the gallery, and so is everybody else, and there is no place for 'observers.'" Fifteen governments that adhered to the Four Power Agreement for the trial were accommodated there with great difficulty, but in practical terms there was no real point in being there. Not only was it difficult to see from the gallery, the proceedings themselves were tedious – Robinson was not the first to have noticed it – and consisted mainly in the reading aloud of documents that could be easily read elsewhere.26

Conclusions

Remarkably I think, given the responsibilities American Jewish leaders assumed in making the case for a shattered people, their perspective and that of the Institute of Jewish Affairs were resolutely internationalist and sought energetically to expand the scope of international criminal jurisdiction. Responding to Justice Jackson's Report to President Truman of June 1945, Rabbi Stephen Wise, speaking as president of the World Jewish Congress, heaped praise upon the American Chief Prosecutor for having "gone to the root of the war crimes problem." Jackson's approach, Wise said, was "undeterred by 'sterile legalisms,'" but sought to find a solution "in conformity with the highest traditions of justice, the laws of humanity and the ideals for which this war has been fought."27 Following suit, the director of the Institute of Jewish Affairs, an international lawyer who had served at the International Court at the Hague and who was fully at home with the idioms of international humanitarian law, saw his role as seeking "an extension in time and space of the orthodox definition of war crimes."28

To these Jewish campaigners, crimes against humanity were always at the centre of their attention, and while many crimes against Jews fell within the definition of war crimes the lobbyists devoted most of their legal analysis to the former, seeing in them a means to punish anti-Jewish activity for which there were otherwise no legal remedies. Outlined in Article 6(c) of the Nuremberg Charter, Robinson later noted, these charges "had gone a long way from some traditional taboos of public international law."29 By this he meant three things: first, that accused persons could be convicted of crimes against the Jews "whether or not in violation of the domestic law of the country where perpetrated"; second, that prosecution could be for crimes against "any civilian population," meaning subjects of Germany

and its satellites; and third, that prosecution could be for crimes committed “before or during the war” — all three cases, to be sure, being subject important limitations we will come to in a moment.

Of course, Robinson knew well that with the introduction of crimes against humanity the walls of national sovereignty had not come crashing down. But Nuremberg, he seemed to be saying to a Jewish audience, took a commendable step forward in the development of international law: “The theory of humanitarian intervention, the protection of minorities, the recently established duty of the United Nations to promote human rights and fundamental freedoms notwithstanding, sovereignty is still generally understood as absolute freedom in treating its own nationals. The Tribunal did not discuss this problem, but the answer is certainly clear that crimes committed by Germans against German nationals are within the general scope of crimes against humanity.”

Robinson and his colleagues were acutely aware of the limitations placed upon the newly defined crimes against humanity and the resulting scope of the judgment that was announced by the Nuremberg court in October 1946. He identified two problems, from the Jewish point of view. First, having had to accept that crimes against humanity were to be “in execution of or in connection with” war crimes or crimes against peace, the Jewish lobby had to bow to the court’s view that the persecution of the Jews before the war were not so connected and thus did not constitute crimes against humanity. Second, since the Tribunal did not find in favor of the existence of a “common plan or conspiracy” to commit war crimes or crimes against humanity, there was an additional reason not to extend criminal culpability backwards in time to cover acts against German Jews in the prewar period. Crimes against humanity were therefore by no means a generous category of criminality that would satisfy all of the Jewish concerns about Holocaust prosecutions in the 1945. Robinson and his colleagues knew, particularly after the restrictive interpretations agreed to by the Allies in October 1945, that they had to work with imperfect legal instruments.

Accepting these restrictions and having embraced the American trial plan, Robinson expended much effort to impress upon the American prosecutors, and thus the Nuremberg court, that the crimes against the Jews flowed from a coherently articulated plan — the kind of conspiracy so favored by the American conception of Nazi criminality. “According to our theory,” he told his Jewish listeners in 1945, “these killings must be tied up with previous stages of the crime, constituting the last link in a chain of criminal acts of the conspiracy to destroy the Jewish people.” In addition to providing an explanation for the Holocaust and a strategy congenial to the Americans, this approach to understanding what had transpired made it more likely, Robinson felt, that the Holocaust would be considered “a unit in fact and in law” — a standing, he undoubtedly felt, that was in keeping with the unprecedented scale and nature of the massacre of European Jewry. Robinson was, of course, disappointed in the finding of the court in this regard — and it is interesting to observe, in response to the charges that Nuremberg encouraged a conspiratorial understanding of the Holocaust, that in this case the court’s judgment sought precisely to do the reverse.

Was Robinson unhappy about the scarcity of Jewish witnesses, the relative absence of survivor testimony? This is doubtful. Certainly he said not a word about this — neither in his confidential briefing of Jewish leaders in New York in December 1945, nor in the articles he wrote at the time of the trial, nor even in his overview in an Israeli law journal in 1972, a decade after the Eichmann trial in which he had actively participated and in which survivor testimony was a cornerstone of the prosecution’s case.

And the explanation is simple: Not only did the legal culture of the day not privilege victims’ testimony in the manner that is so favored today, but Robinson and the IJA seem to have agreed unspokenly with the determination of Robert Jackson and his colleagues to anchor their case against the Nazis in the latter’s own words, recorded in the avalanche of paper that was submitted to the court, and which Robinson and his colleagues had so painstakingly and professionally assembled on the persecution and murder of the Jews. “[M]ore than eight hundred Nazi self-accusing documents” Robinson reminded his readers. A seasoned lawyer himself, and like many Jews preoccupied with defining an as yet ill-understood and unprecedented catastrophe, this was what he considered the surest way to do so.

Finally, and to put this sometimes detailed assessment into broader perspective, my sense is that Robinson and the IJA came away from Nuremberg gratified by the achievement of what was to them a core objective: formal recognition, by an internationally authorized body, of the modern catastrophe of the Jewish people. Disappointing as were the shortcomings in crimes against humanity and the legal ramifications of the judgment, the essential was otherwise – what Robinson referred to in December 1945 as “our struggle in securing the recognition for the Jewish people as the victim of the Nazi fury” (emphasis in original).34 At the heart of it all was the campaign in a relatively unfamiliar non-Jewish environment for the notion of a grievously victimized Jewish collectivity – a new idea, for many, in 1945-46. Years after the trial, Robinson praised the “valiant effort to lead the IMT towards a proper definition of the crime committed by the Nazis against the Jewish people” by Robert Jackson and his associate, Major Walsh. And despite the findings of the tribunal, as we have already noted, Robinson felt that the evidence presented in support of this case was “overwhelming,” the more so for its having been assembled in documentary form. “A careful analysis of this documentation leads inexorably to the conclusion of the existence of a conspiracy to destroy the Jewish people and its ruthless implementation, resulting in the death of some six million Jews, which constituted 75% of the Jewish population in Europe” (sic). To its conclusion, the Nuremberg Trial highlighted the inescapable facts of the disaster that had befallen world Jewry. In sentencing, Robinson noted, practically all of those who had been actively involved in committing crimes against humanity received the death penalty. This illustrated how the Nuremberg court “was constantly aware of the Jewish element in the trial.” To us, this is a banal observation, for we would expect nothing less. But to many Jews at the time, and to their spokesmen at Nuremberg, hungry as they were for the sort of recognition the American prosecutors offered them, this was an achievement that they had worked for years with almost frantic, if highly professional, determination.