



# LEMKIN ON GENOCIDE

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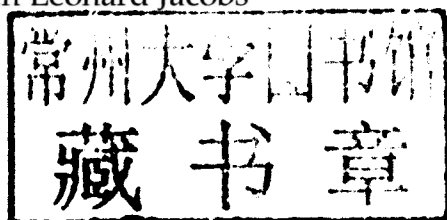
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# Lemkin on Genocide

Written by Raphael Lemkin

Edited and Introduced by  
Steven Leonard Jacobs



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# **Lemkin on Genocide**

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## *An Introduction*

More and more, Raphael Lemkin (1900–1959) is being acknowledged and recognized for his seminal contributions not only to international law—motivating presence behind the (1948) United Nations Convention on the Prevention and Punishment of the Crime of Genocide—but to the academic study of genocide as well. Somewhat ironically, his major writings on genocide—with the notable exception of his 1944 masterwork *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace; reprint Clark: The Law Book Exchange, 2005)—and my own edited (and recently reprinted) text *Raphael Lemkin's Thoughts on Nazi Genocide: Not Guilty?* (Jacksonville: Bloch Publishing Company, 2010)—were largely unpublished during his lifetime and have remained so for more than fifty years.<sup>1</sup> Until now. Given the genocidal tragedies of Bosnia (1992–1995), Rwanda (1994), Darfur (2003–present)—as well as the Holocaust and the Armenian Genocide—Lemkin and his writings have become somewhat *au courant*. Why so?

The emerging field of genocide studies, cross-disciplinary, interdisciplinary, and multidisciplinary, arises out of the field of studying the Holocaust (1939–1945)—perhaps the most well-known and well-documented genocide; and seconded only by the Armenian Genocide of 1915–1917. Many of those regarded as its pioneers—Leo Kuper (1908–1994), Israel

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1. See, for example, Steven L. Jacobs (1999), “The Papers of Raphael Lemkin: A First Look,” *Journal of Genocide Research*, 1(1): 105–114. The rejection of his writings is best encapsulated in the comment by Charles A. Pearce of Duell, Sloan, and Pearce, Inc., regarding the nonpublication of Lemkin’s proposed three-volume *History of Genocide—I. Antiquity, II. Middle Ages, III. Modern Times*: “It would not be possible to find a large enough audience of buyers for a book of this nature” (109).

Charny (b. 1930), Helen Fein (b. 1934), among others—owe much of their own work and thinking not only to scholars of the Holocaust but to having been alive during those years, and having been personally and professionally affected by those events as well.<sup>2</sup> Lemkin himself falls into this same category.

Born in rural Bezwodene, Poland, in 1900, Lemkin was something of a precocious child who benefited greatly from his mother Bella, whose own bent was both intellectual and literary, and who encouraged her three sons (Raphael, Samuel, and Elias) in these pursuits as well as the mastery of other languages. In his own still-unpublished autobiography *Unofficial Man*, Lemkin writes of a rather idyllic childhood on the family farm where he played not only with his cousins but with the non-Jewish children of the farm hands as well, yet at times going off on his own to think his own private thoughts.<sup>3</sup> Sometime during his teenage years, he does not tell us when, he read the novel *Quo Vadis* by the Polish Nobel Prize laureate Henryk Sienkiewicz (1846–1916) telling the horrific story of Roman Emperor Nero's (37–68) near annihilation of the early Christians. Frustrated and perplexed by the lack of police responses to the tragedy, Lemkin began a lifelong study of the state-endorsed collective murders of other groups (Armenians, Huguenots, Jews, etc.), and propelling him toward a career in law in the belief that only through legal enactments, ultimately on an international level, could such momentous and monumental tragedies be averted.<sup>4</sup>

World War II and the Holocaust interrupted his successful career as an attorney in Warsaw, causing him to flee for his own safety and ultimately arriving in the United States in 1941, never to see his own family again, other than his one surviving brother Elias and his family who had immigrated to Montreal, Canada. Forty-nine members of Lemkin's family were murdered during the years 1939–1945, including his parents Joseph and Bella and his brother Samuel.

His journey in America saw him teaching law at both Duke University, Durham, North Carolina, and Yale University, New Haven, Connecticut,

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2. See Samuel Totten and Steven Leonard Jacobs, eds., *Pioneers of Genocide Studies* (New Brunswick: Transaction Publishers, 2002) for a series of academically autobiographical essays by the above persons and others who have truly laid the foundations for much of the present work being done today.

3. For an edited excerpt of that text, see Raphael Lemkin (2002), "Totally Unofficial Man," in Totten and Jacobs, *Pioneers of Genocide Studies*, 365–399.

4. Steven Leonard Jacobs (2002), "Genesis of the Concept of Genocide According to Its Author from the Original Sources," *Human Rights Review*, 3(3): 98–103.

serving as advisor to Justice Robert H. Jackson (1882–1954) at the International Military Tribunal/Nuremberg War Crimes Trials of the top Nazi leaders (1945–1946), but, ultimately, devoting his energies and skills to helping to secure the passage of the UN Genocide Convention in 1948. The remaining years of his life, already in declining health, saw him tirelessly but unsuccessfully urging the ratification of the Convention by his adopted country. He died August 28, 1959, in the office of his publicist in New York City; only seven people attended his funeral.<sup>5</sup>

At heart, Lemkin was a scholar and intellectual with a strong pragmatic vent; his “dual nature” is reflected throughout his writings. He enjoyed his teaching, his students, and his limited academic career at both Duke and Yale Universities. Yet his all-consuming passion to see the Genocide Convention become not only the “law of the land” (i.e., the United States) but the “law of the world” as well drove him out of the classroom and into an almost monomaniacal haunting of the corridors of the United Nations, writing letters in a multitude of languages urging ratification (he successfully mastered somewhere between eleven and sixteen), writing articles both academic and popular, speeches, newspaper opinion pieces, and giving numerous talks to many different kinds of groups, all directed toward successful passage of this legislation. His legacy, now universally acknowledged, is the Genocide Convention itself.

Yet this pragmatic side of his work is, beyond question, not the whole story. His writings reflect a carefully thought out conceptualization already at work in the early 1930s when he unsuccessfully attempted to present his ideas to the League of Nations conference in Madrid, Spain, drawing an important critical distinction between *barbarism* (“crimes against persons and groups”) and *vandalism* (“crimes against cultures and their creative products”).<sup>6</sup>

The present work is divided, if somewhat unevenly, into two parts: (1) Lemkin’s unpublished *Introduction to the Study of Genocide*; and (2)

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5. The story of this “combat” for ratification of the Convention by the United States as well as Lemkin’s involvement is found in Lawrence J. LeBlanc, *The United States and the Genocide Convention* (Durham: Duke University Press, 1991); and John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008).

6. Though he sent his manuscript ahead and it was read before those in attendance, though not acted upon, he himself was prevented from attending by officials in the governmental office in Warsaw where he was employed as an assistant prosecutor, in collusion with the overtly anti-Semitic *Warsaw Gazette* which regarded his concerns as too parochially Jewish to be of relevance to a wider community, and influenced as well by the growing tensions between Poland and the newly established government of Nazi Germany.

chapters from his proposed never-published and incomplete *History of Genocide: I Antiquity, II Middle Ages, III Modern Times*. With regard to the former, whether it was to constitute a separate monograph or a quite-lengthy introduction to Lemkin's *History of Genocide* is impossible to fully determine one way or the other from his papers and his writings. With regard to the latter, however, there is no question that Lemkin intended to return to this project after a successful campaign to ensure United States ratification of the Genocide Convention. His premature death at the age of fifty-nine prevented him from doing so. As noted previously:

only Chapters 1 and 2 of Volume I have surfaced [out of a proposed nine chapters]; only Chapters 7 and 8 of Volume II [out of a proposed thirteen chapters]; and only Chapters 1, 2, 6, 11, 14, 15, 19, 20, and 28 of Volume III [out of a proposed forty-one chapters].<sup>7</sup> Thus, only thirteen chapters out of a proposed sixty-three chapters were completed, or a little more than 20 percent.<sup>8</sup>

## INTRODUCTION TO THE STUDY OF GENOCIDE

The breadth of Lemkin's concerns about bringing the concept of genocide to an academically and intellectually sophisticated reading audience is apparent not only from the two outlines but from the materials themselves: linguistics, psychology, sociology, anthropology, economics, law, history, political science, demography, cultural studies, all have a seat at Lemkin's table.

After briefly introducing these various arenas, Lemkin begins his text (part I, chapter 1) with a lengthy discussion (fourteen subsections) of the ways in which and the rationales behind the ways new words are created, echoing his own earlier discussion in chapter 9 of *Axis Rule in Occupied Europe*.<sup>9</sup> From this introduction come lengthier discussions of genocide within the contexts of social and individual psychology, sociology, an-

7. Steven L. Jacobs (1999), "The Papers of Raphael Lemkin: A First Look," *Journal of Genocide Research*, 1(1): 111.

8. Interestingly enough, among his papers are materials for five additional "case studies," none of which are incorporated into the original or subsequent outlines for his *History of Genocide*: (1) Ceylon in the sixteenth century (six pages), (2) Lusatians (7 pages), (3) Mormons (14 pages), (4) Netherlands (42 pages); and (5) Teutonic Knights and Prussian Pagans (9 pages). Whether or not Lemkin intended to include these additional writings in the collection or as separate studies is impossible to determine. No additional information regards these texts has been discovered.

9. Raphael Lemkin (1944), *Axis Rule in Occupied Europe*, 79–82.



thropology, economics, and law. In each of these sections are, quite apparently, summaries of the best thinking about these topics, reflecting his own wide- and far-ranging reading and his refocusing of these disciplines with regard to genocide. What is missing, however, even after identifying them in the initial pages of the text, are discussions of genocide in history, political science, demography, and cultural studies; thus, again, leading us to the conclusion that this text, too, is an incomplete text. This is confirmed by the opening sentence “I *intend* to write a book under the title ‘Introduction to the Study of Genocide.’”<sup>10</sup> Thus, what we have is a rather lengthier than normal *proposal* for a book project directed toward an unknown publisher, complete with budget (\$16,500.00) and relevant items from his curriculum vitae (offices held and publications). Given his own overly optimistic estimate of the time it would take him to complete this project—“It is estimated that the manuscript will be completed within one year.”—and the intense commitments he made in working toward the ratification of the Genocide Convention by the United States, it was to be worked on in whatever “free time” he was able to steal away from those commitments, and possibly also completed after ratification. Sadly, that was not to happen.<sup>11</sup>

Relevant to his *Introduction to the Study of Genocide* and upon which he most assuredly drew was the already-noted chapter 9 of his 1944 tome *Axis Rule in Occupied Europe*. Entitled simply “Genocide,” and consisting of only seventeen pages, it was certainly *not* the centerpiece of his text of 674 pages. Yet its own outline is well reflected in the *Introduction*:

Genocide—A New Term and New Conception for Destruction of Nations  
                     Techniques of Genocide in Various Fields  
                                 Political  
                                 Social  
                                 Cultural  
                                 Economic  
                                 Biological  
                                 Physical  
                     Racial Discrimination in Feeding

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10. Emphasis *not* in original.—SLJ

11. That both of his outlines to *Introduction* include discussions of the Genocide Convention leads us to date both the proposal and the writing sometime after December, 1948 (its passage), though more than this we cannot say with any definitive determination.

Endangering of Health  
 Mass Killings  
 Religious  
 Moral  
 Recommendations for the Future  
 Prohibition of Genocide in War and Peace  
 International Control of Occupation Practices

***HISTORY OF GENOCIDE—***  
**I: ANTIQUITY, II: MIDDLE AGES, III: MODERN TIMES**

If *Introduction to the Study of Genocide* was to be a “stand alone” text, then so be it. However, another possibility suggests itself, based on the evidence that no introduction whatsoever to this three-volume text has surfaced: And that is that, comprising less than seventy pages of text, Lemkin himself may have rethought his own project and planned to use this material as the “Introduction” to this larger project.

Lemkin had already concluded that *all* of the following constituted genocide, based largely on the already-passed UN Genocide Convention, addressing “national, ethnical, racial or religious groups.”<sup>12</sup> It only remained to marshal the historical evidence and present it to his readers.

Turning directly to the chapters of *History of Genocide* included in this volume, they follow a definitive pattern: They begin with historical background, address directly the specific role of the *genocidists*—Lemkin’s preferred term for the perpetrators of genocide—and also address the role of those outside the locales where genocide took place. Some of the chapters are fully documented and a bibliography of sources consulted is included; others are lacking either full documentation and/or relevant bibliographies. (One should assume that these were to be included prior to submission of the final manuscript; Lemkin was far too thorough a scholar to allow for such blatant omissions.) Additionally, one

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12. As we now know from his papers as well as other materials, Lemkin also included *political* groups in his thinking, but was evidently more than willing to see such groups dropped from the final text in exchange for its passage. The sixty-three chapters of *History of Genocide* do not address political groups as such; whether his own final comments in the individual chapters both written and unwritten would have addressed such we will never know.

chapter as noted was clearly the work of a researcher who was somewhat apologetic for her failure to be inclusive in her coverage of available sources. Whether this was in fact the way in which this book project proceeded, with Lemkin serving as overall editor and copyeditor and not doing the original research himself is fully impossible to determine from the available materials. Given his linguistic expertise and mastery, this seems highly unlikely, and the most logical conclusion is a combination of both: researchers and writers whom he does not cite, and his own research and writing into one final manuscript upon which he would put his own name. Because, definitively, there is no agreed-upon Introduction, it is quite possible that, had there been one, he would have included those involved in bringing this project to fruition.

It must also be apparent to the reader, that, given the overall outline of the chapters to be included in each volume—Antiquity, Middle Ages, Modern Times—the presentation of the various chapters is historically organized. Given Lemkin's understanding of genocide as a "new term for an old crime," his effort was to inform his readers that genocide as an historical practice of the human race worldwide was nothing new but has been with us since the dawning of civilizations.

Given Lemkin's preoccupation toward the end of his life with working tirelessly but unsuccessfully toward insuring the ratification of the Genocide Convention by the United States, one cannot help but wonder whether *History of Genocide* was to also play a political role in the overall process by acquainting his American English-speaking readers with these various genocides not only by their publication but by the reviews which were sure to follow. Given Lemkin's own seeming mastery of the media in its various manifestations—television, radio, speeches, articles both scholarly and popular—its does seem likely that Lemkin would have "exploited" his published text in the service of his political agenda, while also enjoying the pleasure and accolades resulting from a solid scholarly and intellectually sophisticated publication.

Tragically, given Lemkin's too-early demise in 1959, *History of Genocide* prevents us with a tantalizing but incomplete picture of the world that Lemkin wanted to draw. As the "father of genocide studies," Raphael Lemkin opened the door to all of the work that has been done since and that has yet to be done, both historical and contemporary. The case studies that he addressed have been further explored as evidenced by the updated bibliographies appended to several of the chapters; the ones which were

never written by him or his band of researchers have also been addressed as more genocidal case studies continue to see the light of day.

The study of the world's genocides continues to be in its infancy. One can only hope that the parent who brought all this important work into the forefront of human consciousness was prescient enough to know something of the ultimate if slowly developing fruits of his labors.

## ACKNOWLEDGMENT

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Steven Leonard Jacobs  
Tuscaloosa, Alabama  
December 31, 2011

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*Part I*

**INTRODUCTION TO  
THE STUDY OF GENOCIDE**

Raphael Lemkin





# The Project

## INTRODUCTION TO GENOCIDE

### (A) Description of the Project

I intend to write a book under the title “Introduction to the Study of Genocide.” This book will deal with international and comparative law aspects of this crime. Moreover, the particular acts of genocide will be illustrated by historical examples from Antiquity, the Middle Ages, and Modern Times. These examples are necessary not only to prove that genocide has always existed in history, but also to explain the practicality of the Genocide Convention which up to now has to be ratified by the parliament of fifty-two nations.<sup>1</sup> The influence of the crime of genocide on culture will be examined, because when a nation or a group is destroyed it is prevented from making cultural contributions.

The philosophy of the Genocide Convention is based on the formula of the human cosmos. This cosmos consists of four basic groups: national, racial, religious, and ethnic.<sup>2</sup> The groups are protected not only by reasons of human compassion but also to prevent draining the spiritual resources of [hu]mankind.

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1. The Convention on the Prevention and Punishment of the Crime of Genocide was ratified by the United Nations on December 10, 1948. Lemkin, as he writes in his (as yet unpublished) autobiography *Unofficial Man*, broke down and wept after its ratification.

2. As is now fully well known, Lemkin, in his originally submitted drafts of the Genocide Convention included a fifth group—political. But the machinations of the Soviet Union at that time, which threatened to block its ratification, saw Lemkin and the United Nations Economic and Social Council bow to pressure in order to secure its ratification. See, for example, John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008); and Lawrence J. Leblanc, *The United States and the Genocide Convention* (Durham: Duke University Press, 1991).