

Genocide

The Power and Problems of a Concept

Edited by

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- Tactics of the Russian Communists," July 1921, available at <https://www.marxists.org/reference/archive/stalin/works/1921/07/x01.htm>.
- 32 We are thus dealing with a particularly merciless case of alien rule, the very opposite of the one envisioned by Michael Hecther in *Alien Rule* (Cambridge: Cambridge University Press, 2013).
- 33 A graphic illustration of the demographic changes can be seen in "Major Ethnic Groups in Kazakhstan, 1897-1970," Wikimedia Commons, https://commons.wikimedia.org/wiki/File:Kazakhstan_demographics_1897-1970_en.png.
- 34 Graziosi, Hajda, and Hryn, eds., *After the Holodomor*; Graziosi and Flier, eds., *The Battle for Ukrainian*.
- 35 James Richter, "Famine, Memory and Politics in the Post-Soviet Space: Contrasting Echoes of Collectivization in Ukraine and Kazakhstan," in "Special Issue on the Soviet Famines," *Nationality Papers*: 476-91. The following discussion owes much to Niccolò Pianciola's criticism of a previous version, for which I am grateful.
- 36 Graziosi, "Communism, Nations, and Nationalism."
- 37 de Waal, *Mass Starvation*, 106; Elena A. Osokina, *Our Daily Bread: Socialist Distribution and the Art of Survival in Stalin's Russia, 1927-1941* (Armonk, NY: Sharpe, 2001).
- 38 Quoted in Valery Vasyli'iev, ed., *Politycheskoe rukovodstvo Ukrainy, 1938-1989* (Moscow: Rosspen, 2006), 168.
- 39 Roman Rosdolsky, *Engels and the 'Nonhistoric' Peoples: The National Question in the Revolution of 1848* (Glasgow: Critique Books, [1948] 1987); Graziosi, "Communism, Nations, and Nationalism."

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The "Lemkin Turn" in Ukrainian Studies: Genocide, Peoples, Nations, and Empire

Douglas Irvin-Erickson

Raphaël Lemkin coined the word *genocide* and inspired a movement at the United Nations between 1946 and 1948 to outlaw the crime.¹ An increasingly important figure in the field of comparative genocide studies, peace and conflict studies, and a number of fields studying specific conflicts and cases of genocide, the body of Lemkin scholarship has grown over the last decade.² My own journey in studying Lemkin's body of written works, as I researched and wrote my book on Lemkin, led me to understand Lemkin's legal and social thought in very different terms than how he is presented in received scholarship. Without recounting my entire book in this chapter, there are three lessons I want to highlight that are important for scholars to remember when using Lemkin's social scientific theories of genocide in their own work. These lessons strike at the core of the tension, the problem, this book has taken up, between the legal understandings of genocide on the one hand, and the ethical-political understandings of genocide on the other.

Given that this book has been commissioned by two of the world's leading historians of Ukraine, and was the outcome of a major international conference convened by a leading scholarly society dedicated to the study of the Holodomor, I will attempt to illustrate how these three lessons have played out in academic debates in Ukrainian studies over interpretations of the Holodomor, the great famine in Soviet Ukraine between 1932-33. Indeed, in the last decade, Lemkin has increasingly become a figure of interest to those who study the famine.³ This interest stems from Lemkin's 1953 speech on the Ukrainian genocide, which he intended to publish in his unfinished three-volume world history of genocide.⁴ What was important, conceptually, in Ukrainian studies was that Lemkin viewed the Great Famine of 1932 to 1933 not as a

genocide but, rather, as one part of a longer-running genocide against a distinct Ukrainian social identity that was committed through violent and non-violent forms of repression and oppression within the context of Soviet empire-building.

The discovery of Lemkin's 1953 speech and unpublished essay on the Ukrainian genocide did spark something of a "Lemkin turn" in Holodomor studies, which raised the question of whether we should limit the Holodomor term to the Great Famine (and call the famine the genocide) or adopt Lemkin's view that the Great Famine was only one episode of a larger genocide against the Ukrainian social group. For other scholars of the Holodomor, it is Lemkin's notion of peoplehood – and the destruction and construction of nations through cultural, social, and physical violence – that makes his writings particularly compelling. I would contend that it was more than a coincidence that the "Lemkin turn" in Holodomor studies occurred at the same time that scholars began asking whether the concepts of empire and colony were useful concepts for understanding Ukrainian history. Lemkin believed genocide was a "colonial crime" that entailed the "destruction of the national pattern of the oppressed" and the "imposition of the national patterns of the oppressors," all of which makes Lemkin's concept of genocide useful for analyzing the problems of empire and colonialism in Ukrainian studies.⁵

While this chapter will present an overview of what has proven to be a "Lemkin turn" in Ukrainian studies, especially with regard to interpretations of the Holodomor through the conceptual lens of genocide, there are parallel developments afoot, with "Lemkin turns" emerging in the literature of a number of cases. My broader lessons about Lemkin's thought should be applicable across the board. In her important chapter in this volume, Michelle Tusan notes that scholars today "continue to reconcile themselves to Lemkin's concept, whether it is to reject or accept his formulation," while reminding us that: "This definition came out of a historical context – the lead-up to World War II – and had its own politics. But to reject or embrace it on the grounds of this particularity does little good. Rather, defining an act as genocide must be followed by a reconciliation of the event and its definition as the experience of a people. The study of genocide, then, becomes a study of the materiality, ideas, and events of genocide that moves beyond the act itself."⁶ I find Tusan's reflections instructive and, as I hope this essay can show, there is a way to use Lemkin's theory and definition of genocide that can bring scholarship on the Ukrainian genocide to this point.

Three Lessons on Lemkin and Lemkin's Conception of Genocide

The first quotation below presents the legal definition of genocide as codified in the 1948 UN Genocide Convention. The second quotation is Lemkin's definition of genocide from his 1944 book, *Axis Rule in Occupied Europe*. Only four years separates these texts, but the definitions of genocide are radically different. How did the definition change? Notice that the legal definition specifies the kinds of acts that constitute genocide, whereas Lemkin's definition of genocide does not. And, notice that the legal definition restricts genocide to the destruction of very specific kinds of groups, while there is no such restriction of groups in Lemkin's definition.

Article I The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

Article II In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group; [and]
- (e) Forcibly transferring children of the group to another group.

Article III The following acts shall be punishable:

- (a) Genocide;
- (b) Conspiracy to commit genocide;
- (c) Direct and public incitement to commit genocide;
- (d) Attempt to commit genocide; [and]
- (e) Complicity in genocide.

Article IV Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.⁷

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. 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 ... 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.

... Genocide has two pages: one, the 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.⁸

Why did the definition of genocide change? Why does this matter?

My first lesson on Lemkin is that Lemkin was not the author of the United Nations Convention on the Prevention and Punishment of Genocide of 1948 (Genocide Convention). He coined the word genocide in his famous study of the Second World War, *Axis Rule in Occupied Europe*, which was published in 1944 (we can date the time he coined the term to the winter of 1941–42 based on annotations in his notebooks). He authored the first draft of the treaty presented to the UN and, wielding a new type of power that prefigured the human rights social movements later in the twentieth century, he was able to keep himself involved in the political deliberations over the treaty's text by strategically directing a significant amount of international public pressure on the governments of UN member states, while maintaining authentic if calculated friendships with a number of individual delegates from across the Middle East and Asian (the Egyptian, Pakistani, and Filipino delegations were the ones that most closely coordinated their strategies with

Lemkin, and Gabriela Mistral and Pearl Buck were vital for marshalling the support of Latin American member states and China). Even this brief glimpse into the history of the concept of genocide demonstrates that the Genocide Convention's definition of genocide was a fundamentally political definition.

The primary goal of the delegations representing major world powers at the UN, as I argue in my book, and as my colleague Anton Weiss-Wendt has also documented in his scholarship and outlined in this volume, was to narrow the definition of genocide as much as possible, and to ensure the passage of an international law that could not be applied to them but could still be applied to their geopolitical opponents. While many scholars of genocide and anti-genocide activists uphold the Genocide Convention as a kind of moral document, Weiss-Wendt's scholarship and my research has attempted to show just how much the Genocide Convention was a product of post-World War II geopolitics, starting as an explicitly anti-colonial document and being transformed into something that colonial powers could tolerate. I would agree with Weiss-Wendt's argument in this volume, that the implication for scholars – and all sorts of genocide-prevention practitioners – is that if you adopt the legal definition of genocide as your working definition of the concept, or even if you take the legal definition as an ethical or moral concept, you implicitly align your work with a concept that was designed to erase from its boundaries the vast majority of the kinds of repression and oppression being committed by the major powers at the time. As I tell my students, Weiss-Wendt has found drafts of the UN treaty heavily annotated by Soviet prosecutor general Andrei Vyshinsky and Joseph Stalin, indicating that they poured over the text line by line. So, we must understand that the legal definition of genocide was co-authored by Vyshinsky and Stalin – and their peers at the UN who knew their governments were committing atrocities that would have been genocide according to Lemkin's first definition.

It is worth considering why Lemkin's initial ideas about how to define genocide would be rejected by the major powers at the UN. My second lesson on Lemkin, therefore, is that Lemkin framed his concept of genocide in 1944 as an explicitly *colonial* crime. In *Axis Rule*, he called the German occupation of Europe an act of colonialism, framing the destruction of the groups targeted by the Germans for physical extermination as part of a larger colonial program of group destruction that included a wide spectrum of repressive and oppressive acts. Later in his unpublished writings Lemkin set out to study the genocides of European colonialism, framing both Nazi and Soviet genocides as part

of this history of European colonial empires using genocide as a technique of governance, and charting the direct and structural violence that these genocides entailed. In 1946, when Lemkin brought his ideas to the United Nations, he wrote that his strategy was to gain the support of the North African delegations first, since they represented peoples against whom genocide had been committed, and to assemble a coalition of small states and former colonies to force the major powers to the bargaining table. Then he would step back and let the US, UK, and USSR take all the public credit for working so hard to outlaw genocide after the recent experience of World War II. And that is precisely what happened, except the major powers opposed the Genocide Convention more than he had anticipated. The Canadian and Swedish delegations were instructed by their governments not to sign a treaty that could be applied to indigenous peoples; the South African delegation warned the convention was "dangerous" where backwards people were concerned, stating their position that genocide against Black Africans was progress; the Brazilian delegation mused that outlawing genocide would be a genocide against Latin America since it was their cultural tradition to exterminate political opponents; the UK and French observers wanted a treaty that could not apply to the colonies; and Washington instructed the US delegation to make sure the treaty couldn't be applied to American Indians or government-sanctioned racial segregation and lynching.

Not surprisingly, during the diplomatic negotiations at the UN over how genocide would be defined in the international treaty, the definition of "genocide" changed dramatically, narrowing to such a degree that Lemkin no longer recognized his own concept, as delegates from UN member states carefully negotiated each word of the treaty. As I show in my book by looking at Lemkin's personal correspondences and personal writings, Lemkin left the UN in 1948 believing that his time at the UN was a failure – even though he publicly celebrated the passing of the Genocide Convention in newspaper editorials and scholarly journal articles. The law against genocide after 1948, Lemkin wrote in his memoirs, was now in the hands of statesmen "who lived in perpetual sin with history" and "treated human life like currency in a bank."

Thirdly, and perhaps most importantly for scholars looking to use Lemkin's definition, Lemkin did not define genocide as a type of violence. Instead, he defined genocide as a type of conflict that involved a spectrum of coercive actions that ranged from repression and marginalization to acts of oppression and sometimes (but not always) violence – acts we would call "structural violence" or "cultural violence" in today's parlance.⁹ Importantly, Lemkin had worked out his definition of genocide

before the onset of the Final Solution, which is widely recognized as the moment the Nazi party settled on a policy of physically exterminating the Jewish people. And, interestingly, the earliest iterations of the concept Lemkin called genocide in the early 1940s can be traced to his writings in the late 1920s on the Soviet penal code, where he was primarily worried about the way the Soviets used the law to direct the force and violence of the state towards the elimination of "enemy nations" and forms of social consciousness the Bolshevik party deemed antithetical to the revolution. (For this, Lemkin was denounced by Andrei Vyshinsky as an enemy of the revolution).¹⁰

To return to the tension highlighted in this volume's title, between the legal and the ethical-political conceptions of genocide, I would suggest that the legal definition is highly political as well. Thus, scholars who employ an ethical-political understanding of the genocide concept, and follow the broader writings of Lemkin, will necessarily position the Holodomor in a wider context of Soviet empire-building, "internal" colonialism, nationalities conflicts, and identity group-based repression and oppression – all of which Lemkin would have viewed as structurally and historically connected. Using this broader definition of genocide means, however, that the concept of genocide loses its reference point in international law. Yet, this is not *a priori* a bad thing. Because the legal definition was the product of a high-stakes political drafting process, and the explicit goal of many UN member states was to remove the actions of their governments from the purview of this treaty, the Genocide Convention gives us a very poor scholarly definition of genocide (unless of course the scholar is specifically concerned with legal history or the law), as it is designed to conceal far more about human history and social behaviour than it reveals. We thus find ourselves in the dilemma announced in the very title of the book. An ethical-political definition of genocide, such as Lemkin's, lacks a grounding in international law, and is thus unsatisfactory for many scholars and activists.¹¹ The legal (or legal-political) definition of genocide, on the other hand, fails to encompass many of the very acts we find so morally abhorrent, such as the Soviet Union's attempt to intentionally starve to death millions upon millions of human beings.¹²

As Tusan reminds us, it does little good to reject or embrace the concept of genocide on the grounds that the concept is a product of post-World War II politics; it is more fruitful to define an act as genocide by reconciling the event and its definition to the experience of a people, specifically the experience of being subjected to an attempted destruction.¹³ What I would like to remind the reader is that Lemkin himself did not

use the legal definition of genocide in his historical and social scientific scholarship (of course, he used the legal definition in his legal work). When he returned to the classroom at Yale University, his lectures went right back to his broad, experience-of-the-victim-centred understanding of the concept. He defined genocide simply as “the destruction of nations and peoples,” Lemkin told his student, because the specific act of how such destruction was carried out would always change through history. Much like Tusan’s argument that the study of genocide necessarily moves beyond the study of the materiality of the act itself, Lemkin’s unfinished three-volume *World History of Genocide*, and his unfinished manuscript *Introduction to the Study of Genocide in the Social Sciences*, shows us that Lemkin was utterly unconcerned with the legal definition when it came to writing history and social science. Over and again in these unpublished works, Lemkin proves more concerned with defining the crime based on the subjective experience of the victim, rather than on objective criteria preferred by international lawyers. In his proposal for *World History of Genocide*, he even stated that his goal was to write a “victim-centered history.”

In the context of the current state of Ukrainian studies, which has become highly politicized in the context of the conflict between Ukraine and Russia from 2013 to the present, it is important to consider the definitions of genocide that scholars use, and my three lessons on Lemkin. It is clear to any observer of the conflict that scholarship is being picked up in the national media of Ukraine and Russia, and academic research is filtering into the narratives of the conflict from parties on all sides.¹⁴ There is a certain fixation on the concept of genocide, as activists and partisans seek to use scholarship on “the Ukrainian genocide” during the Soviet era to delegitimize the current Russian involvement in Ukrainian.¹⁵ Putting aside these questions of contemporary politics, however, my three lessons on Lemkin can help clarify certain points in this “Lemkin turn” in Ukrainian studies.

For one, Lemkin’s definition of genocide (not the legal definition of genocide) would force us to separate conceptually the famine and the genocide. The famine can be seen as part of a genocide, but the famine was not the genocide. This means that, analytically, the killing of at least 3.5 million peasants is no longer presented as the primary objective of the man-made famine, but rather a means to a larger end. In the Lemkin frame, the starvation of people is not genocide; the people were starved *as a way of committing* genocide. This is why Lemkin argued, in his famous speech in 1953, that the Soviet regime orchestrated mass starvation as part of a larger effort to stamp out a distinct Ukrainian

social identity. What is more, Lemkin’s analysis of the famine not as the genocide, but the most violent manifestation of the genocide, connects the famine to a larger pattern of social, political, economic, and cultural conflict within the Soviet Union – between the regime in Moscow and those who suffered from the regime’s genocide in Ukraine. As such, for Lemkin, it becomes irrelevant (both legally and theoretically) whether Stalin and Soviet administrators actually gave explicit orders to orchestrate a famine, because the famine emerged from a larger program of conflict that was already an explicit expression of Soviet empire-building and thus was state policy.¹⁶

These theoretical implications of Lemkin’s writings for Ukrainian studies have deepened and helped legitimize two existing threads in the field. The first thread is characterized by scholars of Ukraine studying what we now call “structural violence” and “cultural violence.” The second thread would be scholars studying the Ukrainian case through the lenses of empire and colony. I will analyze both at the conclusion of this chapter, while arguing that Lemkin’s theory of genocide is useful for the intellectual project of both threads. The chapter also underscores what these two threads have in common: a conceptual and moral focus on the processes, consequences, and costs (in economic and human terms) of group destruction in the Soviet Union. Before proceeding to this analysis of the “Lemkin turn” in Ukrainian studies, however, it is necessary to briefly outline the contours of Lemkin’s thinking on genocide, empire, and the destruction of peoples and nations.

Lemkin’s Theory: A Quick Sketch

The twentieth-century “history of genocide” is very much a history of the creation of the concept of genocide: how the idea emerged historically in Lemkin’s thinking, in relationship to the ideas and concerns of his Jewish, Polish, and professional legal milieu in the 1920s and 1930s;¹⁷ how the drafting process at the United Nations transformed the concept to emphasize that genocide was a physical act rather than a complex sociological process related to other forms of conflict;¹⁸ and how the concept again was transformed through geopolitical pressure during and after the Cold War.¹⁹ Lemkin’s understanding of the core concepts that underpinned his constantly evolving definition of genocide also changed with the times.²⁰ But, as I have argued in my book on Lemkin, some things remained consistent in Lemkin’s thought from the 1920s to his final works in the 1950s.

Genocide, Violence, and Conflict

The first consistency in Lemkin's thought was his notion that the roots of armed conflict, war, and genocide were not found in the balance of power politics or the calculations of interests of abstract social groups, such as states or religions, but rather in the sentiments, values, demands, and interests of domestic social and political movements and specific groups in a society in conflict. For Lemkin, genocide was the result of decisions made by individuals whose immediate interests led them to commit these acts or lend their support to these acts, and genocide was conditioned and legitimized through social norms and values. But groups themselves were not responsible for genocide. Individuals were. Genocide was, therefore, both a complex social process involving many small actions that, in isolation, would not amount to genocide; and, simultaneously, a choice made by people across a society who decided to participate in the program in one way or another.

Genocide as a Social Process

Second, Lemkin believed the destruction of human groups was a sociological process. Genocide was, therefore, a type of conflict and not a type of violence. This remained consistent throughout his writings in the 1920s on the Soviet penal codes (before he coined the word genocide) through his work in the 1950s, including his sociological and historical studies of genocide and his legal advocacy work. To be sure, Lemkin was most concerned with, and saved his strongest moral condemnation for, genocides committed through terror, torture, and death. However, for genocide to have taken place did not necessarily require physical violence in Lemkin's definition of the term; genocide could be committed without killing a single individual. In fact, when Lemkin wrote about physical killings as a technique of genocide, he often discussed this violence in terms of the sociological consequences of violence – in terms of the collective trauma that violence inflicts upon survivors across a society, the weakening of the bonds of social solidarity and group cohesion that often accompanies horrific forms of violence such as hunger and rape, and the particular kinds of terror and loss that occur across a society when cultural figures such as poets and civil leaders are killed. For Lemkin, killing was not necessary for genocide, and when genocide involves killing, the killing part was not the genocide, per se.

Genocide versus Social Change

Third, turning to the thought of Giuseppe Mazzini, Lemkin believed national groups were the basic components of world civilization, and that national diversity is what animated the world and served as the engine of human creativity, progress, beauty, and peace. Lemkin departed from Mazzini in important ways, most notably in his belief that it was not the objective qualities of nations that animated world civilization like a "subtle concerto," but rather the changing of national groups' objective and imaginative characteristics. The ability for groups to change, Lemkin believed, is what is generated by the interactions between ideas, values, and beliefs that occur when people meet those from other nations, become part of other nations, and move between nations.

Cultural assimilation via cultural hegemony, a constant in human history, was not necessarily a bad thing for Lemkin, who was not opposed to old "groups" disappearing and new groups emerging. In fact, Lemkin positions the slow disappearance of groups and nations as a healthy occurrence for human societies, because it means that cultures and groups were changing and such change was a fundamental good. There is an implicit contradiction in Lemkin's thinking here about where to draw the line between group diffusion versus group destruction (i.e., genocide). Yet, for Lemkin, the boundary rested between the ability of individuals to freely choose to abandon or adopt identities – which could result in the disappearance of a group – and purposeful attempts to destroy a group as a sociological entity, which is what he called genocide. The disappearance of a group or a culture, even through cultural assimilation, was not genocide in Lemkin's formulation.

In fact, Lemkin believed that cultural diffusion and assimilation could enrich the human experience because social change is what allowed human societies to adapt to constantly changing historical conditions. What was to be condemned, he believed, was forced cultural destruction, or forced cultural assimilation. This he called genocide. Genocide deprived the world of cultural diversity, and cultural diversity was necessary for cultural change to occur. Thus, Lemkin argued that genocide prevented social groups from changing and evolving, because it depleted the kinds of cultural diversity in "world civilization" that drove social innovation and constructive social change. Genocide was a "crime against humanity," he wrote, precisely because it deprived individuals of the ability to experience the fruits of diversity, and as a consequence it deprived people from the positive benefits of social change that diversity

inspired. The ultimate consequence of genocide was a world that lacked diversity and thereby lacked the mechanism that made progress, creativity, and beauty possible. The law against genocide, in Lemkin's thinking, was a way to safeguard a diverse world to preserve the mechanism that allowed for change in national groups. Genocide was to be outlawed because the purposeful destruction of national groups would lead to a "world civilization" that lacked diversity and was therefore static and unable to change, which would lead to the impoverishment and destitution of all.

Nations, Peoples, New Words, and New Ideas

As we noted above, 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*. 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 and the Latin *cide* (to kill). In a footnote, he added that genocide could equally be termed "ethnocide," with the Greek *ethno* meaning "nation." Genocide signified the attempt to destroy a national 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."²¹ Rather, 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." In *Axis Rule*, Lemkin further defined genocide as a colonial process of destroying the national patterns of the oppressed and imposing upon the victims the national patterns of the oppressor. 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."²²

As a new word, Lemkin felt that "genocide" would also be free of the connotations carried by similar existing words, such as the German word *Völkermord*, meaning "murder of nations." *Völkermord* appeared in reports about the German colonial war against the Herero and Nama peoples, to describe the Ottoman campaign against Armenians, and in reference to Russian politics.²³ Lemkin was fluent in German and had used the term, but decided against it – perhaps because the root *Volk* was too close to the German Romantics' use of *Volk* to describe an organic nation, a concept that Lemkin believed was an important structuring

aspect of the Nazi genocide.²⁴ 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.²⁵ Regarding the English word "denationalization," Lemkin explained that the word 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.²⁶ "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.²⁷

Scholars have been quick to notice that Lemkin's idea of peoples, culture, and the destruction of peoples resembles the writings of German Romantic philosopher Johann Gottfried Herder.²⁸ I have also heard scholars at various Ukrainian studies conferences sharing this interpretation of Lemkin, regarding discussions of a primordial Ukrainian nation. This is a misreading of Lemkin. Herder first developed the notion of culture and cultural relativism, and he inspired movements that called for compassion for those suffering because of colonial attempts to destroy culture in the name of civilization. While the Romantic nationalism of Herder generated an appreciation for cultural diversity, Lemkin wrote, there was a downside to this movement, which exalted "peoples" and "cultures" as primordial entities that transcended history. This notion of peoples and cultures as organic and primordial was grounded in a form of nationalism, Lemkin wrote, that would later be used by antisemitic and militarist thinkers who set the stage for the rise of Nazi nation-race ideologies.²⁹ While Lemkin borrowed much from Herder's writings on culture and his critique of colonial processes of cultural destruction, Lemkin ultimately rejected Romantic conceptions of nationhood. The "Herderian Romantic approach," he wrote, "became culturally atavistic in the nineteenth century and politically aggressive in the late nineteenth and the first half of the twentieth centuries," when it "coupled with the strive for power, aggrandizement, internal anxieties, and disrespect for minorities [to] create a climate ... for the perpetration of genocide."³⁰ A Lemkin-inspired reading of Ukrainian history, therefore, would not uphold "Ukraine" or the "Ukrainian nation" as a primordial people that exists transhistorically, but rather affirm that a Ukrainian national

inspired. The ultimate consequence of genocide was a world that lacked diversity and thereby lacked the mechanism that made progress, creativity, and beauty possible. The law against genocide, in Lemkin's thinking, was a way to safeguard a diverse world to preserve the mechanism that allowed for change in national groups. Genocide was to be outlawed because the purposeful destruction of national groups would lead to a "world civilization" that lacked diversity and was therefore static and unable to change, which would lead to the impoverishment and destitution of all.

Nations, Peoples, New Words, and New Ideas

As we noted above, 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*. 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." Genocide signified the attempt to destroy a national 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."²¹ Rather, 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." In *Axis Rule*, Lemkin further defined genocide as a colonial process of destroying the national patterns of the oppressed and imposing upon the victims the national patterns of the oppressor. 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."²²

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identity is a historical, political, and sociological project – as was the Soviets' efforts to destroy this social identity group.

Lemkin's definition of peoples and nations was derived most directly from national cultural autonomy theorists – not organic or Romantic nationalists – precisely because Lemkin rejected atavistic theories of the nation and was resolute in his opposition to a relativistic form of nationhood. As A. Dirk Moses has written, Lemkin did not structure identity like a zero-sum game, and never believed that any individual had to express any one identity or be reduced to just one national identity.³¹ In Lemkin's understanding, all individuals held multiple forms of what we now would call "social identity," and it was this ability of individuals to belong to many "nations" at once that enriched the human experience. "Cultural relativity," if it were freed from the xenophobic strictures of the Herderian Romantic approach, "can be a doctrine of hope rather than despair."³² In the endeavour "at unifying the world for peace," Lemkin continues: "This doctrine [of cultural relativity] has a two-fold significance. It means that we must respect every culture for its own sake. It also means that we must probe beyond specific cultural differences in our search for a unified conception of human values and human rights. We know that this can be done."³³

In his unfinished manuscript *Introduction to the Social Scientific Study of Genocide*, Lemkin turns to the Italian Romantic thinker Giuseppe Mazzini for an understanding of how national diversity could ground a universal form of world citizenship, made concrete by an international law prohibiting the destruction of nations.³⁴ Lemkin writes that Mazzini, "the prophet of the 19th century idea of nationality in a humanist, democratic form with a strong admixture of romanticism," posited a belief that nationality, not state citizenship, is what provides people with "citizenship in the world."³⁵ Lemkin borrowed Mazzini's metaphor of the symphony of nations,³⁶ explaining that nations were like musical instruments in the "subtle concerto" of world civilizations, which was "nourished and gets life from the tone of every instrument."³⁷ Yet, Lemkin still did not define nations in Mazzini's exact terms. When Lemkin told the *Christian Century* in a 1956 interview that he did "not belong exclusively to one race or one religion," he was acknowledging that he held a personal sense of belonging to Polish, Jewish, and American national groups, and was implicitly rejecting a strict nationalist worldview without giving up his sentiments that national groups and identities were the most basic foundation of the human experience.³⁸

While Lemkin held on to Mazzini's ethical defense of nations as the source of all creativity in world civilization, and of cultural diversity as

the key to a peaceful and humane world order, Lemkin offered a different definition of nations. Quoting the French Romantic philosopher of art history Henri Focillon, Lemkin wrote that "nations are families of mind," not transhistorical and primordial entities.³⁹ Focillon had used medieval and Mesopotamian art history to theorize that nations were constituted by a shared belief among individuals that they were unified, which manifested itself through patterns of aesthetic taste, reoccurring tropes, and shared understandings of symbols.⁴⁰ Above all, a nation, according to Lemkin, was a group of people who thought of themselves as belonging to the same group. Shared languages, arts, mythologies, folklores, collective histories, traditions, religions, and even shared ancestry or shared geographical location were important only because people *believed* that these things mattered. This meant an individual could belong to more than one nation at the same time, since the criteria for establishing nations were not mutually exclusive. Individuals could enter into and out of certain "families of mind," expressing one identity now and another one later, or several at once. Within this conception, no individual could ever be fully representative of a nation; nor could any individual be reduced to a nation.

Lemkin thus considered many different kinds 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 his or her life – often several simultaneously. His definition of a nation was so broad that it could include groups as small as "those who play at cards" or groups as large as Jews, Armenians, and Poles. Lemkin's goal with this definition was to outlaw a broad range of attempts to destroy a wide range of human groups by various means, from cultural, sociological, political, or economic repression, or even physical attacks against individuals intended to harm the collectivity.

In further developing his theory of nations as mental processes and acts of imagination, Lemkin borrowed heavily from the Austro-Hungarian Marxist and social democratic theorists and political figures Karl Renner and Otto Bauer. Indeed, he told Renner this much in his personal correspondences.⁴¹ Bauer had argued that modern nations were "communities of character" that developed out of "communities of fate."⁴² For Bauer, nations were not territorially derived, as liberal nationalism professed, and 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."⁴³ This also meant that the content of national identity was always changing, because both nationality and nations as social groups were historical products of the consciousness of individuals.⁴⁴ Thus for Bauer, nations were neither transhistorical 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 identities were not mutually exclusive. Lemkin would borrow these ideas explicitly in his late, unfinished writings on genocide, and quietly announced this position in a footnote in *Axis Rule*.⁴⁵

As Lemkin taught his students at Yale Law School in 1948 after returning to the classroom, nations were the primary object of protection of the law against genocide, but nations were aspects of human consciousness.⁴⁶ Lemkin taught his class at Yale that a nation was a mental process that took on objective characteristics, sociologically, and therefore a nation was just as much an act of imagination as it was a historical object. Because of this, nations could come into and out of existence, and they could change. Lemkin told his 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. The concept of the "genos," Lemkin said, "was originally conceived as an enlarged family unit having the conscience of a common ancestor – first real, later imagined."⁴⁷ It was in this imagined connection between people, he observed, where "the forces of cohesion and solidarity were born." The same forces for group cohesion 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."⁴⁸

The "Lemkin Turn" in Holodomor Studies

As I discussed in the introduction to this chapter, Lemkin has become an increasing figure of interest to those who study the Holodomor in the last decade.⁴⁹ Roman Serbyn and Lubomyr Luciuk may have been at the forefront of this movement in Ukrainian studies, applying Lemkin's theory to the field through their individual readings of Lemkin's 1953 speech on the Ukrainian genocide.⁵⁰ Crucially, for both scholars, the

importance of Lemkin's thinking is that it positioned the Great Famine of 1932–33 as the most violent chapter of a decades-long genocide against the Ukrainian social group or Ukrainian national identity. Also important to both theorists is that, through this framing, an explicit order by Stalin or Soviet elites was irrelevant legally and theoretically, because legal and theoretical "intent" was constituted by the act, which was an explicit expression of state policy.⁵¹ This broad application of Lemkin's thinking to interpretations and analyses of Ukrainian history and society has helped deepen two distinct areas of focus with Ukrainian studies, beyond the study of famine or political violence, to consider questions of "structural violence" or "cultural violence," as opposed to direct violence. The second area of Ukrainian studies that Lemkin's thinking has deepened and enriched is the analysis of Ukrainian history, society, politics, and economics through the concepts of empire and colony. The "structural/cultural violence" thread and the "empire/colony" thread of Ukrainian studies have clear overlaps, as empire-building and colonialism both involve systems of direct, structural, and cultural violence, but this "Lemkin turn" has helped unite both threads by focusing on the way each entails processes of group destruction and group construction, nation-building and national destruction, in other words: genocide.

Structural Violence, Cultural Violence, and the Destruction of Peoples

For Lubomyr Luciuk, Lemkin's significance rests in the fact that this "father of the UN Genocide Convention" recognized the horror and criminal nature of the Holodomor during a time when many notable public intellectuals and leaders in the 1950s either denied the atrocities or ignored them out of geopolitical expediency.⁵² It was not only Lemkin's views on Communist crimes against humanity that were overlooked by scholars and the global public, Luciuk writes. Also ignored was Lemkin's assessment that "the 'destruction of the Ukrainian nation' [was a] 'classic example of Soviet genocide'" and "not simply a case of mass murder" because it involved "the destruction, not of individuals only, but of a culture and a nation."⁵³ Lemkin's ideas, for Luciuk, had political implications in the 1950s and in the present day. The famine in Ukraine from 1932 to 1933 received little official recognition then and now because the structural relationship between Ukraine and the Soviet Union, and later the Russian Federation, has led foreign governments, global interest groups, and "Moscow's handmaidens" to recognize the famine as a tragedy but refuse to acknowledge that the famine was part

of a wider identity-based conflict waged with the intention of destroying a Ukrainian social group.

For peace and conflict scholars more generally, Lemkin's emphasis on the cultural and social aspects of group destruction resembles the field of peace studies' focus on the symbolic aspects of group destruction in conflict. Through Lemkin's writings we can "understand genocide as more than mass murder or extensive and extreme violence," Jonathan Hobson writes, but as a social assault on a "group in its entirety, so that group, its history, and its social constructs no longer exist."⁵⁴ From this basis, Hobson argues that Lemkin's theory of genocide spans political, social, cultural, economic, biological, physical, religious, and moral spheres, and has much in common with the work of the seminal peace studies theorist Johan Galtung, "who offers a way to articulate the encompassing destructive processes genocide entails, and in doing so helps to better understand what it is that makes something a genocidal event."⁵⁵ Within Galtung's phenomenology of violence, Hobson continues, the concepts of "direct, structural and cultural violence" are used to "explain how different societal processes might exclude and victimize certain groups in society."⁵⁶ What comes to the fore of Luciuk's reading of Lemkin's analysis of the Ukrainian genocide is this exact sense that the conflict involved a total sociological and cultural assault on a marginalized victim group, the Ukrainian nation; that part of this social and cultural assault entailed an attempt by elites in Moscow to erase the distinct ethnic character of Ukrainian identity; and finally, that those Soviet elites denied the genocide and set the terms by which the international community perceived and interpreted the conflict.

In Lemkin's thought, the institutionalization and normalization of repression and violence against a group, with the goal of destroying the group as a social unit, meant that the cultural, social, and structural dynamics of genocide went hand-in-hand. The process of selecting a group as victims of genocide required that the perpetrators of genocide arbitrarily define human beings into categories, and deny the possibility that individuals could belong to many different social groups at once.⁵⁷ Lemkin's extremely broad definition of a nation meant that, in his thinking, any individual would belong to a seemingly infinite number of "nations." In this regard, his ideas again intersect with some of the foundational literature in peace and conflict studies, because, as Hobson notes, Lemkin's notion of genocide is by definition "an act of cultural violence in the sense that it is a crime committed by one group identifying as against another."⁵⁸ Individuals may commit the individual acts of violence in genocide, but

genocide as a crime involves significant organization and, frequently, the convincing of a population, force, or army that this form of violence is the solution. In this sense, genocide needs to exist as a cultural concept before it can exist as a physical act. Using Galtung's words, we can see how it is "Cultural violence [that] makes direct and structural violence look and feel right." Genocide involves embedding ideas of superiority and legitimate violence into cultural discourse, and for Galtung it is "the study of cultural violence [that] highlights the ways in which the acts of direct and structural violence are legitimized, internalized, and thus rendered acceptable in society."⁵⁹

And, indeed, when Luciuk uses Lemkin's ideas to analyze the Holodomor as genocide, he argues that the cultural and social aspects of the attempted destruction of a Ukrainian social group implies the presence of a structural conflict between the political regime centred in Moscow and the Ukrainian national group, while the structural conflict and structural violence implies cultural violence and social conflict that predates the violence of the Holodomor and continues long after the famine formally ended.

The structural aspects of Lemkin's genocide concept are even more pronounced in Roman Serbyn's use of Lemkin to analyze the Holodomor, especially because Serbyn follows Lemkin exactly and argues that the events that led up to the famine qualify as genocide. In Serbyn's writings on Lemkin, the conceptual significance of Lemkin's emphasis on the identity or group-based nature of the Soviet conflict in Ukraine in the 1930s cannot be understated.⁶⁰ What is especially important for Serbyn is that Lemkin connected the famine to a larger social, economic, and political program of destroying the Ukrainian nation. Therefore, the physical violence of the Holodomor, in Serbyn's analysis, emerged historically as an extension of the structural and cultural violence applied by the Soviet state with the intention of destroying a distinct Ukrainian social identity. For Serbyn, like Lemkin, the famine is only one part of the Soviet genocide against Ukraine. In fact, in Lemkin's analysis, what made the famine genocidal was not that Stalin's regime killed so many people by orchestrating grain shortages, but that people were killed with the purpose of destroying a distinctly Ukrainian "national pattern" or "family of mind." More importantly, for Serbyn, Lemkin demonstrated that the goal of the famine was not just to prevent the people living in Ukraine from resisting integration into the Soviet political system and

economy; the famine was furthermore structurally connected to a wider system of Soviet repression against a Ukrainian national identity. Thus the famine was, in Lemkin's words, one "prong" in a multi-pronged attack upon the foundation of the Ukrainian nation. For Serbyn, the analytical power of Lemkin's concept of genocide, as applied to the Ukrainian case, is that it provides a coherent frame for understanding just what the destruction of a people entailed. The assault on religious traditions of the Ukrainian Church, the songs and folk traditions of the peasantry, the art and literature of the urban elite, the economic debasement of the rural economies, and mass violence were all aspects of a coherent political and social program to "solve" different "nationalities problems" faced by state-building programs – in this case, the Soviet Union's "Ukrainian problem."

Empire, Colony, and the Destruction and Construction of Nations

Ukrainian history provides an interesting laboratory, writes Andrea Graziosi, "in which to study the language-people-state nexus that was at the center of post-1848 European history" of state-building, nationalism, and nationalities violence.⁶¹ The Russification of the Donbas during tsarist modernization and the Ukrainization program in the prewar Soviet experience "are there to remind us that 'nations' can indeed be built" and "for precisely the same reasons and employing similar tools, they can also be at least partially dismantled and disabled."⁶² For Graziosi, however, the Ukrainian genocide is not sui generis, but part of the history of this "borderlands" region, the site of twentieth-century Europe's most brutal nation-building and nation-destroying population transfers and annihilation projects, from the anti-Jewish pogroms of 1919, Red and White terror in the Civil War, anti-Mennonite persecutions, dekulakization, the national terror of 1933–34, the Great Terror of 1937–38, the Nazi extermination of Soviet prisoners of war and Slavic populations, the Shoah, and the Holodomor – conflicts that all played a role in shaping Lemkin's conception of genocide.⁶³

In borderlands regions, twentieth-century state-building or rebuilding "fed other conflicts that were intensified by insecure and poorly demarcated borders, which often had to be drawn in formerly unified imperial territories and did not possess the stability they had attained slowly – mostly thanks to repeated conflicts – in Western Europe."⁶⁴ In the theory of nation-state building that defined post-French Revolution political projects, it was whole and unified "peoples" that were supposed to legitimize state construction.⁶⁵ The supposed need to base the state-building

project on "peoples" or "nations" gave rise to efforts to reshape the demographics of territories, and the social content of the people living there, as imperial and postimperial elites "engaged in both 'constructive' efforts" to create new peoples for the coherence of the region "generally based on cultural projects that included language building and reform as well as the mass alphabetization of peasant populations," and "'deconstructive' projects which, in times of conflict or even in peacetimes, could take the form of expulsions, forced deportations, and even genocidal or quasi-genocidal operations."⁶⁶ These dynamics of conflict were crucial to Lemkin's theory of genocide, which presented genocide as an act of group creation as much as it was an act of group destruction.⁶⁷ It was also the impetus for Lemkin's insistence in the 1940s that outlawing genocide under international law was necessary for preventing states from using national identity as a criteria of belonging, and using "peoples" as the basis of political unity.⁶⁸

Within this context it is also possible, Graziosi writes, to speak of a Ukrainian history of Soviet colonization and an anti-imperial sentiment among the peasantry, for surely in 1918 and 1919 Ukrainian Communist leaders "understood the revolutionary potential and danger of the peasant-based national and social liberation movements."⁶⁹ Here again, Lemkin has much to say on Ukrainian history. Lemkin saw genocide as an explicitly colonial practice.⁷⁰ Genocide had two phases, he wrote: "One, the destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor."⁷¹ "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," he wrote.⁷² 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."⁷³ Lemkin saw Soviet rule in Ukraine in similar terms, as an empire exerting colonial control over a territory and attempting to forcibly and purposefully change the "national patterns" of the people living there for strategic ends. "If it were possible to do this even without suffering we would still be driven

to condemn it," he wrote about Stalinist policies aimed at extinguishing a distinct Ukrainian national identity, because it is

the family of minds, the unity of ideas, of language and of customs that form what we call a nation that constitutes one of the most important of all our means of civilization and progress. It is true that nations blend together and form new nations – we have an example of this process in our own country – but this blending consists in the pooling of benefits of superiorities that each culture possesses. What then, apart from the very important question of human suffering and human rights that we find wrong with Soviet plans is the criminal waste of civilization and of culture. For the Soviet national unity is being created, not by any union of ideas and of cultures, but by the complete destruction of all cultures and of all ideas save one – the Soviet.⁷⁴

In this view, the destruction of a people, the Ukrainian nation, was also an attempt to build a new people, the Soviet nation. To borrow Graziosi's terms, the constructive and destructive aspects of this conflict were intertwined in Lemkin's final analysis; as were the cultural, social, symbolic, and direct forms of violence entailed in the destruction and creation of nations in the Ukrainian genocide in the Soviet empire.

For as violent as nationalist state-building efforts were, Lemkin believed that twentieth-century state-building and nationalist movements were not the first to commit genocide or use genocide as a technique of governance. Lemkin sought a definition of genocide that would therefore capture what genocide was as a type of conflict, and not limit the concept of genocide to a particular type of violence in the twentieth century. For much of history before the rise of the nation-state, he 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 victims of genocide were any nation "selected for destruction according to the criterion of their affiliation with a group which is considered extraneous and dangerous for various reasons," he wrote. He included under the rubric of nations groups as large as Jews and Ukrainians, as well as groups as narrow as the aforementioned card-players "or those who engage in unlawful trade practices or in breaking up unions."⁷⁵ Genocide, Lemkin reasoned, could even be conducted against criminals because states often criminalized certain types of subjectivities and identities. Lemkin derived this point from his study of the Soviet penal codes that criminalized

forms of "enemy consciousness," and the Soviet policies aimed at transforming the population into a nation of "new Soviet men."

Towards this point, Mark von Hagen has drawn a lesson from his reading of Lemkin – who, he writes playfully, "knew all of this long before most of us did."⁷⁶ Divided between two empires that would fall during World War I, Ukraine saw "the emergence of a transnational movement for national liberation" with "strong roots in those two empires," which faced repartition after the war "between an already imperialist Soviet Russia and a nationalizing Second Polish Republic whose practices also closely resembled imperial rule."⁷⁷ Stalinist Ukraine, von Hagen writes, "was the site of another excess of colonial rule, the man-made famine and terror, the Holodomor" and "counterinsurgency warfare against local nationalist insurgents."⁷⁸ Echoing Lemkin's notion that genocide was a peacetime crime because the conflict could be waged without direct violence, von Hagen writes that for most of the twentieth century, "Ukraine's history combined wartime occupations and periods of 'peacetime' colonialism."⁷⁹ Through the concept of empire, and by positioning the Holodomor within the context of Soviet empire-building, von Hagen's analysis of the famine brings together the threads of Lemkin's analysis that presents genocide as a synthesis of cultural, structural, and direct physical violence.

From this perspective, "genocide requires a form of structural violence against the target group," either "as a tool to manage resources or as a broader structure of social power," that has been "accepted and normalized by a population through cultural violence."⁸⁰ As Lemkin explained in his unfinished manuscript *Introduction to the Study of Genocide in the Social Sciences*, "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."⁸¹ 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."⁸² The violence of genocide in Lemkin's, Luciuk's, Serbyn's, and von Hagen's analyses of the Holodomor, therefore, presents the direct violence of the famine as a physical manifestation of a larger system of repression, marginalization, and group destruction and group creation in the service of Soviet empire-building in Ukraine.⁸³

NOTES

- 1 William Korey, *An Epitaph for Raphael Lemkin* (New York: Jacob Blaustein Institute for the Advancement of Human Rights, 2001); John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008); Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, edited by Donna-Lee Frieze (New Haven, CT: Yale University Press, 2013); Philippe Sands, *East West Street: On the Origins of Genocide and Crimes against Humanity* (New York: Knopf, 2016); Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2017); Anton Weiss-Wendt, *The Soviet Union and the Gutting of the UN Genocide Convention* (Madison: University of Wisconsin Press, 2017).
- 2 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 three special issues on Lemkin in the *Journal of Genocide Research* 15, no. 3 (2013), *Journal of Genocide Research* 7, no. 4 (2005); and *Genocide Studies and Prevention* 13, no. 1 (2019).
- 3 Andrea Graziosi, "Viewing the Twentieth Century through the Prism of Ukraine: Reflections on the Heuristic Potential of Ukrainian History," *Harvard Ukrainian Studies* 34, nos. 1-4 (2015-16): 107-28.
- 4 It is not necessary to cite the speech at length here because it has been published in journals and presses relevant to Ukrainian studies that are likely familiar to readers of this chapter. See Roman Serbyn, "Lemkin on Genocide of Nations," *Journal of International Criminal Justice* 7, no. 1 (2009): 123-30; and see Raphael Lemkin, *Soviet Genocide in the Ukraine*, edited by L.Y. Luciuk (Kingston, ON: Kashtan Press, 2014).
- 5 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Carnegie Endowment for International Peace, 1944), 79.
- 6 Michelle Tusan, this volume.
- 7 Convention on the Prevention and Punishment of the Crime of Genocide approved and proposed for signature and ratification or accession by General Assembly resolution 260 A (III) of 9 December 1948. Entry into force: 12 January 1951, in accordance with article 13.
- 8 Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York: Carnegie Endowment for International Peace, 1944), 79.

- 9 For an important new consideration on cultural violence and genocide, see Fatma Müge Göçek and Fiona Greenland, eds., *Cultural Violence and the Destruction of Human Communities: New Theoretical Perspectives* (United Kingdom: Taylor and Francis, 2020).
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- 11 See for example, Douglas Irvin-Erickson, "Genocide Discourses: American and Russian Strategic Narratives of Conflict in Iraq and Ukraine," *Politics and Governance* 5, no. 3 (2017): 130-45.
- 12 Norman Naimark has made the strongest case possible that the Holodomor and other aspects of Soviet oppression and repression constitute genocide under the UN legal definition. See Naimark, *Stalin's Genocides* (Princeton, NJ: Princeton University Press, 2010). Naimark's scholarship is persuasive. Between 1946 and 48, however, Vyshinsky was heading the Soviet delegation's legal team at the UN, and had squared off with Lemkin a number of times. It is clear that, by the final draft of the treaty in 1948, Vyshinsky and Stalin were satisfied that the version of the treaty the USSR would sign would not include these acts as acts of genocide. The great historian Naimark may have proved the case, but Stalin's lawyers believed they had succeeded in sufficiently constricting the definition and crippling the treaty.
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- 14 Douglas Irvin-Erickson, "Genocide Discourses."
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- 16 I have written about Lemkin's conceptions of state policy and responsibility, both in a legalistic context and a social scientific context, elsewhere. See Douglas Irvin-Erickson, "Prosecuting Sexual Violence at the Cambodian War Crimes Tribunal: Challenges, Limitations, and Implications," *Human Rights Quarterly* 40, no. 3 (2018): 570-90.
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- 21 Lemkin, *Axis Rule*, 79.
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- 24 Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*, 6. But see Claudia Kraft, "Völkermord Als Delictum Iuris Gentium: Raphaël Lemkin's Vorarbeiten Für eine Genozidkonvention," *Simon Dubnow Institute Yearbook* 4 (2005): 79–98.
- 25 Carmelo Domenico Leotta, *Il Genocidio Nel Diritto Penale Internazionale: Dagli Scritti di Raphael Lemkin allo Statuto di Roma* (Torino: G. Giappichelli Editore, 2013), 72–6.
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- 28 See Daniel Marc Segesser and Myriam Gessler, "Raphael Lemkin and the International Debate on the Punishment of War Crimes (1919–1948)," *Journal of Genocide Research* 7, no. 4 (2005): 453–68; Thomas M. Butcher, "A 'Synchronized Attack': On Raphael Lemkin's Holistic Conception of Genocide," *Journal of Genocide Research* 15, no. 3 (2013): 253–71. On this debate, see A. Dirk Moses, "Moving the Genocide Debate beyond the History Wars," *Australian Journal of Politics and History* 54, no. 2 (2008): 267. Seyla Benhabib has defended Lemkin against charges that he advocated a relativist nationalism of vulnerable peoples in *Dignity in Adversity: Human Rights in Trouble* (Cambridge: Polity Press, 2011), 51, 220–24.
- 29 Raphaël Lemkin, "Introduction: The New Word and the New Idea," New York Public Library (hereafter NYPL), n.d., Reel 3, Box 2, Folder 2, p. 8.
- 30 Raphaël Lemkin, "Collective Frustrations as a Prelude to Genocide," NYPL, n.d., Reel 3, Box 2, Folder 4.
- 31 Moses, "Raphael Lemkin, Culture, and the Concept of Genocide," 24.

- 32 Raphael Lemkin, "Diffusion versus Cultural Genocide," Raphael Lemkin Papers, Manuscript Collection 1730, Manuscript and Archives Division, NYPL, Reel 3, Box 2, Folder 3. See Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide*, 224.
- 33 Lemkin, "Diffusion versus Cultural Genocide."
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- 43 Ibid., 120.
- 44 Ibid., 21.
- 45 Lemkin, *Axis Rule*, 91n5.
- 46 See Irvin-Erickson, *Raphaël Lemkin*, chapter 7.
- 47 Lemkin, *Totally Unofficial*, 181–2.
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- 49 Graziosi, "Viewing the Twentieth Century through the Prism of Ukraine."
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- 5.1 I have written about Lemkin's conceptions of state policy and responsibility, both in a legalistic context and a social scientific context, elsewhere. See Irvin-Erickson, "Prosecuting Sexual Violence at the Cambodian War Crimes Tribunal."
- 5.2 Lubomyr Luciuk, "Remembering the Man Who Told the Truth of Stalin's Assault on Ukraine," *National Post*, 24 September 2018, <https://nationalpost.com/opinion/remembering-the-man-who-told-the-truth-of-stalins-assault-on-ukraine>.
- 5.3 Lubomyr Luciuk, "Lemkin: Holodomor 'Classic' Genocide," *Kyiv Post*, 19 November 2009, <https://www.kyivpost.com/article/opinion/op-ed/lemkin-holodomor-classic-genocide-53243.html>. The quotes from Lemkin are taken from Luciuk to show the ideas Luciuk finds instructive.
- 5.4 Hobson, "Three Theoretical Approaches to Lemkin's Definition of Genocide," *Genocide Studies and Prevention: An International Journal* 13, no. 1 (2019): 14.
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- 6.4 Ibid., 116.
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- 83 This chapter was originally delivered as a lecture at the "Genocide in Twentieth Century History" conference at the University of Toronto's Munk School of Global Affairs in October 2018. Earlier versions of the lecture were delivered at the University of Stockholm, Georgetown University, American University, and Harvard University between 2018 and 2019. Some parts of this chapter appeared in Douglas Irvin-Erickson, *Raphaël Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2017). Thank you to Penn Press for permission to reproduce portions of the book. Thank you to Scott Howard, Marta Baziuk, Frank E. Sysyn, and Andrea Graziosi for their thoughtful comments and suggestions, which improved this manuscript considerably.