

RECENT BOOKS ON INTERNATIONAL LAW

EDITED BY RICHARD B. BILDER

BOOK REVIEWS

A Lucky Child: A Memoir of Surviving Auschwitz as a Young Boy. By Thomas Buergenthal. New York: Little, Brown and Company, 2009. Pp. xvii, 228. \$24.99.*

Many readers of this *Journal* would readily identify the young boy in lederhosen, hands tightly clasped by his mother, who is in turn enfolded in the father's embrace—all three smiling on what is perhaps the child's third birthday—in the cover photograph of the American edition of the book under review.¹ In this memoir he is Tommy, Tom, Tomek, or Tommyli; in later life he is known to us (and recognized worldwide) as Thomas Buergenthal, judge of the International Court of Justice since 2000 and honorary president of the American Society of International Law from 2001 to 2009. We may have heard the essential points in his life story when he has been introduced at plenary sessions of our annual meetings—a child survivor of Auschwitz who came to this country as a young man, was educated at

* Originally published as *Ein Glückskind* (Frankfurt am Main: S. Fischer Verlag GmbH, 2007). The edition reviewed here is the first American edition. The English version has been published in London by Profile Books; translations in more than half a dozen languages have also been published—for example, in Spanish as *Un niño afortunado* (Barcelona: Plataforma Editorial, 2008).

¹ The photo is reprinted on page 13 of the American edition and page 29 of the German edition. The German edition features a more solemn cover photo (found on page 130 of the American edition and page 144 of *Ein Glückskind*), showing Tom Buergenthal just before his eleventh birthday in a miniature uniform of the Polish Army, tailor-made for him soon after his liberation from Sachsenhausen in April of 1945. Page references hereafter are to the American edition.

Bethany College in West Virginia, earned a law degree from New York University and a doctorate from Harvard, became a professor of international law and human rights activist, and has served on several of the most significant tribunals in the areas of international human rights law and general international law. He has taught and mentored generations of law students aspiring to careers in the fields in which he has made such a mark, who have drawn inspiration from the life he has lived and his unwavering optimism that the human condition can indeed be improved through law.

Buergenthal has told parts of his life story elsewhere, at different times and for different audiences. As a college student, he wrote about the Auschwitz death march for a school magazine a bare decade after experiencing the bitter cold that he could then still feel in his bones;² he later commented that “most of my fellow students thought that I had written a piece of fiction.”³ In recalling the death march a half-century after the events, he remarked that “we, the survivors, to preserve our sanity and our humanity, must be forgiven for the fading memories of our suffering and pain. It is part of the healing process that has enabled us to confront the future.”⁴

Others have also chronicled aspects of Buergenthal's remarkable early life, beginning with a contemporaneous account by a fellow survivor of the camps and, more recently, continuing with

² He refers to his 1956 article in *Remembering the Auschwitz Death March*, 18 *HUM. RTS. Q.* 874, 874 (1996) (remarks at U.S. Holocaust Museum commemoration).

³ *International Law and the Holocaust, in HOLOCAUST RESTITUTION: PERSPECTIVES ON THE LITIGATION AND ITS LEGACY* 17, 17 (Michael J. Bazylar & Roger P. Alford eds., 2006).

⁴ *Remembering the Auschwitz Death March, supra* note 2, at 875.

reminiscences pieced together through oral history. A Norwegian inmate bore witness to their shared experience at the Sachsenhausen camp in several volumes published in Norway, one of which recalls “Tommy” in particular.⁵ In his memoir, Buergethal tells of his postwar reunion with his Norwegian friend and their correspondence before and after that meeting. (He also tells of a message received soon after his appointment to the International Court of Justice in 2000, in which the welfare worker who had cared for him in Prague in 1946 while he was waiting to rejoin his mother wrote to congratulate him and to inquire whether he was the same “Tommy Buergethal” who had been in her charge more than half a century before.) Some recollections of his background as a Holocaust survivor have been assembled through interviews at different stages of Buergethal’s judicial career and put on the record as part of biographic profiles or tributes to his life’s work.⁶

After the passage of more than six decades, Buergethal finally reached the point of readiness to record his childhood memories in book form, for his children and grandchildren and for a wider audience. In so doing, he honors his mother and father for their strength of character under the utmost trials, as well as others who displayed courage and humanity in darkest times. He tells his story through the eyes of the young boy that he

then was, with full acknowledgment that memories fade and that he could no longer consult others who lived through the same experiences for confirmation. A few details—for example, the dates of his arrival at Auschwitz in August 1944 or liberation from Sachsenhausen in 1945—could be obtained or corroborated through archival sources, but otherwise he has based his account solely on his own recollections. This review first surveys the events of his childhood as recounted in the memoir and then turns to an assessment of Buergethal’s life as a Holocaust survivor for his career as a judge.

The author was born in Lubochna, Czechoslovakia (now Slovakia), on May 11, 1934, the son of Mundeck Buergethal of Galicia (a Polish region in the Austro-Hungarian Empire) and Gerda Silbergleit of Göttingen.⁷ Mundeck had left Poland for Berlin, where he became a successful banker; with the rise of Nazism, he relocated to Lubochna and opened a small hotel, at which Gerda was a guest when they met in 1933. By 1939 it was too dangerous for a Jewish family to remain in Lubochna; their hotel was confiscated by a Slovak fascist group, and they fled to Zilina (also in Slovakia). There they were visited by the police and told that as Jewish foreigners they were being expelled from the country immediately. At the police station, Gerda pulled out a leather-bound document, displayed it as a German passport, and demanded to be allowed to see the German consul to protest this harassment of German citizens. The document was, in fact, her German driver’s license: her German passport had already been confiscated when Jews living outside Germany were stripped of German citizenship. The Slovakian police officers, unable to read German, did not realize that the document was not a passport and allowed the Buergethals to go home. Soon the family fled to Poland, but as stateless persons without travel documents, they were initially denied entry and kept in a no-man’s land at the Czech border until the German invasion of Czechoslovakia in March of 1939.

⁵ ODD NANSEN, *FRA DAG TIL DAG* (1947), published in abridged versions in the United States (*FROM DAY TO DAY*) and in Great Britain (*DAY AFTER DAY*) in 1949 and in Germany (*VON TAG ZU TAG*); ODD NANSEN, *TOMMY: EN SANNFERDIG FORTELLING FORTALT AV ODD NANSEN* (1970). Nansen was the son of Norwegian polar explorer and statesman Fridtjof Nansen. Nansen’s account in “Tommy” has not been published in English, but some of Buergethal’s students commissioned a private translation and presented it to him at graduation in 1985 (see pp. 176–79, 188–90). See also Jo M. Pasqualucci, *Thomas Buergethal: Holocaust Survivor to Human Rights Advocate*, 18 *HUM. RTS. Q.* 877, 880 nn. 8, 10 (1996) (on the Nansen diaries and “Tommy”).

⁶ Pasqualucci, *supra* note 5; see also DANIEL TERRIS, CESARE P. R. ROMANO, & LEIGH SWIGART, *THE INTERNATIONAL JUDGE: AN INTRODUCTION TO THE MEN AND WOMEN WHO DECIDE THE WORLD’S CASES* 92–101 (2007) (profile of Buergethal).

⁷ Only after the fall of Communism in Czechoslovakia did Buergethal obtain a copy of his birth certificate confirming these facts.

The Buergenthals next landed in Katowice in southern Poland, where they joined a growing number of German Jewish refugees who were trying to obtain visas for England. It was in Katowice that Gerda was told by a fortune-teller that her son was “*ein Glückskind*” (the lucky child of the memoir’s title) and would have a fortunate life. Gerda believed this prediction, which sustained her hopes when she and Tommy were later separated at Auschwitz and had no word of each other for several years.

When Germany invaded Poland on September 1, 1939, the Buergenthals fled by train to get farther from the border. They ended up in the Kielce ghetto, where they remained for about four years. The author tells of how he, as a nonobservant Jew, could earn pocket money by doing chores prohibited to orthodox Jews on the Sabbath. He also describes the increasing harassment and dangers of ghetto life, even while he and other young boys played as children everywhere do. While in Kielce, the Buergenthals were reunited with Gerda’s parents, who had been deported from Göttingen to the Warsaw ghetto and then transferred to Kielce. With the liquidation of the Kielce ghetto in August 1942, the Buergenthals and Silbergleits were separated, and Tommy never saw his grandparents again. His parents took under their wing two neighbor children, who became Tommy’s little brother and sister when their own parents were taken away. In 1943, when the work camp where they had remained was being liquidated, Ucek and Zarenka were among dozens of children to be mercilessly massacred. Tommy was spared; he had called out to the commandant, “*Herr Hauptmann, ich kann arbeiten,*” and was pulled aside. For a year he worked in a factory at Henryków—until one day in July of 1944, when he, his parents, and the rest of their group were loaded onto a freight train and transported to Auschwitz.

The chapters on Auschwitz, on the Auschwitz death transport that brought him to Sachsenhausen, and on liberation from the heart of the memoir. Explaining that he was “lucky to get into Auschwitz” (p. 65), he recalls the ruthless selection process in which most children, elderly, and invalids went directly to the gas chamber. His group was spared, but he was separated from his mother

upon arrival in August 1944 and would not see her again until December 1946 (pp. 65, 149). He and his father received tattoo numbers B-2930 and B-2931, and were sent to the men’s barracks. There his first experience was to witness the brutal beating by *Kapos*—also inmates, who served as surrogates of the SS guards in order to improve their own chances of survival—of an inmate, Spiegel, resulting in death. He saw other inmates, including a family friend from Katowice, gradually wasting away and losing the will to live. One of his own playmates from Kielce was sent to the crematorium after being diagnosed with diphtheria: “I still do not understand how it was possible for Walter to come down with diphtheria while I, sleeping next to him, escaped being infected. Was it just luck . . . ?” (pp. 73–74). He managed to evade Dr. Mengele’s periodic selections of child inmates, partly through a “strategy to beat the system” (p. 74) by slipping back to the barracks after the daily morning count—but ultimately, again through luck. In the course of another such selection, his father was sent to the left while Tom was forced to the right: they never saw each other again. Only after being reunited with his mother in late 1946 did he learn that his father had not survived.

The camp was evacuated in January 1945, and the inmates forced to march through snow and ice for three days; many succumbed or were killed on the march or in the subsequent rail transport to Sachsenhausen. Tom’s feet were severely frostbitten (two toes had to be amputated), but his luck held up. Upon liberation, a company of the Polish army took him in as one of their own—he spoke fluent Polish from having grown up in the Kielce ghetto—until he could be transferred to a Jewish orphanage near Warsaw. There he waited until his mother was finally able to locate him near the end of 1946, and he could be conveyed via Prague to rejoin her in Göttingen. As it happened, after his name had been placed on a list of Jewish children potentially to be sent to Palestine for adoption, an alert employee of the Jewish Agency for Palestine correlated his name to that of an inquiry from Gerda Buergenthal concerning her lost child. As Gerda would later say, the fortune-teller’s prediction had come true.

In the final chapters—on his new life in postwar Germany and after emigration to the United States—the author touches on the combination of sheer luck and other factors that allowed him to survive against unbelievable odds, as well as to put aside bitterness and thoughts of vengeance against his tormentors and the German people. In the epilogue he returns to these themes, together with his observations on the significance that he finds in his own experiences for the quest to establish legal guarantees for protecting human rights.

What, then, were the consequences for Tom Buergenthal's later life in the law of his experience as a childhood Holocaust survivor? In the preface and epilogue Buergenthal suggests some answers. Foremost among them is his choice to concentrate his professional life in the domain of human rights. He writes of his sense of obligation to improve the lives of others by "working for a world in which the rights and dignity of human beings everywhere would be protected"; he was convinced that he could make a more significant contribution to international human rights law than to any other area of law because he "knew what it meant to be a victim of human rights violations" (p. 212). As a law professor, he addressed himself to the emerging problems of protecting human rights in the framework of the United Nations and regional institutions. With the establishment of the Inter-American Court of Human Rights in 1979, he was nominated by Costa Rica and elected to two six-year terms on that body, serving as its president for two years and participating in some of its precedent-setting early cases, including the Honduran disappearance cases.⁸

At the end of his service on the Inter-American Court, he was appointed to the UN Truth Commission for El Salvador, of which he writes:

Until then, I had always believed that my Holocaust experience had prepared me to deal with even the most egregious violations of human rights. In El Salvador, I found this not to be true. To see the skeleton of a baby

still in the womb of a mother killed in the El Mozote massacre, where some five hundred women, children, and old men had been murdered, was more than I could take without being deeply affected by the utter depravity of those who committed this and similar crimes. (P. 215)

He empathizes with Latin American street children, who need the same kinds of survival instincts that preserved him in the camps, and with refugees fleeing today's combat zones.

The Holocaust and its aftermath resurfaced more directly in later installments of Buergenthal's career. During his service on the UN Human Rights Committee (1995–99), that body received a complaint from Robert Faurisson, who had been convicted by French courts of the crime of Holocaust denial. Buergenthal writes:

Given my personal history, I decided to remove myself from hearing the case. I did so with the following declaration: "As a survivor of the concentration camps of Auschwitz and Sachsenhausen, whose father, maternal grandparents, and many other family members were killed in the Nazi Holocaust, I have no choice but to recuse myself from participating in the decision of this case." (P. 212)⁹

He did not remove himself, however, from all Holocaust-related adjudicatory activity. As his subsequent record shows, he has regularly wrestled with striking the proper balance between his personal history as a Holocaust survivor and his obligations in the role of legal decision maker.

In due course, Buergenthal "found [him]self serving" (p. 217) as arbitrator and ultimately as vice-chairman of the Claims Resolution Tribunal for Dormant Accounts (1997–2000), which was charged with searching for unclaimed bank accounts of Holocaust victims and processing claims of their heirs. In the face of evidence that Swiss banks had stonewalled and even misled

⁸ For appraisal of his service on the Inter-American Court, see Pasqualucci's *Thomas Buergenthal*, *supra* note 5, at 884–90 and references therein, including THE MODERN WORLD OF HUMAN RIGHTS: ESSAYS IN HONOUR OF THOMAS BUERGENTHAL (A. A. Cançado Trindade ed., 1996).

⁹ See *Faurisson v. France*, Communication No. 550/1993, UN Doc. CCPR/C/58/D/550/1993 (Nov. 8, 1996), 2 Report of the Human Rights Committee, Annex VI, at 84, 84 n.*, 97, UN GAOR, 52d Sess., Supp. No. 40, UN Doc. A/52/40 (1999) (noting that Buergenthal did not participate, and appending his statement).

claimants, he “tried not to let my anger at the conduct of some banks affect the job I had to do” (p. 218).

While in Zurich sitting on the claims tribunal, he learned that he had been nominated and would soon be elected to the International Court of Justice.¹⁰ His tenure on that Court is mentioned only in passing in the memoir, and this review is not the place for attempting to assess his judicial legacy as such. Scholars will doubtless turn their attention to evaluating his decade on the ICJ once his period of judicial service ends.¹¹

It is not easy to know how Buergenthal’s Holocaust experience may have affected his service on the ICJ. His memoir does not purport to answer that question, and any speculations must be tentative. As suggested by his recusal from the Human Rights Committee’s Holocaust-denial case mentioned above, he has taken pains to avoid any implication that his personal history might influence his decision making or opinion writing. Thus, even in cases raising issues of human rights and humanitarian law, Buergenthal as international judge has taken care to keep personal perspectives out of his published opinions.

With or without personal experience as a human rights victim, a judge who brings to the Court a lifelong commitment to advancing human rights would naturally be sensitive to the implications of particular cases for the broader system of law relevant to the international protection of human rights. We find such a sensitivity reflected in Buergenthal’s voting record and in his separate and dissenting opinions.¹² Notably, he voted with the applicants and against his own country in two cases involving the consular rights

of death row inmates in the United States.¹³ He also subscribed to the joint declaration of seven judges disagreeing with the grounds on which the Court determined to dispose of Serbia-Montenegro’s set of cases against the NATO intervenors in Kosovo, in part because the Court’s approach left some doubt as to whether the Federal Republic of Yugoslavia had been a party to the Genocide Convention between 1992 and 2000.¹⁴ When the Court later addressed itself to the applicability of Genocide Convention in the *Bosnian Genocide* case, Buergenthal did not participate in the oral hearings or the judgment.¹⁵ He voted with the majority in rejecting Serbia’s preliminary objections to Croatia’s suit under the Genocide Convention, which the Court found to be applicable between Croatia and Serbia at all relevant times.¹⁶

¹³ LaGrand (FRG v. U.S.), 2001 ICJ REP. 466, 514–16 (June 27); *id.* at 548 (diss. op. Buergenthal, J.) (agreeing with the Court on all points except for the admissibility of one of Germany’s submissions, on the ground that Germany’s late filing of its provisional measures request had resulted in unfairness to the United States); *Avena* (Mex. v. U.S.), 2004 ICJ REP. 12, 70–73 (Mar. 31, 2004). In the related proceeding known as *Request for Interpretation of the Avena Judgment* (Int’l Ct. Justice Jan. 19, 2009), he joined the Court in concluding that the United States had breached its obligations by executing an inmate covered by *Avena*, contrary to a provisional measures order; he had dissented from that order on the ground that Mexico had not established *prima facie* jurisdiction over a dispute under Article 60 of the ICJ Statute. *Request for Interpretation of the Judgment of 31 March 2004 in the Case Concerning Avena and Other Mexican Nationals (Mexico v. United States of America)* (Mex. v. U.S.), Provisional Measures, Diss. Op. Buergenthal, J. (Int’l Ct. Justice July 16, 2008).

¹⁴ *Legality of Use of Force (Serb. & Mont. v. Belg.)*, Preliminary Objections, 2004 ICJ REP. 279, 330, para. 12 (Dec. 15.) (joint decl. Ranjeva, V.-P.; Guillaume, Higgins, Kooijmans, Al Khasawneh, Buergenthal, & Elaraby, JJ.).

¹⁵ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosn. & Herz. v. Serb. & Mont.)* (Int’l Ct. Justice Feb. 26, 2007). In the practice of the ICJ (and other courts), judges “have often recused themselves without giving public reasons.” TERRIS ET AL., *supra* note 6, at 196.

¹⁶ *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croat. v. Serb.)*, Preliminary Objections, paras. 93–117, 146 (Int’l Ct. Justice Nov. 18, 2008).

¹⁰ See Lori Fisler Damrosch, *The Election of Thomas Buergenthal to the International Court of Justice*, 94 AJIL 579 (2000).

¹¹ Shortly before this review went to press, Buergenthal made known his intention to resign from the Court effective September 6, 2010. By that date he will have served on the Court for a period of ten and a half years.

¹² Since ICJ practice is that the authors of the Court’s majority judgments are not identified, the judicial philosophies of particular judges have to be inferred from the sources indicated in the text.

In his epilogue Buergenthal returns to his conviction as a Holocaust survivor that what is needed to spare others from suffering the victims' fate is the strengthening of international and national legal institutions to make human rights violations ever more difficult. For this reason he supports the International Criminal Court and believes that the United States should join it. This belief in the indispensability of legal institutions is also evident in his judicial record. In a case involving the immunity from third-country jurisdiction of a sitting foreign minister who was alleged to have perpetrated grave breaches of the laws of war and crimes against humanity, Buergenthal joined a separate opinion with Judges Higgins and Kooijmans setting forth a view on universal jurisdiction (an issue which the Court had avoided deciding); the joint opinion significantly traces a growing international consensus "that the perpetrators of international crimes should not go unpunished" and that national courts as well as international tribunals can play a part in a "flexible strategy":¹⁷ "Moreover, a trend is discernible that in a world which increasingly rejects impunity for the most repugnant offences, the attribution of responsibility and accountability is becoming firmer, the possibility for assertion of jurisdiction wider and the availability of immunity as a shield more limited."¹⁸ Buergenthal's epilogue also discerns such trends, adding up to what he characterizes as "significant progress" (p. 222) in the direction of prevention or reduction of large-scale human rights abuses through legal instruments.

Finally, Buergenthal's judicial record includes his votes against the Court's rulings in the advisory opinion on *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.¹⁹ Concerning the composition of the Court, and consistent with his belief that judicial impartiality involves not only the avoidance of actual personal conflict, but also "matters of perception and of sensibility to appearances that courts must contin-

uously keep in mind to preserve their legitimacy," he dissented from the order rejecting Israel's challenge to the participation of Judge Nabil Elaraby; his dissenting opinion explains his belief that an interview given by Elaraby after leaving Egyptian government service and before joining the Court could have created the impression of prejudgment in respect of the question before the Court.²⁰ On the merits, he dissented from the decision to comply with the request for the advisory opinion, as well as from each of the five dispositive subparagraphs of the reply.²¹ While sharing the Court's conclusion that international humanitarian law and international human rights law are applicable in the occupied territory and that Israel's conduct must conform to those and other standards of international law, he considered that the Court should have refrained from giving an opinion in the absence of an adequate factual record for drawing legal conclusions. He also disagreed with the Court's treatment of Israel's claim of legitimate self-defense.²²

The epilogue to Buergenthal's memoir sums up by drawing together his experiences as Holocaust survivor and as a scholar and judge whose life's work has been devoted to securing the international protection of human rights. He relates that he was drawn to this work because he believed, "somewhat naively at first, that these areas of the law, if developed and strengthened, could spare future generations the type of terrible human tragedies that Nazi Germany had visited on the world" (p. 211). What began as a naive belief grew to a conviction, grounded in the further experiences of

²⁰ Composition of the Court, 2004 ICJ REP. 3, 7 (Jan. 30) (diss. op. Buergenthal, J.).

²¹ 2004 ICJ REP. at 201–02. While the Court unanimously found that it had jurisdiction to give the requested advisory opinion (para. 163(1)), Buergenthal was the sole dissenter from its decision to comply with the request (para. 163(2)); he thought the Court should have exercised discretion not to answer the question because it lacked the factual basis for a legally justifiable answer. On the substantive conclusions of the opinion (para. 163(3)), Buergenthal dissented alone on points A, B, C, and E, and was joined by Judge Kooijmans on point D.

²² *Id.* at 240 (decl. Buergenthal, J.).

¹⁷ Arrest Warrant of 11 April 2000 (Dem. Rep. Congo v. Belg.), 2002 ICJ REP. 3, 63, para. 51 (Feb. 14) (joint sep. op. Higgins, Kooijmans, & Buergenthal, JJ.).

¹⁸ *Id.*, para. 75.

¹⁹ 2004 ICJ REP. 136, 240 (July 9) (decl. Buergenthal, J.).

seeing “significant progress” (p. 222) over his lifetime, that legal institutions can make a real difference.

I tend to believe that had our contemporary international human rights mechanisms and norms existed in the 1930s, they might well have saved many of the lives that were lost in the Holocaust. . . .

. . . The task ahead is to strengthen these tools, not to despair, and to never believe that mankind is incapable of creating a world in which our grandchildren and their descendants can live in peace and enjoy the human rights that were denied to so many of my generation. (Pp. 223, 225)

Some readers may find this faith in humanity’s capability as implausible as the famously problematic passage from Anne Frank’s diary: “in spite of everything, that people are truly good at heart”;²³ but Buergenthal has no illusions about the human capacity for evil. He knows the worst that humankind is capable of and knows that the worst can be repeated. Still, his story gives reason for hope—not just because hope, too, is part of human nature,²⁴ but because his life provides evidence supporting a reasonable belief that progress in securing human rights can perhaps be realized.

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The Origins of African-American Interests in International Law. By Henry J. Richardson III. Durham, NC: Carolina Academic Press, 2008. Pp. xlii, 501. Index. \$65.

On July 11, 1945, one of the founders of modern Pan-Africanism, W. E. B. DuBois, testified before the Senate Foreign Relations Committee urging ratification of the Charter of the United Nations. DuBois and other Black Americans also attended the San Francisco Conference, where the Charter was crafted; it was hoped that the new entity would be the foundation for emerging inter-

national human rights obligations that might deliver Black¹ Americans from the prevailing and an increasingly untenable American apartheid. In April 1967, just days before his assassination, Martin Luther King delivered his iconic Riverside Church speech in New York, eloquently and unequivocally opposing the Vietnam War—and maintaining, inter alia, that it was illegal under international law. Both DuBois and King anticipated the condemnations that followed, and their actions were, indeed, criticized by many Americans, Black and White, foe and ally. Yet King and DuBois believed they had a right and an obligation to rely and comment upon international law in their pursuit of human rights for Black people. With these otherwise disparate twentieth-century events in mind, Henry Richardson III of Temple University’s Beasley School of Law ponders and seeks to determine how these and other Black Americans came to presume that they might make international legal claims of any kind. It is to be hoped that *The Origins of African-American Interests in International Law* is only the first volume in Richardson’s quest to answer this and many other questions as he endeavors to unearth the genesis of African American participation in the international legal process.

Richardson maintains that Black people in the American diaspora have always and consistently had a stake in international law (see, for example, pp. xxxii, xli). This claim to international laws and precepts is readily apparent in the domestic and international struggle against slavery and systemic racism—a struggle that entailed concrete and theoretical reliance upon what Richardson refers to as “outside law” (see, for example, p. xli), in pursuit of rights that were undeniably being denied under U.S. law. Thus as international law emerged and evolved during this era, both free Black people

²³ See Cynthia Ozick, *Who Owns Anne Frank?* NEW YORKER, Oct. 6, 1997, at 76, 81 (locating quote in context of diarist’s “vision of darkness”).

²⁴ In Buergenthal’s words: “But what else could we do but hope? That, after all, is human nature” (p. 37).

¹ Richardson uses various expressions—African-heritage people, Africans, Blacks, Black folks/people/peoples, and African American—albeit not interchangeably. His use of the last expression is reserved for the period after which Black people in the United States were beginning to conceive of themselves consciously as Americans. Before that era he employs “Africans” or one of the terms noted. For editing simplicity, this review will use some variant of “Black” (capitalized at the author’s insistence) or, when particularly appropriate, “African-heritage people.”