

When the End Justifies the Means: Raphaël Lemkin and the Shaping of a Popular Discourse on Genocide

Anton Weiss-Wendt

The Norwegian Holocaust Center, Oslo

Creative Commons License



This work is licensed under a [Creative Commons Attribution-Noncommercial 4.0 License](https://creativecommons.org/licenses/by-nc/4.0/)

Follow this and additional works at: <https://scholarcommons.usf.edu/gsp>

Recommended Citation

Weiss-Wendt, Anton (2019) "When the End Justifies the Means: Raphaël Lemkin and the Shaping of a Popular Discourse on Genocide," *Genocide Studies and Prevention: An International Journal*: Vol. 13: Iss. 1: 173-188.

DOI:

<https://doi.org/10.5038/1911-9933.13.1.1585>

Available at: <https://scholarcommons.usf.edu/gsp/vol13/iss1/15>

When the End Justifies the Means: Raphaël Lemkin and the Shaping of a Popular Discourse on Genocide

Anton Weiss-Wendt

The Norwegian Holocaust Center
Oslo, Norway

Everyone has an opinion when being asked what is genocide. More recently, the word *genocide* was used with regard to the sluggish reaction of British authorities to the Grenfell Tower fire, to the European handling of the refugee crisis, the intensified logging in the Amazon rainforest, Ukraine's conduct in Donbass, and so on. Even those who might have heard the name of Raphaël Lemkin in conjunction with the Genocide Convention would not necessarily identify him as the one who had shaped a popular discourse on genocide.

Raphaël Lemkin is a fascinating case study in its own right. It rarely happens that an individual who had been cast into oblivion not only makes a powerful comeback but also posthumously shapes his self-image. The appeal of Lemkin is easy to explain. The world, which appears to be hanging in the balance, desperately needs heroes. Lemkin represents just the right archetype—a private citizen and refugee from the Nazis who, despite all odds, persevered in seeing through a major international treaty. This is how Lemkin presented his story in numerous articles, statements, and last but not least an unfinished autobiography (which is now available as proper book). What followed also neatly fit into a standard discursive thread: unrecognized by his contemporaries, Lemkin has cemented his place in history as an idealistic humanitarian. The story as told by Lemkin has been serialized in numerous accounts, both academic and popular. The heroic image of Lemkin has certain variations, depends on the author. Thus, we have the Lemkin as a founding father of genocide studies (Adam Jones), the Lemkin as a central figure in the development of international humanitarian law (William Korey, Steven Jacobs, Philippe Sands), the Lemkin as the noble Pole (Ryszard Szawłowski, Marek Kornat), the Lemkin as a Jewish prodigal son (John Cooper), and the Lemkin as the crusader for the rights of the suppressed minorities (Roman Serbyn, Colin Tatz). Whatever perspective these and other authors take, they all agree that, in essence, no Raphaël Lemkin—no Genocide Convention. This view is shared also by the present author. What I object to is making Lemkin, wittingly or unwittingly, into a saintly figure.

The lack of critical perspectives is easy to understand, too. Lemkin's credentials as the de facto creator of the Genocide Convention seem to give him special status. Lemkin's life story, as narrated by the protagonist himself, makes for an animated classroom discussion. What works well for educators, however, is hard to challenge by academics. Sure enough, subjecting Lemkin, his ideas and actions, to critical examination is never a goal in itself, particularly if we recognize that iconoclasm is effectively a mirror image of sanctification. The intention is to merely move away from hagiography. Moreover, we should keep in mind that the issue at stake is not so much Lemkin's personality but his role in shaping the Genocide Convention. It is a common wisdom that the Genocide Convention is an imperfect instrument of international criminal law. Consequently, the real question is what went wrong and why. In that case, the question can be reformulated as follows: can the success or failure of the Genocide Convention—if we choose to speak in absolute terms—be attributed to the way Lemkin had approached it. As we have learned a lot about the "success" in the past twenty or so years, it is about time we talk about the "failure."

In this article I chose to tackle one specific aspect of the Genocide Convention, namely the mechanisms via which the word *genocide*, in the late 1940s and early 1950s, entered public discourse. The general answer to that question I have already provided: Raphaël Lemkin should be credited not only with the adoption of the genocide treaty but also with bringing the genocide discourse to the masses, consciously simplifying it in the process. This oversimplification, as I have argued earlier, has largely to do with the Cold War.¹ The Cold War superimposed a dichotomy. International law, by definition, supersedes the black-and-white division of the world into two ideological camps. Lemkin, as an individual and legal scholar, was bound by personal and professional ethics. In both

¹ Anton Weiss-Wendt, "Hostage of Politics: Raphaël Lemkin on 'Soviet Genocide,'" *Journal of Genocide Research*, 7, no. 4 (December 2005), 551–559.

cases, it proved an ideal situation, which did not pass reality check. The result we know, sadly: eventual disappointment, if not despair, in the case of Lemkin, and a hollowed out international humanitarian treaty in the case of the Genocide Convention. None of this is visible to the naked eye, of course. What we routinely encounter, though, is the rhetorical use of genocide, which refers back to the Cold War, and Raphaël Lemkin.

The article is based on my recent research on the Genocide Convention. Lemkin had left behind a significant paper trail. His personal papers are complimented by the American and British governmental records. Former Soviet archives hold essentially nothing on Lemkin, for the simple reason that he, the self-described “unofficial man,” was not backed by the power of the state—the only kind the Soviets respected. Due to space constraints, I will illustrate Lemkin’s embrace of rhetoric as an argumentative device on the following four examples: pushing for the deletion of political groups from the wording of the Genocide Convention, seeking the prerequisite twenty ratification to make the treaty fully operational, discussing “Soviet genocide,” and fighting off the notion that the treatment of black Americans constituted a genocide.

Erasing Political Groups from the Draft Genocide Convention

First order of the day is to state that the idea of an international genocide convention, backed by the newly established United Nations, occurred to Lemkin first in 1946, after he had failed to convince the American and British prosecutors at Nuremberg to charge major Nazi war criminals, among other crimes, with genocide. Indeed, the path to the Genocide Convention was not as straightforward as Lemkin wanted everyone to believe.² Mark Lewis was perhaps the first scholar to point out that the new delicts of barbarism and vandalism that Lemkin had proposed in 1933 were in conjunction with the Convention for the Prevention and Punishment of Terrorism presently in the works.³ Lewis, and more recently Douglas Irvin-Erickson, have emphasized that the codification of international criminal law (of which the future Genocide Convention is but one example) developed simultaneously along several tracks and involved many a scholar.⁴

Neither does Lemkin’s 1944 book, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, strike as extremely original when seen from a comparative perspective. Certainly, it was among the first, but not only, such analyses of the criminal Nazi regime.⁵ After all is said and done, the chapter on genocide—which *Axis Rule in Occupied Europe* is mainly known for today—takes up a mere 16 pages in a book of 671 pages. Put into a perspective, Lemkin’s ultimate tragedy was that, following the publication of his book, he built his life exclusively around the concept of genocide.⁶ As Lemkin had moved toward the self-imposed goal of making the Genocide Convention a reality, he progressively compromised and cut lose even his closest associates whose opinions might be just slightly different from his.⁷ A person, a scholar, a lobbyist, and/or an amateur diplomat—in whatever capacity Lemkin had appeared, it was all subordinated to a single goal.

² Raphaël Lemkin, *Totally Unofficial: The Autobiography of Raphaël Lemkin*, Donna-Lee Frieze, ed. (New Haven: Yale University Press, 2013).

³ Mark Lewis, *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950* (Oxford: Oxford University Press, 2014), 132, 188–189, 295.

⁴ Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2016).

⁵ The four studies that come the closest to Lemkin’s *Axis Rule in Occupied Europe* are Ernst Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship* (1941); Franz Neumann’s *Behemoth: The Structure and Practice of National Socialism in 1933–44* ([1942] 1944); Otto Nathan’s *The Nazi Economic System: Germany’s Mobilization for War* (1944); and Aron Trainin’s *The Criminal Responsibility of the Hitlerites* (1944). *Ibid.*, 99–103, 117, 150; Weiss-Wendt, *The Soviet Union*, 19–21; Kim Priemel, *The Betrayal: The Nuremberg Trials and German Divergence* (Oxford: Oxford University Press, 2016), 43–44, 54, 65–66, 97, 199, 404.

⁶ Given the fact that Lemkin had meticulously organized and preserved his papers, it is remarkable that almost none of the available documents can be classified as personal.

⁷ To give just one example: in conversation with John Maktos of the US State Department in the summer of 1948, Lemkin suggested that James N. Rosenberg, chairman of the US Committee for a UN Genocide Convention, might be influenced by “sinister forces.” See US State Department (hereafter DoS), “Memo of conversation between Maktos and Lemkin,” July 16, 1948, DoS decimal files, 1945-49, National Archives and Records Administration (hereafter NARA), 59/760050/2186. On Rosenberg and the committee see further in text.

In retrospect, the last fourteen years of Lemkin's life, 1946 to 1959, epitomize the different stages in the struggle for the Genocide Convention: seeing the draft convention through the United Nations, 1946–48; securing the prerequisite twenty ratifications to make the convention operational, 1949–51; and influencing the United States to ratify the convention, 1951–59 (actually, from 1949). I date the beginning of a slippery path of compromise for Lemkin by summer of 1947. From that time onward, Lemkin had showed again and again that he was willing to cast overboard, well, not everything but certainly a lot in order to reach his ultimate objective. It all began with the original clause in the draft Genocide Convention that extended protection, among others, to political groups.

The original suggestion to omit political groups from the Genocide Convention reportedly came from the World Jewish Congress, an umbrella organization comprising Jewish agencies in fifty-seven countries. This recommendation was made, according to Lemkin, to eliminate the source of contention caused by differences of opinion as to what constitutes a political group and ultimately to secure adoption of the treaty.⁸ In fact, this initiative belonged to Lemkin himself. Lemkin's dissenting opinion was entered in the UN Secretariat draft Genocide Convention of June 26, 1947: "One of the experts consulted, Professor Lemkin, voiced some doubts, however, on the advisability of including political groups. He pointed out, on the one hand, that political groups have not the permanency and the specific characteristics of the other groups referred to and, on the other hand, that the Convention on Genocide being of general interest, it should not run the risk of failure by introducing ideas on which the world is deeply divided."⁹

On July 8, 1947, he further argued in a letter to Hartley Shawcross, member of the UK delegation to the United Nations, that "political groups do not belong here organically." The decision of the World Jewish Congress to lobby for exclusion of political groups was made on the behest of Lemkin two weeks earlier. According to John Cooper, by striking down political groups Lemkin sought to appease the Soviets and their affiliates.¹⁰ And he did, at least indirectly. In May 1948 Aron Trainin, top Soviet expert on genocide, specifically referred to Lemkin when arguing that political groups were fluid and therefore persecution on political grounds did not constitute genocide.¹¹ With regard to political groups, even Lemkin's closest associates were astonished that he was "willing to throw anything and everything overboard in order to save a ship."¹² Consistent backpedaling on the issue of political groups began in late May 1948. The stark opposition to the inclusion of political groups voiced by Britain, Latin American countries, and the Soviet Union—pinpointed James N. Rosenberg, chairman of the American Committee for an International Genocide Convention—might kill the entire project as it was about to be considered by the Economic and Social Council (ECOSOC) and later by the General Assembly. So serious were the objections by certain delegations that obtaining a two-thirds majority in the Assembly appeared unlikely. The committee therefore reversed its earlier position regarding political groups and set out to persuade the US State Department to do the same.¹³

⁸ Raphaël Lemkin, "Genocide: A Commentary on the Convention," *Yale Law Journal* 58, no. 1 (June 1949), 1145. Nehemiah Robinson has repeated this assertion in his *The Genocide Convention: A Commentary* (New York: World Jewish Congress, 1960), 59.

⁹ United Nations, *Draft Convention on the Crime of Genocide*, June 26, 1947 (UN Doc. E/447). See also Lemkin, *Totally Unofficial*, 161–162. Lemkin differed on this issue with the two other outside experts, Henri Donnedieu de Vabres and Vespasian Pella, together with whom he had prepared the Secretariat draft. Donnedieu de Vabres expressed himself resolutely against the exclusion of political groups, while Pella diplomatically delegated this "very delicate question" to the General Assembly. Then and later, Lemkin displayed antagonism toward both scholars. See Anton Weiss-Wendt, ed., *Documents on the Genocide Convention from the American, British, and Russian Archives* (London: Bloomsbury, 2018), document nos. 27, 73, 114, 115, 146, 281, 288, 293.

¹⁰ John Cooper, *Raphaël Lemkin and the Struggle for the Genocide Convention* (Houndmills: Palgrave, 2008), 94–97, 154.

¹¹ Aron Trainin, "Bor'ba s genotsidom kak mezhdunarodnym prestupleniem," *Sovetskoe gosudarstvo i pravo* 5 (May 1948), 4.

¹² William Korey, *An Epitaph for Raphaël Lemkin* (New York: Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee, 2001), 39.

¹³ James Rosenberg, "Memo to members of the American Committee for an International Genocide Convention," May 25, 1948, Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, (hereafter AJHS), Box 2, Folder 8; DoS, "Memo of conversation between Rosenberg, Lemkin, Ernest Gross, and Jack B. Tate," June 9, 1948, DoS decimal files, 1945–49, NARA, 59/760050/2186. Formally established in May 1948, this interest group

Lemkin and his front organization, the US Committee for a UN Genocide Convention, continued pressing the State Department to drop the ball on political groups throughout 1948. By omitting this “controversial issue,” according to Lemkin, governments would demonstrate “true statesmanship.”¹⁴ Eventually, Lemkin (along with the Communist bloc and Latin American delegations) had succeeded in sticking down political groups from the wording of the Genocide Convention. Subsequently, the absence of political groups among those protected by the convention proved a major stumbling block to US ratification, which Lemkin had tirelessly urged.

Ratification of the Genocide Convention at Any Cost

Once Lemkin reneged on one core element of the Genocide Convention, it became easier to misinterpret the others, whenever it fit his purposes. In accordance with article XIII of the Genocide Convention, it would come into force after twenty instruments of ratification or accession will have been deposited. Lemkin took it upon himself to secure those twenty ratifications/accessions, by all means possible. His modus operandi was simple, as it was effective: to tell foreign diplomats, state officials, public figures, or just anyone who was willing to listen what they wanted to hear. Essentially, it means designating this or that particular case as genocide, depends on the respondent. And so Lemkin canvassed the world history, the twentieth century in particular, as a history of genocide.

It should probably be mentioned that, from Lemkin’s perspective, on a conceptual level, it was not even that big of a sin, since in his 1944 book he defined genocide rather broadly.¹⁵ It is just that, from early on, it was obvious to both UN officials and state representatives engaged in negotiations around the Genocide Convention in 1947–48 that the initial draft—broadly painted after *Axis Rule in Occupied Europe*—had to be scaled down to even approach the contours of an international convention.¹⁶ In other words, the text of the Genocide Convention was *not* identical to chapter 9 in Lemkin’s book. Lemkin knew it, and yet went ahead and interpreted the former as if it was the latter. In moral terms, it may be called self-righteous deception.

Lemkin was once quoted as saying: “I study my men and I use the approach that fits them best. I might flatter them or I might argue with them. If they like music, I talk about music but we always get around to genocide in the end. If it will accomplish the purpose, I’m even willing to bore them until they say yes just to get rid of me.”¹⁷ The way Lemkin operated was common knowledge. As a newspaper reporter once remarked, “most of Professor Lemkin’s work has been the behind-the-scenes and off-the-record kind.”¹⁸ In December 1948 Lemkin sought additional details from Pakistan’s Foreign Minister concerning the charge of genocide the latter’s country made against India in the United Nations back in February.¹⁹ Fourteen months later Lemkin was trying to convince the permanent representative of India to the United Nations that his country should ratify the genocide treaty, for “obviously there can be no success of this convention without the leadership of India.”²⁰ Finland was well aware of the problem of genocide, stated Lemkin, because it had to absorb ethnic Finns from the Soviet-acquired Karelia in 1940.²¹ Japan must ratify the Genocide Convention in view of the plight of Japanese prisoners of war kept captive in China

shortly changed its name to the US Committee for a UN Genocide Convention and functioned as a front for Lemkin’s ideas and strategies.

¹⁴ Raphaël Lemkin, “Letter to Theodore O. Thackrey, editor of *New York Post*,” November 23, 1948, AJHS, Box 1, Folder 19.

¹⁵ For instance, Lemkin regarded as genocide Nazi linguistic policies in occupied Luxemburg and Alsace-Lorraine and the promotion of sexual promiscuity in occupied Poland. See Lemkin, *Axis Rule in Occupied Europe*, 82–84, 90.

¹⁶ Weiss-Wendt, ed., *Documents on the Genocide Convention*, document no. 27; Robinson, *The Genocide Convention*, 11.

¹⁷ Quoted in Herbert Maza, “Raphaël Lemkin,” draft article, November 1950, Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives (hereafter AJA), Box 5, Folder 7.

¹⁸ “U.N. Genocide Ban Said to Be in Peril: Lemkin, Who Fathered World Convention, Says New Move May Nullify the Statute,” *New York Times*, May 25, 1952.

¹⁹ See Weiss-Wendt, ed., *Documents on the Genocide Convention*, document nos. 45–46, 169.

²⁰ Raphaël Lemkin, “Letter to Benegal Darsing Rau,” February 16, 1950, Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, (hereafter NYPL), Reel 1.

²¹ Raphaël Lemkin, “Letter to Herman Zetterberg, Sweden’s Minister of Justice,” early 1959, AJA, Box 2, Folder 7.

and the Soviet Union, he insisted.²² In his letter to the newly elected Lord Mayor of Dublin, Lemkin evoked the Irish Potato Famine of 1845–52.²³ Following a phone conversation with Lemkin in January 1952, James Mandalian related “latest genocidal developments in Soviet Armenia” to the executive committee of the organization he had represented, the Hairenik Association.²⁴ When trying to convince Turkish diplomats that their country should ratify the convention, however, Lemkin carefully avoided mentioning the Armenians.²⁵

Lemkin must have been pleased that Yugoslavia, though nominally a socialist country, in August 1950 ratified the Genocide Convention. Remarkably, since the Stalin-Tito split in 1948, Yugoslav authorities, both at home and in the United Nations, had consistently accused the Soviet Union of genocide, evoking specifically ethnic deportations.²⁶ The fact that the Yugoslavs went after the Soviets, however, proved immaterial to Lemkin. Shortly after Yugoslavia’s ratification, he swiftly rallied Italian émigré organizations in the United States. Acting on his behest, the Order of Sons of Italy urged US President Harry Truman using the “civilizing purpose” of the treaty to help out the peoples behind the iron curtain. As to the specific interest of Italy and ethnic Italians in the convention, the latter was said to be the only legal tool for the protection of the Italian minority in Yugoslavia. If Italy ratified the Genocide Convention, in accordance with Article VIII, it could bring charges against Yugoslavia without being a member of the United Nations. In reference to Catholicism, Lemkin inserted passages on the “Christian idea” and the “treaty devoted to God.” The Order of Sons of Italy conveyed Lemkin’s idea of the convention becoming an integral part of American foreign policy as an excellent instrument in the fight against communism.²⁷

Along the way, Lemkin turned the anti-colonial argument on its head. In the case of Italy, it was no longer the crimes committed by the colonial power against the indigenous population of Eritrea, but the eminent threat to the Italian minority there following the withdrawal of the British troops. Naturally, argued Lemkin, the only “international law protecting the Italian minorities from the natives” was the Genocide Convention.²⁸ When implying genocidal threat emanating from the indigenous North-African population, Lemkin was likely referring to crimes unimaginable attributed to them by...the Benito Mussolini regime, as a justification for the invasion of Abyssinia. A copy of the Italian government’s memorandum from 1935 is to be found among Lemkin’s papers. Apparently, he kept it because of the mention of “Abyssinian barbarism” (as a subtle affirmation of his proposed international crime of barbarism), which listed slavery, torture, cannibalism, and “deliberate and specific hostility towards Italy.”²⁹

Talking about any given case, Lemkin might sound melodramatic at one time, and scholarly at another. Yugoslavia played a role also in the Greek civil war, which raged between 1946 and 1949, and in the postwar settlement. The issue at hand was the forced transfer of Greek children into Communist countries that the government in Athens, and Lemkin, had cultivated as a case of genocide.³⁰ Lemkin had subsequently admitted that he used the story of children in the civil war as a means of achieving Greek ratification of the Genocide Convention.³¹ As he put it in a letter to one of his Greek respondents in July 1949, the transfer of Greek children was a good “illustration for Article II of the convention.” Writing to Helen Moschou, he said women should be particularly interested in the Genocide Convention “because of the family problems involved.” Moschou reacted most enthusiastically, praising Lemkin for his efforts to bring “those desperate

²² “UN: Japan Reminded on Genocide Convention,” Jiji Press, n.d., AJA, Box 2, Folder 2.

²³ Raphaël Lemkin, “Letter to Robert Briscoe,” June 28, 1956, AJA, Box 2, Folder 2.

²⁴ James Mandalian, “Letter to Raphaël Lemkin,” January 31, 1952, AJA, Box 2, Folder 8.

²⁵ Cooper, *Raphaël Lemkin*, 184; Lemkin, *Totally Unofficial*, 200–201.

²⁶ Weiss-Wendt, *The Soviet Union*, 138–140.

²⁷ Order of Sons of Italy, “Letter to US President Harry Truman,” August 1, 1951, AJA, Box 2, Folder 1.

²⁸ Raphaël Lemkin, “Letter to Salvatore Parisi, the Order of Sons of Italy,” February 17, 1950, AJHS, Box 2, Folder 3.

²⁹ Government of Italy, “Memorandum of the Italian Government on the Situation in Abyssinia,” 1935, NYPL, Reel 3, esp. 96–105.

³⁰ For details see Weiss-Wendt, *The Soviet Union*, 130–138.

³¹ Lemkin, *Totally Unofficial*, 219.

young Greek children” back to their country and parents. Indeed, this treaty would provide a legal basis for the restoration of the Greek children and we do it together, Lemkin assured her.³²

While playing on the maternal instincts of potential female supporters, Lemkin chose a more legalistic tone when appealing to the well-known Greek international lawyers Jean Spiropolous and Peter Vallindas. He let both men know that women’s organizations were eager to bring up the case of the Greek children in support of the Genocide Convention. The illegal retention of these children was criminal, highlighting genocide as a heinous crime, argued Lemkin. His letters inevitably ended with the request to expedite Greece’s ratification.³³ The ratification might become the first act of the newly elected parliament, “dramatizing before the world the plight of the Greek mothers and Greek children.” This act would help to establish genocide as an international crime, Lemkin wrote to Archbishop Michael (Konstantinides), head of the Greek Orthodox Archdiocese of North and South America, “a crime which affected tragically the modern history of our beloved Greece, a crime under which now many children still suffer.”³⁴ In an undated paper, Lemkin spoke of “wrenching children from their mothers’ bosoms” and of Greece appealing to the “criminals to disgorge their human loot.” He compared the sacrifice of some twenty-five thousand innocent Greek children to the Moloch of Communism to the Munich appeasement.³⁵

The Notion of Soviet Genocide as a Means of Getting the Americans Onboard

Lemkin could never imagine he would stumble over something that initially appeared self-evident: ratification of the Genocide Convention by the United States. For over ten years, until he breathed his last, Lemkin was fighting an uphill battle. To win the argument, he put his integrity on the line. Eventually, he lost both.

The opposition to US ratification rested on two kinds of arguments, legal and political, bridged by a conspicuous Nativist element. The critics, including the influential American Bar Association, compared prospective ratification of the Genocide Convention to an imposition of a world government on the United States. International law would thus supersede state laws and eventually threaten constitutional freedoms enjoyed by American citizens. The act of ratification, they speculated, would enable the Communist bloc to formally charge the United States for genocide before the United Nations. That would be plain grotesque, since the only country presently committing genocide was reportedly the Soviet Union—unaccountable for its crimes thanks to the omission of political groups from the convention’s wording.³⁶ To disarm the powerful opposition, Lemkin came to argue the exact opposite, namely that the Soviet Union can be indicted for genocide and that, reversely, no comparable crimes ever taken place in the United States. Regardless the charging situation, both domestically and internationally, Lemkin had refused to modify his argument, whose sole objective was to make the United States ratify the Genocide Convention and thus salvage it. He picked his words, and his allies, to fit his argument.

Since the Soviet Union occupied such a prominent role in the argumentation against US ratification of the Genocide Convention, Lemkin made it a centerpiece of his lobbying campaign. Until his death, Lemkin single-mindedly promoted the thesis that the Soviet/Imperial Russian state was inherently genocidal. For support, he turned to East European émigré organizations, which could be instrumental in indicting the Soviet Union for genocide. He played a pivotal role in recasting gross human rights violations and crimes against humanity, which had occurred with frightening persistency during the period of late Stalinism, in the light of genocide. By the time of the US Senate hearings on ratification in early 1950 Lemkin had annoyed a number of prominent politicians by his aggressive lobbying. As a result, despite his prominence in the field, Lemkin was

³² Raphaël Lemkin, “Correspondence with Helen Moschou,” July 6, August 10–11, and 16, 1949, AJA, Box 6, Folder 11.

³³ Raphaël Lemkin, “Letter to Peter Vallindas and Jean Spiropolous,” August 10, 1949, AJA, Box 6, Folder 11; Raphaël Lemkin, “Letter to Vallindas,” June 6, 1949, AJHS, Box 2, Folder 1.

³⁴ Raphaël Lemkin, “Letter to Archbishop Michael,” March 12, 1950, AJA, Box 6, Folder 11; Raphaël Lemkin, “Letter to Archbishop Michael,” January 17, 1950, AJHS, Box 2, Folder 3.

³⁵ Raphaël Lemkin, “Notes concerning the abduction of Greek children,” n.d., AJA, Box 6, Folder 11.

³⁶ For details see Weiss-Wendt, *The Soviet Union*, 142–146.

not called to testify.³⁷ Undeterred, he resorted to couching representatives of ethnic organizations who were expected to appear in the hearings. With remarkable candidness Lemkin stated that support for the Genocide Convention (which he had painstakingly cultivated) should appear spontaneous in the eyes of the Senators. As he explained: “The concept of genocide is very rich. Every angle—religion, economy, humanity, womanhood as victims, dictatorship, communism, Russia’s victims—all these should be brought to the attention of America and the world through these hearings.”³⁸ To quote Mark Mazower, Lemkin “played more and more shamelessly to the anticommunist gallery.”³⁹

Lemkin’s relationship with East European émigrés was that of give and take. He encouraged ethnic organizations to take the issue of “Soviet genocide” to the highest political level, the United Nations and the Senate, in order to make US politicians act on the Genocide Convention. The émigrés, for their part, appreciated an extra opportunity to rally under the guise of genocide against the continuous Soviet domination. The Lithuanian émigré organizations demonstrated remarkable cohesiveness and excellent lobbying skills, and thus quickly found a common language with Lemkin. Indeed, the two established a mutually beneficial partnership. Lemkin had received institutional and financial support from the Lithuanian émigrés, in return providing them with legal advice. As he noted in his unfinished autobiography: “I organize the Lithuanians in Chicago.”⁴⁰

In June 1951 Lemkin opened an exhibition on genocide in Lithuania, organized by the Lithuanian American Council in Cleveland. When describing the “appalling material on extermination of the captive nations” (without mentioning that he had helped to write up the exhibition text), Lemkin related a nebulous story of Soviet authorities “importing” ethnic Kalmyks and Russians to replace Lithuanian deportees. Reportedly, those “imported persons” assumed not only the family name of the deportee but also the position of a husband and father of the distressed family. In conclusion, Lemkin urged to “include genocide as a concept carrying the highest moral condemnation in our cold war against the Soviet Union.”⁴¹ The exhibition was chronologically divided into three sections: the first Soviet occupation of 1940–41, the Nazi occupation of 1941–44, and the second Soviet occupation from 1944 onward. One element that was conspicuously missing in the exhibition was the mass murder of about 196,000 Jews by the Nazis and their Lithuanian collaborators.⁴² Lemkin, who lost forty-seven of his relatives in the Holocaust, apparently did not insist.

As with many other instances of Stalinist terror, the original idea to place the 1940 Katyn massacre in the specter of genocide came from Lemkin. In December 1949 he pitched reviving public attention to the Katyn case to the Polish American Congress. To entice the Poles, Lemkin casually mentioned that the Lithuanians had already settled on bringing up “genocide perpetrated now on the Lithuanian people by Soviet Russia” before the Senate subcommittee. If president of the organization agreed to participate in the forthcoming Senate hearings, Lemkin suggested, he might be able to incorporate the Katyn case in the proceedings.⁴³ Consequently, a letter from the Polish American Congress that drew a parallel between “Nazi genocide in Auschwitz and Soviet genocide in Katyn” was entered as part of the official record.⁴⁴

Lemkin’s engagement with the émigrés was not purely intellectual. The Ukrainians and the Lithuanians, in particular, regularly sent him checks. In fact, from the early 1950s onward, when

³⁷ Lawrence LeBlanc, *The United States and the Genocide Convention* (Durham: Duke University Press, 1991), 19–20.

³⁸ Quoted in Cooper, *Raphaël Lemkin*, 195.

³⁹ Mark Mazower, *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations* (Princeton: Princeton University Press, 2009), 132.

⁴⁰ Lemkin, *Totally Unofficial*, 219.

⁴¹ Jonas Rimauskas, “Lithuanian American Council to Lemkin,” June 7, 1951, AJA, Box 2, Folder 12-Q-R; Raphaël Lemkin, “Letter to Frank J. Lausche, governor of Ohio,” after June 17, 1951, AJA, Box 2, Folder 7.

⁴² Cf. Christoph Dieckmann, *Deutsche Besatzungspolitik in Litauen 1941–1944* (Göttingen: Wallstein, 2011).

⁴³ “Lemkin to Charles Rozmarek, President of the Polish American Congress,” December 17, 1949, AJHS, Box 2, Folder 2.

⁴⁴ United States Senate, *The Genocide Convention: Hearings before a Subcommittee of the Committee on Foreign Relations*, 81st Congress, 2nd Session, January 23, 24, 25, and February 9, 1950 (Washington, DC: US Government Printing Office, 1950), 136, 540.

Lemkin found himself increasingly in isolation, the financial support from the East European émigré organizations essentially remained his only source of income. Lemkin was due in taxes for the year 1948, and was given extension on his tax-return for the following five years. Whereas in 1951 close to 70 percent of Lemkin's gross income came from two Jewish organizations—the Littauer Foundation and the American Jewish Congress—in 1952 the Lithuanian and Ukrainian émigré organizations—along with the National Committee for a Free Europe—contributed over 90 percent.⁴⁵ Without unduly emphasizing the sense of obligation that Lemkin might have felt toward his donors, the much-needed cash injection made it difficult to end dependence. The money Lemkin had received effectively came from the CIA. Independent of that fact, he presented the National Committee for a Free Europe, the Voice of America, and the Crusade for Freedom—all propaganda spinoffs of the CIA—as the captive nations' "symbol of hope for survival from genocide."⁴⁶

Like many in the West at the time, Lemkin cultivated the Nazi-Soviet equation. He was keen on explaining to the American people that "genocide is what Hitler did to the Jews and what Stalin is doing in the Soviet-dominated countries."⁴⁷ Equipped with the anecdotal evidence of persecution of Jews in the Soviet Union, Lemkin spoke with conviction about a "unified plan and conspiracy to destroy the Jewish communities in all of Eastern Europe." He insisted that Soviet policies went far beyond conventional anti-Semitism. Applying dubious logic, he argued that even the use of the expression *Soviet anti-Semitism* was incorrect: although anti-Semitism existed also in some democratic countries, it would be wrong to put them on the same level with Russia.⁴⁸ Anti-Zionist and anti-Israeli disposition, according to Lemkin, was just one phase in the long-term Soviet policy of genocide that went back to 1941.⁴⁹ He recalled the passivity of the international community in the face of the Nazi genocide, allowing Hitler to murder the Jews with impunity. "The world must not repeat this tragic mistake of the past," he concluded, "the Soviet Union is waiting with great interest to observe the reaction of the world before it will proceed further."⁵⁰

Lemkin described the Slánský trial, not utterly without a reason, a "judicial murder."⁵¹ The fact that the indictment mentioned the ethnicity of the defendants made Lemkin speak of annihilation of the Jews. Although "genocide" had only affected individual Jews so far, Soviet propaganda—which according to Lemkin had assumed dimensions and techniques applied earlier by Julius Streicher and Joseph Goebbels—could prompt the destruction of the entire Jewry. Due to a tsarist "pogrom tradition" and the Bolshevik doctrine, Russian soil was saturated with Jewish blood, so that the local population could be easily aroused to participate in a large-scale genocide. The ongoing action against the Jews was not an isolated phenomenon, Lemkin insisted, since the Russians had already exterminated one-third of the Baltic population and the entire Muslim population of the Crimea.⁵²

To fit the moment, Lemkin constructed his case around Soviet satellites—Czechoslovakia, Rumania, and Hungary—which had allegedly set out to destroy their Jewish minorities. He charged

⁴⁵ Weiss-Wendt, ed., *Documents on the Genocide Convention*, document no. 247.

⁴⁶ Raphaël Lemkin, "The Truth about the Genocide Convention," draft article, between July 1950 and December 1951, NYPL, Reel 4.

⁴⁷ Raphaël Lemkin, "Memo on International Action," March 10, 1952, Edward S. Goldstein: Jewish Labor Committee Research Files. Manuscript Collection 232, Tamiment Library & Robert F. Wagner Labor Archives, (hereafter WAG), New York University, Box 2, Folder 67.

⁴⁸ Raphaël Lemkin, "No title," n.d., AJA, Box 4, Folder 7.

⁴⁹ Raphaël Lemkin, "Lemkin in conversation with Pauline Frederick, ABC Radio Networks," between March 1953 and January 1955, AJA, Box 4, Folder 2.

⁵⁰ Raphaël Lemkin, "Genocide and the Anti-Jewish Persecution behind the Iron Curtain," between February 1953 and May 1954, AJA, Box 4, Folder 7.

⁵¹ A reference to a public trial of the fourteen leaders of the Czech Communist Party staged in Prague in November 1952. Eleven of the suspects were Jewish, among them head of the party Rudolf Slánský. Known as a professed Stalinist and anti-Zionist, Slánský and his codefendants confessed to an alleged Israeli-American conspiracy to assassinate the president of Czechoslovakia and to restore capitalism in the country. Eleven defendants, including Slánský, were sentenced to death and three to life imprisonment.

⁵² Raphaël Lemkin, "Statement on genocide," between February 1953 and May 1954, AJA, Box 4, Folder 3; Lemkin, *Genocide and the Anti-Jewish Persecution behind the Iron Curtain*.

the Czechoslovakian authorities with murdering innocent Jews placed on trial in Prague (without mentioning that they had occupied important positions in the Communist hierarchy). According to Lemkin, the defendants were administered drugs for the purpose of extorting confessions. He claimed that the communist rulers incited genocide by distributing posters that read “Hang the Jews!” From the proceedings of the Prague trial he inferred the intention to destroy the entire Jewish population of Czechoslovakia, and eventually all the Jewish communities behind the Iron Curtain. Ultimately, Lemkin wanted to take up the case of the “communist genocide campaign against the Jews and other victimized peoples” before the United Nations.⁵³ Yet another time, Lemkin rallied support for the legal and political defense of Israel in the United Nations and other diplomatic settings. He implied that Jews living in the Middle East and Europe, and specifically Germany, were in mortal danger. The Genocide Convention was the only international tool for the protection of the Jews worldwide, Lemkin predictably concluded.⁵⁴

The idea of the immutability of the body politic is one of many flaws in totalitarianism theory (popularized through Hannah Arendt’s 1951 book). In the Soviet context, it meant that the comprehensive system of terror introduced under Stalin was constant. Lemkin had refused to recognize any changes in Soviet policy in the aftermath of Stalin’s death. Lemkin did not believe that Georgy Malenkov—who had won the leadership contest in Moscow—sought a new war any more than Stalin had, but ominously added that, “he will carry on the Russian practice of genocide which destroys nations.”⁵⁵ For Lemkin’s life-long project, it seems, the existence of Soviet antipode was essential. During the college roundtable, “Genocide: The Newest Soviet Crime,” in late January 1953, Lemkin proposed establishing a special UN investigative committee that would look into that matter. According to Lemkin, “It will permit the United Nations to condemn the Communist leaders for the crime of genocide and render a verdict of which history will be proud... The great and historic importance of the Genocide Pact lies in the fact that it permits us to meet the present Communist barbarity not on the level of a discussion of “dialectical materialism” of Karl Marx but on the level of common criminality of an Al Capone and his like.”⁵⁶

As late as November 1956, Lemkin still held a singular explanation as to the Soviet plans for some one hundred million East Europeans. The Russians could not possibly “digest” such a large number of people belonging to a higher “civilization,” he reasoned. Therefore, they allegedly intended to destroy some 25 percent of the East European population, so that the rest should “surrender in passivity as an amorphous mass of slaves.” It had already happened, according to Lemkin, in Estonia, Latvia, and Lithuania. The Genocide Convention was the only international legal instrument capable of keeping the captive nations alive. Every parliament had to raise that issue in order to reveal the full scope of Soviet Genocide, Lemkin concluded.⁵⁷

What is particularly sticking is that the Soviets, who Lemkin had consistently taunted, had barely anything to say about him. A marginal note appeared in the Russian translation of *We Charged Genocide: The Crime of Government Against the Negro People. A Petition to the United Nations* originally published in 1951 by the far left Civil Rights Congress. Soviet critics dismissed *Axis Rule in Occupied Europe* for having failed to adequately present the scope of Nazi atrocities. They pinpointed that out of the 671 pages in the book only 15 addressed the Nazi crimes committed against the Soviet people. Lemkin’s biographical sketch was even less flattering: a Polish immigrant, Lemkin had settled down in the United States. Currently (i.e., 1947) he treads the boards as a legal expert in the UN Secretariat, while being an ardent supporter of American imperialist policies.⁵⁸ Counterintuitively perhaps, the Soviets simply did not bother. One reason as to such apparent indifference I already outlined in the introduction. Concomitant explanation is that Stalin’s regime, once it essentially got its way on the Genocide Convention back in 1948, no longer regarded it a

⁵³ Ibid.

⁵⁴ Raphaël Lemkin, “Memo for the American Zionist Council,” June 14, 1950, NYPL, Reel 1.

⁵⁵ Lemkin in conversation with Pauline Frederick.

⁵⁶ Raphaël Lemkin and Joseph P. Burns, “Genocide: The Newest Soviet Crime,” TV program reprint, January 30, 1953, Jewish Labor Committee Records, Manuscript Collection 025, WAG, Box 298, Folder 36, 3–7.

⁵⁷ Raphaël Lemkin, “Statement,” after November 4, 1956, AJA, Box 4, Folder 4.

⁵⁸ *My obviniaem v genotside* (Moscow: The Publishing House of Foreign Literature, 1952), 366.

major issue. Finally, the self-image of a diehard anticommunist that Lemkin had projected was simply not believable.

Lemkin was anticommunist for hire, and a composite picture of the communist regime that he had painted with the help of ethnic organizations in the United States resembled a caricature. Instead of pointing out specific elements of destruction within the narrower meaning of genocide (however heavily edited it had emerged from the UN floor), Lemkin and his supporters settled for emotional emphasis. Thus, they chose to speak of “destroying the soul of the Ukrainian nation” rather than to explore the circumstances of the 1932–33 famine; they were fascinated with the vicious rhetoric of the Moscow show trials, but failed to grasp the scope of the Great Terror; they focused on the high-profile Slánský trial in Czechoslovakia, but neglected the political undercurrent of Soviet anti-Semitism; they dwelled on ethnic mass deportations, but only used platitudes to describe the victims’ final destination—the Gulag.

Racial Discrimination in the United States as a Liability

As of the late 1940s, racial segregation was a part of everyday life in the American South, enforced by Jim Crow laws. It was almost inevitable that some commentators in the United States eventually raised the question whether any of the discriminatory practices could be framed as genocide. Lemkin became aware of this reading of the Genocide Convention shortly after it had been adopted. Could a country signatory to the convention bring charges of genocide against the members of a lynching mob, say, in Mississippi, was inquiring in February 1949 Emanuel Celler, Chairman of the House Judiciary Committee.⁵⁹ When does homicide become genocide, another individual was asking Lemkin in January 1950. If a southern town of some two hundred inhabitants lynched every black in the town, could it be regarded as evidence of intent to destroy a group?⁶⁰ Lemkin steadfastly rebuked such propositions. Those lawyers who thought that “two or three negroes walking in the street” constituted the sociological concept of a racial group were confused. “Two negroes” were not representative of the entire “racial negro group of America,” whereas discrimination was different from annihilation.⁶¹ This was a strong rebuttal from someone who just a year earlier had argued that the “killing of fifty persons is also genocide.”⁶² Writing to Gertrude Samuels of the *New York Times*, Lemkin went even further in his confutation. “For America, genocide is an outside crime,” he stated in June 1950, “it is like African leprosy.” According to Lemkin, the suggestion that the United States was committing genocide against the blacks amounted to slander.⁶³ Curiously, in a speech before the American Jewish Congress some half a year later, Lemkin said in reference to the Korean War that “the present gigantic struggle in Asia carries in itself the seeds of genocide and its victim finally will be nobody else but the White Man.”⁶⁴

Lemkin could barely contain his anger when he learned of *We Charge Genocide: The Crime of Government against the Negro People*. Available in both a book and a petition format, *We Charge Genocide* advanced a twofold thesis. On the one hand, it argued that the failure to ratify the Genocide Convention exposed genocide against the Negro people as a policy of the United States Government. On the other, it insisted that the obligation to implement the convention was not conditional upon ratification, superseding every state law in conflict with its provisions.⁶⁵ Lemkin slammed the book/petition as erroneously titled, the result of confused thinking, or more likely a maladroit attempt to back up Soviet accusations concerning the US treatment of American Negroes. *We Charge Genocide* “wantonly misinterpreted and maliciously confused” civil rights of individuals with the destruction of entire groups as covered by the Genocide Convention, he fumed.⁶⁶

⁵⁹ Emanuel Celler, “Letter to Lemkin,” February 26, 1949, AJHS, Box 2, Folder 1.

⁶⁰ Constance A. Sporberg, “Letter to Raphaël Lemkin,” January 4, 1950, AJHS, Box 2, Folder 3.

⁶¹ Raphaël Lemkin, “Letter to Harold E. Stassen, President of the University of Pennsylvania,” December 31, 1949, AJHS, Box 2, Folder 3.

⁶² Raphaël Lemkin, “Memo on Genocide,” April 19, 1948, DoS decimal files, NARA, 1945–49, 59/760050/2186.

⁶³ Raphaël Lemkin, “Letter to Gertrude Samuels,” *New York Times*, June 6, 1950, NYPL, Reel 1.

⁶⁴ Weiss-Wendt, ed., *Documents on the Genocide Convention*, document no. 306.

⁶⁵ For details see Weiss-Wendt, *The Soviet Union*, 228–243.

The Baltimore Afro-American bitterly remarked that the US press had passed the petition in silence, giving publicity exclusively to Lemkin.⁶⁷ The latter suggested in the *New York Times* that the accusations leveled against the US Government was a “maneuver to divert attention from the crimes of genocide committed against Estonians, Latvians, Lithuanians, Poles, and other Soviet-subjugated peoples.” William L. Patterson, executive chairman of the Civil Rights Congress, retorted that “Dr. Lemkin was attempting to put the shoe he held on the wrong foot.”⁶⁸ This juxtaposition was not out of place. Unwittingly, Lemkin plunged himself into race politics. The 1948 Displaced Persons Act authorized the admission into the United States of up to two hundred thousand people, including former citizens of the Baltic countries. By December 1951 some 48,000 displaced persons from Estonia and Latvia entered the United States. Many Latvians ended up working as cotton pickers in Dixieland, encouraged by white plantation owners. As Bernard J. Maegi has argued, planters chose Latvians primarily on racial grounds, to offset organized black labor. Arriving in the Mississippi Delta as victims of the totalitarian regimes, ethnic Latvians were effectively viewed as a racial bulwark. Their anticommunism fit well with the similar sentiment on the rise in the United States. When it came to civil rights movement, they found themselves on the opposite pole from blacks.⁶⁹

Lemkin’s position decisively pitched him against civil rights activists. In his June 1953 Op-ed in the *New York Times*, Lemkin disparagingly dismissed the suggestion that genocide might apply to the treatment of black Americans by white majority. Oakley C. Johnson, one of the signatories to the 1951 petition, accused Lemkin of playing down the scope of racial discrimination in the United States. White Americans were not just threatening one or several black persons, he wrote, but were terrorizing an entire racial minority. Johnson turned around the link between the Nazi and Soviet crimes that Lemkin had variously promoted. If genocide was a rare crime of great magnitude, as Lemkin insisted, then only the destruction of all members of a certain group would qualify as such. Would that mean that the Nazis did not commit genocide after all? Johnson asked rhetorically, since several million Jews were still alive? Lemkin argued in the Op-ed that American blacks were on the road to prosperity; but so were German Jews, contended Johnson. The consistent effort to superimpose white supremacy by means of laws, police, and courts had a potential element of genocide to it, he concluded.⁷⁰ Lemkin, however, stuck to his earlier opinion that neither racial discrimination nor specifically lynching constituted genocide in the absence of the element of intent. “Only segregation with purposes similar to those motivating Nazi use of concentration and labor camps would violate the treaty agreement,” he contended somewhat intangibly.⁷¹

Conclusion

What is normally called vanity, in the case of Lemkin was also a tragedy. He kept referring to the Genocide Convention as his child, and it effectively was, his one and only child. He burned his bridges behind himself; he could not fall back on what most of his peers could: family and close friends, ethnic community, and/or teaching career. In effect, Lemkin locked himself in an empty room with only, essentially, a flawed, difficult to apply international treaty for company. It did affect his state of mind. Thus, the concluding part of Lemkin’s unfinished autobiography spoke extensively of “opposition,” “enemies,” “retribution,” and so on.⁷²

⁶⁶ Raphaël Lemkin, “Draft statement on publication of *We Charge Genocide*,” after December 17, 1951, NYPL, Reel 4. See also “Charge of U.S. Genocide Called Red Smoke Screen,” *Washington Post*, December 16, 1951.

⁶⁷ “UN Asked to Act against Genocide in the United States,” *Baltimore Afro-American*, December 29, 1951.

⁶⁸ William Patterson, *The Man Who Cried Genocide: An Autobiography* (New York: International Publishers, 1991), 191.

⁶⁹ Bernard J. Maegi, “Making Cold War Whiteness: Race and Immigration in the Cold War South. The Case of Mississippi Latvian Cotton Pickers,” (presentation, 22nd Biannual Conference of the Association for the Advancement of Baltic Studies, Seattle, WA, April 24, 2010). See also Bernard J. Maegi, “Dangerous Persons, Delayed Pilgrims: Baltic Displaced Persons and the Making of Cold War America, 1945–1952,” (PhD diss., University of Minnesota, 2008).

⁷⁰ Tanya Elder, “What You See Before Your Eyes: Documenting Raphaël Lemkin’s Life by Exploring His Archival Papers, 1900–1959,” *Journal of Genocide Research* 7, no. 4 (December 5), 487. Johnson was a teacher, writer, and founding member of the Communist Party USA.

⁷¹ Lemkin, *Genocide: A Commentary*, 1151–1152.

⁷² Lemkin, *Totally Unofficial*, 209–217.

By the 1950s Lemkin was no longer that idealist professor as some reporters tended to paint him. Notably, *Axis Rule in Occupied Europe* was also his last major academic work. Past the short article in *Yale Law Journal* in June of 1949 that affectively summarized his findings in the book, Lemkin had not produced any scholarship.⁷³ Meanwhile examples when Lemkin compromised his academic integrity are just too many to cite. Take, for example, Lemkin's nomination for Nobel Peace Prize. Lemkin was nominated ten consecutive times, beginning in 1950, but never won the prize. According to the Nobel Prize Committee's rules, individuals cannot nominate themselves for the prize, nor are they supposed to be told that they have been nominated. Lemkin flouted the rules by providing selected individuals with a template, suggesting them to insert the custom-tailored paragraphs into their respective nomination letters.⁷⁴ Since the Nobel Peace Committee's proceedings are classified, we will never know if anyone ever promoted his own candidacy as persistently as Lemkin did—probably not.

What Lemkin had written and said during his career, especially since 1945, was beseeched with contradictions. It is always possible to find corroboration to one's ideas in Lemkin's writings, for the simple reason that Lemkin had adjusted his vocabulary to meet the expectations of those he was talking to. Lemkin was opposed to any document of international human rights law that he regarded as contradicting or overlapping with the genocide treaty: the Universal Declaration of Human Rights, the draft Covenant on Social and Political Rights, the Convention Concerning the Abolition of Forced Labor, and the draft Code of Crimes against the Peace and Security of Mankind. The crux of the problem, as Mira L. Siegelberg has contended, was Lemkin's commitment to group protection in a world that had decisively moved in the direction of individual rights. This conclusion let her pronounce Lemkin—too radically perhaps—as an “outdated remnant from the interwar period” and his strategy in preserving the purity of the Genocide Convention as “schizophrenic.”⁷⁵ Lemkin's original ideas and good intentions do not cancel out the legal and political process that had transformed them into the Genocide Convention. Chapter 9 in *Axis Rule in Occupied Europe* is by no means a canonical text.⁷⁶ As William A. Schabas has recently argued: “Be that as it may, courts are no more interested in what Lemkin thought about the scope of the term genocide than they are in what Kant or Montesquieu or Augustine thought about murder and rape. It's not really relevant. Legal terms are adopted by lawmakers. Preventing and prosecuting genocide is not about fidelity to the original vision of Raphaël Lemkin. His 1944 book is not our gospel.”⁷⁷

Certainly, the Soviet Union and the United States would have discovered the rhetorical power of genocide without any input from Lemkin. What Lemkin did was bringing the genocide discourse to the masses. The more people he addressed, the more amorphous became the term *genocide*. At some point, he simply lost track of the entire conversation. The issue at stake for Lemkin was no longer preventing and punishing genocide but identifying specific instance of mass violence anywhere to illustrate specific articles in the Genocide Convention and thus justify its existence. By the early 1950s, a popular conception of genocide incorporated anything and everything, from violation of human rights and forced assimilation to racial discrimination and infringement on the

⁷³ See, for example, “Mannen som skapte pakten mot folkemord: Møte med idealisten professor Lemkin,” *Aftenposten*, January 25, 1955. Lemkin's article in *Yale Law Journal* also marked the last traces of his idealism. Hence, Lemkin concluded the article: “[T]he Convention might seem an instrument of pioneer justice; but these are pioneer days in world law. Perhaps this is the kind of quasi-law from which effective world law may be expected eventually to develop.” Lemkin, *Genocide: A Commentary*, 1157.

⁷⁴ See examples from 1958 in Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, NYPL, Reel 1.

⁷⁵ Mira L. Siegelberg, “Unofficial Men, Efficient Civil Servants: Raphaël Lemkin in the History of International Law,” *Journal of Genocide Research* 15, no. 3 (2013), 308; Mira L. Siegelberg, “Contending With Ghosts of the Past: The Origins of the Genocide Convention and the Conflict Between Interwar and Postwar Visions for Peace and International Order” (term paper, Columbia University, 2005), 23.

⁷⁶ The genocide scholars who do so invite an unfortunate comparison to religious fundamentalists who interpret sacred texts literally.

⁷⁷ William A. Schabas, “Commentary on Paul Boghossian, ‘The Concept of Genocide,’” *Journal of Genocide Research* 12, no. 1–2 (March–June 2010), 96.

freedom of religion.⁷⁸ I concur with Peter Novick, who has argued that “genocide was a generic category, and examples could be found to fit the needs of the moment.”⁷⁹ The man who contributed most to making it happen is Raphaël Lemkin.

The heroic image of Lemkin requires a major corrective. Lemkin can hardly pose as a raw model, unless we consider contravening one’s principles and bending ethics a virtue. Lemkin’s crusade for the Genocide Convention entailed a self-destructing mechanism of a project delineated by ascribed significance. In a sense, it serves as yet another proof that no goal, whatever noble, can justify the means.

Acknowledgments

Portions of this article earlier appeared in Anton Weiss-Wendt, *The Soviet Union and the Gutting of the UN Genocide Convention* (Madison: University of Wisconsin Press, 2017) and Weiss-Wendt, *A Rhetorical Crime: Genocide in the Geopolitical Discourse of the Cold War* (Newark: Rutgers University Press, 2018).

Bibliography

- “Charge of U.S. Genocide Called Red Smoke Screen.” *Washington Post*, December 16, 1951.
- Celler, Emanuel. “Letter to Lemkin.” February 26, 1949. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 1.
- Cooper, John. *Raphaël Lemkin and the Struggle for the Genocide Convention*. Houndmills: Palgrave, 2008. <https://doi.org/10.1057/9780230582736>
- Elder, Tanya. “What You See Before Your Eyes: Documenting Raphaël Lemkin’s Life by Exploring His Archival Papers, 1900–1959.” *Journal of Genocide Research* 7, no. 4 (2005), 469–499. <https://doi.org/10.1080/14623520500349910>
- Fraenkel, Ernst. *The Dual State: A Contribution to the Theory of Dictatorship*. Oxford: Oxford University Press, 1941.
- Government of Italy. “Memorandum of the Italian Government on the Situation in Abyssinia.” 1935. Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, New York City, United States. Reel 3.
- Irvin-Erickson, Douglas. *Raphaël Lemkin and the Concept of Genocide*. Philadelphia: University of Pennsylvania Press, 2017. <https://doi.org/10.1007/s12142-017-0475-1>
- Korey, William. *An Epitaph for Raphaël Lemkin*. New York: The Jacob Blaustein Institute for the Advancement of Human Rights of the American Jewish Committee, 2001.
- LeBlanc, Lawrence. *The United States and the Genocide Convention*. Durham: Duke University Press, 1991.
- Lemkin, Raphaël. “Genocide: A Commentary on the Convention.” *Yale Law Journal* 58, no. 1 (1949), 1142–1156.
- . “Lemkin in conversation with Pauline Frederick, ABC Radio Networks.” Between March 1953 and January 1955. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 4, Folder 2.
- . “Letter to Archbishop Michael.” January 17, 1950. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 3.
- . “Letter to Archbishop Michael.” March 12, 1950. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 6, Folder 11.
- . “Letter to Benegal Narsing Rau.” February 16, 1950. Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, New York City, United States. Reel 1.
- . “Letter to Charles Rozmarek, President of the Polish American Congress.” December 17,

⁷⁸ Weiss-Wendt, *Hostage of Politics*, 556.

⁷⁹ Peter Novick, *The Holocaust and Collective Memory: The American Experience* (London: Bloomsbury, 1999), 101.

1949. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 2.
- . “Correspondence with Helen Moschou.” July 6, August 10–11, and 16, 1949. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 6, Folder 11.
- . “Letter to Frank J. Lausche, governor of Ohio.” After June 17, 1951. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 7.
- . “Letter to Gertrude Samuels.” *New York Times*. June 6, 1950. Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, New York City, United States. Reel 1.
- . “Letter to Harold E. Stassen, President of the University of Pennsylvania.” December 31, 1949. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 3.
- . “Letter to Herman Zetterberg, Sweden’s Minister of Justice.” Early 1959. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 7.
- . “Letters to Peter Vallindas and Jean Spiropoulos.” August 10, 1949. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 6, Folder 11.
- . “Letter to Peter Vallindas.” June 6, 1949. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 1.
- . “Letter to Robert Briscoe.” June 28, 1956. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 2.
- . “Letter to Salvatore Parisi, the Order of Sons of Italy.” February 17, 1950. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 3.
- . “Letter to Theodore O. Thackrey, editor of *New York Post*.” November 23, 1948. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 1, Folder 19.
- . “Memo for the American Zionist Council.” June 14, 1950. Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, New York City, United States. Reel 1.
- . “Memo on Genocide.” April 19, 1948. DoS decimal files, 1945–49, National Archives and Records Administration, Washington, DC, United States of America. 59/760050/2186.
- . “Memo on International Action.” March 10, 1952. Edward S. Goldstein: Jewish Labor Committee Research Files, Manuscript Collection 232, Tamiment Library & Robert F. Wagner Labor Archives, New York University, New York City, United States. Box 2, Folder 67.
- . “No title.” n.d. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 4, Folder 7.
- . “Notes concerning the abduction of Greek children.” n.d. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 6, Folder 11.
- . “Statement.” After November 4, 1956. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 4, Folder 4.
- . “Statement on Genocide.” Between February 1953 and May 1954. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 4, Folder 3.
- . “Genocide and the Anti-Jewish Persecution behind the Iron Curtain.” Between February 1953 and May 1954. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 4, Folder 7.

- "Draft Statement on publication of *We Charge Genocide*." After December 17, 1951. Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, New York City, United States. Reel 4.
- "The Truth about the Genocide Convention." Draft article. Between July 1950 and December 1951. Raphaël Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, New York Public Library, New York City, United States. Reel 4.
- *Totally Unofficial: The Autobiography of Raphaël Lemkin*, ed. Donna-Lee Frieze. New Haven: Yale University Press, 2013. <https://doi.org/10.5038/1911-9933.8.1.8>
- Lemkin, Raphaël and Joseph P. Burns. "Genocide: The Newest Soviet Crime." TV program reprint. January 30, 1953. Jewish Labor Committee Records, Manuscript Collection 025, Tamiment Library & Robert F. Wagner Labor Archives, New York University, New York City, United States. Box 298, Folder 36, 3–7.
- Lewis, Mark. *The Birth of the New Justice: The Internationalization of Crime and Punishment, 1919–1950*. Oxford: Oxford University Press, 2014. <https://doi.org/10.1093/acprof:oso/9780199660285.001.0001>
- Maegi, Bernard J. "Dangerous Persons, Delayed Pilgrims: Baltic Displaced Persons and the Making of Cold War America, 1945–1952." PhD diss., University of Minnesota, 2008.
- "Making Cold War Whiteness: Race and Immigration in the Cold War South. The Case of Mississippi Latvian Cotton Pickers." Presentation, 22nd Biannual Conference of the Association for the Advancement of Baltic Studies, Seattle, WA, April 24, 2010.
- Mandalian, James. "Letter to Raphaël Lemkin." January 31, 1952. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 8.
- "Mannen som skapte pakten mot folkemord: Møte med idealisten professor Lemkin." *Aftenposten*, January 25, 1955.
- Maza, Herbert. "Raphaël Lemkin." Draft article. November 1950. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 5, Folder 7.
- Mazower, Mark. *No Enchanted Palace: The End of Empire and the Ideological Origins of the United Nations*. Princeton: Princeton University Press, 2009. <https://doi.org/10.3138/cjh.45.1.201>
- My obviniaem v genotside*. Moscow: The Publishing House of Foreign Literature, 1952.
- Nathan, Otto. *The Nazi Economic System: Germany's Mobilization for War*. Durham: Duke University Press, 1944.
- Neumann, Franz. *Behemoth: The Structure and Practice of National Socialism in 1933–44*. New York, London: Oxford University Press, [1942] 1944. https://doi.org/10.1007/978-3-531-90400-9_85
- Novick, Peter. *The Holocaust and Collective Memory: The American Experience*. London: Bloomsbury, 1999.
- Order of Sons of Italy. "Letter to US President Harry Truman." August 1, 1951. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 1.
- Patterson, William. *The Man Who Cried Genocide: An Autobiography*. New York: International Publishers, 1991.
- Priemel Kim. *The Betrayal: The Nuremberg Trials and German Divergence*. Oxford: Oxford University Press, 2016. <https://doi.org/10.1093/acprof:oso/9780199669752.001.0001>
- Rimauskas, Jonas. "Lithuanian American Council to Lemkin." June 7, 1951. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 12-Q-R.
- Rosenberg, James. "Memo to members of the American Committee for an International Genocide Convention." May 25, 1948. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 8.
- Schabas, William A. "Commentary on Paul Boghossian, 'The Concept of Genocide'." *Journal of Genocide Research* 12, no. 1–2 (March–June 2010), 91–99. <https://doi.org/10.1080/14623528.2010.515404>

- Siegelberg, Mira L. "Unofficial Men, Efficient Civil Servants: Raphaël Lemkin in the History of International Law." *Journal of Genocide Research* 15, no. 3 (2013), 297–316. <https://doi.org/10.1080/14623528.2013.821224>
- "Contending With Ghosts of the Past: The Origins of the Genocide Convention and the Conflict Between Interwar and Postwar Visions for Peace and International Order." Term Paper, Columbia University, 2005.
- Sporberg, Constance A. "Letter to Raphaël Lemkin." January 4, 1950. Raphaël Lemkin Papers, 1900–1959, Manuscript Collection 154, American Jewish Historical Society, New York City, United States. Box 2, Folder 3.
- Trainin, Aron. "Bor'ba s genotsidom kak mezhdunarodnym prestupleniem." *Sovetskoe gosudarstvo i pravo* 5 (1948), 1-16.
- *The Criminal Responsibility of the Hitlerites*. Moscow: Law Publishing House of the People's Commissariat of Justice of the USSR, 1944.
- United Nations. *Draft Convention on the Crime of Genocide*. June 26, 1947. UN Doc. E/447.
- "UN: Japan Reminded on Genocide Convention." *Jiji Press*, n.d. Raphaël Lemkin Papers, Manuscript Collection 60, American Jewish Archives, Cincinnati, United States. Box 2, Folder 2.
- United States Senate. *The Genocide Convention: Hearings before a Subcommittee of the Committee on Foreign Relations*. 81st Congress, 2nd Session, January 23, 24, 25, and February 9, 1950. Washington, DC: US Government Printing Office, 1950.
- United States State Department. "Memo of conversation between Maktos and Lemkin." July 16, 1948. DoS decimal files, 1945-49, National Archives and Records Administration, Washington, DC, United States of America. 59/760050/2186.
- "Memo of conversation between Rosenberg, Lemkin, Ernest Gross, and Jack B. Tate." June 9, 1948. DoS decimal files, 1945-49, National Archives and Records Administration, Washington, DC, United States of America. 59/760050/2186.
- Weiss-Wendt, Anton, ed. *Documents on the Genocide Convention from the American, British, and Russian Archives*. London: Bloomsbury, 2018.
- "Hostage of Politics: Raphaël Lemkin on 'Soviet Genocide'." *Journal of Genocide Research*, 7, no. 4 (2005), 551–559. <https://doi.org/10.1080/14623520500350017>