

prevent
genocide
international

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The end notes, an essential part of this text, originally appeared as footnotes. In these notes are some of Lemkin's most important comments.

Key writings of Raphael Lemkin on Genocide

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Chapter IX: "Genocide"

from **Raphael Lemkin's *Axis Rule in Occupied Europe: Laws of Occupation - Analysis of Government - Proposals for Redress***, (Washington, D.C.: Carnegie Endowment for International Peace, 1944), p. 79 - 95.

Introduction

Axis Rule in Occupied Europe, published in November 1944, was the first place where the word "genocide" appeared in print.

Raphael Lemkin coined the new word "genocide" in 1943 (see the book's preface, dated November 15, 1943) both as a continuation of his **1933 Madrid Proposal** and as part of his analysis of German occupation policies in Europe. In this 670 page book, *Axis Rule*, Lemkin introduced and directly addressed the question of genocide in 16 pages of Chapter IX entitled "Genocide" (below).

Lemkin uses the word genocide broadly, not only to describe policies of outright extermination against Jews and Gypsies, but for less immediate Nazi goals as well. In Lemkin's analysis Nazi Germany had undertaken a policy for the demographic restructuring of the European continent. Therefore he also used the word genocide to describe a "coordinated plan of different actions" intended to promote such goals as an increase in the birthrate of the "Aryan" population, the physical destruction of the Slavic population over a period of years, and policies to bring about the destruction of the "culture, language, national feelings, religion" and separate economic existence (but not physical existence) of non-German "Aryan" nations thought to be "linked by blood" to Germany.

In recent years the word "genocide" has most often been used to refer to the destruction of groups within a single country ("domestic genocide"). In *Axis Rule*, however, the word applies to occupation policies conducted across an entire continent. Policies within Germany are addressed only to the extent that these policies impacted Austria, and those parts of Belgium, Czechoslovakia, France, the Memel Territory and Poland formally incorporated into Germany.

Within *Axis Rule in Occupied Europe*, **Part I: Analysis of "German Techniques of Occupation"**, 92 pages in length, includes nine chapters of general analysis. In these chapters, Lemkin addresses 1) Administration, 2) Police, 3) Law, 4) Courts, 5) Property, 6) Finance, 7) Labor, 8) Treatment of Jews, and 9) Genocide.

Part II: The Occupied Countries, 167 pages in length, addresses specific aspects of of occupation administration by the Axis powers. In addition to German occupation policies, Part II addresses policies of the other Axis countries: Italy, Bulgaria, Hungary and Rumania as well as the wartime puppet states of Croatia and Slovakia. The 17 occupied countries and territories included in the book are Albania, Austria, the Baltic States (*Lithuania, Latvia & Estonia*), Belgium, Czechoslovakia, Danzig, Denmark, the English Channel Islands, France, Greece, Luxembourg, Memel Territory, the Netherlands, Norway, Poland, the USSR and Yugoslavia.

The largest section of *Axis Rule* is **Part III: Laws of Occupation** is 370

pages in length. Here Lemkin provides English translations of 334 statutes, decrees and laws from the 17 occupied countries and territories. Most of the documents are from the years 1940 and 1941, though the collection spans a five and half year period March 13, 1938 to November, 13, 1942. The range of the dates underscores the fact that *Axis Rule* was a work of analysis of the enemy's public documents written during wartime (and not those captured at the end of the war). These documents were available to Lemkin and others from sources in the neutral countries in Europe.

In the decades since the Second World War, Chapter IX has become the most widely quoted and cited section of *Axis Rule*. Between 1944 and 1946, however, the entire book was of tremendous value as a reference guide to war crimes investigators, governments returning from exile and Civil Affairs sections of Allied armies trying to establish order in postwar Europe.

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Prohibition of Genocide in War and Peace

I. GENOCIDE - A NEW TERM AND NEW CONCEPTION FOR DESTRUCTION OF NATIONS

New conceptions require new terms. By "genocide" we mean the destruction of a nation or of an ethnic group. This new word, coined by the author to denote an old practice in its modern development, is made from the ancient Greek word *genos* (race, tribe) and the Latin *cide* (killing), thus corresponding in its formation to such words as tyrannicide, homicide, infanticide, etc.⁽¹⁾ Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.

The following illustration will suffice. The confiscation of property of nationals of an occupied area on the ground that they have left the country may be considered simply as a deprivation of their individual property rights. However, if the confiscations are ordered against individuals solely because they are Poles, Jews, or Czechs, then the same confiscations tend in effect to weaken the national entities of which those persons are members.

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

Group

2 PHASES

Denationalization

by the oppressor's own nationals.

Denationalization was the word used in the past to describe the destruction of a national pattern. (1a) The author believes, however, that this [p. 80] word is inadequate because: 1.) it does not connote the destruction of the biological structure; 2.) in connoting the destruction of one national pattern it does not connote the imposition of the national pattern of the oppressor; and 3.) denationalization is used by some authors to mean only deprivation of citizenship.

Many authors, instead of using a generic term, use currently terms connoting only some functional aspect of the main generic notion of genocide. Thus, the terms "Germanization," "Magyarization," "Italianization," for example, are used to connote the imposition by one stronger nation (Germany, Hungary, Italy) of its national pattern upon a national group controlled by it. The author believes that these terms, are also inadequate because they do not convey the common elements of one generic notion and 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 aspect, such as causing the physical decline and even destruction of the population involved. If one uses the term "Germanization" of the Poles, for example, in this connotation, 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.

Genocide is the antithesis of the Rousseau-Portalis Doctrine, which may be regarded as implicit in the Hague Regulations. This doctrine holds that war is directed against sovereigns and armies, not against subjects and civilians. In its modern application in civilized society, the doctrine means that war is conducted against states and armed forces and not against populations. It required a long period of evolution in civilized society to mark the way from wars of extermination, (3) which occurred in ancient times and in the Middle Ages, to the conception of wars as being essentially limited to activities against armies and states. In the present war, however, genocide is widely practiced by the German occupant. Germany could not accept the Rousseau-Portalis Doctrine: first, because Germany is waging a total war; and secondly, because, according to the doctrine of National Socialism, the nation, not the state, is the predominant factor. (4) In this German conception the nation provides the biological element for the state. Consequently, in enforcing the New Order, the Germans prepared, waged, and continued a war [p.81] not merely against states and their armies (5) but against peoples. For the German occupying authorities war thus appears to offer the most appropriate occasion for carrying out their

total war
nation is state
war is peoples

War as
instrument of
genocide

policy of genocide. Their reasoning seems to be the following:

The enemy nation within the control of Germany must be destroyed, disintegrated, or weakened in different degrees for decades to come. Thus the German people in the post-war period will be in a position to deal with other European peoples from the vantage point of biological superiority. Because the imposition of this policy of genocide is more destructive for a people than injuries suffered in the actual fighting, (6) the German people will be stronger than the subjugated peoples after the war even if the German army is defeated. In this respect genocide is a new technique of occupation aimed at winning the peace even though the war itself is lost.

For this purpose the occupant has elaborated a system designed to destroy nations according to a previously prepared plan. Even before the war Hitler envisaged genocide as a means of changing the biological interrelations in Europe in favor of Germany. (7) Hitler's conception of genocide is based not upon cultural but biological patterns. He believes that "*Germanization* can only be carried out with the *soil* and never with *men*." (8)

When Germany occupied the various European countries, Hitler considered their administration so important that he ordered the Reich Commissioners and governors to be responsible directly to him. (9) The plan of genocide had to be adapted to political considerations in different countries. It could not be implemented in full force in all the conquered states, and hence the plan varies as to subject, modalities, and degree of intensity in each occupied country. Some groups - such as the Jews - are to be destroyed completely. (10) A distinction is made between peoples considered to [p. 82] be related by blood to the German people (such as Dutchmen, Norwegians, Flemings, Luxemburgers), and peoples not thus related by blood (such as the Poles, Slovenes, Serbs). The populations of the first group are deemed worthy of being Germanized. With respect to the Poles particularly, Hitler expressed the view that it is their soil alone which *can and should be profitably Germanized*. (11)

poles

Next section: **II. TECHNIQUES OF GENOCIDE IN VARIOUS FIELDS**

Footnotes:

1. Another term could be used for the same idea, namely, *ethnocide*, consisting of the Greek word "*ethnos*" -nation- and the Latin word "cide."

1a. See *Violation of the Laws and Customs of War. Reports of Majority and Dissenting Reports of American and Japanese Members of the Commission of Responsibilities, Conference of Paris 1919*, Carnegie Endowment for International Peace, Division of International Law, Pamphlet No. 32 (Oxford: Clarendon Press, 1919), p. 39.

2. See Garner, *op. cit.*, Vol. 1, p. 77.

3. As classical examples of wars of extermination in which nations and groups of the population were completely or almost completely destroyed, the following may be cited, the destruction of Carthage in 146 B.C.; the destruction of Jerusalem by Titus in 72 A.D.; the religion wars of Islam and the Crusades; the massacres of the Albigenses and the Waldenses; and the siege of Magdeburg in the Thirty Years War [May, 1631]. Special wholesale massacres occurred in the wars waged by Genghis Khan and by Tamerlane.

4. "Since the State in itself is for us only a form, while what is essential is its content, the nation, the people it is clear that everything else must subordinate itself to its sovereign interests." Adolf Hitler, *Mein Kampf* (New York: Reynal & Hitchcock, 1939), p. 842.

5. See Alfred Rosenberg, *Der Mythos de 20. Jahrhunderts* (München-Hoheneichenverlag, 1933, pp. 1-2: "History and the mission of the future no longer mean the struggle of class against class, the struggle of Church dogma against dogma, but the clash between blood and blood, race and race, people and people."

6. The German genocide philosophy was conceived and put into action before the Germans received even a foretaste of the considerable dimensions of Allied aerial bombings of German territory.

7. See Hitler's statement to Rauschnig, from *The Voice of Destruction*, by Hermann W. York, 1940), p. 138, by courtesy of G. P. Putnam's Sons:

"... The French complained after the war that there were twenty million Germans too many. We accept the criticism. We favor the planned control of population movements. But our friends will have to excuse us if we subtract the twenty millions elsewhere. After all these centuries of whining about the protection of the poor and lowly, it is about time we decided to protect the strong against the inferior. It will be one of the chief tasks of German statesmanship for all time to prevent by every means in our power, the further increase of the Slav races. Natural instincts bid all living beings not merely conquer their enemies, but also destroy them. In former days, it was the victor's prerogative to destroy entire tribes, entire peoples. By doing this gradually and without bloodshed, we demonstrate our humanity. We should remember, too, that we are merely doing unto others as they would have done to us."

8. *Mein Kampf*, p. 588.

9. See "Administration," above, pp. 9-10.

10. *Mein Kampf*, p. 931: "... the National Socialist movement has its mightiest tasks to fill: ... it must condemn to general wrath the evil enemy of humanity [Jews] as the true creator of all suffering."

11. *Ibid.*, p. 590, n. "... The Polish policy in the sense of a Germanization of the East, demanded by so many, rooted unfortunately almost always in the same wrong, conclusion. Here too one believed that one could bring about a Germanization of the Polish element by a purely linguistic integration into the German nationality. Here too the result would have been an unfortunate one: people of an alien race, expressing its alien thoughts in the German language, compromising the height and dignity of its own nationality by its inferiority."

As to the depopulation policy in occupied Yugoslavia, see, in general, Louis Adamic, *My Native Land* (New York: Harper & Brothers, 1943).

**I. GENOCIDE - A NEW TERM AND NEW CONCEPTION FOR
DESTRUCTION OF NATIONS** (This section)

II. TECHNIQUES OF GENOCIDE IN VARIOUS FIELDS (Next section)

III. RECOMMEDATIONS FOR THE FUTURE (Final section)

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