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Raphael Lemkin's History of Genocide and Colonialism¹

Our whole cultural heritage is a product of the contributions of all peoples. We can best understand this if we realize how impoverished our culture would be if the so-called inferior peoples doomed by Germany, such as the Jews, had not been permitted to create the Bible or to give birth to an Einstein, a Spinoza; if the Poles had not had the opportunity to give to the world a Copernicus, a Chopin, a Curie, the Czechs a Huss, and a Dvorak; the Greeks a Plato and a Socrates; the Russians, a Tolstoy and a Shostakovich.

(Raphaël Lemkin, "Genocide – A Modern Crime")²

... colonialism cannot be left without blame.

(Raphaël Lemkin, "Introduction to the Study of Genocide")³

I begin with a necessary preamble. I would like to say how honoured I feel in being invited to give this talk on "Raphael Lemkin's History of Genocide and Colonialism" today, and to thank Wendy Lower in particular, whom I first met when we both attended a conference, a very stimulating and challenging conference, at Sydney University last July on genocide and colonialism. While I am the sole author today of this paper, my interest in the topic of genocide and colonialism is a joint one shared with Ann Curthoys. Ann and I edited together in 2001 a special series of essays for the journal *Aboriginal History* on the question "Genocide? Australian Aboriginal history in international perspective". In the introduction, entitled "Genocide: definitions, questions, settler-colonies", we wrote that the question of genocide in relation to Australian history had been urgently raised by the Australian Human Rights Commission's *Bringing Them Home* report of 1997, which investigated the history and effects of Aboriginal child removal in the nineteenth and twentieth centuries, and had controversially argued that Australian child removal practices fell within the definition of genocide used in the 1948 UN Genocide convention. This aspect of the report horrified many Australians of quite varying political views. Many people, including historians, rejected the notion that child removal could be reasonably described as 'genocide'. Ann and I confessed to each other that we didn't know where to stand in this debate, and that we ourselves knew far too little of the worldwide debates concerning histories and theories of genocide. We decided to edit for the journal, Ann being on its editorial board, a series of essays, asking contributors

– whose best-known names in this context perhaps would be Colin Tatz and Dirk Moses – to create conversations, focussing on the question of genocide, between Australian history and international discussions.

The Australian National University's library fortunately had a pristine copy of Raphaël Lemkin's *Axis Rule in Occupied Europe*, and on reading this remarkable work – all roads seemed to lead to it – we outlined in our introductory essay elements of Lemkin's originating definition of genocide. For the July 2003 conference on genocide and colonialism in Sydney, I gave a paper, entitled "Are Settler Colonies Inherently Genocidal? Some thoughts on Lemkin", where I explored this question through a reading in particular of chapter nine of *Axis Rule in Occupied Europe*, as well as some of Lemkin's essays of the 1940s that were available on James Fussell's invaluable genocide prevention website. After I gave the paper, it was suggested to me that when Ann and I were to come to the US in August 2003, that we explore Lemkin's unpublished papers in New York libraries in relation to the question of genocide and colonialism. This we accordingly did, visiting New York in December 2003 to look at the archives held by the American Jewish Historical Society and the New York Public Library. Here was a wealth of new material on Lemkin's thinking and investigations, so that today's paper will be based both on Lemkin's unpublished as well as published writings.

One more thing, a note on terminology. The term "settler colony" which I will be deploying today does not seem to be a term often used in the US, in any case its mention often seems to elicit a puzzled look. In Australian historiography, the term "settler colony" is usually associated with the expansion of the British Empire: a settler colony, as in South Africa, Australia, New Zealand, Canada, the United States, was a colonial society where the indigenous population was reduced to a small or tiny proportion of the overall population, whose majority population becomes composed of colonizers/migrants. There is, however, no 'pure' model. By contrast, British India was a colony of exploitation, wherein the Indian population remained the overwhelming majority.

So, I'll now begin more formally: In this talk today, I explore the conjoining of genocide and colonialism in the writings of Raphaël Lemkin, the brilliant Polish-Jewish jurist who was born in 1900 and died in 1959. Genocide studies is a field so far where literary and cultural criticism is perhaps under-represented, except for Claude Rawson's striking *God, Gulliver, and Genocide* (2001), a chapter on rhetoric by Elazar Barkan in Robert Gellately and Ben

Kiernan's collection The Specter of Genocide (2003), and my own recent research on the question of the Enlightenment and genocide.⁴ I talk here, then, as a literary and cultural critic attentive to the textual grain of Lemkin's writings, and adopting Walter Benjamin's methodological suggestion that discussion of ideas can involve the seeking out in a text of odd details, extremes, fragments, discontinuities, the singular, the eccentric.⁵ I'm mindful too of Hannah Arendt's deployment of the biographical sketch, how illuminating biography and anecdote can be in terms of political and intellectual history.⁶ I also have in mind Deleuze and Guattari's notion of the philosopher as a conceptual persona or thought-figure.⁷ In these terms, I discuss Lemkin as a twentieth-century émigré intellectual comparable to other prominent émigré intellectuals of our era like Freud, Hannah Arendt, and the late Edward Said, concerned with what Lemkin from his earliest writings would refer to as *world culture*.

I hope to show three things. I hope to show that the concept of genocide as created by Lemkin offers the groundwork for the delineation and discussion of different kinds of genocide in history, for example, genocide as episode, or genocide as a more extended process. I hope to show that Lemkin's concept of genocide links settler-colonies and genocide in a constitutive and inherent relationship. I also hope to show that Lemkin in his published work and more powerfully in his unpublished manuscripts developed a methodology that permits the possibility of subtle, intricate, and multifaceted analyses of settler-colonial histories in relation to genocide as an extended process which may also involve more sharply destructive episodes and events.

I will be stressing throughout the importance to Lemkin of the notion of cultural genocide. In his autobiography "Totally Unofficial Man", written in 1958 not long before he died, Lemkin regrets that he could not persuade the relevant UN committee meeting in Paris after World War Two to include an article in the final convention on "cultural genocide": "I defended it successfully through two drafts. It meant the destruction of the cultural pattern of a group, such as the language, the traditions, the monuments, archives, libraries, churches. In brief: the shrines of the soul of a nation. But there was not enough support for this idea in the Committee. ... So with a heavy heart I decided not to press for it." He had to drop an idea that "was very dear to me".⁸

Lemkin's Definitions

I'll start with his 1933 proposals. In 1933, Lemkin was a young public prosecutor in Warsaw, already immersed in his life project to have certain egregious crimes outlawed. Hitler had just been elected to government in Germany. Lemkin was at the last moment prevented by the Polish government, fearful he would embarrass it, from leaving Poland to present a paper at a League of Nations conference on the Unification of Penal Law held in Madrid.⁹ The paper, presented in his absence, proposed the creation of the crimes of barbarity and vandalism as new offences against the law of nations, that is, against the whole international community. Acts of barbarity – which he also calls acts of extermination – undermine the fundamental basis of an ethnic, religious or social collectivity. They are acts that, taken as a whole, range from massacres and pogroms to the ruining of the economic existence of the members of a collectivity, as well as "all sorts of brutalities" that attack the "dignity of the individual" as part of the campaign of extermination of the group. Such acts, physical, economic, and moral, constitute, Lemkin suggested, a general danger to the economic and moral interests of the international community. Lemkin also proposed for the same conference the crime of vandalism, the destruction of the cultural heritage of a collectivity as revealed in the fields of science, arts and literature. Lemkin noted that the contribution of any particular collectivity to "world culture" forms the wealth of all humanity, even while exhibiting unique characteristics. Thus the destruction of any work of art of any nation must be regarded as an act of vandalism directed against world culture. Such acts, Lemkin said, reveal an asocial and destructive spirit that shocks the conscience of humanity, while generating extreme anxiety about the future.¹⁰

What is notable is that already in 1933, under the heading of barbarity and vandalism, Lemkin had assembled many of the features of his now famous definition of genocide in his 1944 book Axis Rule in Occupied Europe. In particular, we can note the *width* of his 1933 formulations, that barbarity and vandalism involve a systematic and organized destruction of the social order of a collectivity, in terms that may involve direct killing as well as actions that are economic, moral, intellectual, and cultural. In his 1944 definition he again says that genocide is composite and manifold, that it signifies a coordinated plan of different actions aiming at the destruction of the essential foundations of life of a group. Such actions can but do not necessarily involve mass killing. They involve considerations that are political, social, legal, intellectual, spiritual, economic, biological, physiological, religious, and moral. Such actions involve considerations of health, food, and nourishment, of family life and care of

children, and of birth as well as death, in relation to genocide and as part of genocide. Such actions involve consideration of the honour and dignity of peoples, and the future of humanity as a world community.¹¹

The continuity between 1933 and 1944 concerns the wide range of destructive acts against a group. Yet there is also something significantly new added in 1944, when Lemkin says that genocide may involve two phases, that it is a two-fold process. Here is the key passage from the opening page of chapter nine of Axis Rule in Occupied Europe:

Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals.¹²

Before, in 1933, Lemkin had focussed on genocide as an episode or act or event. Now he writes that genocide can also be a process, a process that describes and entwines genocide and settler-colonialism.

Explorations of an Idea

In chapter nine of Axis Rule in Occupied Europe, Lemkin refers to how the German "occupant", in order to impose its national pattern, "organized a system of colonization" in areas which Germany wished to incorporate, including western Poland, Luxemburg, and Alsace-Lorraine: "The Polish population have been removed from their homes in order to make place for German settlers who were brought in from the Baltic States, the central and eastern districts of Poland, Bessarabia, and from the Reich itself. The properties and homes of the Poles are being allocated to German settlers; and to induce them to reside in these areas the settlers receive many privileges, especially in the way of tax exemptions."¹³ In an April 1945 essay, "Genocide – a Modern Crime", Lemkin again refers to colonization, writing with irony that where "the people, such as the Poles, could not achieve the dignity of embracing Germanism, they were expelled from the area and their territory (western Poland) was to be Germanized by colonization".¹⁴ It seems clear that during World War Two Lemkin conceived his idea of linking genocide and colonization chiefly from the example of Nazi colonization of western Poland.

Lemkin was deeply concerned not only with contemporary events, however momentarily catastrophic, but also with historical genocides. In the unfinished autobiography "Totally Unofficial Man" Lemkin says that from his "very young days" he was interested in historical accounts of examples of extermination of national, racial, and religious minorities. Lemkin here writes that he always "felt that history is much wiser than are lawyers and statesmen". He confides that from an early age he "took a special delight in being alone, so that I could think and feel without outer disturbances", and that "loneliness" became the essential condition of his life. History, it appears, was his lifelong companion.

In the autobiography, Lemkin relates the examples of genocide that stirred him from an early age, examples drawn from antiquity through to modern times. They include the destruction of the Christians by Nero; the Mongol hordes over-running Russia, Poland, Silesia, and Hungary in 1241; the persecution of Jews in Russia by Tzar Nicholas I; the destruction of the Moors in Spain; the devastation of the Huguenots.¹⁵

In a footnote to chapter nine of Axis Rule in Occupied Europe, Lemkin refers to classical examples of wars of extermination in which nations and groups of a population were completely or almost completely destroyed, including the destruction of Carthage in 146 BC and of Jerusalem by Titus in 72 AD; the religious wars of Islam and the Crusades; the massacres of the Albigenses and Waldenses; and the siege of Magdeburg in the Thirty Years War. And wholesale massacres occurred in the wars waged by Genghis Khan and Tamerlane.¹⁶

Lemkin's Unpublished Work

Lemkin in the 1940s and 50s until his death in 1959 was working on a book on the history of genocide.

In these manuscript essays and notes Lemkin was giving shape to a historical and comparative approach that was based on his definition of genocide in chapter nine of Axis Rule in Occupied Europe. A scholar who had only just created the very word *genocide* in 1944, was now a few years later creating a method of how to analyse and discuss genocidal situations in the ancient world and European history generally; a method that he also was about to apply to examples of European colonisation around the globe.

Lemkin's Methodology

In Lemkin's unpublished papers there are two typed pages headed "Revised Outline for Genocide Cases", in diagrammatic form, which summarize Lemkin's approach to the historical study of genocides.

REVISED OUTLINE FOR GENOCIDE CASES

1. Background – historical

2. Conditions leading to genocide – Fanaticism (religious, racial)

Irredentism (national aspirations)

Social or political crisis and change

Economic exploitation (e.g. slavery)

Colonial expansion or milit. conquest

accessability of victim group

evolution of genocidal values in genocidist group

(contempt for the alien, etc.)

factors weakening victim group

3. Methods and techniques of genocide – Physical:

massacre and mutilation

deprivation of livelihood (starvation,

exposure, etc. – often by deportation)

slavery – exposure to death

Biological:

separation of families

sterilization

destruction of foetus

Cultural:

desecration and destruction of cultural symbols

(books, objects of art, religious relics, etc.)

loot

destruction of cultural leadership

destruction of cultural centers (cities,

churches, monasteries, schools, libraries)

prohibition of cultural activities or codes of
behavior

forceful conversion

demoralization

4. The Genocidists - responsibility

intent

motivation

feelings of guilt

demoralization

attitude towards victim group

opposition to genocide within genocidist group

5. Propaganda – rationalization of crime

appeal to popular beliefs and intolerance; sowing discord (divide and rule)

misrepresentation and deceit

intimidation

6. Responses of victim group – active :

submission

polit. subordination

escape (suicide, hiding, etc.)

assimilation

disguise

resistance

emigration (planned)

demoralization

passive (emotional, mental)

terror

conceptions of genocidist and his crimes

7. Responses of outside groups – opposition to genocide

indifference to “
 condonement of “
 collaboration in “
 demoralization (exploitation of genocide situation)
 Fear as potential victims

8. Aftermath – cultural losses

population changes
 economic dislocations
 material and moral deterioration
 political consequences
 social and cult. changes

Lemkin evokes examples of genocide drawn from the Americas where he puts into practice and continuously deploys the categories of analysis of the diagrammatic summary. In an essay on “Spanish Treatment of South American Indians ...”, Lemkin, drawing in particular on the observations of Las Casas, successively evokes “Methods of Genocide – Physical”, which include massacre, slavery and deprivation of livelihood; family life was disregarded, bread made of root-meal was often the only food; when the slaves fell sick, they were left to die or at best sent home. The treatment of Indian women constituted an aspect of biological genocide, the “death of the race”. Slave mothers, exhausted with hunger and fatigue, could not nurse their babies. Children were not infrequently carried off by the Spanish; some Indian women were not only violated indiscriminately but also taken to “fill the Harems of the Spanish colonists”. In terms of physical genocide, the population of the islands fell catastrophically. In the Bahamas the population dropped from 50,000 to nearly zero. The population of Nicaragua was almost entirely wiped out; in fourteen years more than 600,000 had died as beasts of burden. Lemkin says Las Casas claimed that the total of Indians killed in Spanish America exceeded twenty million. Lemkin adds that this number does not include those who died from overwork, the slaves killed in the mines, or the Indians killed during active combat, nor the prisoners who were executed.

There was also a “subtle kind of cultural genocide” committed by the Spanish missions which abounded in Mexico, California, Louisiana and elsewhere. Lemkin notes that “while most of the Indians may not have been converted by actual force, it may well be assumed that they had little idea of either Christianity or the life and burdens in store for them after baptism”. Once they yielded to the admonitions of the fathers, their fate was sealed, they could no longer escape from the reach of the church, or the mission. The missionaries, for example in a church in San Francisco, gave mass in Latin and Spanish, and made no effort to learn the native tongue. Corporal punishment was inflicted on Indians of both sexes who failed in their religious duties; if an Indian escaped from the mission village, he was brought back by soldiers and lashed.

Continuing to apply his method, Lemkin evokes and gives examples of other categories of genocide, from looting and pillaging of Indian wealth to destruction of cultural centres, and destruction of Indian leadership in the murder of one chief or king after another. Under the heading of “Responsibility”, Lemkin argues that with few exceptions the colonists of New Spain were guilty of genocide: “the colonists were guilty on all counts”. The colonists and their supporters at court in Spain firmly resolved to frustrate all efforts at stopping the genocide, including not enforcing the royal orders against slavery and other abuses, and keeping vital information from the king; wherever they could, the colonists and their metropolitan supporters tried to frustrate the efforts of Las Casas to gain a hearing in Spain. Lemkin then discusses further genocidal aspects of Spanish colonisation under headings like Motivation, including a sharply critical account of the motives of Columbus, which included not only greed for gold and riches but also a desire, stated to Queen Isabella, to convert the masses of the Orient to Catholicism. Lemkin is highly critical of Columbus and the historical example he set for the future of colonization in the Americas:

After his discovery of the West Indies and the first flush of excitement at finding such peaceful and friendly natives in a charming country, Columbus hardened to become a model to the later colonists. He may have been disappointed at not discovering the riches he had hoped for. At any rate he mismanaged his colony and tolerated all kinds of genocidal crimes. To atone for the growing stories of poor discoveries and of his mismanagement, he sent Indian slaves to Spain. Natives to him constituted the principal wealth of the island and he wanted to impress the crown with them and derive a profit in turn. Thus he set the infamous example for what was to become the shame and scandal of Spanish conquest in the New World ...

Lemkin suggests an aspect of colonisation and imperial domination of others that the political theorist Hannah Arendt also reflected on, that colonisation, “under the impact of sudden wealth and power” in Lemkin’s words, leads to the demoralization or degeneration of the moral standards of the Europeans – the colonizers, the conquerors, the genocidists.¹⁷

Lemkin, nevertheless, does not present the motivations and ethical thinking of the genocidist group as uniform, and here his discussions are indeed subtle and far-reaching for the general history of European colonizing, with implications for the ethical conduct and capacities of humanity itself. In terms of relationships between European metropolitan centres and colonies across the seas, Lemkin observes under the heading “Opposition from within” that the Spanish government never authorized slavery in New Spain. In 1500 Queen Isabella ordered governor Bobadilla to respect the liberty and safety of the Indians, but Bobadilla, who had many Indian slaves, paid no attention to the royal order. In the face of such persistent violation of the crown’s orders, Queen Isabella instituted a new system called “encomienda”, which was to take the place of the notorious slave system and serve for the protection as well as the voluntary and peaceful conversion of the Indians to Christianity. However, the colonists quickly took advantage of the new situation, using *encomienda* as a cloak for renewed slavery, now rendered more odious by the hypocrisy involved. Lemkin sociologically generalizes that genocide is “largely a function of interest”, and that particular groups, while enforcing genocide against one group or a number of groups, will declare themselves opponents of genocide against another group or other groups. Queen Isabella, Lemkin reflects, while she became a patron of the Indians and sought to protect their liberty and welfare against colonial abuses, had herself “just committed outrageous genocide against the Moors of Spain, both physical and cultural”.

The relationship between oppressor and victim in history is always unstable, Lemkin pointing to the “strange transformation of genocidal victim into genocidists”, as with the Protestant Germans, who had left Europe because of cultural genocide directed against them, but had then perpetrated physical genocide in Venezuela for profit. Once considered and persecuted as heretics, the Germans who now colonized Venezuela in the sixteenth century “were no less cruel than the Spanish”. Here Lemkin might remind us of Maxime Rodinson the great French historian of the Middle East remarking that in history: “No people is destined always to be victims. All peoples have been victims and executioners by turns, and all peoples count among their number both victims and executioners”.¹⁸ Like Rodinson, Lemkin is

uncomfortably suggesting as an elementary principle of human conduct that the formerly persecuted often transform into the persecutors of others. Nevertheless, Lemkin warns against perceiving either genocide or opposition to genocide as “motivated purely by selfish considerations, or group loyalties”, for there is often the surprising appearance of individuals whose opposition goes beyond personal or group interest or who ignore such interests entirely: “Thus Las Casas went much beyond the ordinary ecclesiastic opposition to genocide in the Indies; he preached a doctrine of humanitarianism which was actually beyond the values of his own time”. Perhaps, I thought as I read this salute to Las Casas, we can say the same of Lemkin himself in his passionate intellectual and legal opposition to genocide in history.

Lemkin then considers the Spanish colonization of the Americas in terms of his other categories: Rationalization and Misrepresentation (the Indians possessed, says Lemkin, a “high degree of culture” in such places as Yucatan, Mexico, and Peru, but the early Spanish conquerors spread stories among the people of Spain that the Indians were sub-human and cannibalistic; Las Casas’s reputation was “constantly sullied by those who wished to protect the cause of genocide”). He discusses Responses of Victims (submission, escape, family and mass suicide, resistance, dread of Christianity). There is also an essay here on Yucatan, where again Lemkin’s analysis carries out his wideranging method of genocide research, outlining through various categories the destruction and death of a whole way of life, of the foundations of a group’s existence.

Recurring Features

In an unpublished essay entitled “Nature of Genocide” Lemkin observes that the “techniques of physical genocide have repeated themselves through history”. Such recurring techniques include “mass mutilations” as an “essential element of the crime of genocide”. Another recurring technique is evident in the Spanish treatment of the Moriscos, their deportation from Spain where they were loaded on ships in “unbearable sun”, with thousands dying from sunstroke. He compares this technique of deportation under lethal sun to the deportation and forced march of 1,200,000 Armenians, with only ten per cent surviving. Another recurring technique in terms of biological genocide is an attack on the family, with the separation of men and women and the taking away of the opportunity of procreation;

Lemkin here refers to situations that have variously involved Turks, Greeks, Slavs, Albigenses, and Huguenots. Another recurring technique is the transfer of children: “The children can be taken away from a given group for the purpose of educating them within the framework of another human group, racial, religious, national or ethnical”. In this regard, Lemkin cites many instances in history, the Huguenots, Albigenses, Turkey; Jewish children were transferred in Russia under the Tsars.

He also includes the genocide of political groups as a recurrent feature.

Death through illness, hunger, and disease may be recurring features. In terms of Spanish genocide in the Americas, Lemkin raises the issue of genocide and disease, arguing that the bringing of Indians into settlements was censurable as genocide inasmuch as this social dislocation, the removal of the Indians from their own lands, exposed them to disease and death, including an increase in epidemic diseases due to overcrowding.

North America

In his unpublished writings Lemkin also focussed on aspects of genocide that he considered were perpetrated by the English, French, and post-independence Americans, that constitute a comprehensive historical process over a number of centuries, including deep into the nineteenth century: dispossessing indigenous peoples of their land (with or without permission of central authorities), kidnapping, enslavement, removal and deportation often involving forced marches, removal or stealing of children, disease through overcrowding on reservations with inadequate food and medicine, self-destruction brought on by introduction and sale of liquor, curtailing and deprivation of legal rights, cultural genocide (as in re-education of children in boarding schools, cutting off of braids, forbidding of native languages, prohibitions on Indian culture and banning of religious ceremonies, forcing children to become Christians), mass death

Lemkin links slavery with cultural genocide: “slavery may be called cultural genocide par excellence. It is the most effective and thorough method of destroying a culture, and of de-socializing human beings”. Lemkin here refers to slavery in New England with captives taken in the Pequot War, in Massachusetts, New Plymouth, and Connecticut; also slavery in the mid seventeenth century of Indians in Virginia, North Carolina, and Maryland. Lemkin observes that armed conflict always arose “when colonization took place”, though New Plymouth and

Massachusetts were saved from conflict only because smallpox and measles had wrought such havoc that the Indian population was greatly reduced.

Lemkin makes a distinction between “cultural change” and “cultural genocide”. The Indians were forced to accept, after the loss of their hunting grounds, “the economic and social system of the white man”, and such may be referred to as “cultural change” of a “radical and perhaps inhumane type (considering the misery of the generations undergoing the change)”. Such severe cultural change only “becomes cultural genocide (and physical genocide)” when no adequate measures were taken to facilitate the change from nomadic to agricultural life, with the Indians through cession and warfare being left “landless and foodless”.

Even when, however, Indian peoples were already “agriculturalized”, as with the five Southern tribes, there was “forcible removal to western territory under deplorable conditions”, which was both “cultural and physical genocide”: “There was here no question of purchasing uncultivated land and of ‘civilizing’ the Indian. The only intent was the expulsion of the Indian to make room for whites.”

In an unpublished essay on “Cultural Genocide Against Plains Indians”, Lemkin refers to the use of “concentration camps” as part of the white attempts to defeat them, which also included starvation and systematic slaughtering of food sources like the buffalo. The deployment of the term “concentration camps” is interesting if we think of Hannah Arendt’s contention that a distinguishing feature of twentieth century totalitarianisms, of the Nazis and Stalin’s Russia, is the presence not just of the detention but the *concentration* camp; in the concentration camp, Arendt passionately argued, an attack is made on the existential conditions for human life: “a present in which to think, a space in which to act”, an enforced denial of the spatial and temporal requirements of freedom.¹⁹ For Arendt, the concentration camp represented an unprecedented attack on human freedom in modernity, an unprecedented *total dominion* over human life. For Lemkin, it would appear from such references to North American colonization, concentration camps and their constituent total dominion were a recurring feature of historical genocide, including the history of Western colonialism.

Lemkin’s unpublished essays and notes present harrowing reading. Such is particularly so in Lemkin’s evocation of the forced removal and deportations of Indians, who always mourned the loss of their homelands. Lemkin refers, for example, to the deportation of the Cherokee from Georgia. The Choctaw deportation of the early 1830s involved great suffering,

including a deportation insisted on by the authorities in winter, with Lemkin commenting: "I do not understand why they were not made to leave in the spring or summer." Many deportees, poorly clad, died from exposure, demoralization, and cholera. Lemkin points out that the Choctaw were deeply soil-bound and unwilling to emigrate. In the Creek removal, warrior prisoners were chained together in a ninety mile march, the warriors followed by the old and infirm, in intense heat, with infectious diseases rampant; the sick were transported on overcrowded boats. There was destitution and misery. Lemkin observes that physical genocide was carried out on the remaining Creeks; while the Creek warriors were enlisted for service against the Seminole, their families remained East in "concentration camps": again the use of a term usually associated with the kind of twentieth century phenomenon Lemkin himself studied at length.

Cultural Change and Cultural Genocide

Lemkin offers extended and careful observations on the distinction between cultural change and cultural genocide. Lemkin writes that cultural genocide "must not be confused with the gradual changes a culture may undergo", occurring "by means of the continuous and slow adaptation of the culture to new situations", where a very common type of adaptation is to "outside influences" and the "assimilation of certain foreign culture traits". Lemkin refers to such adaptation as "the process of cultural diffusion", and then asks: "What then is the exact distinction between diffusion and genocide?" His answer is that genocide involves complete and violent change, "that is, the destruction of a culture ... the premeditated goal of those committing cultural genocide". Lemkin refers to the "basic changes" that have occurred in societies "through the gradual disintegration of culture and through the cultural exhaustion of various societies". Again, genocide is only involved when there are "surgical operations on cultures and deliberate assassination of civilizations".

In an unpublished essay "Introduction to the Study of Genocide", Lemkin thinks cultural anthropology will help illuminate the ways genocide in different historical periods and in different cultures can be "explained as resulting from a cultural conflict", for example in the "encounter between migratory nomadic societies and sedentary ones". Such an observation could be applied to the way migratory nomadic societies of the Spanish and British Empires, the white colonizers/migrants coming from afar, across the seas, from 1492

onwards, invaded the lands of “sedentary” indigenous groups in the Americas or Australia, sedentary within their particular territories and nations and civilizations even if as traditional peoples they moved about within those territories; their homes, for example in Australia or North America, may not have been individual houses, but their territories were nevertheless their sedentary world, involving profound attachment to and imbrication in a nurturing cosmos.²⁰

Cosmos is a term Lemkin himself deploys, writing that the philosophy of the 1948 Genocide Convention is based on the “formula of the human cosmos”: “This cosmos consists of four basic groups: national, racial, religious and ethnic”. Such groups are to be protected by the Convention “not only by reasons of human compassion but also to prevent draining the spiritual resources of mankind”.

Conclusions

We can only mourn that Lemkin’s manuscript writings were not published as he hoped, for in them the inherent and constitutive relationship between genocide and settler-colonialism is strongly argued, given subtle intricate methodological form, and brought descriptively to life.²¹

In the ways he formulates his theory and presents his historical consciousness of crimes against humanity, Lemkin can be identified as a great émigré intellectual recalling other great émigré intellectuals like Freud, Hannah Arendt, and Edward Said, concerned that humanity should establish a duty of care to all the world’s peoples and cultures. When Lemkin writes that the loss of the culture of any disintegrated or crippled group,²² to employ his own metaphors, is a loss to world culture, to the human cosmos, he is inheriting Herder’s eighteenth-century cosmopolitan spirit of valuing the variety and diversity of human cultures.²³ When in his autobiography Lemkin writes that from his time as a refugee fleeing Poland, he wished his life to proceed by “enlarging the concept of my world-awareness, or rather of the oneness of the world”,²⁴ he reveals similarities with Hannah Arendt prizing human plurality as against the dangerous rigidities of ideology. He reveals similarities with cultural theorists like Erich Auerbach and Leo Spitzer in exile in Istanbul or Mikhail Bakhtin in exile in the provinces of the Soviet Union, working to establish the field of comparative world literature.²⁵ He reveals similarities with the Freud of Moses and Monotheism, facing

exile from his beloved Vienna in the latter 1930s, attempting to counter European ethnocentrism by suggesting that the true source of Judaism, Christianity, and European monotheistic civilization lies with Moses, who was not a Hebrew but an Egyptian, a "great stranger". Freud also posits in this remarkable text, published in 1939 in London just before he died, that Jahve was originally a stranger to the Israelites, an Arab Midianite god.²⁶ In his 2003 book Freud and the Non-European, Edward Said points to the implications of Freud's understanding of Moses as an Egyptian, a perception that denies the claimed purity of cultures and nation-states in world history.²⁷ Said, who long maintained an interest in the situation of exiled intellectuals like Erich Auerbach in wartime Istanbul, can clearly be seen as in this tradition of wishing to establish an inclusive notion of world literature and world culture.²⁸

In general, we might say, for émigré intellectuals of the 1930s and 40s eighteenth-century traditions of cosmopolitanism and internationalism were being engulfed and destroyed by Nazism, which itself was the culmination of nineteenth-century nationalism and colonialism.

A notion of world culture necessitates a notion of world history: that is what Lemkin's unfinished and unpublished book somberly promised to the world.

Lemkin certainly does not posit a comforting or delusionary narrative of progress for the Christian West. Lemkin might appear lenient on Christianity when he writes in the preface to Axis Rule in Occupied Europe that the extremely inhuman treatment in occupied Europe of the Jews promoted the "anti-Christian idea" of the inequality of human beings and of German racial superiority.²⁹ Yet in the historical examples he mentions in both his published and unpublished work there are appalling instances of Christian persecution of Jews, Moors, and those regarded as the wrong kind of Christian. Further, when discussing in his unpublished essay "Introduction to the Study of Genocide" (in New York Public Library, Lemkin papers, Reel 3, Box 2, Folder 1) how to explain why genocide might occur in history, Lemkin feels that in situations of "conflict of cultures", for example the encounter between "migratory nomadic societies and sedentary ones", such conflict was "particularly violent when the ideas of the absolute appeared in the course of the encounter of various religions". Here Lemkin seems to be suggesting that monotheism in history is particularly productive of violence including genocidal violence.

Lemkin is also clearly profoundly uneasy about Western law, that throughout the 1930s it did not include provision for crimes against the destruction of human groups. Lemkin

always regretted that the 1933 Madrid conference did not enact his proposals in international law. If his proposals had been ratified by the countries represented at Madrid, the new laws, he thought, could have inhibited the rise of Nazism by declaring that attacks upon national, religious and ethnic groups were international crimes and that the perpetrators of such crimes could be indicted whenever they appeared on the territory of one of the signatory countries.³⁰

To conclude, I think we ignore Lemkin's definition of genocide, as wideranging and as inherently linked with colonialism, at our peril. In his autobiography, Lemkin wrote:

After a war is lost, a nation may rebuild its technical and financial resources, and may start a new life. But those who have been destroyed in genocide have been lost for ever. While the losses of war can be repaired, the losses of genocide are irreparable.³¹

Lemkin's definition can stir us to the understanding and passion we need to oppose the genocidal destruction of groups and collectivities that will continue to occur in history as a permanent potential of what human groups do to other human groups.

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¹ A longer version of this paper will appear as a chapter entitled "Are Settler-Colonies Inherently Genocidal? Re-reading Lemkin", in Dirk Moses (ed.), *Genocide and Colonialism* (Berghahn Books, in series 'Studies in War and Genocide', to be published in 2005).

² Raphaël Lemkin, "Genocide – A Modern Crime", *Free World* – "A Magazine devoted to the United Nations and Democracy", April 1945, pp.39-43, accessed at <http://www.preventgenocide.org/lemkin/freeworld1945.htm>

³ Lemkin Papers, New York Public Library, Reel 3, Box 2, Folder 1.

⁴ See Samuel Totten and Steven Leonard Jacobs (eds), *Pioneers of Genocide Studies* (Transaction Publishers, New Brunswick and London, 2002), where the pioneering fields are listed in the contents pages as historians, political scientists, sociologists, lawyers and jurists, psychologists, a theologian, and independent scholars (who are not literary and cultural critics); see also Samuel Totten, William S. Parsons, and Israel W. Charny (eds), *Genocide in the Twentieth Century: Critical Essays and Eyewitness Accounts* (Garland, New York, 1995). Cf. Claude Rawson, *God, Gulliver, and Genocide: Barbarism and the European Imagination, 1492-1945* (Oxford University Press, Oxford, 2001), and Elazar Barkan, "Genocides of Indigenous Peoples", in Robert Gellately and Ben Kiernan (eds), *The Specter of Genocide: Mass Murder in Historical Perspective* (Cambridge University Press, Cambridge UK and New York, 2003), pp.117-139. See also John Docker, "The Enlightenment, Genocide, Postmodernity", *Journal of Genocide Research*, Vol.5, no.3, September 2003, pp.339-360, and "The Enlightenment and Genocide", *JNT: Journal of Narrative Theory* (forthcoming)

⁵ Cf. Ann Curthoys and John Docker, "Time, eternity, truth, and death: history as allegory", *Humanities Research* 1, 1999, p.11, discussing the prologue to Walter Benjamin's *The Origin of German Tragic Drama*

⁶ Cf. Ned Curthoys, "Hannah Arendt and the Politics of Narrative", *JNT: Journal of Narrative Theory*, vol.32, no.3, 2002, pp.348-370. Curthoys here deploys for an epigraph a passage in Benjamin's *Arcades Project* where

Benjamin talks of the "street insurgence of the anecdote": the anecdote "brings things near to us spatially, lets them enter our life"; it is the "strict antithesis" of conventional history. Joel Fineman, "The History of the Anecdote", in H. Aram Veesser (ed.), The New Historicism (Routledge, New York and London, 1989), pp.62, 64, associates anecdote in this Benjaminian spirit with chance, contingency and aporia in history. More recently, Lionel Gossman, "Anecdote and History", History and Theory 42, May 2003, pp.143-168, suggests that the anecdote is ambivalent in its effects, sometimes it supports conventional history, sometimes disrupts it.

⁷ See Gilles Deleuze and Felix Guattari, What is Philosophy? Trans. Graham Burchell and Hugh Tomlinson (Verso, London, 1999), p.64. My thanks to Ned Curthoys for suggesting I read the chapter on conceptual personae in What is Philosophy?, a notion he deploys in his essay "Hannah Arendt and the Politics of Narrative", p.349. Cf. John Docker, "Scenes of Death, Hopes of Eternity: Spinoza, Socrates, Jesus", essay for collection of essays, Locations of Spirituality: Experiences and Writings of the Sacred in Australia and Beyond, edited by Mino Hokari and Linda Rae Bennett (in preparation).

⁸ Raphaël Lemkin, "Totally Unofficial Man", in Samuel Totten and Steven Leonard Jacobs (eds), Pioneers of Genocide Studies, p.393.

⁹ Raphaël Lemkin, "Totally Unofficial Man", p.373.

¹⁰ Lemkin's 1933 proposals can be accessed at <http://www.preventgenocide.org/lemkin/madrid> 1933-english.htm

¹¹ Raphaël Lemkin, Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress (Carnegie Endowment for International Peace, Washington DC, 1944), ch.IX, "Genocide", pp.79-95; Ann Curthoys and John Docker, "Introduction – Genocide: definitions, questions, settler-colonies", Aboriginal History, Vol.25, 2001, pp.5-11.

¹² Lemkin, Axis Rule in Occupied Europe, p.79.

¹³ Lemkin, Axis Rule in Occupied Europe, pp.82-3.

¹⁴ Lemkin, "Genocide – A Modern Crime".

¹⁵ Lemkin, "Totally Unofficial Man", pp.366, 370, 379-80, 387-88.

¹⁶ Axis Rule in Occupied Europe, p.80, note three. Concerning the Roman destruction of Carthage, cf. Ben Kiernan, "Le premier génocide: Carthage, 146 A.C.", Diogenes, no.203, Juillet-septembre 2003, pp.32-48; apropos the destruction of Jerusalem, cf. John Docker, "Re-Feminizing Diaspora: The New Jewish Cultural Studies and Post-Zionism", review-essay for Diaspora (forthcoming). Apropos Magdeburg, cf. Mark Levene and Penny Roberts (eds), The Massacre in History (Berhahn Books, New York and Oxford, 1999), pp.100, 235.

¹⁷ Cf. Hannah Arendt's comment that Imperialism from 1884-1914 was a formative influence on the twentieth century development of totalitarianism including National Socialism: The Origins of Totalitarianism (George Allen and Unwin, London, 1967), p.123. Cf. Ned Curthoys, "The Politics of Holocaust representation: the worldly typologies of Hannah Arendt", Arena Journal, New Series, no.16, pp.49-74.

¹⁸ Maxime Rodinson, Cult, Ghetto, and State: The Persistence of the Jewish Question, trans. Jon Rothschild (Al Saqi Books, London, 1983), p.182. Cf. John Docker, 1492: The Poetics of Diaspora (Continuum, London and New York, 2001), p.250.

¹⁹ Elizabeth Young-Bruehl, Hannah Arendt: For Love of the World (Yale University Press, New Haven and London, 1982), pp.204, 210-211, 253.

²⁰ See Ann Curthoys, 'Whose Home? Expulsion, Exodus, and Exile in White Australian Historical Mythology', Journal of Australian Studies no 61, pp. 1 - 18, where she writes: A particularly long-standing form of narrative reversal has been the idea that it is the white settler who belongs, who owns the land, who is at home, in contrast to the indigenous people, perceived as nomads, whose hold upon it is tenuous and undeserved. A contemporary indigenous leader, Garralwy Yunupingu, has pointed to the irony of a situation in which Aboriginal people who stay on their own land as far as they are permitted, to protect it, become in white Australian mythology the wanderers, the nomads, on 'walkabout' (a European term denoting a period of nomadic wandering, once derisory, now less so), while those inveterate wanderers the European immigrants who have crossed oceans and strayed far from their homelands, and who continue restlessly to roam and wander within the continent, are named the settlers, those who stay at home (Yunupingu, Galarrwny, Speech to National Press Club, 13 February 1997).

²¹ My conclusion supports Ward Churchill's contention that settler-colonies established during European expansion post-1492 in the United States, Canada, Australia, New Zealand, South Africa and Argentina, are inherently genocidal. See Churchill, A Little Matter of Genocide: Holocaust and denial in the Americas 1492 to the present (City Lights Books, San Francisco, 1997), pp.84, 415-6, 421-2, 441 note 64. See also Ann Curthoys and John Docker, "Introduction – Genocide: definitions, questions, settler-colonies", p.14.

²² For "disintegration" of group life, see Lemkin, "Genocide – A Modern Crime" (and another metaphor in this essay, when Lemkin refers to a "coordinated plan aimed at destruction of the essential foundations of the life of national groups so that these groups wither and die like plants that have suffered a blight"); see Lemkin,

"Genocide as a Crime under International Law", American Journal of International Law, vol.41, no., 1947, pp.145-151, for the phrase "to cripple permanently a human group".

²⁵ It appears that Lemkin had wide literary and cultural interests. Samantha Power in "A Problem from Hell": America in the Age of Genocide, p.56, mentions that Lemkin often talked to UN delegates about art, philosophy and literature so that they would not think he was completely obsessed by genocide to the point of irritating them; on p.78 Power adds that Lemkin published a volume of art criticism and also a book on rose cultivation. On reading this reference to a book of art criticism, I became quite excited and immediately looked up the Library of Congress catalogue, but, alas, there were no visible entries. I emailed Samantha Power, who kindly referred me to James Fussell, the executive director of Prevent Genocide International who is writing a biography of Lemkin, and he in turn generously fielded my email query by emailing back with the information that it would appear that no copy of these volumes survived the war, though it is still possible they may turn up in Warsaw somewhere or in a private collection elsewhere.

²⁴ Lemkin, "Totally Unofficial Man", p.377.

²⁵ Cf. Katerina Clark, "M.M. Bakhtin and 'World Literature'", JNT: Journal of Narrative Theory, vol.32, no.3, 2002, pp.266-292. I'd like to acknowledge discussions with Ned Curthoys on this point; see his "Hannah Arendt and World Literature" (in preparation).

²⁶ Sigmund Freud, Moses and Monotheism (1939; Vintage Books, New York, 1967), pp.46-47, 62-63, 77-78. See my discussion in John Docker, "In Praise of Polytheism", Semeia 88, 2001, p.158. See also John Docker, "'The Challenge of Polytheism'", in Jane Bennett and Michael J. Shapiro (eds), The Politics of Moralizing (Routledge, New York, 2002), pp.201-222. Cf. Bonnie Honig, Democracy and the Foreigner (Princeton University Press, Princeton N.J., 2001), and review -essay by Ned Curthoys, "The Symbolic Violence of Moralizing", Arena Journal (forthcoming, 2004).

²⁷ Edward W. Said, Freud and the Non-European (Verso in association with the Freud Museum, London, 2003).

²⁸ Cf. Freud and the Non-European, pp.22-23, where Said, while acknowledging Auerbach's Eurocentrism, also feels that in the postwar postcolonial period "Auerbach had the capacity to sense that a new historical era was being born, and he could tell that its lineaments and structures would be unfamiliar precisely because so much in it was neither European nor Eurocentric". See also Said, The World, the Text and the Critic (Harvard University Press, Cambridge, Mass., 1983), p.6.

²⁹ Lemkin, Axis Rule in Occupied Europe, p.xi.

³⁰ Lemkin, Axis Rule in Occupied Europe, pp. xiii, 92-3. See also Lemkin, "Genocide as a Crime under International Law": "on November 22, 1946, during the discussion of genocide in the United Nations General Assembly, Sir Hartley Shawcross, United Kingdom Attorney General and delegate declared that the failure of this proposal made it impossible to punish some of the serious Nazi crimes" (p.147).

³¹ Lemkin, "Totally Unofficial Man, p.366.

