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הארגון הבינלאומי של עורכי-דין ומשפטנים יהודים (ע"ר)  
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# IN MEMORIAM

*Prof. Natan Lerner 1925 – 2017\**

**Alona Hagay-Frey**

*The mediocre teacher tells.*

*The good teacher explains.*

*The superior teacher demonstrates.*

*The great teacher inspires.*

William Arthur Ward

Prof. Natan Lerner was a beloved and admired lecturer, globally respected researcher, incisive journalist, inspiring activist, good friend to so many people in so many places worldwide, loving family man and a generous gentleman with a good sense of humor. He was an international expert on matters of state and religion, minorities, and racism. Every piece in the mosaic of his life reveals his close ties with these subjects – on which he wrote books as well as numerous articles in Spanish, English and Hebrew.<sup>1</sup>

Natan Lerner was born in Krzemieniec, Poland in 1925. In 1939, as part of the Molotov–Ribbentrop Pact, Krzemieniec was ceded to the USSR to which it belonged until the fall of the USSR in 1991, when the town became part of Ukraine.

Back in 1930, Prof. Lerner and his parents emigrated to Argentina. There, he attended an Argentinean state school (where he learned French, English and Italian) and a Jewish school (where he learned Yiddish and became embued with Zionism). The Jewish school had a respectable library which held Yiddish books confiscated by the police who were unaware of the books' anarchistic content. Because of his knowledge of Yiddish and his affinity to the written word, the young Lerner was appointed librarian. This was his first exposure to anarchist literature. For his Bar Mitzvah, Lerner's parents presented



him with a used Remington typewriter and a typing course – a gift that was to open doors for him in the years to come and tie his fate to the written word.

Lerner was engaged, inter alia, as the personal secretary of Adv. Leon Dujovne, the Argentine writer, philosopher, essayist and journalist who also translated scholarly works. While Lerner had started out as Dujovne's secretary, he would succeed him many years later as editor of the most important Yiddish

newspaper published in Buenos Aires. Lerner's proficiency and experience furthermore led the Argentinean Zionist Federation to appoint him as editor of their weekly Spanish publication. This journalistic activity deepened his identification and activities with the General Zionists.

During World War II Argentina "sat on the fence," divided between left and right, and remained neutral. In 1943, the military staged a successful coup d'état. That

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\* This text is based on: Alona Hagay-Frey, *The Mosaic of Prof. Natan Lerner's Life*, 24 LAW & BUSINESS (a volume dedicated to the memory of Prof. Natan Lerner, forthcoming, Hebrew, 2019).

same year, Lerner was sent to detention for having been found to participate at a rally in solidarity with the Allies. The topics of research which Lerner later chose to explore, suggested that he had gained deep insights while spending long hours in detention.

In 1944, Lerner, who always felt himself to be a “bit of a jurist,” enrolled in the Bachelor’s program at the Buenos Aires University Faculty of Law. During this period, Lerner was again arrested, this time by the Secret Police. No one knew why he was arrested, apparently not even the police. He was detained for so long that his friends started to refer to him as “Ex Lerner.” Nobody believed that he would return but thanks to the efforts of his father, he was finally released.

Prof. Carlos Fayt, who specialized in “Political Law,”<sup>2</sup> made perhaps the most lasting impression on Lerner during his university years. While Fayt’s lectures, according to Lerner, were riveting, his political engagement was no less admirable thus showing Lerner an example of how one can successfully combine an academic life with practical engagement in politics. While Lerner completed his university studies, he was also a teaching assistant for Isidoro Ruiz Moreno, the international jurist – yet another appointment.

Alongside his academic pursuits, the young Lerner was an activist who devoted much time to Jewish projects. He lived and breathed the problems of the Jews of Argentina as well as those of the young state of Israel. He worked in the secretariat of the Zionist Youth Confederation as well as in the administration of DAIA - Delegacion de Asociaciones Israelitas Argentinas – the political organization representing the Jewish community in Argentina where he was elected vice president and occasionally served as acting president.

In 1950, Lerner was admitted to the Bar and continued to work with Adv. Leon Dujovne, but now as a lawyer. Subsequently, Lerner was accepted as a Ph.D. candidate in Law and Social Science. Supervised by Carlos Fayt, he completed his thesis on “Minorities” – a subject close to his heart and a subject hitherto almost entirely neglected in Argentina.

In 1959, the year in which he completed his Ph.D. studies, Lerner attended the World Jewish Congress Assembly in Stockholm (as part of the Argentinian delegation). There, he met and formed strong bonds with the organization’s leadership.<sup>3</sup>

In the early 1960s, Lerner and his family emigrated to New York where he worked in the Latin America bureau of the World Jewish Congress. He felt that his time in New York was stimulating and it indeed turned out to

be the start of his very productive career with the publication of his first book in English on “incitement of group hatred.”<sup>4</sup> Three years later, the Lerner family made aliya to Israel.

In Israel, Lerner first worked as the Director of the Israeli Branch of the World Jewish Congress and eventually, in 1970, began teaching courses in international law, human rights, and Latin American studies at University of Haifa, Tel Aviv University, and The Hebrew University of Jerusalem. From 1989, he dedicated himself solely to academic life.

After having reached retirement age, he was offered a position on the founding staff of the IDC in Herzliya. There, for many years, he taught international law and led seminars on subjects close to his heart: racial discrimination, state and religion, etc.

On his old typewriter and, later, on his more advanced computer, Prof. Lerner authored several books and numerous articles. His writings were published by leading publishers and in journals in Argentina, Spain, the United States, Israel and other countries. All of his writings – be they in Spanish, English or Hebrew – touch upon his personal life experiences as a member of a minority group struggling for its rights, freedom of expression, and equality.

He wrote in his capacity as a publicist, journalist, jurist, and activist. Various stages of his life influenced his writings: the period of being an immigrant member of a persecuted minority and later, when he held positions at the World Jewish Congress in New York, then moving to the years when he was a compatriot member of a majority group that relies on the tools provided by international law in order to protect minorities.

His first book “On the Defense of Human Rights” was written in Spanish and published in Argentina in 1958.<sup>5</sup>

1. I would like to use this article to express my appreciation of Prof. Lerner for the many years during which I was favored with comprehensive knowledge, inspiration, encouragement, and a belief in my abilities. For all this and more, I will be forever grateful.
2. In 1983, Prof. Fayt was appointed to the Supreme Court of Argentina. He died in 2016.
3. Natan Lerner, *Minoras*, en ENCICLOPEDIA JURIDICA OMEBA, tomo XIX, Buenos Aires, Driskill 780-818, 1991.
4. Natan Lerner, *RELIGION, BELIEFS AND INTERNATIONAL HUMAN RIGHTS* (New York, 2000); Natan Lerner, *RELIGION, BELIEFS AND HUMAN RIGHTS* (Leiden, 2006).



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His first English language book dealing with incitement to group hatred, published in 1965, was based on material to which he was exposed during his work at the World Jewish Congress offices in New York.<sup>6</sup>

In 1980, he wrote his well-known book *The UN Convention on the Elimination of all Forms of Racial Discrimination*.<sup>7</sup> In 2003, he authored a further book on the rights of minority groups, discrimination, and International Law.<sup>8</sup> His clear and important insights helped these books become an international success. Some years later Prof. Lerner was asked to update and republish two of his books (in 2012 and 2015 respectively – see footnotes 7 and 8) and these were translated into Spanish and Japanese. Subsequently, Prof. Lerner published two books dealing with religion, belief, and human rights.<sup>9</sup>

His rich academic work did not hamper his political activity. Thanks to his engaging personality, his internationally acclaimed research papers, and his striving towards working to create a better world, he met many people with whom he worked to achieve change in the public arena. He connected, for example, with the Burakumin people<sup>10</sup> in Japan. Numbering some three million people, this group has throughout history suffered discrimination and ostracism, and finds itself at the bottom of the Japanese social order. The Burakumin were extremely interested in Prof. Lerner's book dealing with the UN Convention on Racial Discrimination, and after the book was translated into Japanese, Prof. Lerner was invited to visit Japan. The Burakumin used the book to shed light on their plight.

In the ensuing years and with the Burakumin's situation improving, they never lost touch with Prof. Lerner. In 2006, a second book by Prof. Lerner, *Religion, Secular Beliefs and Human Rights*, was translated into Japanese. Just as before, after the book appeared in Japanese, Prof. Lerner was invited to Japan where he spoke on the book's major themes.

Prof. Lerner also played a central role in strengthening Israeli-Spanish relations and furthered the interfaith dialogue with the Catholic Church. Prof. Lerner's activity in this area led to a committee headed by Itzhak Navon, the former president of the State of Israel, deciding to award Prof. Lerner the Samuel Toledano Prize. Among the reasons stated for awarding Prof. Lerner this prize was "his significant contribution in strengthening the ties with Spain and in particular the interfaith ties between Christians and Jews in the two countries."

His prolific and cogent writing, and expertise in racial discrimination and its elimination, led to him gaining international recognition. Thus, he was invited in 1979

to write a report on the cooperation between the UN and UNESCO (United Nations Educational Scientific and Cultural Organization) relating to the elimination of racial discrimination. Moreover, in 2008, the UN Office of the High Commissioner for Human Rights appointed Prof. Lerner as UN expert on freedom of expression and incitement. Prof. Lerner was also invited to a seminar that discussed the connection between Articles 19 and 20 of the International Covenant on Civil and Political Rights. On the basis of a document he authored,<sup>11</sup> two further sessions relating to the connection between the two articles were held: one in Amman (in Jordan) and the other in Beirut (in Lebanon). Paradoxically, he was not invited to

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5. Natan Lerner, EN DEFENSA DE LOS DERECHOS HUMANOS, UN APORTE A LA LUCHA POR LA IGUALDAD DEL NEGRO (Delegacion de Asociaciones Israelitas Argentinas, 1958). Six additional books were published in Spanish: Natan Lerner, MINORAS Y GRUPOS EN EL DERECHO INTERNACIONAL. DERECHOS Y DISCRIMINACION, MEXICO, COMISION NACIONAL DE DERECHOS HUMANOS (1991); Natan Lerner, DE LO PARROQUIAL Y LO UNIVERSAL (Aurora, 2010); Natan Lerner, DISCRIMINACION RACIAL Y RELIGIOSA EN EL DERECHO INTERNACIONAL (2002); Natan Lerner, ISRAEL Y LA CONDICION JUDIA: EL DERECHO A SER DIFERENTE (1987); Natan Lerner, JUDIOS Y NO JUDIOS, ANTE LA LEY ISRAELI (1978); Natan Lerner, EN DEFENSA DE LOS DERECHOS HUMANOS (1958); Natan Lerner, ESQUEMA DEL DERECHO ISRAELI (1963).
  6. Natan Lerner, THE CRIME OF INCITEMENT TO GROUP HATRED (New York, 1965).
  7. Natan Lerner, UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (Alphen an den Rijn, 1980). In 2015, a revised updated edition was published: Natan Lerner, THE UN CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION (2015).
  8. Natan Lerner, GROUP RIGHTS AND DISCRIMINATION IN INTERNATIONAL LAW (The Hague, 2003). This book was updated and reprinted in 2012: Natan Lerner, GROUP RIGHTS AND DISCRIMINATION IN INTERNATIONAL LAW (2nd ed. 2012).
  9. RELIGION, BELIEFS AND INTERNATIONAL HUMAN RIGHTS, *supra* note 4.
  10. "Hamlet people" / "village people," "those who live in hamlets/villages."
  11. Natan Lerner, *Freedom of Expression and Advocacy of Group Hatred Incitement to Hate Crimes and Religious Hatred*, CONFERENCE ROOM PAPER # 12 (2008) available at [www2.ohchr.org/english/issues/opinion/articles1920\\_iccpr/docs/experts\\_papers/Lerner.doc](http://www2.ohchr.org/english/issues/opinion/articles1920_iccpr/docs/experts_papers/Lerner.doc).

either session. There, the document received official recognition and Prof. Lerner was invited to sign it.<sup>12</sup>

Also in 2008, Prof. Lerner was invited to lecture at the University of Buenos Aires in their Faculty of Law on the subject of “minorities,” – the same subject he had researched at that same university five decades earlier.

It is impossible to summarize in this short review the monumental achievements of a great man who encompassed so many personal, political and academic qualities and assumed so many roles. He was my personal teacher, a universal educator, writer, journalist, academic, activist, a person of politics, a jurist and a lawyer. To this day and likely into the future, Prof. Lerner’s writings influence people and international organizations around the world. His eagerness to remain up-to-date with current affairs and his willingness to expound his doctrine on the importance of maintenance and enforcement of international law, the importance of tolerance, equality and acceptance of others, made him an inspiring man who influenced many people’s lives in many languages. I was privileged to be one of them.

In my interview with him in preparing to write his life history, I asked: “if you had to define yourself in light of your history and your academic and political achievements, how would you sum up and define yourself?” “Me,” Prof. Lerner replied with his typical humility, “I am an old Jew.”

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12. UN General Assembly Human Rights Council, Tenth session Agenda item 2, A/HRC/10/31/Add3, Report of the United Nations High Commissioner for Human Rights and Follow-up to the World Conference on Human Rights (Jan. 16, 2009), available at [https://www2.ohchr.org/English/Issues/Opinion/Articles1920\\_Iccpr/Docs/A-HRC-10-31-Add3.Pdf](https://www2.ohchr.org/English/Issues/Opinion/Articles1920_Iccpr/Docs/A-HRC-10-31-Add3.Pdf).

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# Natan Lerner - An Appreciation

Alan Stephens

For several years, starting in the mid-1980s, I had the honor and the great pleasure of working with Natan Lerner when I headed the international law and human rights divisions of the Netherlands-based international academic publishing companies. Many of Natan's books mentioned in Alona Hagay-Frey's charming and heartfelt tribute to his memory were published by these companies and remain in print to this day – often in new and revised editions as the result of demand by academics, diplomats, librarians and others.

The celebrated sixteenth-century French essayist, Michel de Montaigne, when introducing an anthology that he had compiled, once wrote: *J'ai seulement fait ici un amas de fleurs étrangères, n'y ayant fourni du mien que le filet à les lier* (I have gathered a bouquet of other men's flowers, and only the thread that binds them is my own). The work of a publisher has much in common with that of an anthologist, and I know with certainty that my erstwhile colleagues agreed with me that in our bouquet of writers, Natan was among the most cherished.

We admired him for his erudition and breadth of knowledge, for his enormous energy, for his commitment to Human Rights, in particular the rights of minorities, as well as for his writing skills. We loved him for his courtesy, his friendliness and his great conversation.

My first meeting with Natan, which took place in the lobby of a Jerusalem hotel, lasted for hours as I gained insights into the many phases of his life and career and as we swapped stories about events and people in our common fields of interest. He was wonderful company. We stayed in touch over the years and, after my retirement and *aliya*, we continued to meet from time to time in Jerusalem and at the IDC in Herzliya. These meetings were quite often initiated by Natan to introduce me to a student or colleague whom he rated highly and whom he thought I would enjoy meeting. As a result of a number of these encounters, I was able to help young researchers to get their work published. This was never done as a favor to Natan, but because he had identified individuals of high quality who had produced excellent materials. (Among these individuals was the above mentioned Alona Hagay-Frey.) Natan's generosity towards his students and colleagues was among his most endearing characteristics.

It was a privilege to know him and a delight to work with him. ת.נ.צ.ב.ה.

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