

3 **Raphaël Lemkin**

Genocide, cultural violence, and community destruction

Douglas Irvin-Erickson

Raphaël Lemkin coined the word “genocide” between 1941 and 1942, and inspired a movement after the Second World War to outlaw genocide under international law at the United Nations.¹ On 9 December 1948, *The Convention on the Prevention and Punishment of the Crime of Genocide* was adopted by the UN General Assembly. As the first humanitarian law of the UN system, the Genocide Convention is a cornerstone in international criminal law, international humanitarian law, and the broader human rights movement.

The biography of Lemkin is increasingly well known, and needs little introduction.² Yet while Lemkin has been well studied in the field of international law, his work has been used more recently to revitalize the study of genocide in the social sciences as a type of conflict, not just as a type of violence.³ His sociological theory of persecution and mass violence, likewise, is gaining increasing recognition across the academic disciplines.⁴ This chapter will not seek to highlight Lemkin’s contributions to genocide studies or Holocaust studies (for this, I refer the reader to Chapters 3 and 4 of my biography of Lemkin). Rather, the purpose of this chapter is to explicate Lemkin’s contributions to the study of mass violence and identity-group violence, cultural violence, and community destruction.

What is genocide?

The word genocide first appeared in print in Lemkin’s 1944 magnum opus, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*.⁵ Lemkin derived “genocide” from the Greek word *genos* (race, family, tribe) and the Latin *cide* (to kill): “In a footnote, he added that genocide could equally be termed ‘ethnocide’, with the Greek *ethno* meaning ‘nation’. By ‘genocide’ we mean the destruction of a nation or an ethnic group”.⁶ Lemkin likened the word “genocide” to other words, such as tyrannicide, homicide, and infanticide. Genocide signified the attempt to destroy a national, racial, or religious group, but “it did not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation”. Instead, genocide was a social process of destroying nations that was not necessarily quick nor violent. For Lemkin,

genocide signified “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 objective of such a plan, Lemkin added, was the

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.⁷

Lemkin felt that, as a new word, “genocide” would also be free of the connotations carried by similar existing words, such as the German word *Völkermord*, meaning “nation-murder”. *Völkermord* appeared in turn-of-the-century reports about the German colonial war against the Herero and Nama peoples, and it was used by public and private German and Habsburg sources to describe the Ottoman campaign against Armenians.⁸ Lemkin, who was fluent in German and used the term, decided against *Völkermord* – perhaps because the root *Völk* was too close to the German Romantics’ use of *Völk* to describe an organic nation, which he believed was an important, structuring aspect of the Nazi genocide.⁹ Similarly, *nationicides* was first used by François-Noël Babeuf in his 1794 book, *Du Système de Dépopulation ou la Vie et les Crimes de Carrier*, to describe and condemn the conduct of Jean-Baptiste Carrier in the War of the Vendée, when troops sent from Paris started a project of depopulation to destroy the “nations” living in the territory.¹⁰ The English word “denationalization” was commonly used too. But, as Lemkin explained, “denationalization” denoted the deprivation of citizenship or the removal of national groups from geographical territories, not the destruction of a national pattern as a sociological entity, nor the attempt to replace a given national pattern with national patterns of the oppressor.¹¹ “Genocide” would be the neologism Lemkin had been searching for, “coined by the author to denote an old practice in its modern development”, in order to mobilize efforts around the world to denounce the practice and remove it from the repertoire of human actions.¹²

While lecturing at Yale University after his work with the UN, Lemkin told his law students that he settled on the term “genocide” because the Greek and Sanskrit connotations of the root word “genos” signified a human group that was constituted through a shared way of thinking, not objective relations. He said the concept of the “genos ... was originally conceived as an enlarged family unit having the conscience of a common ancestor – first real, later imagined”. It was here, in this imagined connection between people, where “the forces of cohesion and solidarity were born”. The same forces for group cohesion, Lemkin taught, could also serve as “the nursery of group pride and group hate” that is “sometimes subconscious, sometimes conscious, but always dangerous, because it creates a pragmatism that justifies cold destruction of the other group when it appears necessary or useful”.¹³ For

Lemkin, this meant two things: first, he believed all social groups, including races and religions, were aspects of human consciousness that did not have trans-historical permanence; second, he believed that genocide, as an attempt to destroy groups as such, was the product of “anthropological and sociological patterns” that could be changed.¹⁴

Lemkin also believed genocide was a colonial practice, and he said so explicitly.¹⁵ Genocide had two phases: “One, the destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor”.¹⁶ “Directed against the national group as an entity”, he wrote, “the actions involved” in committing genocide “are directed against individuals, not in their individual capacity, but as members of the national group”. Lemkin thus interpreted the genocide perpetrated by Nazi Germany as a colonial project of transforming the demographics of Germany and the newly conquered regions of occupied Europe: “In line with this policy of imposing the German national pattern, particularly in the incorporated territories, the occupant has organized a system of colonization of these areas”.¹⁷ As a consequence of this German colonization of the occupied territories, he concluded, “participation in economic life is thus dependent upon one’s being German or being devoted to the cause of Germanism. Consequently, promoting a national ideology other than German is made difficult and dangerous”.¹⁸

Lemkin did not attempt to define what he meant by “nation”. He intended to undertake this task in his social scientific works, which he never finished.¹⁹ Lemkin wrote in *Axis Rule* that a nation “signifies constructive cooperation and original contributions, based upon genuine traditions, genuine culture, and a well-developed national-psychology”. Nations “are essential elements of the world community” and the “destruction of a nation ... results in the loss of its future contributions to the world”.²⁰ Interpreting these lines to assume he was an organic nationalist thinker, however, would ignore Lemkin’s footnotes, in which he insisted that his definition of a nation should not “be confused with the idea of nationalism”.²¹ Nevertheless, it is clear that the definition of a nation he provided in *Axis Rule* is insufficient, failing to exclude the very organic conceptions he was trying to exclude. As Moses puts it, Lemkin’s readers are consequently “left at sea only if they do not recall Lemkin’s conception of nationhood”.²²

Lemkin believed that twentieth-century nationalist movements were not the first to inspire genocide, and he sought a definition of genocide that would capture what it was as a type of conflict. For much of history before the rise of the nation-state, Lemkin wrote, the “fury or calculated hatred” of genocide was directed “against specific groups which did not fit into the pattern of the state [or] religious community or even in the social pattern” of the oppressors. The human groups most frequently the victims of genocide were “religious, racial, national and ethnical” and “political” groups. But genocide victims could also be other families of mind “selected for destruction according to the criterion of their affiliation with a group which

is considered extraneous and dangerous for various reasons". These other groups did not have to be racial or religious ones. Lemkin even included, under the rubric of nations, sociological groups such as "those who play cards, or those who engage in unlawful trade practices or in breaking up unions".²³ Genocide, he reasoned, could be conducted against criminals because states often criminalized certain types of subjectivities and ethnic identities. Lemkin derived this point from his study of the penal codes of fascist regimes, where the state conceptualized national-cultural diversity as a crime against the nation and the state. The principle, he felt, was evident in the Soviet penal codes that criminalized national identities and tried to transform the Soviet population into a nation of "new Soviet men", and this was also evident in the Nazi citizenship laws and race law that defined Jews as enemies of the state – criminals – and set about the task of removing Judaism from Germany and then the world. In a similar fashion, religious groups could seek to remove other religions from the world, and so forth. Genocide, for Lemkin, was not a fixed concept, in terms of what types of social groups committed it; what types of social groups it was committed against; or even how it was committed. Any attempt to destroy a family of mind was genocide.

Genocide as the destruction of nations

If genocide was the destruction of nations and national patterns, what was a nation according to Lemkin?

Here, Lemkin borrowed heavily from the Austro-Hungarian Marxist and Social Democratic theorists and political figures, Karl Renner and Otto Bauer. Indeed, he told Renner as much in his personal correspondences.²⁴ Bauer had argued that modern nations were "communities of character" that developed out of "communities of fate".²⁵ For Bauer, Renner's long-time co-author and close political colleague – nations were not derived territorially, as liberal nationalism professed, nor were they the closed-off and organic entities that conservatives (and German Romantic theorists) believed them to be. For Bauer, national consciousness was "by no means synonymous with the love of one's own nation or the will for the political unity of the nation". Instead, "national consciousness is to be understood as the simple recognition of membership in the nation".²⁶ This also meant that the content of national identity was always changing because both nationality and nations as social groups were products of the consciousness of individuals.²⁷ Thus, for Bauer, nations were neither trans-historical nor primordial entities but constantly changing as individuals themselves changed and as new "communities of fate" formed and developed into new "communities of character". Consequently, national identity was not a zero-sum game, and national identities were not mutually exclusive. Lemkin would borrow these ideas explicitly in his late, unpublished writings on genocide and quietly announced this position in a footnote in *Axis Rule*.²⁸

“Nations are families of mind”, he wrote.²⁹ A. Dirk Moses has stated that Lemkin believed “nations comprise various dimensions: political, social, cultural, linguistic, religious, economic and physical/biological”.³⁰ While this is true, a nation, according to Lemkin, was above all a collection of individuals who thought of themselves as belonging to the same group, with the help of shared languages, arts, mythologies, folklores, collective histories, traditions, religions and even shared ancestry or a shared geographical location. Languages, lineages, pseudo-scientific theories of biology, religions, and geography – these only created the boundaries of national groups when people believed these things mattered. Importantly, this principle meant that a given individual could belong to more than one nation at the same time as the criteria for establishing nations were not mutually exclusive. Individuals could enter into and out of certain “families of mind” throughout their lives or could express one identity at one time and another at another time, or multiple national identities at once. Within this conception, no individual could ever be fully representative of a nation; nor could any individual be reduced to a nation.

It was for this reason that Lemkin considered many different types of groups to be “nations”, believed that nations were constituted by people’s recognition that they were part of a nation, argued that nations were always changing their national character and that this dynamism enriched the lives of individuals, and felt that each individual could hold many different national identities throughout their life – oftentimes holding several at once. Lemkin even posited that sociological groups could be included under the rubric of “nations”, such as “those who play cards, or those who engage in unlawful trade practices or in breaking up unions”. Genocide, Lemkin reasoned, could be conducted against criminals because states often criminalized certain types of subjectivities and ethnic identities. After all, he argued, had not the Soviet Union conceived of counter-revolutionary forms of national consciousness as criminal? For Lemkin, genocide was, above all else, an attempt to deny this dynamism in human societies, to wall-off the boundaries of social groups, and to produce static forms of social identity that served the interests of narrow groups within a conflict, such a political or religious elites, but would ultimately stifle human creativity, beauty, ingenuity, and the forms of social interaction necessary promoting social change.

What then for Lemkin was genocide? His definition was simple. Genocide was the destruction of nations that entailed the destruction of the national patterns of the oppressed group and the imposition of the national patterns of the oppressor. For Lemkin, genocide was not necessarily an act of mass murder, though mass murder could be genocide if the act was committed with the intention of destroying a nation. Instead, if genocide was the destruction of nations and national patterns, then for Lemkin it was very much the destruction of “families of mind” as well as the destruction of social processes by which “communities of character” formed from “communities of fate”, to apply Bauer’s terminology. For Lemkin, the destruction

of cultural symbols, artifacts, and institutions was not genocide, by itself, unless it “menaces the existence of the social group which exists by virtue of its common culture”.³¹ In such a formulation, therefore, the outlawing of particular customs and rituals attempts to abolish a language, or the destruction of social institutions or cultural institutions become genocidal for Lemkin when the acts are committed with the intention of preventing the replication of a group’s social identity.

As such, in Lemkin’s conceptualization, genocide could be achieved through direct and indirect violence or through forms of repression that could be called in today’s parlance “structural violence”, as I discuss in the conclusion. In fact, under Lemkin’s definition, genocide could be achieved without the death of a single individual – if the social processes of group formation of “families of mind” were targeted for destruction, leaving individual people alive but permanently altering their social identities and national patterns, or making the social reproduction of the group impossible. Crucially, Lemkin does not lament the loss of cultural groups. In fact, he is explicit that cultural change is a necessary human good, and he believed that no social group has a trans-historical identity that remains unchanged, nor does any group have a prior right to exist as a group. Instead, the purpose of outlawing attempts to destroy groups was that such acts of group destruction had devastating consequences for people.³² Moreover, acts of group destruction were highly functional within the context of intergroup conflicts. Genocide, for Lemkin, was not a *sui generis* form of racially motivated mass killing, but rather an effective tool of oppression and domination that was employed in order to reproduce or maintain group hierarchies. He also saw genocide as a strategy of governance, used by groups in power to eliminate perceived threats to their power or monopolize social, economic, or cultural privileges.

If Lemkin defined genocide as the destruction of nations (as families of mind) – and believed that genocide involved the destruction or removal of the national pattern of the oppressed and the imposition of the national pattern of an oppressor – then we can understand why he would be so concerned with acts that destroyed the bonds of social solidarity that made group life, and the social reproduction of groups, possible. This is precisely why he believed that in many cases, the destruction of libraries and the banning of folk traditions and religious customs could be acts of genocide, while large-scale acts of mass killing and massacres might not qualify as genocidal.

Lemkin was not trying to coin the word “genocide” to signify a particular type of violence, moreover. Rather, he was trying to create a new juridical and conceptual category of “different actions” that, “taken separately”, constitute other crimes but, when taken together, constitute a type of atrocity that threatened the existence of social collectivities and threatened a peaceful and cosmopolitan social order of the world. As a consequence, Martin Shaw writes, “in contrast to subsequent interpreters who narrowed genocide... down to a specific crime, Lemkin saw it as including not only organized violence but

also economic destruction and persecution”. Genocide, in Lemkin’s opinion, was a social and political process of attempting to destroy human groups, not an act of mass killing. As he explained in the unpublished manuscript, *Introduction to the Study of Genocide in the Social Sciences*,³³

like all social phenomena, [genocide] represents a complex synthesis of a diversity of factors; but its nature is primarily sociological, since it means the destruction of certain social groups by other social groups or the individual representatives

and any analysis must, therefore, recognize that

genocide is a gradual process and may begin with political disenfranchisement, economic displacement, cultural undermining and control, the destruction of leadership, the break-up of families and the prevention of propagation. Each of these methods is a more or less effective means of destroying a group. Actual physical destruction is the last and most effective phase of genocide.³⁴

Lemkin on group destruction in *Axis Rule in Occupied Europe*

To position Lemkin as a key theorist in the study of mass violence, identity-group violence, cultural violence, and community destruction, it is necessary to examine his 1944 magnum opus, *Axis Rule in Occupied Europe*. He begins the book by presenting chapters titled simply, “Administration”, “Police”, “Law”, “Courts”, “Property”, “Finance”, “Labour”, “Legal Status of the Jews” and, “Genocide”. The book documents how the Nazi Party ruled Germany, and directed the Axis occupation before presenting Lemkin’s thesis that genocide was the guiding principle of that occupation. The short, five-page Chapter 8 on the legal status of the Jews introduces the chapter on genocide by showing how the Nazi Jewish laws structured the actions of bureaucracies and individuals at almost every level of the Axis governments. Chapter 9 demonstrates that the legal status of the Jews, beginning in the early 1930s, set in motion a social and political process that was both institutional and normative, shaping expectations of how Jews should be treated socially, legally, and politically. Thus a banker, a store owner, a judge, and a police officer would all be compelled to treat Jews in a certain way according to their individual duties and social roles, ensuring a process of social reification in which Jews become the imagined “other” that Nazi policies took them to be in the first place. Moreover, Chapter 9 also demonstrates that the Jewish laws directed the governments and societies in occupied Europe toward a systematic suppression of people who were understood to be Jewish. When taken individually, none of these separate actions compelled by the law – whether they were the actions of a functionary doing his or her job or a racist – constituted a genocidal scheme to dismantle an entire Jewish nation. It was only when they were taken together, on the

whole, that they constituted genocide.³⁵ In Chapter 8, on the legal status of the Jews, the concept of genocide is, therefore, fully implicit even though Lemkin does not mention the word “genocide”. But it is also clear that Lemkin saw genocide as a systematic plan of persecution, aimed at destroying groups as sociological entities.

Chapter 9 on genocide sets the groundwork for the rest of the book, which contains an exhaustive analysis of the genocide as it was conducted in each of the occupied territories. The third part of *Axis Rule* includes nearly 400 pages of translations of statutes, directives, and decrees that Lemkin began collecting in Stockholm late in 1941. Lemkin organized these documents alphabetically by country, dedicating a chapter to Albania, Austria, the Baltic States (Lithuania, Latvia, and Estonia), Belgium, Czechoslovakia, Danzig, Denmark, the English Channel Islands, France, Greece, Luxembourg, the Memel Territory, the Netherlands, Norway, Poland, the Union of Soviet Socialist Republics, and Yugoslavia. In each of these chapters, he sorted the documents by region and province and then disaggregated them according to which administration was the occupying power, Germany, Italy, Vichy France, Bulgaria, or Romania.

From his analysis of Axis laws, Lemkin demonstrated that the various occupying administrations were engaged in a systematic attack on enemy “elements of nationhood” in every Axis administration across Europe. Although systematic, the genocide was not conducted uniformly throughout Europe. Instead, Lemkin identified eight distinct “techniques of genocide” being employed across Germany and the occupied territories. He introduced these techniques in his chapter on genocide before analyzing the laws of occupation. These techniques were political, social, cultural, economic, biological, physical (including racial discrimination in feeding, endangering of health primarily in ghettos, and mass killings), religion, and moral. Lemkin did not intend these eight techniques to be a typology for all genocides. Where he outlines techniques such as “economic” or “biological” genocides, for instance, he is not outlining a particular type of genocide or a means of committing genocide that could apply to all cases across history. Instead, in *Axis Rule*, he simply attempts to outline the way the Axis genocide was being conducted, and the specific ways the Nazi program of genocide was structured across Europe, in accordance with the particular contours of Nazi ideologies and interests.

The first technique of the Axis genocide, Lemkin believed, was politics. He cited hundreds of laws and decrees to demonstrate that the genocide was mediated through the Axis laws of occupation. But, he insisted that laws and decrees could not be conduits of genocide if they did not compel action. Likewise, the ruthless efficiency of the camps began with orders that were followed, and Lemkin spent considerable time demonstrating how German authorities actively created a context throughout Axis-occupied Europe that would allow Nazi Party orders to be followed. Politically, Lemkin argued, the German occupiers prepared for genocide by destroying the local institutions of self-government in the incorporated areas, such as

western Poland, Eupen, Malmédy and Moresnet, Luxembourg, and Alsace-Lorraine, which would have been capable of resisting Nazi orders. They subsequently replaced the political institutions with “German patterns of administration” that could be effective institutional conduits for implementing German policies. The regime ruled through the “usurpation of sovereignty”, described in the section below, which was achieved by hollowing out local institutions likely to resist Nazi orders, shattering existing legal orders, and then instituting new juridical orders channeled through those most likely to be loyal in each region. As Lemkin later explained in a manuscript he authored in the 1950s but never published, “the Nazis never broke a law if they could help it. They changed instead the law to fit the new situation – or rather the new crime”.³⁶

The second technique of the Axis genocide was social. Indeed, Lemkin saw political and social techniques of genocide as interrelated. The German usurpation of sovereignty in the occupied territories instituted the legal structures required to carry out the genocide, removing the “local law and local courts” and replacing them with “German law and courts” as a first step to destroying the “vital” social structures of the nation. After replacing the local legal structures and “Germanizing” the judicial language and the bar, the focal point of the laws of occupation and the Nazi decrees was “the intelligentsia, because this group largely provides national leadership and organizes resistance against Nazification”.³⁷ This was especially the case in Poland and Slovenia, Lemkin wrote, where “the intelligentsia and clergy were in great part removed from the rest of the population and deported for forced labor in Germany”.³⁸ Laws were passed in Poland banning Polish youth from studying the liberal arts because “the study of liberal arts may develop independent national Polish thinking”. Instead, Polish children were only allowed to complete their schooling in vocational schools, preparing them to labor in German industries.³⁹ In France, Lemkin pointed to the importance the Nazi Party placed on Germanizing Alsace-Lorraine, where private schools were closed to promote a unified National Socialist education, and anti-German textbooks were banned.⁴⁰

Cultural genocide, Lemkin’s third category, was closely intertwined with social techniques. By cultural genocide, he did not mean the destruction of culture was genocide, but rather genocide against a group could be committed through cultural techniques. Across the incorporated territories, he observed, “the local population is forbidden to use its own language in schools and printing”.⁴¹ There were decrees ordering teachers in grammar schools to be replaced by German teachers to “assure the upbringing of youth in the spirit of National Socialism”.⁴² It was even illegal to dance in public buildings in Poland, except for dance performances officially approved as sufficiently German.⁴³ In fact, in every occupied territory, people who “engaged in painting, drawing, sculpture, music, literature, and the theater are required to obtain a license” from the local office of the Reich Chamber of Culture “to prevent the expression of the national spirit through artistic

media".⁴⁴ In Poland, the authorities in charge of cultural activities organized the destruction of national monuments and destroyed libraries, archives, and museums, carrying away what they desired and burning the rest.⁴⁵

Fourth, the genocide was being committed through economics, from liquefying financial cooperatives, to confiscating property, to manipulating financial systems to undermine the elemental base of human existence. The social techniques of genocide, Lemkin argued, could include targeting any group or institution that was important for maintaining the structure and character of group life, including economic groups, such as the destruction of a "laboring or peasant class" to destroy industrial or food production, with the intention of destroying a greater group as a sociological entity. As with the terminology "cultural genocide", what Lemkin meant by economic genocide was not the destruction of economic groups, but rather the use of economics as a means of destroying a nation. Germany was also able to stop the trade of the most vital resources and goods across Axis-occupied Europe and keep them at the disposal of the German state, Lemkin argued.⁴⁶ The economic arrangement leveraged political power by rewarding or punishing the occupied states accordingly. German's control over the levers of economic policy could, therefore, "cripple" a national group and transform life into "a daily fight literally for bread and for physical survival".⁴⁷

Fifth, genocide was being committed biologically, he wrote. Because the German ideology thought of nations in idioms of race and biological superiority, there was very clearly a biological element to the Nazi German genocide, Lemkin believed. The Nazi regime sought to lower birthrates of those people whose bloodline was undesirable, while promoting the reproduction of those who were biologically more favorable. Lemkin's ideas on the matter also covered crimes we would now consider sexual violence or gender crimes. Much of his research has been corroborated by historians, who have pointed out that the German occupying armies generally did not commit rape, but they nevertheless enforced laws and regulations that were clearly gendered war crimes designed to advance the Nazis' biological genocidal goals. These include, for example, Nazi policies throughout the occupied territories of Eastern Europe that forcibly subjected women of undesired nationalities to have abortions, while making it illegal for doctors to perform abortions on German women.⁴⁸ Long after the Genocide Convention had been adopted, Lemkin continued to coordinate public meetings and disseminate documentary evidence to women's organizations on women as the victims of genocide through sterilizations, forced pregnancies, compulsory abortions, and biological experiments.⁴⁹

Lemkin believed the biological techniques of the Nazi German genocide were a function of Nazi racial ideology. The Italian occupation of Albania, for instance, established a national body for Albanian cultural growth that was tasked with the "fascization" of Albanian society, and the Italian penal code enacted in Albania criminalized anti-fascist and anti-Italian speech.⁵⁰ There was no biological element to be found in the genocide orchestrated by Italian administrations, Lemkin believed, including in Italian-occupied

Yugoslavia, Ljubljana, Dalmatia, and Montenegro, where both Italian fascist and Nazi forces sought to remove ethnic Serbians.⁵¹ The Bulgarian occupation in Greece carried out genocide in the Aegean region through a program of “agricultural economic colonization”.⁵² What distinguished the German occupation, Lemkin wrote, was that nations were defined in biological terms, and thus the laws emanating from the Nazi regime revealed a genocide conducted with the goal of destroying national patterns socially, culturally, and biologically.

The German occupation “has elaborated a system designed to destroy nations according to a previous prepared plan” to commit genocide to “protect the strong against the inferior”.⁵³ In both Germany and occupied territories, Lemkin added, a policy of depopulation was pursued. Laws were enacted with the explicit intent to decrease the birthrate of national groups of non-German blood, accompanied by steps to increase the birthrate of Germans. Lemkin pointed out that the Nazi regime thought of these measures as humane solutions to solving their nationalities question, quoting Hitler as saying, “We have developed a technique of depopulation ... to remove millions of an inferior race that breeds like vermin! ... I shall simply take systematic measures to dam their great natural fertility” that are “systematical and comparatively painless, or at any rate bloodless”.⁵⁴ Lemkin then produced the Nazi decrees that substantiated Hitler’s promise. There were decrees in Poland ordering men to be sent off to forced labor to separate males and females so as to prevent them from reproducing, while German families with three or more children were offered government subsidies.⁵⁵ Because the Dutch and Norwegians were considered to have German blood, there were laws passed to subsidize the illegitimate children of German soldiers born to Dutch and Norwegian women.⁵⁶

Furthermore, Lemkin argued, Hitler presented his biological plan in humanitarian terms, proclaiming in 1940 that “in former days it was the victors prerogative to destroy entire tribes, entire peoples. By doing this gradually and without bloodshed, we demonstrate our humanity”.⁵⁷ What was unique about Hitler’s genocide, Lemkin wrote, was that it “is based not upon cultural but upon biological patterns. He believes that ‘*Germanization* can only be carried out with the *soil* and never with *men*’”.⁵⁸ Whereas the Soviet occupiers of Poland sought to destroy bourgeois forms of Polish national identity to create a new socialist subject, the German “occupant has organized a system of colonization of these areas” to supplant undesired “national patterns” with German national patterns ascribed to blood.⁵⁹ To Germanize a territory, therefore, the regime had to physically remove or kill the non-Germans who lived there.

Citing Alfred Rosenberg, an intellectual architect of Nazi race ideology and *Lebensraum*, Lemkin noted that German authorities openly stated that “history and the mission of the future” were no longer class struggles or religious struggles “but the clash between blood and blood, race and race, people and people”.⁶⁰ He wrote, “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 not merely against states and their armies, but against peoples".⁶¹ Politically and legally, he continued, the German occupying authorities viewed war as a means for carrying out genocide, and the reasoning of Nazi Germany "seems to be as follows":

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.⁶²

Physical genocide, Lemkin wrote, signified the "physical debilitation and even annihilation" of national groups. The physical attack on nations was conducted through racial discrimination in feeding, measures intended to endanger the health of groups, and mass killings. This technique of mass killing, "was employed mainly against Poles, Russians, and Jews, as well as against leading personalities" who represented the intelligentsias of enemy nations. The Jews, he wrote, were liquidated by disease, hunger, and executions inside the ghettos, on transport trains, and in labor and death camps.

The seventh technique was religious, as the German occupation attempted to change the religious patterns of the occupied territories. Curiously enough, Lemkin did not include the destruction of Jewish life as a religious technique of the Nazi German genocide. The reason was that Nazi ideology saw the Jews as a nation and nations as biological entities. Thus, Lemkin believed, in the Nazi project, the destruction of the Jews was a biological and physical program, not a religious program. The religious techniques of genocide that Lemkin listed were concerned with the German persecution of Christian clergy, the pillage and destruction of Christian churches, the imposition of Nazi youth organizations intended to pressure children into renouncing Christianity, and the attempt to constrain the reach of Catholicism into politics. To reduce both Protestant and Catholic religious affiliations across Europe, he argued, laws were passed making it legal for children to renounce their religious affiliation and prohibiting any publication of the names of people who resigned from congregations.⁶³ In certain places, the German occupying forces even transferred Protestant churches to local Lutheran administrations to promote Germanism.⁶⁴

The eighth technique of the Nazi German genocide, Lemkin wrote, was the closely related category of morality. Moral genocide, he argued, included acts intended to "weaken the spiritual resistance of the national group". This could include forced drug use or the practice of inflating food prices to prevent people from affording basic nutrition, while artificially keeping alcohol prices low to encourage people to drink rather than eat. Laborers in occupied Poland were even paid in alcohol, Lemkin noted, a practice common during the famine Stalin orchestrated in Ukraine. In Polish cities,

curfew laws were enforced strictly unless a person could provide a ticket to a German gambling house, which had been illegal under Polish law before the German occupation.⁶⁵

By themselves, none of these eight techniques would constitute genocide. Nor were these techniques the only way to commit genocide. Rather, Lemkin's analysis of the laws of the Axis occupation of Europe revealed that the legal order in the occupied territories was oriented toward destroying enemy nations using these eight techniques. Although the Nazi regime and Axis occupation might have appeared irrational and arbitrary, there was a unifying principle to the entire project: genocide.

Lemkin's theory of the usurpation of sovereignty

In their introduction to this volume, Greenland and Göçek write that, for Lemkin, sustained attacks on a group's language, collective memory, built environment, and distinctive practices complemented direct violence and "crippled" the group's continuing existence. "Genocide in the cultural field", the authors note, could take the form of attacking a group's language, group practices, stories, traditions and social institutions.⁶⁶ Cultural violence, in Lemkin's view, they continue, "should not be thought of as a softer version of direct violence" but, rather, "as a strategy of genocide" that "is just as pernicious and, in the longer term, more destabilizing for a group than murder because of its permanent, corrosive impact on a group's social ontology". What both Johan Galtung and Lemkin insisted, they argue, "is that formal war is insufficient to destroy a human community. Cultural violence completes the task". And, indeed, as Greenland and Göçek suggest, Lemkin believed "these prohibitions and substitutions unfold through time and are effective at crippling precisely because they appear at first to be innocuous or even bureaucratically rational actions".

Lemkin argued that in order to wage such conflict and destroy the social basis of groups targeted for destruction, and accordingly transform the social fabric of occupied Europe through this colonial process, the German regime needed to create the contexts through which their orders could be obeyed and followed. Thus, in *Axis Rule*, Lemkin focused his analysis on the political techniques of the Nazi-directed genocide because he saw the Nazi regime as ruling by what he called the German "usurpation of sovereignty". This usurpation of sovereignty was achieved through a combination of conquest, introducing German administrative systems, changing local laws to German laws, changing customs borders, and establishing German courts to rule in the name of the German nation, not justice. Connecting means to ends, the usurpation of sovereignty also divided the social world into the component categories through which genocide would be mediated. There is a Weberian element to Lemkin's analysis when he highlights the laws and decrees that demonstrate how local elites or local officials were bureaucratically forced into upholding the Nazi Party line. Actions were also compelled by

constructing incentives for people to follow the orders and the policies of the new regime, Lemkin argued.⁶⁷ He showed that functionaries and officials were rewarded for excelling in their jobs. He found statutes that offered incentives to local populations to view these laws and actions as legitimate. He demonstrated that when incentives and legal legitimacy failed, violence succeeded. The construction of favors was also an efficient political tool, dividing a group of people by forcing individuals of a collectivity into competition with each other for privileges – or even for life itself. These political techniques, Lemkin wrote, broke the bonds of solidarity within victim groups, weakening potential sources of resistance against the Nazi Party by preventing them from viewing themselves as a united national group.⁶⁸

Nazi control over political administrations had intentional social consequences, Lemkin believed. Inscriptions on buildings and streets and the names of communities were changed to German forms.⁶⁹ Nationals in Luxembourg were forced to Germanize or change their names.⁷⁰ Special Commissioners for the Strengthening of Germanism were attached to local administrations, tasked with coordinating “all actions promoting Germanism” and supporting the German inhabitants who formed the so-called fifth column. The fifth column was not just a force of saboteurs, Lemkin believed, but “the nucleus of Germanism”.⁷¹ In Poland, the *Volksliste* was established to register German minorities and issue special identification cards that granted them favorable rations and employment opportunities, while ethnic Germans were given positions to supervise the enterprises of the local populations.⁷² The German regime even created laws intended to divide families, with the goal of “disrupt[ing] the national unity of the local population”, such as allowing non-Germans married to Germans to be included in the *Volksliste*.⁷³

Lemkin documented a linguistic element to the Nazi administration’s attempt to assert German sovereignty by dividing the social fabric of occupied Poland: all legal decrees issued in Polish territory contained the adjective “former” in all references to the Polish State, as in legislation on the “property of the citizens of the former Polish State”.⁷⁴ The adjective “former” was another example of how the Nazi regime connected the means and ends of genocide. The German administration wanted to incorporate Poland into the German nation, Lemkin wrote, and to do this they had to preserve those whom they saw as appropriately German while eliminating the nationally and racially inferior. The German Nationalities Code was used to divide the people living in Poland, and it influenced the destruction of Poland the same way the Jewish laws shaped the destruction of the Jews. The code recognized two nationalities suitable for citizenship. The superior type of nationality, *Bürger*, Lemkin claimed, was granted citizenship in the German nation, conferring rights of active participation in political life of the nation and the state; the second, *Staatsangehörige*, was reserved for people of non-German blood who were citizens of the Reich, and it granted the right to a passport, legal documentation, and a basic set of civil rights. Those who fell outside of these categories were not considered to be members of the German racial nation,

and they were not legally entitled to the protection and rights of the German state, Lemkin concluded.⁷⁵

When combined with the legal distinction between people, adding the adjective “former” to every mention of Poland ensured that administratively, those who were non-German could no longer appeal to anyone for rights and guarantees of life, because the state that represented their nation no longer existed.⁷⁶ The one word, “former”, Lemkin wrote, ensured that these people were subjected to a bureaucratic process that excluded them politically, socially, and biologically from the German nation – in regions and cities and towns that they had called home their entire lives. “Germans” living in the incorporated “former” territories, on the other hand, simply became German citizens and could appeal to the German state and nation for rights and privileges, including the right to life itself.

Although the occupation divided people into Germans and non-Germans, Lemkin demonstrated that non-German peoples were divided into seemingly infinite administrative subcategories. The “system of multiple administrative divisions” across occupied Europe, along with the citizenship laws, was intended to weaken the “resistance of the controlled nations by dividing their populations into small groups, which are prevented from communication by artificial boundaries”.⁷⁷ Lemkin outlined the broadest administrative divisions as territories incorporated into the Reich, versus territories not incorporated into the Reich. Lemkin demonstrated that in unincorporated regions such as Norway, the Netherlands, and central Poland, Axis laws and decrees created a chain of command in which Reich Commissioners and governors were placed in charge of civil affairs. In incorporated regions to be absorbed into the German Reich, Commissioners for the Strengthening of Germanism were attached to the district administrations (*Gauleiters*) where the Nazi Party district heads served as district governors. In a third category, military commands directly responsible to the Führer were installed in Belgium, Vichy France, parts of Yugoslavia, and Greece through a series of decrees issued in 1940 that Lemkin produced.

This process of administrative division that Lemkin chronicled was replicated within individual occupied countries by placing different regions under the authority of different occupying administrations. In Yugoslavia, Lemkin was able to show, a puppet government was installed in Serbia to facilitate the persecution of ethnic Serbs while German and Italian minorities were given privileges. Then, to suppress a unified Slavic resistance movement across Yugoslavia, Lemkin argued, the Axis powers divided the region into German, Italian, Albanian, Hungarian, and Bulgarian administrative zones, making it as difficult as possible for Slavic nationalist groups to form a collective resistance under the banner of Yugoslavia.⁷⁸ On both the micro and macro levels, Lemkin documented all of this by tracing who issued juridical orders to whom across Germany and Axis-occupied Europe. He concluded that these administrative divisions cut off the legal and bureaucratic channels of communication between the occupying administrations,

preventing them from coordinating with each other. This strengthened the Nazi usurpation of sovereignty while maintaining the position of Germany and the Nazi Party at the center of what Lemkin saw as a new German-run empire.⁷⁹

Lemkin writes that the Nazi Party was also adept at identifying segments of populations most likely to be loyal and concentrating authority in those bodies. This, indeed, was how the usurpation of sovereignty worked in the German-occupied territories. Lemkin showed that in Denmark, where Hitler held the formal cooperation of the King, Nazi directives were communicated directly to established authorities. In the Netherlands and Belgium, Lemkin produced documents to show the Nazi Party delegated authority to secretary generals and established headless governments run by subcabinets. In Lithuania, Estonia, and Latvia, the position of secretary general was abolished and replaced by councilors and directors. In territories where political elites resented Axis Rule, such as in Poland and the occupied territories of the former Russian Empire, Lemkin wrote, policy directives were channeled through minor and low-level authorities and officials.⁸⁰

Lemkin insisted that the laws and decrees of the Axis governments made it clear that “all important classes and groups of the population have voluntarily assisted Hitler”.⁸¹ It was not just a matter of a few ghastly laws and decrees being mindlessly followed that concerned Lemkin. He saw that millions of people had been led to support a program of genocide, each for their own reasons. For Lemkin, one had to understand that genocidal orders existed within an entire constellation of other decrees and laws intended to benefit the peoples in whose name the genocide was being conducted. Although these incentives were not directly involved in the destruction of an entire nation of people, they still constituted part of the genocidal program.

Lemkin believed the ideological architects of the genocide, such as Hitler and Alfred Rosenberg, held the destruction of enemy nations as the end goal of their policies, even if their desire to use mass murder developed later. These policies of genocide, he insisted, were not motivated by elite hatreds so much as they were dictated according to the principles of “administrative expediency and the desire for territorial aggrandizement”.⁸² The local level administrators, officials, and populations carrying out these policies would not have had to connect the grand genocidal vision to their individual roles in the unfolding catastrophe, Lemkin argued. Instead, the people in whose name the genocide was being conducted were often motivated by short-term monetary, political, social, and emotional rewards offered to them.⁸³

Lemkin’s contributions to the study of cultural violence

The intellectual breakthrough that Lemkin had made – through his own eclectic admixture of ideas from the national-cultural autonomy tradition

that saw nations as historical processes and aspects of human consciousness – was that genocide was something different from massacres of civilian populations, different from bigotry and nationalist hatred, and different from totalitarian rule. Lemkin’s conceptualization presents genocide as a social and political process intended to alter the identity of victim groups within a given society, and therefore a form of conflict not a form of violence or oppression. He saw genocide, therefore, as an effective tool in bringing about social changes that serve the interests of those who commit genocide, yet he did so without reducing genocide to a single set of particular interests.⁸⁴ Genocide, in Lemkin’s thinking, is not a spontaneous occurrence that reappears when historical circumstances and risk factors are favorable. Rather, it is a process that begins long before and continues long after physical killing of the victims, and it does not even have to involve physical killing.⁸⁵

So, who was guilty of genocide? *Facit cui prodest*, Lemkin wrote: he who benefited did it.

The German techniques of exploitation of the subjugated nations are so numerous, so thoughtful, and elaborate, and are so greatly dependent upon personal skill and responsibility, that this complex machinery could not have been successful without devotion to the cause of the persons in control.

(Lemkin, *Axis Rule*: xiv)

But he also argued that the genocidal program constructed incentives that brought people across society into the genocidal process. Polish geese, Yugoslav pigs, French wine, Danish butter, Greek olives, and Norwegian fish, Lemkin wrote, were suddenly newly affordable luxuries to average Germans. Industrialists found new opportunities to invest in French and Polish coal and Russian lumber. German factories and agriculture profited from forced labor, businessmen exploited debased economies and bought up foreign interests, and merchants benefited from the clearing system.⁸⁶

What is more, Lemkin argued, the actions of the private citizens, undertaken in their own narrow self-interest, were sanctioned by a regime that established these incentives through policy directives and the fiat of law. These individuals would not have considered themselves to be participating in the destruction of entire nations, yet their actions taken together gave legitimacy and form to the genocide. What Lemkin was trying to show in *Axis Rule* was that within a few short years, nonviolent Axis policies of genocide – such as banning interracial marriages, outlawing wedding ceremonies that were from non-German traditions, or manipulating finance law – gave way to rational policies of forced starvation and mass murder that carried the support of millions of people.⁸⁷ The argument might read like a prosecutor’s brief, but *Axis Rule* managed to trace the German genocide to its antisemitic, xenophobic, and totalitarian core without reducing the genocide to antisemitism, xenophobia, or totalitarianism.

By documenting the Axis laws and decrees, Lemkin intended to show that the purpose of the German war effort was to destroy national-cultural diversity in Europe by eliminating those nations deemed inferior, such as the Jews, to protect and promote the German nation. Taken together, Lemkin believed the laws of occupation and legal decrees revealed that the political elites of the totalitarian Nazi regime had chosen to colonize Europe, transforming the conquered territory for the German nation. Even the German currency exchange laws were designed to destroy the vitality of enemy nations, so that these nations could be replaced by the German nation. Lemkin wrote: "In line with this policy of imposing the German national pattern, particularly in the incorporated territories, the occupant has organized a system of colonization of these areas".⁸⁸ As a consequence of this colonization, he concluded, "participation in economic life is thus dependent upon one's being German or being devoted to the cause of Germanism. Consequently, promoting a national ideology other than German is made difficult and dangerous".⁸⁹ By citing the Axis decrees that referred to the occupation as the colonization of Europe, he asserted that committing genocide to make room for people with German blood was a choice made by Nazi elites who formulated the policies in line with a particular vision of the good. Territorial aggrandizement and power were incentives, too. On a smaller scale, the functionaries who carried out the genocide and the ordinary people in whose name the genocide was being committed also chose, for a wide variety of reasons, to grant the genocide their tacit approval.⁹⁰

Johan Galtung famously defined cultural violence as "those aspects of culture, the symbolic sphere of our existence ... that can be used to justify or legitimize direct or structural violence".⁹¹ Structural violence, for Galtung, was a form of violence distinguished from direct violence, where a social structure or social institution harms people by preventing them from meeting their basic needs or fulfilling their human potential, when the society in which the individual lives has the resources and capacities of meeting those needs. According to Galtung, structural violence is an avoidable impairment of fundamental human needs, but plays a powerful role in social conflicts by maintaining social relationships and perpetuating group hierarchies within a social system.⁹² Religion, ideology, language, art, the empirical sciences, the formal sciences, and cosmology, among others, are all arenas for cultural violence, producing ideas and notions that legitimize direct and structural violence, Galtung argued, which makes direct and structural violence look and feel right, or at least not wrong.

Similarly, Lemkin's notion of genocide, as a type of identity-based inter-group conflict, would encompass acts Galtung would label as indirect and direct violence. This is evident in Lemkin's analysis of the Axis genocide, which we now call the Holocaust or the Shoah, and it is evident in the dozens of historical cases of genocide that Lemkin studied, and intended to write about in the drafts of his unfinished three-volume *World History of Genocide*, which ranged from genocides in antiquity to modern genocides

against Native Americans and Americans of African descent, French colonial genocides, and Soviet genocides.⁹³

What is more, Lemkin pointed to aspects of genocidal social processes that were intended to destroy national groups, which Galtung would have defined as both structural violence and cultural violence. Lemkin, of course, was interested in protecting more than just the four groups listed by the United Nations Genocide Convention – racial, religious, ethnic and national – and held a definition of nationhood as “families of mind” that was so broad it would have included almost every kind of social group imaginable. There is a wealth of scholarship demonstrating quite clearly that the Genocide Convention’s naming of only four legally protected groups did not reflect Lemkin’s theories of genocide, but instead was a political compromise arrived at by the delegations of UN member states. While the international law against genocide is now very much a law intended to prevent the intentional destruction of only these four types of social groups, it is important to separate the UN definition of genocide from Lemkin’s definition of genocide. Lemkin, as a social theorist, was after something much broader and more sweeping. It is possible to argue, in fact, that Lemkin, through his social scientific conception of genocide, had wanted to abolish from the repertoire of human actions the very things Galtung termed “structural violence” and “cultural violence”.

Notes

- 1 Acknowledgment: portions of this chapter earlier appeared in Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide* (Philadelphia, PA: University of Pennsylvania Press, 2017).
- 2 John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008); William Korey, *An Epitaph for Raphael Lemkin* (New York: Jacob Blaustein Institute for the Advancement of Human Rights, 2001); Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, Donna-Lee Frieze, ed. (New Haven, CT: Yale University Press, 2013); Samantha Power, “*A Problem from Hell*”: *America and the Age of Genocide* (New York: Basic Books, 2002); Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*; and Philippe Sands, *East West Street: On the Origins of Genocide and Crimes Against Humanity* (New York: Knopf, 2016). David Crowe is writing a much-anticipated biography of Lemkin.
- 3 Agnieszka Bińczyk-Missala and Sławomir Debski, eds., *Rafał Lemkin: A Hero of Humankind* (Warsaw: Polish Institute of International Affairs, 2010); and Dominik Shaller and Jürgen Zimmerer, eds., *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence* (New York: Routledge, 2009). See two special issues on Lemkin in *Journal of Genocide Research*, vol. 15, no. 3 (2013), and vol. 7, no. 4 (2005). Several important early journal articles and chapter include Steven L. Jacobs, “Genesis of the Concept of Genocide According to Its Author from the Original Sources,” *Human Rights Review* 3, no. 2 (2002): 98–103; A. Dirk Moses, “Raphael Lemkin, Culture, and the Concept of Genocide,” in *Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 19–41; and Steven Schnur, “Unofficial Man: The Rise and Fall of Raphael Lemkin,” *Reform Judaism* (1982): 9–11 and 45. And see introductions to the following: Steven L. Jacobs, ed., *Raphael*

- Lemkin's Thoughts on Nazi Genocide: Not Guilty?* (Lewiston, NY: Edwin Mellen Press, 1992); Steven L. Jacobs, ed., *Lemkin on Genocide* (Lanham, MD: Lexington Books, 2012); and Frieze, ed., *Totally Unofficial: The Autobiography of Raphael Lemkin*. A special issue of *Genocide Studies and Prevention* dedicated to Raphaël Lemkin, edited by Benjamin Meiches and Jeff Benvenuto, 2019.
- 4 Alexander Laban Hinton, "Critical Genocide Studies," *Genocide Studies and Prevention* 7, no. 1 (2012): 4–15.
 - 5 Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Carnegie Endowment for International Peace, 1944).
 - 6 Lemkin, *Axis Rule*, 79.
 - 7 Lemkin, *Axis Rule*, 79.
 - 8 Henry R. Huttenbach, "From the Editor: Lemkin Redux: In Quest of a Word," *Journal of Genocide Research* 7, no. 4 (2005): 443–445.
 - 9 Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*, 6. But see, Claudia Kraft, "Völkermord Als Delictum Iuris Gentium: Raphaël Lemkin's Vorarbeiten Füreine Genozidkonvention," *Simon Dubnow Institute Yearbook* 4 (2005): 79–98.
 - 10 Carmelo Domenico Leotta, *Il Genocidio Nel Diritto Penale Internazionale: Dagli Scritti di Raphael Lemkin allo Statuto di Roma* (Torino: G. Giappichelli Editore, 2013), 72–76.
 - 11 Lemkin, *Axis Rule*, 79–80.
 - 12 Lemkin, *Axis Rule*, 79.
 - 13 Lemkin, *Totally Unofficial*, 181–182.
 - 14 Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*, 9.
 - 15 Lemkin, *Axis Rule*, 79.
 - 16 Lemkin, *Axis Rule*, 79. See generally A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (London: Berghahn Books, 2008).
 - 17 Lemkin, *Axis Rule in Occupied Europe*, 83.
 - 18 Lemkin, *Axis Rule in Occupied Europe*, 86.
 - 19 Steven L. Jacobs, "The Papers of Raphael Lemkin: A First Look," *Journal of Genocide Research* 1, no. 1 (1999): 105–114.
 - 20 Lemkin, *Axis Rule*, 91.
 - 21 Lemkin, *Axis Rule*, 91 note 51.
 - 22 A. Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone, 533–551 (New York: Palgrave Macmillan, 2004), 539.
 - 23 Raphaël Lemkin, "The Nature of Genocide," n.d., Raphaël Lemkin Collection, P-154, American Jewish Historical Society, New York, New York, United States [hereafter AJHS], box 2, folder 2, p. 14.
 - 24 See Karl Renner, "State and Nation," *National Cultural Autonomy and Its Contemporary Critics*, ed. Ephraim Nimni (New York: Routledge, 2005), 15–48, especially at 30 and 39. Compare this to Lemkin's correspondences with Renner. Raphael Lemkin to Karl Renner, March 29, 1950, Raphael Lemkin Papers, American Jewish Association, Cincinnati, Ohio, United States, box 1, folder 15.
 - 25 Otto Bauer, *The Question of Nationalities and Social Democracy*, trans. Joseph O'Donnell, ed. Ephraim J. Nimni (Minneapolis, MN: University of Minnesota Press, 2000), 7.
 - 26 Bauer, *The Question of Nationalities and Social Democracy*, 120.
 - 27 Bauer, *The Question of Nationalities and Social Democracy*, 21.
 - 28 Lemkin, *Axis Rule*, 91 note 5.
 - 29 Raphael Lemkin, "Genocide," Raphaël Lemkin Papers, New York Public Library, New York, New York, United States [hereafter NYPL], reel 4, box 3, folder 1–2, p. 1.

- 30 Moses, "The Holocaust and Genocide," 539.
- 31 Raphael Lemkin, "Genocide in soc./psycho./anthro./econ. impact on culture genocide as socially approved behaviour: The concept of genocide in anthropology," NYPL, MscCII 1730, reel 3, box 2, folder 3.
- 32 Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*, 68.
- 33 Raphael Lemkin, "The Concept of Genocide in Sociology," in *Introduction to the Study of Genocide*, ed. Raphaël Lemkin (n.d.), NYPL, reel 3, box 2, folders 1–4.
- 34 Raphael Lemkin, "The Concept of Genocide in Sociology."
- 35 Bartolomé Clavero, *Genocide or Ethnocide, 1933–2007: How to Make, Unmake and Remake Law with Words* (Milan: Giuffrè Editore, 2008), 32.
- 36 Jacobs, *Raphael Lemkin's Thoughts on Nazi Genocide*, 187.
- 37 Lemkin, *Axis Rule*, 83.
- 38 Lemkin, *Axis Rule*, 83.
- 39 Lemkin, *Axis Rule*, 84.
- 40 Lemkin, *Axis Rule*, 385–391. See "Orders in Regard to Private Schools, December 6, 1940"; "Elementary School System in Lorraine, February 14, 1941"; and "Use of Certain French Textbooks, August 10, 1940."
- 41 Lemkin, *Axis Rule*, "Order Concerning the Use of the German Language in Luxemburg, August 6, 1940," 440.
- 42 Lemkin, *Axis Rule*, "Order Concerning Compulsory Schooling in Lorraine, February 14, 1941," 386.
- 43 Lemkin, *Axis Rule*, "Order Concerning Prohibition of Dancing in the Government General, April 9, 1941," 555.
- 44 Lemkin, *Axis Rule*, 84 and "Duty of Registration for All Persons Engaged in Creating or Transmitting Cultural Values in Luxemburg," 442.
- 45 Lemkin, *Axis Rule*, "Order Concerning the Preservation of Works of Art in the Occupied Territory of France, July 15, 1940," 390.
- 46 Lemkin, *Axis Rule*, 62.
- 47 Lemkin, *Axis Rule*, 85.
- 48 John Hunt, "Out of Respect for Life: Nazi Abortion Policy in the Eastern Occupied Territories," *Journal of Genocide Research* 1, no. 3 (1999): 379–385.
- 49 Memorandum from Raphaël Lemkin to Members of the Women United for the United Nations, 19 December 1949, AJHS, box 2, folder 10.
- 50 Lemkin, *Axis Rule*, 275–281. See "Vicegerent's Decree Creating the Albanian Fascist Party, June 2, 1939," 275; "Vicegerent's Decree No. 73 Concerning the Institution of the Central Council of Corporative Economy, March 14, 1940," 277; "Vicegerent's Decree No. 101 Concerning Attributions and Functioning of the Fascist Upper Corporative Council, April 3, 1940," 277; "Vicegerent's Decree No. 114 Concerning the Statute of the 'Skanderbeg Foundation', National Body for Cultural Growth in Albania, April 8, 1940," 278; and "Vicegerent's Decree No. 228 Concerning Crimes Against the Personality of the State, January 6, 1940," 281.
- 51 Lemkin, *Axis Rule*, 584–590.
- 52 Lemkin, *Axis Rule*, "Decree Concerning Land Grants for Municipal Officials in the Villages of the Aegean Region, Approved by the 34th Decision of the Council of Ministers Taken at the Session of October 9, 1942, Protocol No. 131," 416; and see "Decree Regarding the Construction, and Justification of Expenditures for the Construction, of Dwelling-Houses for the Colonists in the Aegean Region, Approved by the 36th Decision of the Council of Ministers Taken at the Session of October 14, 1942, Protocol No. 133," 417–418.
- 53 Lemkin, *Axis Rule*, 81.
- 54 Lemkin, *Axis Rule*, 86.
- 55 Lemkin, *Axis Rule*, 86. See also "Order of the Reich Commissioner for the Occupied Netherlands Territories Concerning Marriages of the Male Persons of

- German Nationality in the Occupied Netherlands Territories, and Related Matters, February 28, 1941," 474; and "Order Concerning the Granting of Child Subsidies to Germans in the Government General, March 10, 1942," 553.
- 56 Lemkin, *Axis Rule*, 87. See "Order Concerning the Subsidizing of Children Begotten by Members of the German Armed Forces in Occupied Territories, July 28, 1942," 504.
- 57 Adolf Hitler, "Statement to Rausching," in *The Voice of Destruction*, ed. Hermann Rausching (New York: G. P. Putnam's Sons, 1940), 138. Quoted in Lemkin, *Axis Rule*, 81 note 7.
- 58 Lemkin, *Axis Rule*, 81.
- 59 Lemkin, *Axis Rule*, 83.
- 60 Lemkin, *Axis Rule*, 81. Lemkin is citing Alfred Rosenberg, *Der Mythos des 20. Jahrhunderts* (Munich: Hoheneichenverlag, 1935), 1–2. On Rosenberg, see Robert Cecil, *The Myth of the Master Race: Alfred Rosenberg and Nazi Ideology* (New York: Dodd Mead, 1972). It is generally understood that Alfred Rosenberg was less influential in shaping policy than Lemkin thought he was.
- 61 Lemkin, *Axis Rule*, 80.
- 62 Lemkin, *Axis Rule*, 81.
- 63 Lemkin, *Axis Rule*, 89.
- 64 Lemkin, *Axis Rule*, 89. See also "Order Concerning Withdrawal from Religious Congregations, December 9, 1940," 438; and see "Regulation Concerning Provisional Rearrangement of the Evangelical Church Organization in Lorraine, September 28, 1940," 385.
- 65 Lemkin, *Axis Rule*, 90.
- 66 Lemkin, *Axis Rule*, xi–xii.
- 67 Lemkin, *Axis Rule*, 13.
- 68 Lemkin, *Axis Rule*, 82–90.
- 69 Lemkin, *Axis Rule*, 82–90, "Order Concerning the Use of German Language in Luxemburg, August 6, 1940," 440.
- 70 Lemkin, *Axis Rule*, 82–90, "Order Concerning the Change of First and Family Names in Luxemburg, January 31, 1941," 441. See also "Duty of Registration for All Persons Engaged in Creating or Transmitting Cultural Values in Luxemburg," 441.
- 71 Lemkin, *Axis Rule*, 83.
- 72 Lemkin, *Axis Rule*, "Order Concerning the Introduction of a Certificate for Persons of German Origin in the Government General, October 29, 1941," 552.
- 73 Lemkin, *Axis Rule*, 83.
- 74 Lemkin, *Axis Rule*, 13.
- 75 Lemkin, *Axis Rule*, 125, 313. Lemkin misunderstood the citizenship categories, drawing from incomplete legal sources. Recent scholarship suggests Nazi Germany's citizenship laws were based on far more of a binary opposition between genetically pure Germans and non-Germans than Lemkin suggested. See Diemut Majer, *"Non-Germans" Under the Third Reich: The Nazi Judicial and Administrative System in Germany and Occupied Eastern Europe with Special Regard to Occupied Poland, 1939–1945* (Baltimore, MD: John Hopkins University Press, 2003). However, Lemkin intuited the principle correctly, that only people in Poland who were believed to be biologically German were granted full membership in the German nation and full citizenship in the German state.
- 76 Lemkin, *Axis Rule*, 83.
- 77 Lemkin, *Axis Rule*, 8.
- 78 Lemkin, *Axis Rule*, 241–266.
- 79 Lemkin, *Axis Rule*, 8.
- 80 Lemkin, *Axis Rule*, 83.
- 81 Lemkin, *Axis Rule*, xiii.

- 82 Lemkin, *Axis Rule*, 8.
- 83 Lemkin, *Axis Rule*, 7–9.
- 84 Daniel Feierstein, *El Genocidio Como Práctica Social: Entre el Nazismo y la Experiencia Argentina* (Buenos Aires: Fondo de Cultura Económica, 2008), 31–33.
- 85 Lemkin, *Axis Rule*, 36.
- 86 Lemkin, *Axis Rule*, 36.
- 87 Lemkin, *Axis Rule*, xiv–xv.
- 88 Lemkin, *Axis Rule*, 83.
- 89 Lemkin, *Axis Rule*, 86.
- 90 See Lemkin, *Axis Rule*, 21, 38, 45, 63, 64, 79, 83, 187–189, 222, 224–225, 238, 244, 416–417, 417–418, and 565.
- 91 Johan Galtung, “Cultural Violence,” *Journal of Peace Research* 27, no. 3 (1990): 291–305, 291.
- 92 Johan Galtung, “Violence, Peace, and Peace Research,” *Journal of Peace Research* 6, no. 3 (1969): 167–191.
- 93 See Jacobs, ed., *Lemkin on Genocide*.