

Raphaël Lemkin and the Concept of Genocide
by Douglas Irvin-Erickson

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For a couple of decades after his death at age 59 in 1959, Raphaël Lemkin largely faded from memory. This condescension of history was especially unbecoming, for Lemkin coined the term genocide and, against significant resistance, was largely responsible for introducing and then securing passage of the Convention on the Prevention and Punishment of the Crime of Genocide in the United Nations. Just as humanitarian and genocide studies have flourished in recent decades, so too have Lemkin studies—a field to which Douglas Irvin-Erickson adds with his superb intellectual biography, *Raphaël Lemkin and the Concept of Genocide*. This impeccably researched work tells us little about the man’s personal life; rather, it provides a deep understanding of the ideas that shaped Lemkin, the concepts he articulated, and the machinations he orchestrated to ensure passage of the Convention.

Lemkin, a Polish Jew, acutely felt what it meant to be a minority—and after the Versailles Treaty, millions were like him, minority peoples constituting vulnerable nations within oppressive nation-states. But Lemkin’s ideas about genocide, Irvin-Erickson demonstrates, were not born just from a personal, lived-experience in the way his contemporary critics charged to discredit him and the concept of genocide. Rather, lawyer and legal scholar Lemkin was in a fertile, interwar intellectual milieu that addressed the problem, theoretically and practically, of protecting minorities. Drawing on the work of Hersch Lauterpacht, Vespasian Pella, and Henri Donnedieu de Vabres, among others, Lemkin realized that international law did little to protect minorities, especially when they made political or social claims. The doctrine of state sovereignty allowed for the persecution of minorities—criminal phenomena Lemkin would, following Pella, define as “barbarity” and “vandalism” that were attacks, respectively, on the “physical and spiritual existence of nations” (47). Further building on the work of his contemporaries, Lemkin argued that international law with universal

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jurisdiction was imperative to address state violence against minorities, particularly when attacks against individuals were intended to destroy a collectivity. Lemkin wished to debate these ideas at the League of Nations in 1933, but Poland's anti-Semitic policies prevented him, a harbinger of what would come.

In developing his ideas, Lemkin entered an intellectual and juridical minefield about group rights and individual rights. Here, Lemkin drew on Simon Dubnow, Otto Bauer, and Karl Renner to champion "national cultural autonomy." Irvin-Erickson highlights how Lemkin developed the idea of removing nationality as a requirement for belonging to a state and how he came to understand nations as the dynamic, collective mind of people. These ideas were problematic: Irvin-Erickson argues that by trying "to protect a plural world" (68), Lemkin validated and protected organic, romantic nationalist groups—those that oppressed. Lemkin responded to this charge, claiming that "outlawing the destruction of groups was not the same as granting groups the right to exist" (68). This conflict would remain unresolved at Nuremberg and in the Convention.

By 1942, Lemkin synthesized the concepts of barbarity and vandalism into his neologism, "genocide," which was developed in his 1944 seminal work, *Axis Rule in Occupied Europe*. Irvin-Erickson's fresh analysis of *Axis Rule* and its place in subsequent historiography makes clear that genocide was conceived of as characterizing something much broader than the horrors of World War II. Indeed, genocide, Lemkin theorized, was conflict that not just destroyed a group—specifically, a "family of mind" (85)—but imposed on the oppressed the "national pattern of the oppressor" (82); in this, genocide was defined as a colonial project and was not solely about killing. Furthermore, the lawyer in Lemkin emphasized that the act was what mattered, not intent. Thus for him, genocide was a choice individuals made, and complicity was generated through the benefits it bestowed.

Pragmatically, Lemkin hoped *Axis Rule* would influence international law; it did, but not immediately. At Nuremberg, Lemkin lobbied diligently to prosecute Germans for genocide—committed before the war. Lemkin wished to "subvert the doctrine of national sovereignty by extending the laws of war to protect people from state violence in times of peace" (138). In this way, genocide could be used to prosecute future perpetrators, not just the immediate past ones. The Nuremberg courts rejected Lemkin's reasoning, fearing that if humanitarian law was applicable during peacetime, the great powers would be subject to charges of genocide. Although Lemkin felt Nuremberg was something of a failure, genocide entered the discourse of international law—but the concept was no longer his to define.

This became obvious as Lemkin labored to win passage of the Genocide Convention in the United Nations. A number of small and colonial countries were sympathetic to the Convention, but not so with the great powers, which feared loss of sovereignty or charges of genocide. In addition, many states were opposed to the Convention protecting political groups. Irvin-Erickson makes clear that states baldly wished to reserve the right to oppress, which is a sobering thought. Lemkin, however, doggedly and pragmatically helped build a movement in support of the Convention and then made compromises, ostensibly weakening the Convention to ensure its passage; he "abandoned" his desire to protect political groups, to include the concept cultural genocide, and to establish universal jurisdiction. He did preserve, however, "the legal machinery necessary for prosecuting genocide" (189). It would take a dozen years after

the Convention's passage in 1948 for it to begin to bear fruit; first, indirectly, in the Eichmann trial, and then more directly in the 1990s with the international tribunals prosecuting genocidal crimes in the former Yugoslavia and Rwanda.

Lemkin survived but a decade after the Convention's passage, never finishing books he conceived of writing on genocide and, sadly, never seeing international tribunals introduce a charge of genocide. Irvin-Erickson's well-written, fascinating account of Lemkin is really a biography of the origins of the concept of genocide, and should be indispensable for scholars and advanced students. Most importantly, though, Irvin-Erickson's work reminds us that Lemkin had a goal more important than defining and prosecuting horrors—it was to prevent genocide in the future, a goal that may have been a fantasy, but one that must never be relinquished.