

From the Guest Editors: Raphael Lemkin: the “founder of the United Nation’s Genocide Convention” as a historian of mass violence

“New conceptions require new terms. By ‘genocide’ we mean the destruction of a nation or of an ethnic group.” Rarely in history have paradigmatic changes in scholarship been brought about with such few words. Putting the quintessential crime of modernity in only one sentence, Raphael Lemkin, the Polish Jewish specialist in international law, not only summarized the horrors of the National Socialist Crimes, which were still underway, when he coined the term “genocide,” but also influenced international law. As the founding figure of the UN Genocide Convention Lemkin is finally getting the respect he deserves. Less known is his contribution to historical scholarship on genocide. The following articles offer for the first time a critical assessment, not only of his influence on international law but also on historical analysis of mass crimes, showing the close connection between both.

Historical scholarship on the biography and work of Raphael Lemkin is still in its infancy. Existing biographical sketches mainly make use of Lemkin as “pioneer of genocide studies,” hence myths prevail. Large parts of his oeuvre have not yet been examined, let alone published. Documenting the “state of the art” of Lemkin scholarship seems more than overdue 60 years after *Axis Rule in Occupied Europe*, in which the term genocide was coined. Equally important is to prove whether his historical scholarship stands the test of time and whether it points to new avenues of research.

Raphael Lemkin and the creation of the term “genocide”

Raphael Lemkin was born 1900 in Bezwodene, a town in then Eastern Poland, into a family of farmers. Lemkin had been sensitive to the suffering of other groups from his early days on. In his unpublished autobiography entitled “Totally unofficial” Lemkin stated how Henry Sienkiewicz’ novel *Quo Vadis* had had a lasting impact on his thinking and his career and the way he—as a Jew—had identified with the fate of the persecuted Christians:

In my early boyhood, I read *Quo Vadis* by Henry Sienkiewicz—this story full of fascination about the sufferings of the early Christians and the Romans’ attempt to destroy them solely

because they believed in Christ. Nobody could save them, neither the police of Rome nor any outside power. It was more than curiosity that led me to search in history for similar examples, such as the case of the Huguenots, the Moors of Spain, the Aztecs of Mexico, the Catholics in Japan, and so many races and nations under Genghis Khan. The trail of this unspeakable destruction led straight through modern times up to the threshold of my own life. I was appalled by the frequency of the evil, by great losses in life and culture, by the despairing impossibility of reviving the dead or consoling the orphans, and above all, by the impunity coldly relied upon the guilty.”¹

This analysis of mass violence made him become a lawyer because he “thought that this profession would best qualify [him] for [his] task of making the destruction of groups of human beings punishable.”²

The fate of the Anatolian Armenians during World War I, and especially the inability of the victorious Allies to prosecute effectively the leading Young Turks, deeply shocked the young Lemkin. In the wake of this experience he concluded that an international law against the wholesale extermination of ethnic and religious groups had to be created. In order to achieve this goal, Lemkin was willing to limit state sovereignty, which most legal philosophers and practitioners of international law rejected: “But sovereignty of states implies conducting an independent foreign and internal policy, building of schools, construction of roads, in brief, all types of activity directed towards the welfare of people. Sovereignty cannot be conceived as the right to kill millions of innocent people.”³

After years of campaigning for the inclusion of crimes such as “barbarism” and “vandalism,” which later was to become the concept of genocide into international law, Lemkin was confronted with the crime on a very personal level. As a Jew he had to leave Poland after the German invasion in 1939, fleeing via Sweden to the United States, where he taught at Duke University and Yale before working for the Board of Economic Warfare.⁴ The far-reaching indifference of the US American public towards the murder of the European Jews depressed and motivated Lemkin at the same time. An international treaty for the protection of ethnic and religious minorities, signed by the Allies and neutral states, might prevent the National Socialists from fulfilling their plan, he hoped naively:

It was still possible to save at least a part of the people. The Allies still had an access to the parliaments of most the nations of the world at that time. A treaty naming genocide a crime could still be enacted and applied by many parliaments. And then a warning had to be issued to Hitler concomitantly with the treaty. The warning would say that the protection of the very existence of nations is the main aim of the Allies.⁵

Restlessly, Lemkin was looking for the necessary support for the creation of such a treaty. But the unsuccessful lobbying wore him down, as he himself described impressively how he was suffering from his helplessness and inability to win over politicians and opinion leaders for his cause:

My nights at these times turned into nightmares. Dreams came often incessantly and compellingly. I saw my parents in my dreams very realistically. The worst, however, were

the visions which came in a half-sleepy stage. During one of them, I saw the interior of a train. A drab light was falling on people sitting on valises. Among them was my mother with a stony face. Next to her was a small boy. Who was he? I recognized the dark coat of my mother, her high forehead, her eyes were saying nothing. Her mouth was silent ice. Where was she going? Was it her last journey? [. . .] My health was deteriorating ostensibly and friends made an appointment for me to see a doctor.⁶

Nevertheless, Lemkin never abandoned his idea of an international law against the murder of peoples. In 1944 he published his famous *Axis Rule in Occupied Europe*, both a compilation of documents on and a lucid analysis of German policy of occupation and destruction in Europe.⁷ In this work Lemkin introduced the term “genocide” for the first time, giving a name to what British Prime Minister Winston Churchill had called “a crime without a name.”⁸ The neologism “genocide” meant, as he defined it:

the destruction of a nation or of an ethnic group. [. . .] Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the ultimate aim of annihilating the groups themselves. The objectives of such a plan would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.⁹

Furthermore, genocides—according to Lemkin—have to be understood as processes: “Genocide has two phases: one destruction of the national pattern of the oppressed group; the other, imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor’s own nationals.”¹⁰

Lemkin’s concept of genocide constituted the basis for the corresponding definition in the “UN Convention on the Prevention and Punishment of the Crime of Genocide,” which was approved by the General Assembly on December 9, 1948.¹¹ Despite all his efforts for an international law against genocide and for the ratification of the UN Convention, Lemkin has never won adequate recognition. In 1959 he died impoverished and isolated.

Only about two decades ago, when the study of genocide and other forms of mass violence became an established academic discipline in the United States and in Canada, Lemkin was rediscovered, albeit in a rather one-dimensional way. Although his contributions to the field of international law have been recognized by the scientific community, he is solely regarded as a lawyer. That a serious biography has not been written so far and that most of his manuscripts have never been published is characteristic of the perception of Raphael Lemkin.

Raphael Lemkin as historian of genocide

As Lemkin stated in his unpublished autobiography, the destruction of the Ottoman Armenians had a lasting impact on him and reinforced his interest in mass violence. Until his death he was working on a broad study of genocides in the history of humankind. Although his manuscripts on the Armenian genocide and on the Holocaust have been touched upon in the last years, the real significance of his unpublished works has been neglected.¹²

The contributions in this volume lead both to some significant insights and to a major re-evaluation of Lemkin: the author of *Axis Rule in Occupied Europe* is not “only” the “founder of the Genocide Convention,” as Lemkin liked to address himself, but also the “father of genocide research.”

Two observations may highlight the insights which are to be won by a closer look at Lemkin’s writings. In the emerging debate on colonialism and genocide Lemkin is often referred to as a theorist of a genocide concept in which the European settlement of the various “New Worlds” is not dealt with. Several authors went to great length in order to prove that genocide is a concept which can be applied to colonial situations. A debate has also arisen about the application of the term genocide to cultural destruction. For Lemkin the answer was obvious—not only cases in which the perpetrators tried to eliminate a targeted group physically and in whole constitute genocides: “The disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health and dignity.” Consequently, Lemkin attached great importance to the phenomenon of colonialism in his concept of genocide, as McDonnell, Moses, and Schaller highlight in their articles in this volume.¹³ It is therefore not surprising that Lemkin himself wrote extensively on the destruction of indigenous peoples in the Americas and on atrocities committed by Europeans in Africa.

The articles of this special issue on Raphael Lemkin

Given the decades of neglect, not all aspects of his work could be covered here. Daniel Marc Segesser and Myriam Gessler show how important the issue of the punishment of war crimes was after the end of World War I and how politicians and jurists alike discussed it in a controversial manner. The trials in Leipzig and in Constantinople, where alleged war criminals from Germany and the Ottoman Empire had been judged, have not been satisfactory. Consequently jurists looked for a new way to deal with war criminals in the future. Segesser and Gessler describe how the young Raphael Lemkin entered into this discussion, who influenced him and how his concept relates to the ideas of others.

The purpose of Tanya Elder’s contribution is to further expose Raphael Lemkin through the lens of his archival collections. Elder provides genocide researchers with a useful and meticulous roadmap to Lemkin’s unpublished works.

Michael A. McDonnell and A. Dirk Moses not only prove that Lemkin regarded many instances of European–Indigenous encounters in the Americas as genocidal,

but analyse in detail Lemkin's methodology. By contrasting new historical insights with Lemkin's perception they also identify some flaws in his description, mainly resulting from a much too naive reliance on Las Casas. Lemkin's quality as a historian is also questioned by Dominik J. Schaller. In his contribution he shows that Lemkin partly relied on untrustworthy sources for his manuscripts on the colonial war in "German South West Africa" and on the Belgian atrocities in the Congo. Moreover, Schaller discusses Lemkin's ambivalent view of European colonialism in Africa.

As Dan Stone shows, the study of colonial genocides provided Lemkin with a conceptual framework for understanding the German policy of occupation and extermination during World War II. Lemkin was of course not the only person writing on the genocide of the Jews in his time, but he was innovative in noting that the murder of the Jews was just one aspect of a broad Nazi plan to ethnically restructure Eastern Europe.

The way Lemkin interpreted Stalinist Terror seems to be problematic. Anton Weiss-Wendt states that the discussion of the ethnic deportations in the Soviet Union was mainly part of the evolving Cold War and that Lemkin had resorted to anticommunism to convince the US administration to ratify the UN Genocide Convention. By insisting on the term genocide while describing the deportations of ethnic minorities in the Soviet Union, Lemkin wanted to demonstrate to US opinion leaders the relevance of the Genocide Convention, Weiss-Wendt assumes. Nevertheless, Weiss-Wendt acknowledges that Lemkin was probably the first scholar who introduced a comparative method into the study of genocide.

The contributions in this volume are neither based on a *unité de doctrine* nor are all the important papers by Lemkin on various genocides in the history of humankind covered; only a small part of Lemkin's historical scholarship is discussed. Nevertheless, the Guest Editors hope that this collection of articles will provoke fruitful discussions and stimulate further research on Lemkin as a historian of mass violence.

Dominik J. Schaller and Jürgen Zimmerer

Notes and References

- 1 Raphael Lemkin, "Totally unofficial," manuscript, undated, New York Public Library, Manuscript and Archives Division, The Raphael Lemkin Papers, Box 2: Bio- and Autobiographical Sketches of Lemkin.
- 2 Ibid.
- 3 Ibid, p 13.
- 4 See Samantha Power, "A Problem from Hell." *America and the Age of Genocide* (London: Flamingo, 2003), pp 23–26.
- 5 Lemkin, "Totally unofficial," Chapter VIII, p 4.
- 6 Ibid, p 8.
- 7 Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, DC: Carnegie Endowment for International Peace, 1944).
- 8 Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven: Yale University Press, 1981), p 12.
- 9 Lemkin, *Axis Rule*, p 79.
- 10 Ibid.

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- 11 For the genesis of the UN Genocide Convention and the differences between Lemkin's and the United Nations' definition, see William A. Schabas, *Genocide in International Law* (Cambridge: Cambridge University Press, 2000), pp 51–81.
- 12 Steven L. Jacobs, *Raphael Lemkin's Thoughts on Nazi Genocide: Not Guilty?* (Lewiston: Edwin Mellen Press, 1992). Steven L. Jacobs, "Raphael Lemkin and the Armenian genocide," in Richard Hovannisian, ed., *Looking Backward, Moving Forward. Confronting the Armenian Genocide* (New Brunswick: Transaction, 2003), pp 125–135.
- 13 See also John Docker, "Raphael Lemkin's History of Genocide and Colonialism," (Washington, DC: United States Holocaust Memorial Museum, 2004).