



## **East West Street: On the Origins of “Genocide” and “Crimes Against Humanity”**

Philippe Sands

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Most physicians, and society at large, expect that health care professionals are guided by, and remain true to, a code of ethics. Students in medical schools around the world are often introduced to the ethics of medicine through reading and discussion of the Hippocratic Oath, the Oath of Thomas Percival, the Oath of Geneva, and the Prayer of Maimonides, as well as to the particular ethics of their community and religion. Yet, medicine as a profession has contributed not only to ethical practice, but also to eugenics, genocide, and crimes against humanity.

Extreme anti-Semitism and racism led to the horrors of the Nazi regime and the Holocaust, but the groundwork was laid in the pseudoscience of eugenics.

The monk Gregor Mendel’s mid-19th century discovery of genetics as the basis of heredity in plants was little known, and pretty much forgotten, until 1900. That infections were the basis for many diseases was unproven and not widely understood or accepted prior to 1892. In the absence of that knowledge eugenics was first proposed by Charles Darwin’s cousin, Sir Francis Galton (1822–1911) who initially suggested that “good” breeding would lead to a healthier and more intelligent population, and later to the idea that one could breed out perceived human defects.

In the United States in the 19th century, fear of

immigration; of the newly freed slaves and black migration; of poverty in the new industrial economy; and of poorly understood criminality, drunkenness and degeneracy created fertile soil for eugenics.

Eugenics institutes and journals appeared in the U.S. and Europe. They were followed by laws that blocked the immigration of Asians, and later Eastern Europeans, to America, as well as involuntary sterilization laws sustained by the U.S. Supreme Court in the famous decision, *Buck vs. Bell*, written in 1927 by Chief Justice Oliver Wendell Holmes Jr. As Holmes wrote in his majority opinion, "Three generations of imbeciles is enough."

The Nazis would later point to American sterilization laws as a justification for their own actions.

In Germany, eugenics led to a racial hygiene movement espoused by Drs. Wilhelm Schallmayer and Alfred Plotz who wrote about "Rassenhygiene"—a new Germany that would be cleansed of the pollution of inferior races, particularly the Jews, but also the Roma and the Slavic races such as the Poles.

Hitler, while in prison in 1923 for the failed Munich Coup, read and was influenced by *Principles of Human Heredity and Race Hygiene*, by Bauer, Fischer and Lenz, and wrote about these ideas in *Mein Kampf*. In 1920, Binding and Hoche, professors of law and psychology, respectively, published *The Sanctioning of the Destruction of Lives Unworthy to be Lived*. The Nazi state created by Hitler and his followers was intensely biological and medical, emphasizing racial pollution and the need to cleanse out, as though with an antiseptic, polluting races. Eugenics would be the basis for the racial laws, the degradation, humiliation, and finally the destruction of the Jews of Europe.

In *East West Street*, by English barrister and human rights lawyer Philippe Sands, the origins of the concepts of crimes against humanity and genocide are explored. Intrigued by these terms, the author sets out to discover how they originated. The author is the child of Holocaust survivors from an area in Eastern Europe known as Galicia, that at one time or another comprised parts of Poland, the Ukraine, the Austro Hungarian Empire, Russia and Belarus. The story centers on the town of Lemberg, also known as *Lwów*, *Lvov*, or *Lviv* in southeast Poland, where between the wars there was an excellent university, a large Jewish population, and a rich cultural life.

Sands explores the lives of four people and their families:

1. His large family and what happened to them during the Holocaust.

2. Hersch Lauterpacht, professor of international law

at Cambridge who was born in Zolkiew in 1897, a small town near Lemberg, and who originated the term crimes against humanity.

3. Rafael Lemkin, born in Ozerisko near Bialystok in 1900, who as a lawyer and prosecutor coined the term genocide, found refuge in America after WWII where he campaigned for international laws forbidding genocide; 49 members of his family died in the Holocaust.

4. Hans Frank, Hitler's personal lawyer and Governor General of Poland, who was directly responsible for the mass killings of Jews, Poles, Gypsies, Russian prisoners of war, and any one else caught up or deported to Nazi occupied Poland between 1939 and 1945.

The author locates Hans Frank's son, Niklas, who turns out to be a warm and honest man who opens up to Sands about his father's nefarious history. Hans Frank was a man who was well educated, lectured internationally on criminal law, loved classical music and played the piano, and had appropriated for himself from a Polish museum the exquisite portrait of Cecilia Gallerani painted by Leonardo da Vinci, also known as Lady with an Ermine.

Frank was proud to be identified as a war criminal by the *New York Times*. Early in 1943, he announced at an official meeting, "I have the honor of being number one." The words were recorded in the daily diary without embarrassment. Even as the war turned against the Germans, he still believed that the Third Reich would last a thousand years, with no need to show restraint in relation to the treatment of the Poles and the Jews or the words he had spoken of them. "They must go," he told his cabinet. "I will therefore, on principle, approach Jewish affairs in expectation that the Jews will disappear." ... "We cannot shoot these three and a half million Jews; we cannot kill them with poison," he explained. "But we can proceed with the necessary steps that somehow or other will lead to their successful extermination." These words too were recorded in his diary.<sup>p246</sup>

In the course of his research, the author discovers that both Lemkin and Lauterpacht studied criminal law at Lemberg with Professor Juliusz Makarewicz, although a few years apart. After the war, when the call for an international trial of the perpetrators of the Nazi killing machine led to the first Nuremberg trial, both Lemkin and Lauterpacht proposed that the Holocaust required new international crimes to be defined.

Why is this book relevant to medicine? While it was

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Hitler and his most senior advisors who conceived of the eradication of the Jewish people, as well as certain other groups such as homosexuals and the Roma, it was medical professionals who designed the camps; supervised the design and building of the gas chambers and crematoria; and chose the victims as they came off the trains directing the young and healthy to work, and the very young, the old, and the sick directly to their deaths.

This book is a thorough accounting of the origins of the Holocaust, genocide, and crimes against humanity. It is often harrowing, always compelling, and most readers will come away with a better understanding of the enormity of the crimes committed, their tragic impact on individuals caught up in the whirlwind of the Holocaust, and their survivors. And, an appreciation of how medicine and medical ethics must never be complicit in such crimes.

### Suggested Readings

Evelyn Shuster, PhD. Fifty Years Later: The Significance Of The Nuremberg Code. *NEJM*. November 13, 1997.

Siddhartha Mukherjee. *The Gene: An Intimate History*. Scribner; 2016. Daniel Jonah Goldhagen. *Hitler's Willing Executioners: Ordinary Germans and The Holocaust*. Holt, Rinehart, Winston; 1997.

Lucy S. Davidowicz. *The War Against The Jews 1933–1945*. Bantam Books; 1975.

Saul Friedlander. *Nazi Germany And The Jews, 1933-1945, Abridged Edition*. Weidenfeld & Nicholson; 2009.

Raul Hilberg. *The Destruction Of The European Jews*. Holmes & Meier; 1985.

Timothy Snyder. *Blood Lands: Europe Between Hitler and Stalin*. Basic Books; 2010.

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