Douglas Irvin-Erickson’s book develops both the heroic and tragic aspects of Raphaël Lemkin’s life. Born in 1900 in the Russian Empire, Lemkin was exposed to the worst of human history. Early in his life he learned about pogroms that shattered the lives of Jews in Eastern Europe. As a young adult he learned about the murder of Muslims in the newly formed Christian states in the Balkans, the murder of Armenians and Assyrians in the Ottoman Empire, the murder of the Herero in German Southwest Africa. Irvin-Erickson points out that this was supplemented by rather unusual teachings from Lemkin’s mother, who encouraged him to read histories of French Huguenots, Japanese torture victims, and African slaves. It is not surprising, as Irvin-Erickson notes, that Lemkin wrote that “a line of blood led from the Roman arena through the gallows of France to the pogrom of Bialystok” (p. 24).

During the Holocaust almost all of Lemkin’s immediate and extended family were murdered. After fleeing the Nazi invasion of Poland in 1939 and eventually finding temporary safety in Sweden, Lemkin finally arrived in the United States in 1941. There he took teaching positions at Duke University, Yale, and Rutgers. It was during the Second World War while at Duke that he wrote his seminal work, *Axis Rule in Occupied Europe*. Published in 1944, the volume presented the term “genocide,” which, in Lemkin’s conceptualization combined barbarism and vandalism, reified as mass murder and destruction of culture.

The heroic component of Lemkin’s story was his lifelong dedication to gaining worldwide acceptance of the concept of genocide. His campaign began immediately after the war, when Lemkin mingled with prosecutors at the International Military Tribunal in Nuremberg. He worked behind the scenes to secure the United Nations’ enactment of a Genocide Convention (1948), and in his few remaining years lobbied diplomats to persuade their governments to implement that convention. Still, Lemkin felt the Convention inadequate: it merely signified the intention to get countries to ratify the treaty in their respective legislative bodies. It was, as Lemkin said, in the hands of politicians and statesmen “who lived in perpetual sin with history” and who should not be trusted with “the lives of entire nations” (p. 195). Perhaps one of those politicians was Senator Alexander Smith, a New Jersey Republican who described Lemkin as “a man who comes from a foreign country … spoke with broken English [and represented] a people [Jews] who ought not to be propagandizing for a genocide convention because they were supposedly guilty of some of the first genocides in history” (pp. 208–209).

Irvin-Erickson shows how Lemkin navigated the complicated geopolitical dynamics. He would be unable to obtain Soviet endorsement if the law included political groups. If lynchings were included, the U.S would likely not sign, and surely would not if Lemkin conceded that the genocide law could be applied against it. According to Irvin-Erickson, this troubled him greatly.1

Irvin-Erickson’s book is not simply a biography of Lemkin, but also focuses on the concept of genocide and its saga. It will challenge persons not well versed in political science and legal theory. Repeated references to natural law, legal positivism, positivist theory, and thinkers in these fields call for more explanation, but can be left to the side without losing the thread of the book. The core deals with Lemkin and Nuremberg. Lemkin came to Nuremberg to push for inclusion of the genocide concept in the charges, succeeding to the degree that the third count in the case before the International Military Tribunal (war crimes) included the word.
The Einsatzgruppen trial perhaps deserved more sustained treatment since the murder of 1,250,000 Jews, obliterating the Jewish population of a vast region in Eastern Europe, comes as close to genocide as possible. Had the defendants been charged with genocide, the end result likely would have been identical. Because of the Cold War and the need for a “pro-Western” Germany as a bulwark against Soviet expansionism, most of the sentences eventually were commuted: four defendants were executed, but the rest were released by 1958—having served a mere ten years. The moral: politics trumps law whether the law is crimes against humanity or genocide. Lemkin’s success at Nuremberg proved pyrrhic, as the legal subtleties gave way before “higher” interests.

Irvin-Erickson also suggests that Lemkin influenced the prosecutors at Nuremberg to utilize the concept of conspiracy (pp. 145–47). This is, however, questionable. The inclusion of conspiracy in the charge originated in the U.S. War Department in late 1944, largely through the persistence of then Lieutenant Colonel Murray Bernays. Further, it is most unlikely that Justice Robert H. Jackson, a former U.S. Attorney General, needed enlightenment on the scope of conspiracy law. Lemkin’s vision was an expanded use of the genocide concept in future; Bernays’ was the idea that if organizations such as the Gestapo and SS were named and convicted as criminal organizations, proof of membership would suffice for future convictions. But no one was prosecuted and convicted after the Nuremberg trials purely on the basis of membership.

Irvin-Erickson notes that in the end, Lemkin considered his efforts to prevent genocide a failure. Lemkin wrote, “The fact is that the rain of my work fell on a fallow plain, only this rain was a mixture of the blood and tears of eight million people throughout the world. Included also were the tears of my parents and my friends” (p. 229). Although Lemkin was repeatedly nominated for the Nobel Peace Prize, he never was so honored (nor is the prize awarded posthumously). One can only speculate that his early death precluded deserved recognition.

Notes
1. The Genocide Act enacted in the United States in 1988 was not a law Lemkin would enthusiastically have endorsed. Lemkin urged that any law against genocide be grounded on the concept of universal jurisdiction, making the law applicable to genocide committed anywhere.


Frank Tuerkheimer
University of Wisconsin
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The Soviet Union and the Gutting of the UN Genocide Convention, Anton Weiss-Wendt (Madison: University of Wisconsin Press, 2017), 385 pp., hardcover $74.95.

When Raphael Lemkin coined the word “genocide,” he initially identified it with the intention to “annihilate a group of population by destroying the essential foundations of life for that group,” and further posited that “genocide might be political, social, cultural, economic, biological, physical, religious, and moral” (p. 19). Lemkin’s concern lay as much in the extirpation of identity as of life, and hence he conceptualized genocide broadly to encompass, in Anton Weiss-Wendt’s words, the destruction of “social and political institutions, culture, language, national feelings, religion,