

David M. Crowe. *Crimes of State Past and Present: Government-Sponsored Atrocities and International Legal Responses.* London: Routledge Taylor & Francis Group, 2010. 211 S. \$125.00, cloth, ISBN 978-0-415-57788-5.



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Commissioned by Christopher R. Waldrep (San Francisco State University)

David M. Crowe, who edited this collection of essays and wrote its introduction and first chapter, is a professor of history at Elon University and of legal history at its School of Law. For decades, Crowe has been a leading scholar of genocide. His multiple roles include president emeritus of the Association for the Study of Nationalities (ASN) at Columbia University and chairman of its advisory board.[1] He is a member of the editorial boards of ASN's *Nationalities Papers*, which published the book under review as a special edition, and *Ethnopolitics*. He has testified before the U. S. Congress's Commission on Security and Cooperation in Europe and the New York City Council's Subcommittee on Immigration. Significantly, he has served as an expert witness in a number of court cases involving the Roma and other minorities throughout the United States and Canada. Most recently he served on the advisory board of the DiploFoundation's Roma Diplomacy Project in Geneva.[2]

Crowe's public intellectual, high-profile research chronicles the trials of victimized, perse-

cuted ethnic, national, and religious minorities throughout Europe--east, central, and especially in the Balkans. His recent works include *The Holocaust: Roots, History, and Aftermath* (2008). In it, Crowe provided an overview of Jewish history, especially of anti-Semitism in the Christian world, which both foretold as well as facilitated the Holocaust. The book thematically explored the complex origins and evolution of annihilationist policies toward the Jews *and* groups such as the Roma, disabled individuals, and other people deemed by Hitler as racially inferior, especially Slavs. A leading, persuasive argument was that entrenched prejudices in Europe predicted and enabled the Holocaust and acts of genocide against others.

Crowe's analysis synthesized the background, essence, unique character, and internal structure of Hitler's murderous regime. According to Crowe, Nazi racial policies blended anti-Jewish hatred with contemporary ideas about eugenics and Aryan racial superiority, as well as an aggressive, vengeful, expansionist post-World War I German

nationalism, heralding the meticulous planning and implementation of the Final Solution. Crowe documented how for numerous victims—direct survivors and many of their descendants—the Holocaust continued well after 1945. Painful memories rarely end or heal. He also examined survivors' efforts, individual and collective, to seek international justice and economic reparations.

In 2007, Crowe published a second, updated and revised, edition of *A History of the Gypsies of Eastern Europe and Russia*. It was a pioneering book in English. Crowe marshaled comprehensive research of census data revealing the demographic, vocational, residential, and financial profiles of Roma populations in several countries. These included Bulgaria, Czechoslovakia, Hungary, Romania, Russia, and Yugoslavia. Research harked back to medieval Ottoman days.

Crowe provided insightful political, social, cultural, religious, and legal analysis, demonstrating how these people were considered foreigners in their ancestral homes. His compassionate narrative portrayed decent, proud people who repeatedly endured discrimination for their distinct identity, culminating with genocide during World War II. In 2004, building upon the movie *Schindler's List's* astounding cinematic success and increased awareness of its subject, Crowe published *Oskar Schindler: The Untold Account of His Life, Wartime Activities, and the True Story behind The List*. Crowe's other recent publications include *The Baltic States and the Great Powers: Foreign Relations, 1938-1940* (1993); *The Gypsies of Eastern Europe* (1991); and *Kazakhstan: History, Ethnicity, and Society*, a special edition of *Nationalities Papers* (1998).

The volume reviewed here is a timely book of about two hundred pages. Crowe's breadth of background is reflected in his narrative. His brief introduction flows smoothly into a substantive opening chapter that defines topics and terms such as "acts of genocide" and "war crimes." He

ponders themes such as the nature of major wars, especially world-encompassing ones, in the twentieth century; the genocides amid armed conflicts; the responsive jurisprudence alongside the legal institutions, namely specific tribunals and permanent courts, that the international community developed to ensure, or at least facilitate, justice for victims; and, perhaps most importantly, contemporary attempts to prevent future acts of genocide worldwide.

As a (fledgling) historian of genocide myself, I found Crowe's introductory essay most informative. His capacious analysis of perennial, gross human rights abuses is comprehensive, encompassing continents and regions such as Asia and the Middle East well beyond traditional concerns in Europe, illuminating causes, events, and legal codes.

Crowe highlights the contributions of legal scholars such as Hugo Grotius and philosophers such as John Locke. Crowe's analysis clearly and naturally favors protecting individual rights to prosecute crimes perpetrated under the false guise of collective/communal/government/sovereignty privileges. Crowe prioritizes reforms over continuity. He explores the impact of religious and ethnic goals, and changes in warfare techniques.

Five chapters complement this capacious introduction. The first part addresses the nature of crimes. Chapter 1 is by Michele Frucht Levy, a professor of English at North Carolina Agricultural and Technical State University in Greensboro. Originally a scholar primarily of Russian literature, she has recently focused on the Balkans during the twentieth century. Levy's chapter focuses on genocidal crimes perpetrated by the fascist Ustasa regime in World War II's Croatia, with German stewardship, against the Serb, Jewish, and Roma minorities. Levy highlights the practical background to Croatian acts of genocide. While political and ethnic issues resonated, the role of religion, particularly of Catholic institutions and members of the clergy, was paramount in validating

ing and energizing mass killings of not only non-Christians such as Jews, but also of the non-Catholic Orthodox Serbs. She accentuates the malicious intentions and organizational efforts that facilitated the Croats' effectiveness in committing brutalities.

Thomas Earl Porter is a historian and Levy's colleague at North Carolina A & T State University. Porter is an expert on modern Russian history, especially of events in the twentieth century. His contribution, well researched through extensive interviews with survivors, aptly demonstrates the role of racism towards "inferior" Slavs--beyond the widely reported brutal circumstances of war including inhumane labor exploitation, malign neglect of the wounded, the sick, the hungry, the frozen, and otherwise vulnerable, alongside individuals acts of hatred--in the systematic German extermination of Soviet prisoners of war. The Germans forced many exhausted, injured captured soldiers to walk in horrendous conditions, and were "particularly" abusive towards Jews and communists. Porter does not shy away from acknowledging instances of cannibalism, and how the Germans mocked this survival strategy of last resort.

The book's second part probes issues of justice. Michael S. Bryant is a professor of history and social sciences at Rhode Island's Bryant University. He has written extensively on the laws and politics attending war crimes trials of Nazi officials. His contribution follows up on his 2005 book *Confronting the "Good Death": Nazi Euthanasia on Trial, 1945-1953*. There, Bryant explored the multifaceted justifications and self-serving strategies of leniency and obfuscation employed by physicians, psychologists, bureaucrats, and other practitioners who administered criminal deaths to the "infirm." He particularly castigated the moral, philosophical, legal, and factual weaknesses of the "extrastatutory necessity" principle successfully marshaled by accused doctors to exculpate compliance in mass murders during

postwar court proceedings. Bryant contended that the United States and West Germany followed different paths in prosecuting suspects for executing the Nazi policy of euthanasia against "unworthy" members of society: the mentally retarded and the physically disabled. Americans chose conspiracy charges, accentuating the state-sponsored, systematic nature of these crimes against humanity. The reconstituted West Germany, in contrast, favored the route of individual homicide indictments and presenting the cases as an ordinary criminal process, intentionally minimizing collective German guilt under the guise of due process and the rule of law.

Wolfgang Form is a German scholar of political science, sociology, history, and public law. He specializes in criminal military justice issues in Nazi Germany and during the postwar British genocide trials in Germany (Control Council Courts), with a general interest in the history of international criminal law and peace and conflict studies. In 2003, he co-founded the Research and Documentation Center for War Crimes Trials at Marburg University. His publications include *Politische NS-Justiz in Hessen* (2005) and *Resistance and Prosecution in Hesse, 1933 to 1945* (2008). In 2006, Form co-edited "National Socialism, Holocaust, Resistance and Exile 1933-1945 Online," a guide to the online database.[3] He is also a member of the Austrian Research Center for Post-War Trials Advisory Board.

Form's essay (translated from German by Bryant) in this volume examines Cambodia's killing fields. While the acts of genocide were perpetrated by the Khmer Rouge in the second half of the 1970s, litigation took several decades, and is still ongoing. Form focuses on the blending of domestic actions and international law, highlighting the interface of politics and traditions.

Crowe saved the best for last. I found the final chapter to be the most nuanced and sophisticated in this volume. It was written by William C. Peters, whose background includes public service,

including as a judge advocate general. His scholarship embraces ethics, sociology, criminology, and law, including the United States Constitution, and the evolution of international humanitarian codes. After serving as an army officer and practicing law, and spending time abroad, especially in Europe studying humanitarian law, but also advising American troops in Somalia, he now researches and teaches criminal justice in the Sociology Department in the State University of New York at Plattsburgh. Peters has a particular interest in the legacy of the Nuremberg international military tribunal of the 1940s.[4]

This extensive background and varied experience proves advantageous in his contribution. Peters offers an erudite procedural and substantive exploration of a troubling topic: how did U.S. military codes, personnel, and courts handle (or not, sometimes resulting in “deferred” justice) command responsibility of superior officers in adjudicating war crimes perpetrated by American soldiers since the 1960s, namely from Vietnam’s My Lai to Iraq’s Abu Gharib, Haditha, and Samarra, and in Afghanistan?

Peters analyzes the jurisprudence of both the international criminal tribunals for the former Yugoslavia and Rwanda as well as American cases. He makes useful suggestions for future actions. A major one is the congressional creation of an office of special prosecutor for war crimes to serve as legal advisor to the secretaries of the U.S. Army, Navy, and Air Force. Peters recommends a mechanism limited legally, but free of internal institutional restrictions within the armed forces.

The bibliography in each and every chapter is comprehensive and up to date. Endnotes are meticulous. The index is thorough. This is a worthwhile book for all, especially those with good background knowledge.

Nevertheless, minor criticism is warranted. Crowe’s piece focuses on Christians, especially on atrocities committed by the medieval crusaders, more than on acts of genocide perpetrated by

Muslims. He emphasizes misdeeds of Catholics more than comparable ones of Protestants, particularly during the Thirty Years War (1618-48). Crowe explores horrible acts committed by Western fanatics more than those committed by their non-white counterparts. Proportionality could have enriched this analysis. It is surprising, given Crowe’s extensive writing on the subjects presented above, that the uniqueness of the German perpetration of the Jewish Holocaust, aided by numerous Europeans, is somewhat sidetracked in this book. This foundational act, giving rise to the very term “genocide,” is portrayed more as a part of a historical pattern endured by many peoples, beginning much earlier, and continuing afterwards elsewhere.

Notes

[1]. See its Web site, www.nationalities.org.

[2]. See its emerging Web site, <http://www.diplofoundation.org>.

[3]. Retrieve at http://db.saur.de/DGO/language/en/Kommentierte_Titelliste_e.pdf.

[4]. See his profile in <http://www.plattsburgh.edu/academics/sociology/faculty/peters.php>.

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