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# Introduction

The concept of genocide and the United Nations Genocide Convention are well-known, but the inventor of both the word and the landmark instrument of international law, Raphael Lemkin, is a figure, who has been eclipsed and over-shadowed by contemporaries. This book is an attempt to correct the record, by providing the first full biographical account of his life and his struggle to persuade the United Nations to adopt and ratify the convention. At the same time, an evaluation is also made of Lemkin's massive unpublished history of genocide.

For over two decades after Lemkin's death, he disappeared from public memory. The legal machinery he had constructed for the trial of mass murderers was fast rusting into obsolescence and seemed beyond repair; his life-work had ended in frustrating failure. Then in December 1983 at the prompting of Dr William Korey, the research director of an international organization, the New York Public Library staged a public exhibition of the voluminous papers which had once belonged to Raphael Lemkin. The opening of the exhibition was timed to coincide with the thirty-fifth anniversary of the passing of the Genocide Convention by the UN General Assembly and staged to revive the flagging campaign in the US Senate for the ratification of the treaty. Among the papers in this archive were Lemkin's unfinished autobiography, provisionally entitled 'Unofficial Man', and correspondence with diplomats about the convention.<sup>1</sup> I resolved that when I had time from my professional career as a lawyer, I would visit the New York Public Library and examine this material on the one-man campaign against genocide. But I had to wait a number of years for this opportunity.

Raphael Lemkin died penniless in June 1959, his vast horde of papers being split up among three different archives; and he had more or less disappeared from public view. An early article on his career published in the autumn of 1982 was entitled 'Unofficial Man: the Rise and Fall of Raphael Lemkin' which seemed to epitomize this. In some ways it was miraculous that any of his correspondence and memoranda had survived. Lemkin was perennially in debt because he spent all his limited resources on his

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campaigning and became as ingenious as Mr Micawber in warding off pressing creditors. Towards the end of 1948, when Lemkin failed to pay storage charges for a collection of his documents, the company holding them put the correspondence up for sale as waste paper. One of the bidders after paying the sum of \$12 for the papers realized that they contained valuable historical material and tried to restore them to Lemkin.<sup>2</sup>

Lemkin's unpublished memoir, 'Totally Unofficial', suffers from a number of omissions which detracts from its value as a source for his life. It is a curiously impersonal account, rarely conjuring up memorable sketches of close family members; we know virtually nothing about his father, apart from the fact that he was a farmer, an unusual occupation for a Jew in Tsarist Russia; everything is curiously one-dimensional. His close collaborator in the fight for the convention, James Rosenberg, the distinguished lawyer, is left out of his account; so too, are his opponents, Roger Nash Baldwin, the civil liberties reformer and Professor Vespasian Pella. We know next to nothing about the schools he attended, his higher education in Poland and abroad, and his mentors in the Polish legal system. He is reticent about his Jewish and Zionist connections, and says hardly anything about the clash of nationalities in Poland and the Ukraine after the First World War, in which Jews were victimized, and which must have influenced his thinking. Despite the persecution of Jewish lawyers in Poland during the 1930s, Lemkin developed a thriving practice. How was he able to achieve this? The questions about the gaps and missing details in his account of his life are endless. Moreover, he was still working on his autobiography at the time of his death and the last chapters were never completed.

The first and, for a long time, the only biography of Raphael Lemkin was by James J. Martin, a Holocaust denier, and was entitled *The Man Who Invented Genocide. The Public Career and Consequences of Raphael Lemkin* (1984). Martin claimed that Lemkin published *Axis Rule in Occupied Europe* in 1944 under the auspices of the Carnegie Endowment for International Peace, 'staffed in part with some of the most influential and most implacable exponents for global war with Germany, well before it took place'. The volume was destined according to Martin 'to become one of the most fateful works in the history of political thought in the 20th century', although 'it was authored by an almost total obscurity, one Raphael Lemkin ... there were grounds for suspecting that his name was a cover for the work of a high-powered committee'. Martin further provocatively maintained that Lemkin's reprinting of a large number of German wartime occupation decrees turned his book into 'a compendium of second-hand and third-hand claims, allegations and insinuations. Lemkin had actually witnessed nothing he reported, especially that part of his work which pretended to be a reliable testimony to the extermination of part of Europe's Jews'. Again, 'so, a global press campaign established the reputation for the new word and crime, genocide, which its author in a book of over 700 pages failed to support with a single

witness or verifiable piece of direct evidence insofar as it involved...the deliberate, planned mass murder of Jews and other minorities, in Axis-occupied Europe, 1943–4'.<sup>3</sup>

As Martin failed to consult any of Lemkin's surviving papers, including his unpublished autobiography, he had to rely on secondary sources; and he created mysteries, where none existed, such as Lemkin's roundabout journey of 10,000 miles from Poland to the United States crossing hostile frontiers during the War. He also repeated embroidered stories emanating from Lemkin himself about his past, such as the claim that he had fought as a partisan in the Polish forests for six months, living on potatoes and leaves. Lemkin built up his analysis of German policy from occupation decrees dating from 1939 until the autumn of 1942, ending just when the mass killing was starting to accelerate; and it is unfair to criticize him for not providing eyewitness accounts during wartime conditions. In any case Martin discounted later post-War evidence of the German killing-machine, so that his distorted view of history cannot be taken seriously. He was right about one matter: whereas the issue of human rights 'had taken over almost the entire world stage' by the early 1980s, the Genocide Convention 'had slipped back into the obscure regions of indistinct terminology'.<sup>4</sup>

Serious scholarship with regard to Raphael Lemkin commenced in 2001, when William Korey published a short monograph on Lemkin's 'role in the development of a major instrument of international law: the Genocide Convention'; but it was not a biography, it suffered from various lacunae and did not set him in the full context of his pre-War background. Samantha Power devoted four chapters to Lemkin in her Pulitzer prize winning study, *'A Problem from Hell'. America and the Age of Genocide* (2002), although they hardly advance the groundwork laid out by Korey. Her principal thesis quoting Churchill was to describe mass murder as 'a crime without a name' and then to state that after the coining of the word genocide by Lemkin it became 'a crime with a name'. James Fussell posted important material about Lemkin on the Prevent Genocide website; and Professor Steven Jacobs commenced his research on Lemkin, by editing the latter's book on the Nazi genocide in 1992.

After the First World War, the Austrian, Ottoman and to some extent the Tsarist empires disintegrated and a number of new states were carved out of their territories, including Poland.<sup>5</sup> During the First World War and its aftermath, the region in which Lemkin grew up and the surrounding area became the scene of vicious conflict between the competing nationalities, and its Jewish inhabitants were exposed to pogroms. In the restored Polish state, where Lemkin received his university education and practised as a lawyer, national minorities eventually comprised 33 per cent of the total population. After pogroms inflicted on the Jews by the Polish armies, as they established the borders of their new state, the victorious Allied powers forced a Minorities Treaty on the Poles in 1919, which they only reluctantly

ratified. The treaty quickly proved to be a failure. While Polish socialists and liberals accepted that Ukrainians, Byelorussians and Germans had rightful claims to some measure of autonomy, they were unwilling to grant the same privileges to Jews, who constituted a sizeable portion of the pre-War Polish population.<sup>6</sup>

The chapters at the beginning of this book show how Lemkin was exposed to the destructiveness of the conflict of nationalities from an early age, how from his involvement in the international law circuit connected with the League of Nations he developed new ideas for dealing with the perpetrators of ethnic violence and how from his Zionist background he borrowed the concept of cultural autonomy from Dubnov. This was the genesis of his later concept of cultural genocide (ban on languages, schools, destruction of cultural monuments etc.) which suffused much of his thinking and action. I suggest that Lemkin's 1933 proposals for punishing the instigators of ethnic violence and the destroyers of the cultural monuments of minority groups had a limited significance. They were meant to rectify conditions in pre-War Poland, to replace the defective Minorities Treaty with an international law enforceable by the League of Nations.

In Chapters 2 and 3, I try to indicate that Lemkin continued to antedate the evolution of his ideas on genocide to his early years of the war in Sweden and the United States. In fact, I believe that he did not make this intellectual quantum leap until the summer of 1942. During the Second World War, the Nazis embarked on a completely new nationalities policy, by creating a gigantic, more homogeneous empire for themselves in Eastern Europe which involved the extermination of Jews and gypsies, and the enslavement and re-settlement of other national groups. Lemkin was one of the first persons to grasp the significance of what was happening in his book *Axis Rule in Occupied Europe* (1944), outlining the restructuring of the population initiated by the Nazis, coining the word genocide to denote the murder of millions and setting out his proposals for redress (Chapter 4). This was a novel situation and Lemkin's answers were equally novel.

Rebuffed at Nuremberg, where he thought that his suggestions for dealing with criminal conspiracy and genocide were undervalued, Lemkin decided to mount a campaign at the United Nations to make the slaughter of national, ethnic, racial and religious groups a crime in international law. The core of the book is a group of Chapters, 5, 6, 8, 9, 10, 11 and 12, which are a detailed analysis of the campaign for the Genocide Convention and its ratification, driven forward by the superhuman efforts of Lemkin; but he was tied to important constituencies, Christian and Jewish, the World Federation of United Nations Associations, women's organizations and later Eastern European refugee groups. In this section of the book, I carefully analyse which groups of supporters Lemkin was relying on for specific phases of his campaign, for he was using the assistance of different groups as his campaign unfolded, and why it suddenly gathered momentum after

so many setbacks. My account of Lemkin's campaign for a convention is based on a wide array of diplomatic and other sources, which have not hitherto been utilized.

With the onset of the Cold War and the exploitation of the genocide agenda by a left-wing and Communist civil rights organization, the ratification of the treaty foundered in the Senate and Lemkin's base of support shrank (Chapter 13). His hopes that the convention could form part of a new world order received a mortifying blow. This caused him to turn increasingly to his writing of 'The History of Genocide' and his autobiography. Nevertheless, Lemkin fought tenaciously for his concept of genocide as a legal instrument and preserved it from the assaults of the Nuremberg judges and human rights enthusiasts (Chapter 14).

Since the publication of Korey's book, the focus of research has shifted to Lemkin's writings on 'The History of Genocide', particularly colonial genocide and its links with total war and mass murder. Important contributions on these themes have been made by Dirk Moses, Dan Stone, Mark Levene and Jurgen Zimmerer; and special issues of *Patterns of Prejudice* and the *Journal of Genocide Research* were devoted to Lemkin in 2005.<sup>7</sup> I concur with the suggestion of Mark Levene and Dirk Moses that the power struggle of empires and states within the international system must be treated as a process and that there was radicalization and an escalating scale of ethnic violence and class warfare in the first half of the twentieth century, resulting in the 'European civil war'. Far from being isolated episodes, the different genocides were inextricably linked, as I try to show in my survey.<sup>8</sup> Historians are now seeking to demonstrate, in my view successfully, how the methods used by the European colonial powers to intimidate and exterminate the indigenous inhabitants of America and Australia were replicated by the Nazis in their empire building quest in Eastern Europe.

In the concluding sections of the book, I discuss Lemkin's attempt to write a history of genocide and cover his private life, an earlier portion of which is dealt with in Chapter 7. In Chapter 15, I try to reconstruct Lemkin's unfinished 'Introduction to the Study of Genocide' and later survey a sample of studies taken from 'The History of Genocide' in order to assess the value of the whole project (Chapter 16). There is a focus on certain episodes from Lemkin's unpublished 'History of Genocide'; colonial genocide in the Americas, Australia, and Africa, culminating in the carnage of the Armenians and Jews in 1915–1920; a man-made famine in the Ukraine and the Holocaust. All these seemingly stray episodes can be woven together, for Hitler sought to set up a new German empire in Eastern Europe to compete with rival imperial powers.

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