

Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2017), 312 pp., bibliographical references, index. ISBN 978-0-812248647.

On March 15, 1921, the young Armenian Soghomon Tehlirian, who had barely survived the massacre of his family by the Turks, assassinated Talat Pasha on a Berlin street. Talat Pasha had been a Turkish leader who had borne major responsibility for the mass murder of Armenians in World War I. The jury acquitted Tehlirian on grounds of insanity.

At the time of this trial, as Douglas Irvin-Erickson recounts in this masterly book, Raphaël Lemkin, then a young law student at the Jan Kazimierz University in Lwów, debated the case with his professor of Polish criminal law, Juliusz Makarewicz. Lemkin asked his professor to explain why in the eyes of the law, Talat Pasha, who had killed at least a million people, was guilty of no crime, while Tehlirian had to stand trial for the killing of one person. The professor patiently explained to his student that state sovereignty gave political leaders the leeway to conduct their internal affairs as they saw fit. There was no law under which Talat Pasha could be tried. The eminent professor offered as an example a farmer who owned chickens. “He kills them. Why not? It is our business. If you interfere, it is trespass.” “The Armenians,” Lemkin retorted, “are not chickens.” Whatever the principle of international sovereignty meant, the young Lemkin insisted, it could not “be conceived as the right to kill millions of innocent people.”

The young Lemkin had not yet coined the term genocide, but his outrage served as a reliable marker of what would become his life’s work. During the course of Lemkin’s life, it was this principle—that sovereignty gave no license to commit genocide—that inspired his thought and scholarship. When Talat Pasha was assassinated in 1921, whatever limits and sanctions international law imposed on the murder of civilians had been largely limited to killing in the conduct of military operations, as outlined by the Hague Regulations. Nor did the killing of one’s own citizens count as a crime. Indeed, even the International Military Tribunal at Nuremberg in 1945 and 1946 balked at punishing Nazi crimes committed before the outbreak of war in 1939 or, for that matter, persecution of their own citizens.

This important study of Raphaël Lemkin’s concept of genocide is a major contribution to the growing scholarship on the development of concepts of human rights in the twentieth century. This is not a biography of Lemkin. Instead, Irvin-Erickson crafts a detailed and careful study of how Lemkin’s concept of genocide evolved: the writing of Lemkin’s seminal *Axis Rule in Occupied Europe* (1944), Lemkin’s frustrations (and sporadic successes) at the International Military Tribunal at Nuremberg, Lemkin’s frantic lobbying of United Nations delegates as they drafted the Convention on the Prevention and Punishment of the Crime of Genocide, the painful compromises Lemkin made to ensure its passage, and the frustrating and lonely aftermath, as he bitterly contemplated the gap between the international law that he wished to see and the disappointing compromises and excisions dictated by

the interests of major powers. The Soviet Union was all for a Genocide Convention that focused on racism but drew the line at including political groups. Influential southern Democrats in the U.S. Senate howled that ratifying the Convention would give, they thought, the United Nations an excuse to discuss lynchings in the South. France demanded that the Convention not include strictly domestic conflicts such as, as the French saw it, the Algerian war. To secure U.S. ratification of the Genocide Convention, Lemkin became, as Irvin-Erickson puts it, a “hostage of compromise,” courting the support of anti-communist East European émigrés and angering African-American leaders of the civil rights movement by arguing that U.S. treatment of Blacks did not rise to the level of genocide.

A short review cannot do justice to the richness and complexity of Irvin-Erickson’s analysis, but some major points stand out. Irvin-Erickson emphasizes that “Lemkin’s thinking cannot be reduced to his experiences of any particular historical event or ethnicity” (p. 4). Neither Lemkin’s Polish Jewish ethnicity, nor the specific trauma of the Holocaust, the author believes, served as THE key to understanding Lemkin’s thinking.

Of course, Lemkin’s formative years certainly had some impact on his later views. Lemkin was born into a middle-class family of Jewish farmers in a region—the Białystok area—that was part of the Russian Empire until 1915, saw heavy fighting and destruction in World War I, and then became part of the Polish Second Republic until 1939. The German invasion turned Lemkin—who had begun a distinguished legal career in interwar Poland—into a refugee who fortunately secured a visa to enter the United States. But most of his family was murdered in the Holocaust.

On the one hand, Lemkin was no stranger to anti-Semitism and the effects of nation-state chauvinism that discriminated against minorities. Interwar Poland was a textbook case of the failure of faulty treaties—in this case the Minorities Treaties—to serve the purposes for which they were ostensibly created. But on the other hand, Lemkin became convinced that ethnicity and national identity were not transhistorical or monolithic. The Lemkins were Jews who also identified with Polish and Russian culture. National identity was fluid, plastic, ever changing. Borrowing, as Irvin-Erickson points out, from Karl Renner, Otto Bauer and Simon Dubnov, Lemkin regarded ethnic groups as “families of mind,” shaped by free choice of individuals who might well, for various reasons, go on to enrich their identities with new allegiances and new interests. Such choices could best take place, to quote the author, in a world where “the subtle concerto of a peaceful, accepting and diverse world civilization” could finally take hold. Genocide was the negation of diversity and acceptance and thus a brutal attack on all humankind.

Lemkin’s envisaged a world enriched by the interplay of individuals and groups, an interplay where the encounter with the “other” was a source of opportunity and enrichment rather than a threat. So, for Lemkin genocide included not just mass murder but also a wide range of actions aimed at the destruction of group identity and the forcible suppression of human diversity. This genocide might encompass economic, cultural, and legal measures to destroy group solidarity. Rape, an assault

on language, the planned destruction of national shrines and religious sites—all might quality. The Nazi mass murder of the Jews was obviously a case of genocide, but Lemkin saw many other instances of genocide as well.

The book is an intellectual tour de force and discusses many themes. For example, while there were important disagreements between Hersch Lauterpacht and Lemkin—the former stressing the protection of individual rights, the latter stressing the need to protect groups as well—both sought to supersede the Grotian notion of international law as something that applied only to sovereign states and not to individuals. And if international law applied to individuals then by the same token, law could act as an important tool to inculcate higher standards of morality in those very individuals who in turn formed civil society, which in turn could change the behavior of states. One of the most intriguing and stimulating themes in this book is the importance Lemkin attached to words and language. New terms—like genocide—really mattered.

Another important theme of this book is that genocide was a process, not an act, a type of conflict, not exclusively a type of violence. The genocide of the Jews did not begin with mass murder but rather with legal decrees that stripped Jews of the citizenship, laws that robbed them of their property, measures calculated to deprive them of their dignity and destroy their inner solidarity and morale. And what mattered, Lemkin stressed, was not so much ideology or motive—as a process of escalating abuse and an ever-widening circle of complicity, which involved large sectors of the German population. Lemkin's views were similar to those of scholars like Raul Hilberg and Christopher Browning who have argued that the Holocaust was an unfolding process that involved many actors and bodies and not the product of a clear-cut decision taken by Hitler. And however horrible, Lemkin did not see the Holocaust as THE genocide, an act that superseded all others in importance.

The book concludes with a short discussion of how, after decades of neglect, serious attention to the Genocide Convention surfaced in the 1990s with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda. These tribunals, as well as the International Criminal Court, seriously modified Lemkin's definition of genocide but by the same token, they provided some measure of posthumous vindication for his lonely crusade so expertly described in this excellent book.

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Adam Michnik and Agnieszka Marczyk, eds., *Against Anti-Semitism: An Anthology of Twentieth-Century Polish Writings* [Przeciw antysemityzmowi, 1936–2009] (New York: Oxford University Press, 2018), xliii + 375 pp., index. ISBN 978-0-190624514.

The original Polish edition of this anthology consists of three volumes of approximately 900 pages each and contains over 300 newspaper articles, editorials,

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