

Raphael Lemkin's view of European colonial rule in Africa: between condemnation and admiration

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The Polish-Jewish specialist in international law Raphael Lemkin (1900–1959) was not “only” an influential jurist but also a historian, a fact that has been ignored by most genocide researchers up to now. Due to financial problems, deteriorating health, and lack of interest by publishers, Lemkin did not manage to complete and bring out his broad study on genocides from antiquity to the twentieth century which he had been working on for many years. A look at his unpublished manuscripts reveals that Lemkin's historical scholarship was not only dedicated to well-known cases such as the fate of European Jewry or the persecution and murder of the Anatolian Armenians. Many of his unpublished works deal with atrocities committed by European colonialists and settlers in the various “New Worlds.” How has Lemkin's intensive preoccupation with colonialism to be adequately understood?

When Raphael Lemkin defined his neologism “genocide” for the first time, he emphasized that this term does not exclusively describe the immediate destruction of an ethnic or a religious group.² Rather, he understood genocides as processes and distinguished between two phases, “one destruction of the national pattern of the oppressed group; the other, imposition of the national pattern of the oppressor.”³ And Lemkin specified that this imposition “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.”⁴ Colonialism, thus, plays a central role in Lemkin's concept of genocide.⁵ And it was the study of colonial mass murders that provided him with a conceptual framework for analysing the German policy of occupation and extermination in Eastern Europe during World War II.⁶

The question whether the term “genocide” can be applied to cases of extremely bloody suppression of indigenous resistance or even to the colonial situation in general is discussed controversially in the historiography of colonialism. The political and legal explosiveness of this issue becomes apparent if one recalls the increasing number of claims for restitution by the descendants of victims

from European colonialism or the trans-Atlantic slave trade.⁷ Much attention has recently been paid to the claims of the Herero in Namibia.⁸ With the exception of a few stubborn revisionists, most historians finally describe the murder and the enslavement of the Herero by German colonialists 1904–1908 as genocide.⁹ Politicians, however, avoid the use of the term “genocide” to classify the events of 1904 in then “German Southwest Africa” if at all possible. Such a confession, they fear, would result in a surge of similar lawsuits against former colonial powers. Philip Musolino, one of the lawyers of the Herero, supports this view: “I don’t think there’s any doubt, to be candid about it, that, if this case [of the Herero] succeeds, other lawyers and other ethnic groups are going to look at the overall colonial era in Africa. I suspect that events in the Congo would be of interest to historians and as a result to lawyers with respect to similar claims.”¹⁰

Indeed, historians have turned their attention to Belgian colonial rule in the so-called “Congo Free State.” But they have a lot of difficulty in classifying the atrocities committed by the Belgians. Although Adam Hochschild, whose publication *King Leopold’s Ghost* has heavily influenced the public discussion, admits that the “killing in the Congo was of genocidal proportion,” he does not consider it to be a “real” genocide since King Leopold’s aim was not the extermination of all the Congolese or of any particular tribes in the Congo.¹¹ Regardless, some historians speak in a rather undifferentiated way of “the Congo holocaust.”¹²

That the UN Convention on the Prevention and Punishment on Genocide does not necessarily require that there be an attempt to exterminate a targeted group physically or in whole is often ignored in these discussions.¹³ Similarly ignored have been Lemkin’s concept of genocide and his unpublished works on colonial genocides. It is the aim of this article to remedy this neglect by examining how Raphael Lemkin understood the murder of the Herero and Belgian colonial rule in the Congo. Furthermore, Lemkin’s attitude towards European colonialism in general and his perception of Africans will be in the centre of interest.

Lemkin on the murder of the Herero

Two typewritten manuscripts on German colonialism and the war of extermination against the Herero 1904–1908 are to be found in Lemkin’s unpublished works.¹⁴ Both are undated, but must have been written in the early 1950s.

Lemkin was not well informed about the cultural, socio-economic, and political conditions that determined the life of the Herero in Namibia. For example, the widespread stereotyped idea of the Herero as the outstanding cattle-breeder turns up in Lemkin’s manuscripts: “The Hereros’ almost exclusive diet of milk and meat made them vitally dependent on their large herds of cattle, for which they had a worshipful devotion. The cattle were believed to belong to the Hereros’ ancestors, and as such, were considered sacred, for the Hereros were ancestor worshippers.”¹⁵ With regard to his analysis of the colonial war between the Herero and the German Schutztruppe (colonial troops), Lemkin’s sources are even more questionable: he relied almost completely on British reports and

sources whose aim was to discredit Germany as a responsible and competent colonizer.

Although the European powers had agreed before World War I that their colonial possessions should remain unaffected in case of war, the victorious Allies decided to seize German overseas territories all the same. This procedure was justified with the argument that the Germans were, unlike the British and French, not able to advance the peoples with whom they were entrusted.¹⁶ In the British "Blue Book" of 1919, German rule in Namibia was excoriated:

As a colonist, the German in South-West Africa, speaking generally, has been a failure. . . . When he arrived here he found the natives both rich and comparatively numerous. His sole object seemed, as soon as he felt strong enough, to take the fullest advantage possible of the simplicity of these people and despoil them utterly. When the process did not, by means of the system of trading that sprang up, which in itself was often but a thinly disguised form of chicanery and knavery, go quickly enough, rapine, murder, and lust were given full play with the disastrous results of which we see evidences every day around us.¹⁷

For British observers and commentators one reason for this "failure of German colonialism" was the inadequate training of German officials who were said to be completely out of their depth in the colonies.¹⁸ Lemkin shared this assumption, and stated that "the German administration was generally carried out by poorly qualified officials."¹⁹ For Lemkin, the cruelty and excesses of violence by German officials and soldiers in the colonies were the consequence of a wrong system of rule:

In the German colonies no attempt was made to respect native tribal customs or to invest the chiefs with their former dignity and authority. The chiefs were deprived of their privileges and the only authority permitted them was that delegated to them by the German officials, such authority being solely used for the purpose of recruiting forced labour. If the chiefs failed to cooperate in everything demanded of them, they were systematically ill-treated, flogged and imprisoned, even for the most trivial offenses.²⁰

The system of "indirect rule" as practised by the British colonial administrations would have been much more humane and could have prevented from outrages, Lemkin believed.²¹ But he turned a blind eye to the political realities in German Southwest Africa: up to 1904, the German governor in Namibia depended heavily on cooperation with indigenous chiefs like Samuel Maharero and Hendrik Witbooi.²² When Lemkin noted that "the Germans introduced the Prussian military system into their rule of the African colonies, a system of cruelty and oppression," he obviously overestimated the power of the German colonial administration in Namibia.²³ In fact, until 1904–1905, the colonial infrastructure in Southwest Africa was rather poor due to the unwillingness of the German chancellors to invest huge sums in their overseas territories.²⁴ Whether the ruthless treatment of the "rebellious" Herero in the colonial war of 1904–1908 can be traced back to a specific form of German military culture ("Prussian militarism" in Lemkin's words) is lively discussed in historiography.²⁵ But it was rather the helplessness of German officials and the insufficiently equipped Schutztruppe as well as the fear

of loosing the control in the colony completely that contributed to a “cumulative radicalization” and led to the genocidal war against the Herero.²⁶ Lemkin’s stereotyped image of the Germans as cold-blooded and ruthless militarists (“Prussian militarism was founded on the principles of terror and power”²⁷) was certainly influenced by his own traumatic experiences with Nazi Germany during World War II and by contemporary discourses on the nature of German militarism.²⁸

Although Lemkin has never used the term “genocide” in his papers to describe the murder of the Herero, there can be no doubts that he regarded his concept of genocide perfectly applicable to the events of 1904–1908. His assessment of the German colonial war in Namibia (“After the rebellion and von Trotha’s proclamation, the decimation of the Hereros by gunfire, hanging, starvation, forced labour and flogging was augmented by prostitution and the separation of families, with a consequent lowering of the birthrate”²⁹) features the crucial criterions of his definition of genocide:

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 aim of annihilating the groups themselves. The objectives of such a plan would be 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, dignity, and even the lives of the individuals belonging to such groups.³⁰

Until recently, the Herero’s coping with the far-reaching consequences of the genocide has not been dealt with adequately. The expression “silence of the graveyard” has usually been used to describe the socio-economic and cultural situation of the Herero in post-genocide Namibia.³¹ That the Herero had undergone a remarkable process of social and national restructuring was unknown to Raphael Lemkin.³² He just saw the Herero as helpless victims whose fate was sealed for all time. Moreover, he believed the Herero were committing “race suicide.” This theory was very popular at the time of Lemkin and had been promoted by Willem Petrus Steenkamp:

There exists in South-West Africa a widespread belief that the declining birthrate amongst the Herero is due to a nation-wide determination for committing national or race suicide. This resolution was soon taken after the German conquest, because as a race they could not reconcile themselves to the idea of subjection to Germany and thus loss of independence. . . . Having nothing left to exist for as a nation any longer, national suicide was started by birth control of a rigorous nature and artificial abortion.³³

Believing in this theory, Lemkin specified the method of the Herero to kill themselves: “[The Herero] learned to make a very strong beer called Kari, which means ‘the drink of death’, brewed from potatoes, peas, sugar and yeast. This drink made the natives wild and afterwards, unconscious for hours. Kari, drunk by the Herero women as well as the men, had a most weakening and exhausting effect on their productive powers.”³⁴ This theory of “race suicide” is highly problematic. The historian Gesine Krüger is absolutely right when she

points out that this myth has to be understood as an attempt to blame the Herero women for the fatal consequences of the genocide, namely, the lowering of their birthrate.³⁵

Lemkin on the Belgian Congo

In Lemkin's eyes, the imposition of Belgian colonial rule in the Congo and the forced labour of the indigenous population that went with it was an unambiguous genocide. He estimated that 75% of the Congolese population was "wiped out in the space of a few years."³⁶ His unpublished manuscript on the Belgian Congo is not only interesting in this regard but also reveals Lemkin's perception of Africans. Although he made it very clear that he considered the colonial administration ("from the humble employee of the rubber companies to the King of the Belgians"³⁷) to be guilty of the murder and the enslavement of the Congolese, he emphasized that atrocities had usually been committed by Africans themselves who were in the pay of the Belgians. These "native militia" were described by Lemkin as "an unorganized and disorderly rabble of savages whose only recompense was what they obtained from looting, and when they were cannibals, as was usually the case, in eating the foes against whom they were sent."³⁸ The Belgian system of exploitation only worked thanks to the readiness of some "natives" to support the colonizers, Lemkin believed:

An ingenious system was devised by the rubber companies . . . Sentries were chosen for their savage characters, and killed and tortured the natives according to the barbaric customs prevalent among primitive peoples, and also in terror of the punishment that would be inflicted on them by the white agents should they fail to collect the required amount [of rubber].³⁹

Moreover, Lemkin has stated the spread of diseases and the destruction of traditional indigenous institutions had been above all the result of the native mercenaries' activities:

The sentries introduced gross and wholesale immorality, broke up family life, and spread disease throughout the land. Formerly native conditions put restrictions on the spread of disease and localized it to small areas, but the black Congo soldiers, moving higher and thither to districts far from their wives and homes, took the women they wanted and ignored native institutions, rights, and customs.⁴⁰

It is acknowledged that Europeans could not have ruled their overseas territories without indigenous collaboration.⁴¹ Therefore, Lemkin is right when he highlights the role of Congolese colonial troops during the period of Belgian rule. But tracing the cruelties in the Congo back to the alleged inborn savagery of the indigenous population is inappropriate and racist.

Concluding remarks

The human rights activist and "father of the genocide convention," Raphael Lemkin, decidedly condemned the bloody suppression of the indigenous resistance

in Namibia by the Germans and the excessive exploitation of the Congo by the Belgians. Nevertheless, his critique was not directed at European colonialism in general. On the contrary, Lemkin has been an enthusiastic advocate of colonialism and he considered the “civilization” of the Congo and other parts of Africa by Europeans to be a necessary task. Quite a favourable view of King Leopold II’s alleged philanthropic plans to bring peace and prosperity to Central Africa has been taken by him: “Almost all of the hundred articles drawn up at the Brussels Conference were admirable and had they been enforced the natives of the Congo would have benefited immeasurably.”⁴²

The way Lemkin has perceived Africans can only be described as racist. In his manuscripts, Africans are portrayed as either weak-willed and helpless victims or as bloodthirsty cannibals.⁴³ His obvious lack of ethnographic knowledge made him misunderstand Africa as “the heart of darkness.” Besides, his attitude that Africans themselves have to be blamed for their fate is more than problematic and questions the value of his historical scholarship.

Do these findings diminish Lemkin’s significance and reputation? When he was writing, racist views were common and colonial thinking was still widespread; and since he was a child of his time it would be anachronistic to judge him too harshly. Nevertheless, uncritical worship of Lemkin’s personality that is quite common among many genocide researchers today is highly questionable as well.

Notes and References

- 1 I would like to thank Dirk Moses (University of Sydney) for valuable comments on an earlier draft of this article.
- 2 Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, DC: Carnegie Endowment for International Peace, 1944), p 79.
- 3 Ibid.
- 4 Ibid.
- 5 For a more detailed discussion of this observation, see the contribution of Michael A. McDonald and A. Dirk Moses in this volume.
- 6 See Dan Stone’s contribution in this volume. The question of continuities between colonial genocides and the Holocaust is hotly debated. See, for example, Jürgen Zimmerer, “The birth of the *Ostland* out of the spirit of colonialism: a postcolonial perspective on the Nazi policy of conquest and extermination,” *Patterns of Prejudice*, Vol 39, No 2, 2005, pp 202–224; Birthe Kundrus, “Von den Herero zum Holocaust? Einige Bemerkungen zur aktuellen Debatte,” *Mittelweg 36. Zeitschrift des Hamburger Instituts für Sozialforschung*, Vol 14, No 4, 2005, pp 82–91; Dominik J. Schaller, “Kolonialkrieg, Völkermord und Zwangsarbeit in ‘Deutsch-Südwestafrika,’” in idem *et al.*, eds, *Enteignet-Vertrieben-Ermordet. Beiträge zur Genozidforschung* (Zürich: Chronos, 2004), pp 147–232. See further the contributions in A. Dirk Moses, ed., *Genocide and Colonialism* (New York: Berghahn, forthcoming).
- 7 Elazar Barkan speaks in this connection of a “new international moral.” See idem, *The Guilt of Nations—Restitution and Negotiating Historical Injustice* (New York: Norton, 2000). Michael J. Bazylar has shown how the successful outcome of litigations against Swiss banks and German companies have inspired other victim groups. See idem, “Lex Americana. Holocaust litigation as a restitution model for other massive human rights abuses,” in Schaller, *Enteignet*, pp 349–394.
- 8 See Jürgen Zimmerer, “Entschädigung für Herero und Nama,” *Blätter für deutsche und internationale Politik*, Vol 50, No 6, 2005, pp 658–660; Janntje Böhlke-Itzen, *Kolonialschuld und Entschädigung. Der deutsche Völkermord an den Herero 1904–1907* (Berlin: Brandes & Apsel, 2004).
- 9 See, for example, Jürgen Zimmerer and Joachim Zeller, eds, *Völkermord in Deutsch-Südwestafrika. Der Kolonialkrieg (1904–1908) in Namibia und seine Folgen* (Berlin: Ch. Links, 2003); Larissa Förster *et al.*, eds, *Namibia-Deutschland. Eine geteilte Geschichte. Widerstand, Gewalt, Erinnerung* (Köln: Rautenstrauch-Joest-Museum, 2004).

- 10 Philip M. Musolino in an interview with Dr Joachim Zeller, Berlin, March 4, 2003. I thank Joachim Zeller for providing me with the recording of this discussion.
- 11 Adam Hochschild, *King Leopold's Ghost—A Story of Greed, Terror and Heroism in Colonial Africa* (Boston: Houghton Mifflin, 1999), pp 2, 25.
- 12 See, for example, Georges Nzongola-Ntalaja, *The Congo from Leopold to Kabila. A People's History* (London: Zed Books, 2002), p 20.
- 13 A rare exception is Robert G. Weisbord who has stated that "injury, physical or mental, and the creation of unbearable conditions, as well as killing, qualify as genocide." Weisbord strictly opposes the view of Hochschild and concludes that "in the case of the Congo all these techniques were employed." See idem, "The king, the cardinal and the pope: Leopold II's genocide in the Congo and the Vatican," *Journal of Genocide Research*, Vol 5, No 1, 2003, pp 35–45, p 35.
- 14 The first manuscript is incomplete, without title and consists of 17 pages. It is solely dedicated to the fate of the Herero: Jacob Rader Marcus Center of the American Jewish Archives Cincinnati, the Raphael Lemkin Papers, Box 6, Folder 12 (hereon cited as Lemkin, "Herero"); the other paper is longer (52 pages) and entitled "The Germans in Africa." The suppression of the so-called "Maji-Maji Rebellion" in Tanzania and the "Duala Massacres" in Cameroon is also covered in it: Jacob Rader Marcus Center of the American Jewish Archives, Cincinnati, the Raphael Lemkin Papers, Box 6, Folder 9.
- 15 Lemkin, "Herero," p 2.
- 16 For a discussion of this argument and its consequences for the decolonization process after World War II, see Jürgen Zimmerer, "Von der Bevormundung zur Selbstbestimmung. Die Pariser Friedenskonferenz und ihre Auswirkungen auf die britischen Kolonialherrschaft im südlichen Afrika," in Gerd Krumeich, ed., *Versailles 1919: Ziele-Wirkungen-Wahrnehmung* (Essen: Klartext-Verlagsgesellschaft, 2001), pp 145–158.
- 17 Union of South Africa, *Report on the Natives of South-West Africa and their Treatment by Germany. Prepared in the Administrator's Office, Windhuk, South-West Africa, January 1918* (London: His Majesty's Stationery Office, 1918), p 9. Despite of the propagandist intention of the editors the "Blue Book" is an interesting source. It has recently been re-edited and commented: Jeremy Silvester and Jan-Bart Gewald, eds, *Words Cannot Be Found. German Colonial Rule in Namibia. An Annotated Reprint of the 1918 Blue Book* (Leiden: Brill, 2003).
- 18 Evans Lewin, for example, stated: "Unfortunately the majority of Germany's colonial administrators have not been gifted with . . . tact and ability. . . . Without entering into unnecessary details regarding German administration it may be stated broadly that it was altogether too inflexible and rigid [. . .], and that it lacked the broader instinct of compromise which has so frequently saved British administrators from errors that might have led to disastrous results." Idem, *The Germans and Africa. Their Aims on the Dark Continent and How They Acquired their African Colonies* (London: Cassell and Company, 1915), pp 111–112.
- 19 Lemkin, "Herero," p 4.
- 20 Lemkin, "Germans in Africa," p 18.
- 21 The concept of "indirect rule" goes back to the British colonial official Lugard. According to this concept the colonial administration should exercise of the colonized peoples through traditional indigenous institutions. See Frederick John D. Lugard, *The Dual Mandate in British Tropical Africa* (London: Blackwood, 1922).
- 22 For the so-called "System Leutwein," see Helmut Bley, *Kolonialherrschaft und Sozialstruktur in Deutsch-Südwestafrika 1894–1914* (Hamburg: Leibniz-Verlag, 1968), pp 18–185; Jan-Bart Gewald, *Herero Heroes. A Socio-Political History of the Herero of Namibia 1890–1923* (Oxford: James Currey, 1999), pp 29–140; see also Governor Leutwein's own contemporary report: Theodor Leutwein, *Elf Jahre Gouverneur in Deutsch-Südwestafrika* (Berlin: Mittler & Sohn, 1906).
- 23 Lemkin, "Germans in Africa," p 49.
- 24 In 1890, Bismarck even had concrete plans to give up the whole colonial project. See Horst Gründer, *Geschichte der deutschen Kolonien* (Paderborn: Schöningh, 2000), p 80.
- 25 See, for example, Isabel V. Hull, *Absolute Destruction. Military Culture and the Practices of War in Imperial Germany* (Ithaca and London: Cornell University Press, 2005).
- 26 The expression "cumulative radicalization" was first used by the German historian Hans Mommsen to describe the genesis of the National Socialists' "Endlösung." Jan-Bart Gewald emphasizes the radicalization process of 1904 in his work. See idem, *Herero Heroes*, pp 141–191.
- 27 Lemkin, "Germans in Africa," p 49.
- 28 For the criticism of Prussian militarism in Germany, see Nicholas Stargardt, *The German Idea of Militarism. Radical and Socialist Critics 1866–1914* (Cambridge: Cambridge University Press, 1994). Especially the atrocities committed by Germans against Belgians during World War I have contributed to this discourse in Great Britain. See John Horne and Alan Kramer, *German Atrocities, 1914. A History of Denial* (New Haven: Yale University Press, 2001).
- 29 Lemkin, "Herero," p 16.

- 30 Lemkin, *Axis Rule*, p 90.
- 31 See Horst Drechsler, *Südwestafrika unter deutscher Kolonialherrschaft. Der Kampf der Herero und Nama gegen den deutschen Imperialismus (1884–1915)* (Berlin (DDR): Akademie Verlag, 1966), p 260.
- 32 For the national restructuring of the Herero, see Jan-Bart Gewald, “Die Beerdigung von Samuel Maharero und die Reorganisation der Herero,” in Zimmerer and Zeller, *Völkermord in Deutsch-Südwestafrika*, pp 171–179; Gesine Krüger, *Kriegsbewältigung und Geschichtsbewusstsein. Realität, Deutung und Verarbeitung des deutschen Kolonialkriegs in Namibia 1904 bis 1907* (Göttingen: Vandenhoeck & Ruprecht, 1999).
- 33 Willem Petrus Steenkamp, *Is the South-West African Herero Committing Race Suicide?* (Cape Town: Unie-Volkspers, 1944), p 8. For the contemporary social-Darwinist discourse on the “natural dying out” of human races, see Patrick Brantlinger, “Dying races: rationalising genocide in the nineteenth century,” in Jan Nederveen Pieterse and Bhikhu Parekh, eds, *The Decolonization of Imagination: Culture, Knowledge and Power* (London: Zed Books, 1995), pp 43–56.
- 34 Lemkin, “Herero,” p 16.
- 35 Krüger, *Kriegsbewältigung*, p 145.
- 36 New York Public Library, Manuscripts and Archives Division, the Raphael Lemkin Papers, Box 3, the Belgian Congo, p 10. Estimates of the death toll in the Congo vary to a high degree since the first census of the indigenous population was only made in 1924. Most historians estimate that the population of the Congo has halved during the period of Belgian rule because of slave labour and diseases. See Jean Stengers and Jan Vansina, “Western Equatorial Africa: King Leopold’s Congo, 1886–1908,” in John D. Fage and Roland Oliver, eds, *Cambridge History of Africa, Volume 6: c.1870–c.1905* (Cambridge: Cambridge University Press, 1985), pp 315–158.
- 37 Lemkin, “Congo,” p 88.
- 38 *Ibid.*, p 9.
- 39 *Ibid.*, p 89. Lemkin also pointed out that the German rule in Africa had been based on the same principle: “The African natives have always been divided into two categories: The peaceable and the warlike, and the Germans turned this situation to their own advantage. The warrior tribes were turned into tools of the German army and were thoroughly trained, ferociously disciplined, and given practically unlimited power over all other natives. The word of a German soldier was always believed rather than that of a subject native, and thus the native soldiers were free to tyrannize over their fellows, giving free rein to their savage lust for murder and rapine.” Lemkin, “Germans in Africa,” p 49.
- 40 Lemkin, “Congo,” p 26.
- 41 See Ronald Robinson, “Non European foundations of European imperialism: sketch for a theory of collaboration,” in Roger Owen and Bob Sutcliffe, eds, *Studies in the Theory of Imperialism* (London: Longman, 1972), pp 117–141; Jürgen Osterhammel, *Kolonialismus. Geschichte. Formen. Folgen* (München: C. H. Beck, 1995), pp 70–76.
- 42 *Ibid.*, p 10.
- 43 See, for example, Lemkin, “Congo,” pp 9, 25.