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NATHAN FEINBERG – IN MEMORIAM

With profound sorrow, we regret to inform our readers of the death of Professor Nathan Feinberg, one of the founders of the Faculty of Law of the Hebrew University. Prof. Feinberg made an immeasurable contribution to the study and research of the legal and political aspects of the most crucial matters touching on our existence: the status of the Jewish people and of the Zionist movement, the rights and duties of the State of Israel, and some fundamental questions concerning the Arab-Israel conflict.¹

Nathan Feinberg was born in Kovno on June 6, 1895. He studied law in Zurich and specialized in international law in Geneva. In 1924, he immigrated to Palestine and was soon admitted to the bar. For many years, Nathan Feinberg combined a professional and academic career with political and legal activities in the service of the Jewish people and the Zionist cause. Thus he organized and directed (in 1933) the activities of the Comité des Délégations Juives at the League of Nations in the matter of the famous Bernheim petition against the Nazi persecution of the Jews.

1945 marked the beginning of Professor Feinberg's link with the Hebrew University, where he first taught international relations and later international law. Little wonder that when the University decided to establish a faculty of law, Nathan Feinberg was prominent among the handful of people responsible for preparing the project, and it was largely due to his untiring efforts that the faculty opened its doors in 1949. Professor Feinberg was its first dean.

Several distinguished international bodies invited Prof. Feinberg to join them; among the most prominent were the Institute of International Law and the International Institute of Arts and Letters. In 1987, at its Cairo session, the Institute of International Law bestowed upon him the great honour

¹ The Israel Law Review has published two issues in honour of the late Prof. Feinberg, marking his eightieth and ninetieth birthdays. The second of these contains a complete list of his publications. See (1975) 10 Is. L.R. 419 and (1985) 20 Is. L.R. 113, especially 116–122.

of being elected an honorary member. The Hague Academy of International Law invited him three times to give a series of lectures, and the Government of Israel appointed him to the Permanent Court of Arbitration.

In 1976, the Hebrew University bestowed upon Professor Feinberg the title *doctor philosophiae honoris causa*, and in the same year, the Municipality of Jerusalem declared him “Worthy of Jerusalem”.

Prof. Feinberg’s vast general and professional culture, his clarity, thoroughness and objectivity, and his acute legal analysis and profound historical insight have engendered some of the best publications on the position of the Jewish people in international law and on the Arab-Israel conflict.

Professor Nathan Feinberg may be considered the Father of International Law in Israel. The gist of his attitude towards the Law of Nations was capsulized by him in a letter sent a few weeks before his death to Prof. E. Harnon in connection with a symposium on “The Law of Israel After 40 Years”:

“During all my years at the Hebrew University, I taught public international law. I was aware of the fact that it has been violated and is still violated – especially when it comes to the revolutionary provision which prohibits the threat or use of force (save for a few exceptions). However, just as the theft of 16,000 cars in Israel in 1987, or the fact that in the same year 109 rapists were in prison did not abrogate the provisions of the penal law which apply to the offenders, thus the violation of a norm of public international law does not undermine the very existence of the norm and its legal effect.

Israel’s jurists are thus advised to be aware, in the course of their discussions and deliberations, that in order to be worthy of the status and title of a state respecting the rule of law, it is not enough that the State abides by its own internal law; Israel must also accept the authority of international law where the State is subject to it and comply fully with the rules laid down by international law.”

We will remember Professor Feinberg with love, admiration and gratitude.

Ruth Lapidoth