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The Holocaust and Genocide

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Introduction

How does the Holocaust relate to genocide as a concept and an event? This question has caused considerable controversy because scholarly discourse and identity politics cannot be separated neatly. While the term 'genocide' was coined during the Second World War and enshrined in international law in 1948, the Holocaust as a specifically Jewish tragedy did not become an object of consciousness until almost two decades later. Ever since, those highlighting a distinctive experience for European Jewry have sought to separate it from that of other victims of the Nazis as well as other cases of ethnic and racial extermination.[1] Sometimes this endeavour takes on sectarian overtones. When President Carter established the United States Holocaust Museum and Memorial in 1979 and referred to 'eleven million innocent victims exterminated' – a figure that included five million non-Jewish Nazi victims – the Israeli historian Yehuda Bauer accused him of attempting to 'de-Judaize' the Holocaust. Indignant survivor groups led by Elie Wiesel campaigned successfully to ensure that the permanent exhibition made only passing reference to 'other [non-Jewish] victims'.[2] Bauer went so far as to condemn tendencies to 'submerge the specific Jewish tragedy in the general sea of suffering caused by the many atrocities committed by the Nazi regime' as part of a 'worldwide phenomenon connected with dangers of anti-Semitism'.[3]

While the Holocaust has assumed totemic status for much of diasporic Jewry, it has become a 'cosmopolitan memory' and a transnational moral source for many non-Jews, at least in the West. At the 'Intergovernmental Conference on the Holocaust' in Stockholm in 2000, for example, European countries committed themselves to fighting 'genocide, ethnic cleansing, racism, antisemitism and xenophobia', signalling that the Holocaust has become the 'civilizational foundations of a new official European memory'.[4] Yet the universal appeal of the Holocaust entails an inescapable dilemma. For as the ultimate standard of

moral evaluation, representatives of other victims groups will inevitably claim their own 'holocaust'.[5] And sure enough, books have appeared proclaiming, for example, an 'American Holocaust' of the Indigenous peoples of North America, and a 'Forgotten Holocaust' of Chinese in Nanjing at the hands of the Japanese army in 1937–38 and Poles under the Nazis.[6] Such claims have in turn stimulated still more ambitious attempts to prove once and for all that the Jewish Holocaust is 'uniquely unique'.[7]

Mirroring such competitions about collective suffering, two rival communities of scholars have emerged to study the Holocaust and genocide. Until recently, little dialogue has taken place between them.[8] The issue is not just that very few of them dispose over sufficient expertise to make plausible linkages between different genocidal episodes, nor only that genocide scholars are usually social scientists who routinely make comparisons and generalizations based on a generic concept, while Holocaust scholars are historians concerned with explaining specific events. It is that these communities tend to operate with different philosophical, indeed metahistorical assumptions about the nature of evil and modernity.

Many students of genocide resent the implicit – and sometimes explicit – claims to uniqueness in Holocaust research. Like Mark Levene, they ask 'Is the Holocaust Simply Another Example of Genocide?' and end up 'Locating the Holocaust on the Genocide Spectrum' with Henry H. Huttenbach, to name the titles of well-known articles by two researchers in the field.[9] Some of them claim that Holocaust uniqueness is tantamount to denial of indigenous genocides, because it reinscribes Eurocentrism and detaches the Holocaust from its colonial origins.[10]

Historians of the Holocaust, by contrast, often regard such questions and the trans-national contextualization of genocide studies as the trivialization of what they consider the defining event of the twentieth century.[11] The name of one journal, *Holocaust and Genocide Studies*, implies a distinction denied by another, the *Journal of Genocide Research*.[12] The outside observer is left to ponder the question: are the differences between the Holocaust and (other) instances of genocide more important than the similarities? Indeed, is the Holocaust intrinsic to, or prototypical of, genocide? What is the master category here, Holocaust or genocide?

The public imagination seems to regard the differences as more striking and the Holocaust as paradigmatic. The logical corollary of equating the Holocaust with genocide is to make genocide consubstantial with state-sanctioned mass murder. The Australian historian, Inga Clendinnen, expressed the common view when she wrote:

> When I see the word 'genocide' I still see Gypsies and Jews being herded into trains, into pits, into ravines, and behind them the shadowy figures of

> Armenian women and children being marched into the desert by armed men. I see deliberate mass murder: innocent people identified by their killers as distinctive entities being done to death by organised authority. I believe that to take the murder out of genocide is to render it vacuous.[13]

Such a view is far removed from the intentions of the originator of the concept of genocide, Raphael Lemkin (1900–59), as well as from the framers of the UN 'Convention on the Prevention and Punishment of Genocide' (1948), who devised an inclusive and differentiated definition of genocide that included non-lethal forms of racial and ethnic persecution. This comes as no surprise. As Peter Novick points out in his study of the North American construction of 'the Holocaust' as a distinct event, most people, including Jews, initially viewed Jewish suffering during the Second World War as part of the wider global conflagration. When American Jewish groups backed Lemkin's campaign for their country to ratify the UN Convention, they took pains to point out that the unique aspect of wartime killing was the Nazi murder of 'almost nine million civilians', a figure that included many non-Jews.[14] But is this not an illegitimate (self-) effacement of Jewish victimhood due to the antisemitism and facile universalism that led the Allies to ignore the plight of European Jewry during the war? Are not Lemkin's conception and the UN definition thereby suspect? Has our understanding of the war and Nazi plans not sharpened since the late 1940s and 1950s? Close inspection of Lemkin's writings reveals that he and many UN delegates were well aware of the Nazis' exterminatory intention toward Jews, but that they conceptualized genocide broadly none the less.

Over the past sixty years, then, the Jewish experience has been lifted out of its original contextualization in the category of genocide, and distinguished with the term 'Holocaust' (or Shoah). Paradoxically, it has come to be regarded at once as the prototypical genocide and as unique, singular, unparalleled, or unprecedented. The original master category, genocide, was replaced by a new one, Holocaust. Yet recent research is returning to the Lemkian origins of the concept by stressing the links between the Holocaust and other instances of ethnically motivated mass murder and extermination. This chapter answers its opening question by revisiting Lemkin's influential work, as well as the UN debates about a law criminalizing genocide. It will then trace the evolution of genocide scholarship that made the Holocaust its prototype, and conclude by discussing briefly the recent comparative and non-exclusive turn in the literature that seeks to situate the Holocaust in broader processes without, however, effacing its distinctive features.

Raphael Lemkin and the origins of the genocide concept

What are the origins of the concept of genocide? As is well known, the Polish-Jewish jurist, Raphael Lemkin, invented the term in 1944 for his book on Nazi

imperialism, *Axis Rule in Occupied Europe*.[15] Its origins, however, go back much further and they show that genocide is neither the product of an abstract love for humanity nor of an exclusive preoccupation with Jews. As a boy, he had been first awakened to the persecution of human cultural groups by the story of the attempted extermination of Christians by the Roman emperor Nero. By learning about the travails of other ethnic groups through the centuries – the Huguenots of France, Catholics in Japan, Muslims in Spain – he concluded that ethnic extermination was a universal and enduring problem. The persecution of Jews was part of this sorry tale, and he was well aware of their suffering; the Jews of his region near Białystok had suffered pogroms in 1906. 'I heard the screamings of Jews,' he reported, 'when their stomachs have been opened, filled with feathers, and tied with ropes.'[16] But his sympathies were for people everywhere. 'I identified myself more and more with the suffering of the victims,' he wrote in his unpublished autobiography.[17]

Why did Lemkin's sense of solidarity lead him to defend group rights as opposed to individual or human rights? Growing up in the multinational world of east-central Europe, his cultural imagination was irreducibly particular. Like the Polish romantic nationalists of the nineteenth century, he shared the national cosmopolitanism of Herder and Mazzini with their belief in the individuality principle and the unique role of each people in the 'symphony of nations':[18]

> It became clear to me that the diversity of nations, religious groups and races is essential to civilization because every one of these groups has a mission to fulfill and a contribution to make in terms of culture. To destroy these groups is opposed to the will of the Creator and to disturb the spiritual harmony of mankind.[19]

In an unpublished manuscript, he continued the analysis:

> The philosophy of the Genocide Convention is based on the formula of the human cosmos. This cosmos consists of four basic groups: national, racial, religious and ethnic. The groups are protected not only by reason of human compassion but also to prevent draining the spiritual resources of mankind.[20]

Undergirding the protection of group existence against extermination, then, is the communitarian assumption that nations and nationhood are intrinsically valuable because, unlike other human collectives such as political parties, they produce culture, endow individual life with meaning, and comprise the building blocks of human civilization.[21]

Crimes against individuals were established by domestic law and international conventions governed their treatment in times of war, but what about

cultural groups? Appalled by the massacres of the Assyrian Christians in Iraq, indignant that the Turkish perpetrators of the Armenian deportations and massacres were able largely to escape prosecution, and alarmed by the rise of Hitler, Lemkin resolved to draft an international law to ensure that such action would be criminalized.[22] Although only a young lecturer in comparative law in Poland and the Deputy Prosecutor of the District Court of Warsaw, he submitted a proposal to the Fifth International Conference for the Unification of Criminal Law, sponsored by the League of Nations, held in Madrid in 1933, to establish two new crimes: *barbarity* (destruction of national groups) and *vandalism* (destruction of their unique cultural artifacts).[23] Such 'acts of extermination directed against the ethnic, religious or social collectivities whatever the motive (political, religious, etc)', he implored, should be considered 'offences against the law of nations by reason of their common feature which is to endanger both the existence of the collectivity concerned and the entire social order'.[24] Ultimately, the delegates could not accept its impingement on the sacred principle of national sovereignty and, consequently, peoples and national minorities were to have no legal protection in the coming blood-letting unleashed by the German state, as Lemkin observed dryly ten years later at the height of the war.[25]

Lemkin's urgency issued from this prescient appreciation of the danger the Nazis posed to the region, especially its Jews. Indeed, he had warned of Nazi imperialism in his conference submission, angering the German representative and even the Polish foreign minister, who was then currying favour with his country's western neighbour.[26] When in exile in the United States as an academic and government advisor after 1941, he worried about the safety of his family, 49 of whom were eventually murdered by the Germans, and he spread the word among his colleagues and superiors about the Nazis' exterminatory intentions toward European Jewry. Receiving a scant hearing, he resolved to publish the records of the German occupation he had been collecting and devise a term for what Winston Churchill, in August 1941, a month after the German invasion of the Soviet Union, had called 'a crime without a name', namely, the extermination of 'whole districts'.[27]

In November 1944, Lemkin published *Axis Rule in Occupied Europe*, a massive 674-page book in which he first used and explained the meaning of genocide. What precisely he meant, however, has been a subject of some controversy. Is mass killing intrinsic to genocide? Indeed it is, Steven T. Katz and Yves Ternon have asserted, and the Holocaust is prototypical of genocide.[28] Or does he equate 'cultural' genocide with 'biological' and 'physical' genocide? If so, genocide is a much broader term not conceptually indentured to the Holocaust, as Ward Churchill insists.[29] To elucidate Lemkin's intentions, we must consider this text as well as shorter articles he wrote soon thereafter.

It is important to note that Lemkin devotes only one of 26 chapters in Parts One and Two of *Axis Rule* to genocide. Part Three, which comprises more than half the book, reproduces the German occupation decrees across Europe. The nine chapters of Part One are each devoted to a technique of occupation: administration, police, law, courts, property, finance, labour, legal status of the Jews and genocide. This structure suggests that the book is not an analysis of genocide *per se*, but a study of German occupation in which genocide is a particular tool of conquest. Indeed, he writes, 'genocide is a new technique of occupation aimed at winning the peace even though the war itself is lost'.[30] Yet in the preface, he implies that all of the techniques were aspects of genocide, such that it forms the conceptual core of his book:

> The picture of coordinated German techniques of occupation must lead to the conclusion that the German occupant has embarked upon a gigantic scheme to change, in favor of Germany, the balance of biological forces between it and the captive nations for many years to come. The objective of this scheme is to *destroy or to cripple* the subjugated people in their development so that, even in the case of Germany's military defeat, it will be in a position to deal with other European nations from the vantage point of numerical, physical, and economic superiority.[31]

A sentence later, however, he seems to restrict genocide to extermination, thereby distinguishing it from other techniques.

> The practice of extermination of nations and ethnic groups as carried out by the invaders is called by the author 'genocide', a term deriving from the Greek word *genos* (tribe, race) and the Latin *cide* (by way of analogy, see homocide [*sic*], fratricide) and is treated in a chapter under the same name. (Chapter IX)

So does genocide mean exterminating or 'crippling' a people? He begins Chapter Nine by declaring that genocide is 'the destruction of a nation or of an ethnic group'. But what does destruction mean? Is it consubstantial with the total disappearance of a people as a biological entity? Not as such:

> 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.[32]

Here destruction can mean crippling, an interpretation supported by the references scattered throughout the book to non-murderous genocidal policies directed toward other peoples occupied by the Nazis.[33] And sure enough, in an article written in 1946 Lemkin suggests that genocide is 'the criminal intent to destroy or cripple permanently a human group'.[34]

Plainly, he has combined his original formulations, barbarity and vandalism to form a new, more comprehensive concept. Vandalism – the destruction of cultural works – was now a technique of group destruction.[35] So is genocide a synonym for the forced assimilation of the conquered people? Apparently not. Terms like 'denationalization' or 'Germanization' – the imposition of the conqueror's 'national pattern' on the conquered people – were unsatisfactory, he continued, because 'they do not convey the common elements of one generic notion and they treat mainly the cultural, economic, and social aspects of genocide, *leaving out the biological aspects, such as causing the physical decline and even destruction of the population involved*'.[36]

Readers will be left at sea only if they do not recall Lemkin's conception of nationhood. Nations comprise various dimensions: political, social, cultural, linguistic, religious, economic and physical/biological. Genocide is a 'coordinated plan of different actions' that attacks them 'with the aim of annihilating the groups themselves'. Annihilation cannot be reduced to mass killing. 'Generally speaking, genocide does not entail the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation'.[37] Yet an essential aspect of nationhood is the physical/biological one. He thought the term 'Germanization' of the Poles inadequate, for example, because 'it means that the Poles, as human beings, are preserved and that only the national pattern of the Germans is imposed upon them. Such a term is much too restricted to apply to a process in which the population is attacked, *in a physical sense*, and is removed and supplanted by populations of the oppressor nations.'[38] Assimilation, or 'the destruction of the national pattern of [an] area and the imposition of the German pattern instead', he called 'absorption'.[39]

That genocide possesses an irreducible biological core is also implicit in Lemkin's prescient observation that the Nazis were trying to tip Europe's biological scales permanently in their favour. Clearly, the cultural debilitation of a people can affect its biological well-being, yet nowhere in his published work does he use the term 'cultural genocide'. Accordingly, policies that target national culture are genocidal only if they are intended also to destroy 'the biological and physical structure of the oppressed group', as he put it in an article in 1945.[40] A nation can be destroyed or permanently crippled, then, by policies that attack its ability to reproduce itself culturally *and* biologically. There is only one form of genocide; the adumbrated techniques of genocide, whether physical or cultural, are designed to achieve the same end. Mass

killing not intended to exterminate a group is not genocide, but the remnants of an oppressed population who remain in a denationalized state are its victim.

What was the place of the persecution of Jews in this schema? This is an important question, because Bauer and Katz, in notably unguarded statements, contend that when Lemkin wrote his book he 'did not yet fully comprehend the total planned annihilation of the Jewish people in Europe'.[41] Consequently, they maintain, Lemkin conflated the fate of Jews, whose total physical extermination the Nazis intended, with that of other nationalities, who were subject to violent denationalization. The latter is genocide but must be distinguished from the Jewish experience, which is a Holocaust. Lemkin's text reveals, however, that he was acutely conscious of the Nazis' radical plans for Jews. He devoted a specific chapter to Jews, outlining the 'special status' the occupiers created for them in every country they conquered. Nor was he unaware of the extermination camps: 'The Jewish population in the occupied countries is undergoing a process of liquidation (1) by debilitation and starvation; and (2) by massacres in the ghettos.' 'The Jews for the most part are liquidated within the ghettos, or in special trains in which they are transported to a so-called "unknown" destination.' They were 'one of the main objects of German genocide policy.'[42] On pages 21 and 22 of *Axis Rule*, he stated:

> The Gestapo administers large concentration camps where such persons [politically undesirable persons and Jews] are being held. The rounding up of the Jews in all the occupied countries and deporting them to Poland for physical extermination is also one of the main tasks of the Gestapo and S.S. units. The Chief of the Gestapo in Poland, Krüger... organized the liquidation of the ghettos in Polish towns, with the physical annihilation of half a million inhabitants of the Warsaw ghetto.

Lemkin quoted the *Polish Fortnightly Review* as evidence for the proposition that the Nazis were using gas chambers, electrocution and death trains.[43] He was, in other words, well aware that the Jews were 'to be destroyed completely'.[44]

And yet, he included their experience in his 'one generic notion' of genocide. Why did he not distinguish the Jewish case from that of other victims of the Germans in the manner of Bauer and Katz? Because he thought the various techniques of genocide issued in the same catastrophic end: the destruction of nationhood or group culture, one way or the other. Even if the Poles were not totally exterminated, Polish culture would be, and that fact represented as grave a loss to humanity as the loss of Jewish culture. Lemkin was more concerned with the legal protection of cultural collectives than with its individual members, for whom other legal instruments already existed.

The United Nations Genocide Convention of 1948

Did the attempted extermination of European Jewry provide the moral impetus for the United Nations to establish genocide as a crime in international law?[45] Is, in other words, the Holocaust the paradigm on which genocide is based? At first glance, it would appear so. The UN delegates ultimately removed the 'cultural genocide' provision in a draft convention in order to highlight those murderous policies that 'shocked the conscience of mankind'. Many delegates were convinced by the Danish complaint that it showed 'a lack of logic and of a sense of proportion to include in the same convention both mass murder in gas chambers and the closing of libraries'.[46] Moreover, during the drafting of the genocide convention, the so-called Nuremberg Trials were taking place which historians like Michael Marrus think 'authoritatively pointed to [the murder of European Jewry] as an established fact of great historical importance'.[47] The inclusive approach of Lemkin, it appears, was abandoned to make genocide resemble the Holocaust.

Yet on closer inspection, Lemkin's basic propositions were largely accepted. In December 1946, the General Assembly of the UN adopted a resolution affirming genocide as a crime denying 'the right of existence of entire human groups' that issued in 'great losses to humanity in the form of cultural and other contributions'.[48] This is pure Lemkin, and it comes as no surprise that he was a tireless lobbyist of UN delegates, many of whom had contact with him and his ideas. His reputation stood high. Britain's representative reminded all that, had his proposals been accepted in Madrid in 1933, the Nuremberg prosecutors would have been in a legally stronger position. Significantly, the term genocide was preferred to extermination in order to ensure that national destruction was not limited to mass killing.[49]

It is true that not all of Lemkin's proposals were enshrined in law, a fact that critics of the UN Convention interpret as the perversion of his intention. In particular, they point out that he was one of three experts appointed to help formulate a draft convention (the 'Secretariat's Draft'), which included a special provision on 'cultural genocide' which was traded away in cynical power politics.[50] In fact, he did not use that formulation. The Secretariat's Draft defined genocide very broadly as acts committed with the 'purpose of destroying [a human group] in whole or in part, *or of preventing its preservation or development*'.[51] To be sure, Lemkin is recorded as supporting the inclusion of this phase against objections that it was not an essential component of genocide.[52] It should be remembered, however, that the Secretary-General had instructed the drafters to formulate as wide a position as possible so that the various UN committees could omit what they wished.[53] The term 'cultural genocide' was introduced only in the subsequent Ad Hoc Committee's amended draft convention with which Lemkin was not involved. What is more, the Ad Hoc

Committee Draft was a compromise in which culturally destructive policies were not listed as a technique of genocide, as they had been in *Axis Rule*, but as a discrete form of genocide in a separate article, detached from Lemkin's insistence, in his published work, that such policies are techniques of genocide and must have intended physical/biological consequences.[54]

In other words, the Secretariat Draft reflects Lemkin's efforts to put in an ambit claim for the cultural techniques of genocide, while he is not responsible for the term 'cultural genocide' in the Ad Hoc Committee Draft. None the less, because of its inclusion in this form, it was indeed possible for delegates to complain that closing libraries was being equated with mass murder. This did not mean that they took minority rights lightly. Many of them agreed to omit the cultural genocide article only if it was incorporated, in altered form, in another UN instrument.[55] As it happened, minority rights fell by the wayside and were not recognized in the UN Declaration on Human Rights, which lends credence to the claim of Ward Churchill that the Ad Hoc Committee conspired to remove cultural techniques of genocide (or 'cultural genocide') because its members had no intention of desisting from their own colonialist policies of assimilation and domination.[56]

Despite all this, the UN did not embrace mass murder as the primary mode of group destruction. In fact, it largely retained Article II of the Ad Hoc Committee Draft, which listed four genocidal techniques: killing members of a group; impairing their physical integrity; inflicting measures and conditions aimed at causing their death; and imposing measures intended to prevent births within the group.[57] The final convention includes a fifth element: the forced transfer of children from one group to another, originally in the subsection on cultural policies in the Secretariat's Draft, but now intended to complement the emphasis on the physical/biological consequences of genocidal techniques.[58] Mass murder, then, is only one of five techniques. Moreover, by stipulating an intention to destroy a group 'in whole or in part', the General Assembly affirmed Lemkin's argument that permanently crippling a group was genocidal.

Clearly, what the UN defined as genocide was the first part of Lemkin's proposal in 1933, namely, barbarity. It excluded the equivalent of the second part, vandalism. The origins of the modern crime of genocide, then, precede the Holocaust and are based on Lemkin's understanding of the Armenian genocide.[59] This interpretation is supported by the fact that the Ad Hoc Committee rejected the Soviet proposal to include in the preamble the statement that the 'crime of genocide is organically bound up with fascism-nazism and other similar race "theories"'.[60] It retained the formulation that the world was 'profoundly shocked by many recent instances of genocide', but even this generalization was replaced in the final convention by the timeless 'recognizing that at all periods of history genocide has inflicted great losses on humanity'.[61]

The Armenian genocide, not the murder of European Jewry, was also the origin of a key term of the International Military Tribunal (IMT) in Nuremberg, namely 'crimes against humanity', with which Britain, France and Russia had accused Turkey in 1915.[62] A similar formulation appeared in the 'Commission on Responsibilities and the Authors of War' at the Paris Peace Conference in 1919, which recommended that 'all persons belonging to enemy countries ... who have been guilty of offences against the laws and customs of war or the laws of humanity, are liable to criminal prosecution'. As it happened, the US opposed the idea of such wide-ranging trials, and the Kaiser was eventually charged with offences against 'international morality and the sanctity of treaties'.[63] In 1945, the Americans were in favour of prosecuting war crimes and 'crimes against humanity', which included 'murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population'. These prohibitions, however, were not radically new. They were based on the Hague and Geneva Conventions, and therefore part of customary international law, as Robert Jackson, the US prosecutor, was at pains to emphasize.[64]

To be sure, the moral shock of Nazi policies occasioned the development of this legal tradition by the Allies in the lead-up to the IMT. 'Crimes against Humanity' were abstracted from 'War Crimes' to protect all civilian nationals in times of war. In fact, thanks to the relentless lobbying of Lemkin, the indictment of the IMT included 'deliberate and systematic genocide, viz., the extermination of racial and national groups ... particularly Jews, Poles, and Gypsies'. The British prosecutor, Sir Hartley Shawcross, hastened to add, in the manner of Lemkin, that 'Genocide was not restricted to extermination of the Jewish people or of the gypsies. It was applied in different forms to Yugoslavia, to the non-German inhabitants of Alsace-Lorraine, to the people of the Low Countries and of Norway.'[65] Indeed, as the historian Donald Bloxham has shown recently, the basic orientation of the Allies, particularly the British, was to play down as much as possible the racially-specific dimension of Nazi crimes.[66] The priority was prosecuting the German leaders for waging an aggressive war ('crimes against peace'); persecutions of their own population were salient only in so far as they were connected to waging war.[67] Consequently, none of the Nazis was convicted of genocide, let alone for pre-war crimes, as a dismayed Lemkin, who had been working for the sympathetic US prosecutor, Micky Marcus, noted.[68] For this reason, the United Nations, which was meeting in its first session when the first Nuremberg judgment was issued on 30 September/1 October 1946, decided that its definition of genocide should cover crimes committed during peacetime, and rejected the British suggestion that genocide be based on the 'Nuremberg Principles'.[69] Delegates had in mind the persecution of German Jews before the war, but there is no evidence to suggest that they separated the Jewish experience from that of other victims of Nazism.

Genocide research: The Holocaust as prototype?

The genocide definitions of Lemkin and the UN did not come with an explanatory theory, so scholars have had to provide their own. In general, they have done so in two ways. One paradigm, which I call 'liberal', regards the Holocaust as the paradigmatic genocide and therefore emphasizes the exterminatory intention of the state to kill groups of people. The other, a reaction to the first, is 'post-liberal' because it averts the issue of perpetrator agency and intention by highlighting anonymous 'genocidal processes' of cultural and physical destruction.[70] Neither is particularly faithful to the original formulations.

The dominant approach is the liberal one, because until recently genocide studies have been virtually monopolized by North American social scientists in thrall to theories of totalitarianism. While it rejects the claims of Holocaust uniqueness, it none the less frames the Holocaust as the prototypical genocide. By regarding it as the ultimate case, liberals thereby bring Holocaust uniqueness into comparative genocide studies by the back door. Representative are the Canada-based scholars Frank Chalk and Kurt Jonassohn. In a series of publications in the 1980s, culminating in their widely used textbook *The History and Sociology of Genocide*, they criticized the UN Convention and proposed their own influential definition of genocide.[71] The UN definition was inadequate, they contend, because it omits political and social groups as possible targets. The point of this inclusive-sounding rhetoric, however, is not to expand the purview of genocide, but to restrict it. Like Bauer, they regard the Convention's itemization of non-lethal forms of group destruction as incoherent, and therefore confine genocide to mass killing: it is 'a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator'.[72] By redefining the term in these two ways, the Soviet Union's 'class murders', for example, could be counted as genocidal, an intellectually and politically satisfying result during the Cold War.

The origin of this line of thinking is an early commentary on the genocide convention by a Dutch legal scholar, Pieter Drost, whose thesis was indicated by the title of his book, *The Crime of State*.[73] The tradition lives on. In 1986, the prolific genocide scholar Barbara Harff spoke for many when she defined genocide 'as a particular form of state terror... mass murder, premeditated by some power-wielding group linked with state power'. Predictably, she added: 'The Jewish Holocaust... is employed as the yardstick, the ultimate criterion for assessing the scope, methods, targets, and victims of [other] genocides.'[74] In another influential article, Harff and Ted Gurr followed Chalk and Jonassohn in excluding the non-lethal techniques of genocide in the UN Convention 'because this extends the definition to innumerable instances of groups which have lost their cohesion and identity, but not necessarily their lives'.[75] The

preoccupation with state authority and murder was continued by Irving Horowitz, Lyman Legters and Vahakn Dadrian.[76] Even today there are those who insist that they honour genocide by regarding it as 'state-organized mass murder and crimes against humanity'.[77]

Needless to say, this approach, which represented the scholarly orthodoxy in the 1980s, was a radical narrowing of Lemkin's intentions, although Chalk asserts that he would have approved of these innovations.[78] In fact, the UN definition does not mention the state, and Lemkin explicitly opposed the inclusion of social and political groups during the deliberations on the Secretariat's Draft of the UN Convention.[79] This should come as no surprise, as they were not the culture creating or bearing collectives that Lemkin believed contributed to human civilization. The liberal paradigm does not grasp what he and the UN delegates were trying to achieve in the 1940s.

This consensus has not gone unchallenged. Early in her career, the American sociologist Helen Fein was wont to reduce genocide to 'calculated murder',[80] but by the later 1980s she had aligned her position more closely with Lemkin's. In an important intervention in 1990, she took issue with Chalk and Jonassohn's capricious rendering of the concept. Is the state really paramount in colonial situations where settlers kill the indigenous people? Why should genocide be limited to mass killing? She also noted correctly that 'Although most contemporary genocides take place in the Third World, much of the theory about genocide is derived from a dominant or exclusive focus on the Holocaust, which occurred in a modern, western, Christian and post-Christian society'.[81] Indeed, the empirical work in the 1970s concerned South America, Africa and the Indian subcontinent where genocides of indigenous peoples and decolonization were taking place.[82] Yet her own approach, typical of the North American social scientists, of categorizing genocides according to their context – developmental, despotic, retributive, ideological, and so on – did not satisfy post-liberal critics because it is more descriptive than explanatory, essentially modifying rather than challenging the orthodoxy.[83]

The post-liberal alternative began with Jean-Paul Sartre's contribution to the controversial 'Russell Tribunal' of prominent intellectuals who considered US war crimes during the Vietnam War in the late 1960s.[84] He made two innovations: contextualizing the war in the history of European imperialism and arguing that people could live out objective 'genocidal relationships' irrespective of their subjective intentions. The only American genocide scholar to take Sartre seriously was Leo Kuper who, despite caveats, conceded the 'affinity between colonialism and genocide'. This was hardly surprising given that he is an expert on Africa, a rarity among genocide theorists at the time, who customarily write mostly about the Holocaust and the Armenian case. Tellingly, Kuper also stressed that the state need not be the genocidal perpetrator and that human groups need not be physically destroyed in their entirety.[85] Lemkin seemed to

be taken seriously once again, although this was unclear for Israel Charny who restricted genocide to mass killing, but undertaken by any perpetrator with any motivation on any group.[86]

The questioning of the liberal perspective continued in earnest in the 1980s. The Native American historian and activist, Ward Churchill, made the innovative suggestion that genocide be categorized according to the degree of exterminatory intent, much like the US murder law, because the concept of intention needed to be differentiated.[87] But his ideas were ignored.[88] Undeterred, other scholars pressed on. An important collection of essays edited by Isidor Wallimann and Michael N. Dobkowski in 1987 began with the declaration that:

> In a world that historically has moved from domination based primarily on the will of given individuals (in the Middle Ages, for example) to one in which individuals are dominated by anonymous forces such as market mechanisms, bureaucracies and distant decision making by committees and parliaments, the emphasis on intentionality almost appears anachronistic.... [In] the modern age, the issue of intentionality on the societal level is harder to locate because of the anonymous and amorphous structural forces that dictate the character of our world.[89]

Their book contained an application of Sartre's notion of 'relations of genocide' to the Australian frontier by Tony Barta, a thought experiment vehemently opposed by liberals who feared that genocide would be rendered meaningless if the Holocaust paradigm was abandoned.[90]

It certainly appeared as if the post-liberals wanted to replace one prototype with another, namely, 'relations of genocide' would supersede genocidal intent. Many of them, especially Churchill, insisted that cultural genocide was intrinsic to genocide *per se*, and they invoked Lemkin to license their propositions. Yet it was Lemkin who foreground exterminatory consciousness when he wrote that genocide was 'a co-ordinated plan of different actions aiming at the destruction of the essential foundations of life of national groups, with the aim of annihilating the groups themselves.'[91] Nor did he favour cultural genocide, as established above. Post-liberals similarly misunderstand him when they advocate the inclusion of political groups in the UN Convention, which permits political collectives, such as the Indonesian communists, to be classed as victims of genocide.[92]

The most significant post-liberal contribution of the 1990s is Churchill's *A Little Matter of Genocide*, a learned and vitriolic attack on liberal and exclusivist scholarship. It makes many telling points, but displays the limitations of an approach that sets out to negate an orthodoxy. Consequently, rather than arguing that any claim to the uniqueness of a particular genocide is unsatisfactory, its author insists that the 'American Holocaust' (to use the term of his

colleague, David E. Stannard) of the indigenous peoples is 'unparalleled' and therefore paradigmatic.[93]

Plainly this debate has reached an impasse, but the withering attacks of post-liberals like Churchill, Stannard and others have made a difference. Liberal positions, while still commanding some support, no longer dominate the field. The rhetoric of uniqueness is losing ground. Gavriel Rosenfeld, for example, while rejecting many post-liberal claims, nevertheless concedes that the uniqueness argument is no longer intellectually and morally sustainable:

> A deemphasis on the term 'uniqueness' would appear to be particularly timely, moreover, in view of the Holocaust's ongoing historicization. As the significance of the Holocaust is increasingly conceived in universal terms, those who continue to advocate its uniqueness will be seen as pursuing a quixotic task. Their battle against universalization is destined to be a losing one, as the term 'Holocaust' has already become an ideal-type construct.[94]

New research directions

Since the mid-1990s, the realization has been dawning that a new approach is needed. For a younger generation, the liberal/post-liberal polemics have run their course. Representative is David Moshman's observation that 'Given that every genocide is unique, any prototype-based concept of genocide will distort one's understanding of some genocides as it filters them through whatever genocide is taken as central and defining'.[95] Moreover, the Yugoslavian killing fields, Rwandan genocide and increasing awareness of the Khmer Rouge's crimes in Cambodia awakened the consciousness of the scholarly community that 'never again' was a meaningless slogan if it meant no more than 'never again would Germans kill Jews between 1941 and 1945'.[96] The purpose of the genocide concept and law, after all, was to prevent its recurrence. The sight of atrocities occurring today, rather than in the mists of time, stimulated new research with new questions. The discursive space opened up, then, for a non-sectarian, non-competitive and non-hierarchical analysis of modern genocide. This change is evident in three ways.

First, the Holocaust is employed as a heuristic device to illuminate processes in other genocides. An early major study along these lines was Robert Melson's *Revolution and Genocide*, a comparison of the Holocaust and Armenian genocide that identified common circumstances of national crisis in which the extermination of minorities became a policy option for revolutionary elites.[97] Most recently, the Cambodian specialist Ben Kiernan finds that considering the Nazi fear of German territorial loss and national annihilation helps lay bare central components of the Khmer Rouge paranoia and radicalism.[98] Similarly,

Donald Bloxham employs the concept of 'cumulative radicalization' from Holocaust historiography to explain the evolution of policy in the Armenian genocide.[99] In his examination of the Rwandan genocide, Mahmood Mamdani identifies the commonality between Nazis and Hutu leaders of 'race branding' that enables them 'not only to set a group apart as an enemy, but also to exterminate it with an easy conscience'.[100] The little-known Australian case of 'mixed-race' indigenous children taken from their mothers by the state, Paul Bartrop observes, 'did not involve killing', but 'its ultimate objective was the same as Hitler's was for the Jews; namely that at the end of the process the target group would have disappeared from the face of the earth'.[101] The attempt to extract theoretical insights of general application is also becoming more widespread, as Dan Stone exemplifies in relation to the violence and modernity of the murderous German 'special action units'.[102] Articles and books that plead for Holocaust uniqueness or its equivalent now appear like records playing hits from a bygone era.[103]

Second, scholars are increasingly contextualizing the Holocaust in broader processes of nation- and empire-building. This does not entail an easy equation between 'modernity and the Holocaust' or its reduction to 'just another example of European colonialism', but tracing the escalating violence within Europe and on its periphery that the competitive states system and colonialism have unleashed over the last 400 years. Most prominent among them is Mark Levene, whose many articles have culminated in a massive new book, *Genocide in the Modern Age*.[104] Jürgen Zimmerer, an expert on German Southwest Africa, Isabel Hull and Tony Barta are also working on the links between German colonialism and the Holocaust, while this author conceptualizes the 100 years between 1850 and 1950 as 'the racial century' of European genocides.[105] Similarly, Mark Mazower entreats his colleagues to end their Eurocentric perspective in which 'a small number of decontextualized European exemplars – notably, the Holocaust and Stalin's USSR' – set the agenda. On the contrary, he avers, they 'may be better understood in a historical context that stretches back to the age of empire and forward to encompass the spread of independent, more or less, violent states across the globe'.[106]

Third, the Holocaust is studied along with other genocides and ethnic cleansings of the twentieth century without the need for scholars to make pious gestures to establish their moral credentials. The enormity and distinctive features of the Holocaust are universally appreciated in the research community. Its members now can engage in the kind of non-competitive comparative history that Lemkin would have supported, namely, discerning similarities between cases as well as differences. Notable recent examples of this approach are important collections edited by Alexander Laban Hinton, Robert Gellately and Ben Kiernan, Ann Curthoys and John Docker, and Colin Tatz and his collaborators, and the comparative analyses of Omer Bartov,

Norman Naimark and Eric D. Weitz.[107] Significantly, virtually all the scholars on the cutting edge of comparative research are historians, indicating that archival experience as well as conceptual and textual reflection are necessary to identify and make plausible connections between cases.

Conclusion

Here we have authentic comparative genocide studies, then, sixty years after Lemkin coined the 'one generic concept' to link, rather than divide, the attempt to exterminate or cripple cultural groups. But does this solve the vexed question of whether 'Holocaust' or 'genocide' is or should be the master concept in the field? Lemkin offers a compelling answer. The Nazi policies were radically new, he conceded, but only in the context of modern civilization. Wars of extermination had marked human society from antiquity until the religious conflagrations of early modern Europe, after which the doctrine became normative that war is conducted against states rather than populations.[108] The Nazis, then, were at once an irruption of barbarism into civilization and 'Obviously . . . the most striking and the most deliberate and thorough' of genocidal imperialists. 'They almost achieved their goal in exterminating the Jews and Gypsies in Europe.'[109] The Jewish experience is both distinctive in its extremity and part of a broader pattern. What struck Lemkin most, however, were the perpetrators rather than their victims. The Nazi occupation experiment represented 'a flawless and almost scientific system, the perfection of which has still not been achieved by another people even today'.[110]

As might be expected, Lemkin would entreat his concept of genocide, but what he is arguing is that its highlighting of the attempt to exterminate or cripple cultural groups, by whatever means, does not imply that distinctions cannot be made between cases. It is not a blunt instrument to bludgeon all phenomena into the same box, but a surgical tool designed to dissect and identify genocidal policies. It does not entail that all genocides are the same in every respect.

Yet how can comparative genocide studies develop when public consciousness is suffused by what the historian Richard J. Evans calls the 'cult of memory' surrounding the Holocaust?[111] Holocaust and genocide studies can draw sustenance from one another because they are both scholarly expressions of the universal human preoccupation with explaining and reducing suffering. To be sure, the travails of one's own group need not issue in the empathetic recognition of that of other groups, but when it does it is a powerful moral source. We know that this human solidarity was Lemkin's moral source. We also know that he suffered greatly from the death of his family in the Holocaust and that he lobbied in vain to have the US intercede on behalf of European Jews during the war. From his personal tragedy, he drew the strength to carry on the

campaign for the legal recognition of genocide – protection for all cultural groups – in the face of considerable adversity. His was no disengaged, scholarly pursuit or activism. Fortunately, his ecumenical spirit was infectious and carried the day with the UN. Lemkin's spirit was alive, for example, when Elie Wiesel, the high priest of 'Holocaust consciousness', called for the recognition of the genocide of the Ache in Paraguay in the 1970s and urged US intervention in Bosnia in the 1990s.[112] Scholarly works and a convention are hardly likely to banish genocide, but if 'never again' is to have a redeeming meaning, Lemkin's ecumenical spirit, rather than truculent expressions of ethnic self-assertion, is the sure precondition of any policy of prevention.

Notes

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