

**Conversations with Professor Sir Elihu Lauterpacht
First Interview: Early Life (1928-1940)**

Date: 29 January 2008

Between January and May 2008, Sir Elihu was interviewed seven times at his home in Herschel Road Cambridge to record his reminiscences of seventy years of his own, and his father's associations with the Faculty. The interviews were recorded, and the audio version is available on this website with this transcript of those recordings. The questions and topics are sequentially numbered in the six interviews for use in a database of citations made across the Eminent Scholars Archive to personalities mentioned therein.

Interviewer: Lesley Dingle (**questions and topics are in bold type**)

Sir Elihu's answers are in normal type.

Comments added by LD, *in italics*.

All footnotes added by LD.

1. Sir Eli, as you know, I have been interviewing eminent scholars associated with the faculty to preserve aspects of its history. The name of Lauterpacht is one that has been associated with the faculty for longer than almost any other, 1938 to the present day, exactly 70 years, and its legacy is something of which the faculty is justly proud. The Lauterpacht Centre for International Law, which you established, is a monument to the great contribution Sir Hersch and yourself have made to international law at Cambridge and worldwide. In these interviews I hope you will recount memories and anecdotes that define your professional and academic career and at the same time take the opportunity to recall aspects of your father, Sir Hersch's life and achievements, as seen from a unique personal perspective.

Could we start with your early life and interweave memories and anecdotes about the lives of your father and mother prior to your arrival in Trinity College in the early 50's? Later we can deal with your academic achievements at Cambridge and your professional activities from the 1950's to the present. Finally, there will be an opportunity to talk about your published work, and at that stage, perhaps we can include more about your father's ideas because you have produced extensive compilations of Sir Hersch's manuscripts and papers.

So starting then, in the first section, can we deal with the period before you were born. Do you have any memories, Sir Eli, that your parents told you of their early lives?

Well, I can tell you about their early lives. Obviously I have no memories of what transpired before I appeared, but my father was born in a little village called Zolkiew, which is about 25 miles east of a major city, in those days called Lemberg [LD: *L'vov, Ukraine, Nesterov,*



Soviet Union]. It was the capital of the easternmost province of Austria-Hungary, namely Galicia. When he was about ten years old the family moved from Zolkiew to Lemberg so that he might be better educated. He went to school in Lemberg and remained there from about 1907.

He was in Lemberg from 1907 until eventually he went to Vienna in 1919 to pursue research. There he worked under two distinguished international lawyers, Kelsen and Strisower. He then became interested in the relationship between domestic law and international law and in the place of the individual. His particular field of study was the Mandate System, which was then emerging from the League of Nations. In 1922, or thereabouts, [LD: 1920 according to Koskenniemi 2004] he met my mother, who was studying piano in Vienna [LD: Rachel, née Steinberg]. She was a gifted pianist but unfortunately didn't continue it very much after she married my father. They got married in Vienna in March 1923.

There was a brief interlude when they went to Germany for my father's further research and after that, later in 1923, they came to England and settled in London. There my father attended the London School of Economics. It was there that he met Arnold McNair, who was currently then teaching at LSE. He and McNair got on very well together. There are accounts that when my father first appeared in McNair's office in the LSE, he spoke rather poor English; McNair told him to do something about it. My father then rigorously attended lectures for three weeks and came back speaking English; McNair was quite amazed. So my father was then enrolled as a research student at the London School of Economics and he began work on his first book, which was called *Private Law Sources and Analogies of Public International Law*. He produced this thesis by 1927. It was published to much acclaim because it was a novel and interesting work, and on the basis of that he obtained an assistant lectureship at LSE. About then, after having lived in various places in North London, he and my mother moved to a rented house in Cricklewood; 103 Walm Lane. It was there that I was born on 13th July 1928. So my father was then lecturing at LSE and he continued with his work there.

Between 1928 and 1933 he produced probably his most important and renowned work, *The Function of Law in the International Community*. On the basis of that work he was promoted to become a lecturer and eventually a reader in international law at LSE. In the meantime, McNair had moved on from LSE to Cambridge, where he had become Whewell Professor of International Law in 1935 after Pearce Higgins¹ retired. In 1937 McNair² accepted appointment as Vice Chancellor of Liverpool University and so my father, with McNair's encouragement and support, was appointed to the Whewell Chair here in Cambridge in 1937 and we all moved up from London to Cambridge.

2. Sir Eli, can you tell me why it was that your father, Sir Hersch, decided to come to

¹ 1865-1935

² 1885-1975



England in the first place?

Well, that is a very good question. I do not have any direct evidence for the answer I am about to give, but I am pretty certain it is about right. He did not like Poland because by 1919 Galicia and L'viv had reverted from being a province of the Austro-Hungarian empire to being part of Poland. Generally he found that the feelings of the people there towards Jewish people were not entirely agreeable. So, I think, he had made up his mind, because he was a thoughtful and perceptive person that he wanted to make his life outside of Poland. That is why he went to Vienna for research, and why he and my mother came on to England very shortly after they were married. I think he wanted the more liberal atmosphere of the United Kingdom at that time.

3. And he chose to come to the LSE, but what made him decide on this?

This was because, I am sure, the LSE was really the only place that he could come to where there was any real prospect for an international lawyer. There was not much going on at the other establishments; University College, King's College and so on. LSE also had an international law library, the Fry Library, which had been provided with monies from Sir Edward Fry³, who had been Lord Justice of Appeal. So it had the resources he needed.

4. I was reading that at the time when they were in London, your mother was quite keen to return to Palestine, but that Lord McNair prevailed upon her not to persuade your father to do this. Do you recall this at all?

Well, I do not have any direct knowledge of it.

5. Question deleted.

6. That is fascinating.

My father and mother continued to live in England and he was always sympathetic to the Zionist cause. In due course in 1948, when he was in New York, he played some role in the drafting of the Declaration of Independence of the emergent State of Israel.

7. Sir Eli, you mentioned Lord McNair during this period, do you have personal recollections of him?

Yes, I do. First of all, of course, he wasn't Lord McNair then, he was Dr Arnold Duncan McNair. He only became Lord McNair after he ceased to be President of the International Court many years later, but McNair and my father became very close friends and McNair used to visit the house from time to time. I remember on one occasion, I suppose I must have been about between three and five years old, McNair came to tea at our house in Walm Lane. My mother had bought a nice cake and it was sitting on the table. Now, I was very anxious to get a slice of it, so as nobody else made a move I thought the only way to get into the cake was to offer some to McNair. I obviously must have said to him something like, "Would you like a piece of cake?" He smiled and replied, "*Honi soit qui mal y pense*" – "*Shamed be he, who evil thinks.*" But we

³ 1827-1918



always had a very good relationship. And I grew older I saw more of him; he was a very considerable person.

8. Sir Eli, your father had his fair share of critics legally, including names like Brierley, Schwarzenberger, Friedman, Carr. Did you ever meet any of these?

Yes, well...I have no recollection of having met Brierley. Obviously my father thought highly of him - when Brierley died my father edited a collection of his articles, which was published under the title *The Basis of Obligation in International Law*. I really have not got much more to say about Brierley, except that he and my father did not have the same views about the fundamentals of international law, although, obviously, my father admired and respected Brierley.

Now, as for Schwarzenberger⁴, that is a rather different story. Schwarzenberger did not come to England until, I suppose it must have been the late 30's, as a refugee from Germany. He came with a burden, I would say, of Teutonic philosophy. He was a person who thought that the teacher knew all. He was not a flexible person, but he was a very nice man, though he was not easy to get on with. And for some reason he decided to have a kind of feud with my father. Well, they didn't exactly fall out because my father wasn't interested in having a feud or falling out with Schwarzenberger, but Schwarzenberger made an issue of the punishment of war criminals and the defence of superior orders. I do not have the details at my fingertips now, but Schwarzenberger and my father did not get on.

I met Schwarzenberger when I myself began lecturing at LSE back in 1951 or '52 and he was always very pleasant to me. I had no particular animosity against him, nor indeed did my father, it was just that they did not get on, and my father kept his distance.

9. Any recollections of Carr?

My own recollection of E H Carr is limited to a period in his later life when he was a Fellow of Trinity and I was a Fellow of Trinity. We have a special Fellowship at Trinity for distinguished scholars and we provide them with accommodation and living expenses, but I never had any intellectual contact with Carr.

10. Well, that brings us to your own early life, beginning in 1928 and covering the period from 1928 to 1940. Do you have any memories, Sir Eli, of your life whilst your father was at the London School of Economics. Does anything stand out?

Oh yes, well we had a very agreeable family life. We lived happily together at 103 Walm Lane. My father used to go off to LSE each day - initially he would drop me off at kindergarten, King Alfred's School near Golders Green Station. We would take the tram from Cricklewood to

⁴ 1908-1991. Professor Georg Schwarzenberger. Wrote numerous books on International Law: *Power Politics* 1941, *Frontiers of International Law* 1962, *International Law & Order* 1971, *Civitas Maxima* 1971.



Golders Green, and then walk up the hill to King Alfred's School. Then my father would go on to LSE. I suppose my mother must have picked me up from school, but this was a period notable only for the fact that I spent most of my time on the slide at school and my mother had repeatedly to patch my trousers from being worn out; it was a happy period.

Sometimes on a Sunday my father would take me out for a walk in Hampstead Heath, or the three of us would go on the train out to some place like Aylesbury or Amersham and walk and picnic in the hills there. My father had made a number of good friends at LSE. I cannot remember exactly who they were, but I know that on one occasion we went out to visit them in the country near Frinton and certainly as the years went by we visited Frinton for holidays several times. I remember particularly the period around about, it must have been 1934/35, when my father was preparing for his bar examinations and he rented a house in Frinton, Frinton-on-Sea in Essex and also one of those little beach huts by the beach. My mother and I used to go down to the beach hut in the morning and there I would play with friends that I had made on the spot. He remained in the house and got on with the preparation for his bar exams. Then he would come down to the beach around about lunchtime, having stopped off at the local Sainsbury's and got things like ham and tongue and things that we would enjoy for lunch; we would have lunch together and then he would go back and do more work.

11. It sounds delightful.

It was a good life, yes. And of course by then I was growing up. In 1935, I was already seven years old and was going to school in London, the Hall School, which was in Hampstead. I would get there on the school bus. It really wasn't a bus, it was just a large motorcar that would pick up several of us and take us off to school. It was a very good school and I enjoyed it until we came to Cambridge in 1937.

12. So do you have any memories of your life in pre-war Cambridge?

Oh yes, pre-war Cambridge was a very pleasant town. It was, of course, not as big as it is now, I think the population was then around about 44,000 and it was a safe town. One did not have the concerns that one has today about letting a young person out on his own and I cycled round a great deal and became acquainted with the town. I went to school here, we lived in Cranmer Road, which is just off Grange Road, behind or near the University Library and behind where the present law school is. I went to school just around the corner at King's Choir School, as it was then called. It is now called King's College School, a school that King's had founded many years previously for the education of the choristers of King's and there were a number of day boys there. So I went there and the headmaster at that time was a rather formidable figure, Mr Fiddian, and he did not stand for any nonsense. I tended to be slightly undisciplined and talkative, so I came in for my fair share of punishment, though nothing too terrible. I got whacked a few times but I stayed at King's Choir School from our arrival in Cambridge in 1937 until I was evacuated to America towards the end of 1940.

13. Before your evacuation, life in wartime Cambridge, do you have any recollections of that in 1939?



Well, Cranmer Road was a very agreeable road. In those days, the hierarchy of professors was much more highly regarded and respected than it is today. There were fewer professors, I think, at that time in the university; in the whole of the university there were only about 42 professors. So a professor was a quite significant and distinguished person. Cambridge had its own special social rules. For example, when somebody came to Cambridge for the first time, like my mother, it was the custom that other ladies would call upon her at, I think, teatime. They would come with their visiting cards with a corner turned down, for some reason I do not quite know, and they would come and have a cup of tea with my mother. My father would work at home, he had a study in the house at number 6 Cranmer Road, but he was not party to these ladies' visits. And Cranmer Road had some notable residents.

At number 3 there was somebody called Mr Hutton, who was not really part of the university but he had been a former colonial servant and I didn't see anything of him. At number 5, which is now the house where the Research Centre now is, there was a family called Stanley, two brothers and three sisters, all unmarried. One of the brothers was a solicitor in Cambridge and they were obviously well-off, they had domestic staff, a chauffeur, gardener and a cook/housekeeper and so on, and their presence in the road was marked by the daily excursion of the person whom we called "Two-sticks Stanley". She was a very kindly lady as she perambulated from number 5 down to the pillar-box, just outside number 13. At number 7 there was a lady whom I didn't really know, I think her name was Miss Macaulay and so on down the road. At number 13 there lived Professor Winfield⁵, who of course was one of the luminaries of the law school, a very nice man, a charming wife and a lovely daughter and she had, I remember, beautiful Irish setters. And then beyond them, there was the house where Sir Ernest Barker⁶, a well-known professor of political science lived with his wife and two children. Further down the road, though a bit later in time, there lived Professor Radzinowicz⁷, the criminologist. That was on the left hand side of the road. And on the right-hand side of the road, next to us at number 4 Cranmer Road, lived the Regius Professor of Hebrew, Professor Winton Thomas⁸, who had previously been Professor of Hebrew at Durham. He was a very large man, he had been a rigger player, he and my father were quite friendly. Then at number 8, on the other side of the house of my parents, there lived a former Provost of King's, and so on down the road. Everybody knew each other; this was in the years, of course, just before the war.

Then came the war and soldiers were billeted in the houses. There were quite a number

⁵ 1878-1953. Professor Sir Percy Winfield

⁶ 1874-1960., Professor of Political Science & Fellow of Peterhouse (1928-39).

⁷ 1906-1999. Sir Leon Radzinowicz, born in Poland. Wolfson Professor of Criminology (1959-73).

⁸ David Winton Thomas, Regius Professor of Hebrew (1938-68)



billeted at number 8. We didn't have any soldiers billeted in our house, but we were required to provide accommodation for students from the London School of Economics and other London university establishments who had been evacuated to Cambridge. So our house had two young women from LSE.

14. It sounds like an idyllic childhood?

Oh, it was indeed. I was very happy as I look back on it, very happy.

15. Sir Hersch's Carnegie Endowment for Peace Visiting Professorship took your family to the United States in 1940. Do you have memories of this translocation, Sir Eli?

Yes. As you say, my father was invited by the Carnegie Endowment to take a visiting Chair in the United States. He was reluctant to take it up because he did not want to give the impression that somehow he was fleeing the situation in the UK, but he sought advice from the Foreign Office. Sir William Malkin⁹, who was then the legal adviser and others in the Foreign Office urged him to go because they believed that he could do much to turn the United State's opinion, in academic circles, in favour of the United Kingdom. There were quite a number of isolationists in the United States. So he was encouraged to go and we all went in October 1940. We had tenants who remained in the house in Cranmer Road, teachers at the London School of Economics, and we went off. We sailed to the United States on a liner called the Scythia. It was quite an exciting time. We took the train up to Liverpool, and Liverpool was being bombed regularly at that time but fortunately on the night that we were onboard the boat, we were spared the bombardment. We started off and my father kept a rather amusing little diary of the journey, which I will, in due course, use in the biography of him that I am trying to write.

⁹ Was present, with Sir Neville Henderson, Neville Chamberlain & Sir Horace Wilson as the British delegation to the Munich Conference September 1938, along with inter alia, Adolf Hitler, Ribbentrop, von Weizsäcker, & Mussolini, to discuss Czechoslovakia.

