

## Part I: Defining Genocide

According to the United Nations Genocide Convention, genocide is a coordinated plan to destroy, in whole or in part, a national, ethnic, racial or religious group by killing, causing serious bodily or mental harm, inflicting conditions designed to bring about its destruction, preventing births within the group, or removing children from the group. Many genocides have occurred throughout history, from the murder of Christians by the Romans in the first century to the deaths of nearly one million people in Rwanda in 1994. Yet the word genocide did not exist until the 1940s.

Until then, there was no single word to describe the organized destruction of an entire group. It may seem strange to us today, but there was also no legal mechanism for the international community to respond to mass murder and atrocities perpetrated against a people. If a person killed someone on the street, he or she could be charged with a crime: murder. He or she could then be prosecuted under the laws of that country and punished if found guilty. If a government or another group attempted to annihilate a whole group of people, what crime had it committed? It was murder on a mass scale, but how could the state be held responsible? Who held jurisdiction for prosecuting such a large-scale crime?

### *Who devised the term "genocide"?*

Raphael Lemkin, a legal scholar, recognized that these questions needed to be answered. He began thinking about the questions after the Armenian Genocide (1915-1918) and contemplated the answers from the early 1920s until his death.

Lemkin followed the case of a young Armenian, Soghomon Tehlirian, who had murdered the Turkish minister of the interior in Berlin in 1920 because Tehlirian held the minister responsible for the organized killing of Armenians. Lemkin found it hard to understand a system in which Tehlirian could

be charged and tried for the death of a single man, but which did not hold Turkish leaders accountable for the mass killing of Armenians.

*"Is it a crime for Tehlirian to a kill man, but it is not a crime for his oppressor to kill more than a million men?"*

—Raphael Lemkin

Lemkin began what would become a lifelong crusade to convince the international community that it must do something to prevent what had occurred in Armenia from happening in other places.

### *What is the international community?*

The international community is a general term often used to describe the interaction of countries and how they cooperate together to resolve issues among them. Lemkin believed that preventing genocide was complex, requiring international cooperation to stop states or groups from committing mass murder.

The events of the early twentieth century changed how countries saw the international community. U.S. President Woodrow Wilson put forward an ambitious plan to build a more peaceful and cooperative world. He proposed a League of Nations that would attempt to enforce basic principles of conduct for states. It was this framework that Lemkin attempted to harness in his own battle to make genocide an international crime.

## World War II

While the millions of deaths of World War I shook the world, the death toll and ferocity of World War II would eclipse what had transpired a generation earlier and squelch Wilson's vision of a more cooperative world.

As Hitler's armies advanced to the east, they unleashed a form of warfare that included the elimination of entire groups of people

that they considered less than human including Jews, Slavs, Romanies, and others.

*“The whole of Europe has been wrecked and trampled down by the mechanical weapons and barbaric fury of the Nazis.... As his armies advance, whole districts are exterminated. We are in the presence of a crime without a name.”*

—British Prime Minister  
Winston Churchill

### *How did World War II change the international community?*

During the Second World War, U.S. President Franklin D. Roosevelt envisioned an international community of countries that would cooperate to prevent conflict and end poverty and injustice throughout the world. Ultimately, Roosevelt's vision found its expression in 1945 when the countries fighting against Germany and Japan formed the United Nations in San Francisco.

In addition to Roosevelt's vision for a more cooperative international community, the Allies of World War II recognized that the enemy's atrocities and war crimes could not go unpunished. In 1943—in response to the large-scale murder of civilians by the Nazis—Great Britain, the United States, and the Soviet

### The Madrid Conference

In 1933, Raphael Lemkin planned to travel to Madrid to present a draft of a law to other international lawyers at an international conference. The law he had drafted intended to address the destruction of groups as well as their intellectual and cultural life. To make his case, Lemkin planned to recount the murder of the Armenians and to warn the international community of Hitler, who had recently come to power in Germany. The foreign minister of Poland, hoping to cultivate better relations with Hitler, refused to let Lemkin travel to Madrid. Instead, Lemkin's proposal was read aloud in Madrid to lawyers from thirty-seven different countries. There were few supporters. Those present wondered why these crimes the Ottoman Empire committed against Armenians years previously needed to be legislated against—they believed that these crimes happened so rarely that no law was needed. In addition, Lemkin's proposals were criticized because international law dealt with the law between countries, not with how countries treated people inside their own borders. Soon after the conference, Lemkin was fired from his job as a public prosecutor for refusing to stop criticizing Hitler. The Polish foreign minister accused him of insulting Poland's German “friends.”

### Giving the Crime a Name

Although genocide had existed since the beginning of recorded history, there was no single word to describe what it meant until Raphael Lemkin created the word “genocide” as a way to give a name to the terrible crime against the Jews of Europe by the Nazis. “Geno” is from Greek, meaning race or tribe, and “cide” is derived from Latin, meaning killing. Lemkin first used the word in his book *Axis Rule in Occupied Europe*, published in 1944, which outlined the law and practices of the Nazis in occupied Europe. Lemkin, a Jew, had fled Poland for the United States ahead of the Nazis. His family chose to remain in Poland. The Nazis murdered forty-nine of his relatives; only four survived.

Union signed the Moscow Declaration. Drafted by British Prime Minister Winston Churchill, it included a statement on atrocities that promised to prosecute those who had committed mass murder.

*“Let those who have hitherto not imbued their hands with innocent blood beware lest they join the ranks of the guilty, for most assuredly the three Allied powers will pursue them to the uttermost ends of the earth and will deliver them to their accusers in order that justice may be done.”*

—from the Moscow Declaration

#### What were the Nuremberg Trials?

Following their victory, the Allies kept the promise they had made and put twenty-four accused Nazi war criminals on trial in Nuremberg, Germany. (Many others would be tried later on; some were never tried.) They were charged with crimes against peace, crimes against humanity, and violating the rules of war. Numerous defendants argued that only a state and not individuals could be held responsible for these actions. They also argued that their actions were not illegal because, under the long-held international

principle of state sovereignty, a country is protected from outside interference. The court rejected these arguments and sentenced twelve defendants to death and seven to prison terms; three were acquitted. (Two of the defendants were not sentenced: one had committed suicide and the other was physically and mentally unable to stand trial.)

#### What important legal principles emerged from the Nuremberg Trials?

The defendants at Nuremberg had been found guilty of crimes against humanity—not genocide, although Lemkin had encouraged the prosecutors to include the term genocide in the indictment. Even so, the international community agreed that some important legal principles came out of the Nuremberg Trials.



Accused Nazi war criminals on trial in Nuremberg, Germany.

Department of Defense.

These Principles of the Nuremberg Tribunal were adopted into international law in 1950, eroding the absoluteness of state sovereignty.

**Principle I.** Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment.

**Principle II.** The fact that internal [state] law does not impose a penalty for an act which constitutes a crime under international law does not relieve the person who committed the act from responsibility under international law.

**Principle III.** The fact that a person who committed an act which constitutes a crime under international law acted as Head of State or responsible government official does not relieve him [or her] from responsibility under international law.

**Principle IV.** The fact that a person acted pursuant to order of his [or her] government or of a superior does not relieve him [or her] from responsibility under international law, provided a moral choice was in fact possible to him [or her].

#### *Why did Lemkin propose a UN resolution banning genocide?*

While Raphael Lemkin believed that the Nuremberg Trials were an important step, he also felt it necessary to create a law that did not link the prevention of genocide solely to wars between states. In 1946, Lemkin began a campaign at the UN to introduce a resolution prohibiting all forms of genocide. Lemkin's timing was good. Images of the Nazi death camps and testimony from Nuremberg were fresh in the public's mind.

In addition, as a new institution the UN held great promise. Lemkin was not accredited at the UN, but he spent days wandering the halls, working his way past security guards and cornering diplomats to lobby for the resolution. Lemkin argued that genocide could have a terrible effect on the world—not only in the present day but for the generations to come.

***“We can best understand this when we realize how impoverished our culture would be if the peoples doomed by Germany, such as the Jews, had not been permitted to create the Bible, or give birth to an Einstein, a Spinoza; if the Poles had not had the opportunity to give to the world a Copernicus, a Chopin, a Curie; the Czechs, a Huss, a Dvorak; the Greeks, a Plato and a Socrates; the Russians, a Tolstoy and a Shostakovich.”***

—Raphael Lemkin

In December 1946, the UN General Assembly unanimously passed a resolution that condemned genocide and began to draft a treaty that would ban the crime.

***“The right to exterminate entire groups which prevailed before the resolution is gone. From now on no government may kill off a large block of its own subjects or citizens of any country with impunity.”***

—*The New York Times*, January 5, 1947

### **What is State Sovereignty?**

State sovereignty means the absolute authority of the state to govern itself free from outside interference. Governments—whether headed by democratically elected officials or self-imposed dictators—have traditionally defended the principle of sovereignty. Sovereignty has served as the foundation of international relations. Governments have supported the UN, the League of Nations, and earlier international efforts based on the assumption that their sovereignty would be protected. In practical terms, sovereignty has never been absolute. Strong countries have always influenced the policies of weaker countries.

## The Holocaust

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On September 1, 1939, Nazi Germany began a war of conquest and expansion when it invaded Poland. Three days later Great Britain and France responded by declaring war on Germany. Within months, nearly all of Europe was at war. In six years, the Nazis exterminated some twelve million civilians (including six million Jews) whom they considered inferior in a genocide widely referred to as the Holocaust. Hitler's "Final Solution" to the "Jewish Question" took place under the guise of war.

### *What were the origins of the Nazi persecution of the Jews?*

In 1933, the people of Germany faced great economic hardship; nearly six million people were unemployed. The Nazi Party, promising to revitalize the economy, rose to power. With Chancellor Adolf Hitler as leader, the Nazis significantly reduced unemployment and restored a sense of national pride in the country. Racism, particularly anti-Semitism, was at the heart of Hitler's philosophy. He believed that the Germans were the "master race," entitled

to rule the world. In his mind, Jews were poisoning the blood and culture of the German people, and preventing the Germans from attaining their political and cultural potential.

Hitler labeled Europe's 9.5 million Jewish people as "vermin that must be expunged" and an obstacle to German domination in Europe. As he gained more and more supporters throughout Germany and elsewhere in Europe, already present anti-Semitism drastically increased.

On April 1, 1933 Hitler called for a boycott of Jewish businesses. This boycott was meant to officially mark Jews as different and inferior, as well as to plunge them into economic distress and strip them of any political or social power.

A few Germans defied the boycott but the great majority avoided Jewish businesses from that day forth. The success of this boycott, in essence, gave Hitler the encouragement to begin systematically exporting and exterminating all European Jews.

***"This was the day of the greatest cowardice. Without that cowardice, all that followed would not have happened."***

—Rabbi Baeck, Holocaust survivor

### ***How did Hitler implement his "Final Solution"?***

Before invading Poland, the Nazis drew up plans to annihilate the entire European Jewish population and all other "undesirables" (namely Slavs, Romanies, homosexuals, and mentally and physically disabled people). The Nazis built concentration camps and trained traveling killing squads. Great fear and loyalty were instilled in the Nazi army and the German people. Beginning in 1941, all Jews over the age of six were forced to wear the yellow Star of David on their outer clothing. During the war, ghettos were established for the Jewish people as well as transit camps and forced labor camps.

Killing during the Holocaust was a highly organized and industrialized process. The Nazis devoted significant bureaucratic and military resources to implement their plans. Hundreds of thousands of people were sent to extermination camps where they were systematically murdered in gas chambers. Others were worked to death at labor camps (concentration camps). They never received adequate sustenance, were constantly exposed to poor conditions, and were subjected to severe mistreatment. Still others were killed by mobile death squads that traveled throughout the Soviet Union and elsewhere murdering millions.



A sign reading "Jews are unwanted here."

USHMM, courtesy of Hans Frankl.

### **Holocaust Victim Count**

The number of victims of the Holocaust is widely disputed. Due to the incineration of bodies, mass grave burials, and lack of complete records it is impossible to know with certainty how many people were killed in the genocide. Politics, denial, and differing historical interpretations also play into the uncertainty. Moreover, because the Holocaust was orchestrated under the veil of World War II, it is sometimes difficult to establish which deaths were part of a targeted extermination campaign (the Holocaust) and which deaths were wartime casualties. The most widely, though certainly not universally accepted estimate is twelve million Holocaust victims—six million Jews and six million others.

During the final months of the war, in a last ditch attempt to prevent the Allies from liberating large numbers of prisoners, the Nazis instituted “death marches” for prisoners. Food, water, and rest were not provided; the goal of these marches was death for all. In total, more than six million Jews were exterminated in the Holocaust, along with six million other “undesirables.”

*How could it have happened?*

World War II ended in Europe on May 8, 1945. Germany’s troops surrendered unconditionally. The liberation of the concentration camps revealed the horrors of the Holocaust for the world to see. Today, many wonder how something as terrible as the Holocaust could possibly have occurred. Where was the international community? Where was the United States? Why didn’t someone stop Hitler? The answers to these questions are complex, confusing, often frustrating, and sometimes nonexistent.

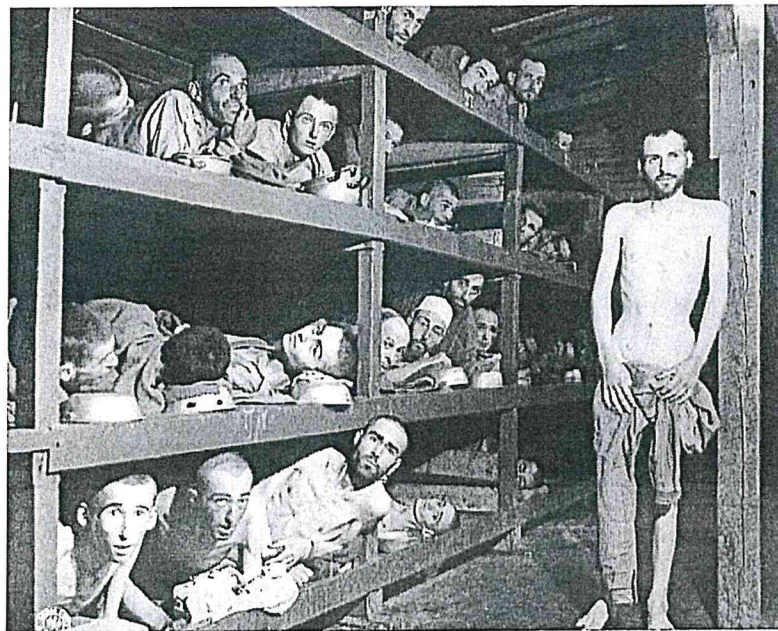
Some contend that it was not until the end of the war that the world finally understood the severity of the situation. Others claim that governments and individuals alike knew what was taking place and chose not to stop it. The truth probably lies somewhere in between and differs widely for each country and individual. At the end of the war, when the concentration camps were liberated, there was no denying the gravity of the situation.

*How did the world respond?*

The United States, along with much of the world, ignored early signs of the extent of Nazi fanaticism. Because of Hitler’s high popularity among the German people and his significant political successes, some countries and

individuals even strongly supported Hitler’s actions and ideals. When Europe was engulfed in fighting, each country struggled with loyalty issues, national interests, security, and fear. Many countries allowed some German Jews to enter and attempted to defend their country and their Jewish citizens militarily. Others sided and even collaborated with Hitler. Some remained uninvolved.

Before the Japanese attack on Pearl Harbor, most people in the United States did not want to get involved in the war that embroiled much of the rest of the world. The great majority believed that the United States should stay out of Europe’s problems. In addition, the country was beginning to recover from the economic hardships of the Great Depression. President Roosevelt, who anticipated the need to stop Hitler, was unable to take action against the Nazis because domestic political opinion did not support it. When, on December 7, 1941 Japan attacked the U.S. naval base at Pearl Harbor, Hawaii, the United States immediately declared war on Japan. Several days later Germany declared war on the United States.



Survivors in the Buchenwald concentration camp in Germany, 1945.

Private H. Miller, National Archives, 535561.

In 1942, President Roosevelt began to receive information about Nazi extermination practices. Although the Allies warned the Nazis that they would be held accountable for their crimes, the Allies took little action during the war to stop the genocide. For example, some wonder why the United States did not choose to bomb the concentration camps or the railroads that transported Jews and others to their death. Military officials decided that resources could be better used for other war missions. The Nazi death camps received publicity in the U.S. newspapers, but the stories were met with skepticism and disbelief. The military successes of the Allies changed the course of the war, but did not significantly curb Germany's highly organized, well-established killing system.

*“The responsibility for this crime of murdering the entire Jewish population of Poland falls in the first instance on the perpetrators, but indirectly also it weighs on the*

*whole of humanity, the peoples and governments of the Allied States.... By passive observation of this murder of defenseless millions and of the maltreatment of children, women, and old men, these countries have become the criminals' accomplices....”*

—Polish Jew Szymul Zygielbojm, May 1943  
Written in his suicide letter

#### *What happened after the war?*

The Allied forces set up refugee and displaced person camps. Between 1948 and 1951 nearly seven hundred thousand Jews emigrated to the newly established state of Israel. Thousands of others relocated to countries around the world. International commitment to humanitarian assistance and intervention proved strongest after the genocide ended. The world vowed that such atrocities would “never again” take place. Dozens of countries drafted and signed the Genocide Convention.





### Genocidal Acts of the Twentieth & Twenty-First Centuries

