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Round Table (Part 1): *The Apex of Biographical Intellectual History*

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Raphaël Lemkin and the Concept of Genocide

Douglas Irvin-Erickson

Philadelphia, University of Pennsylvania Press, 2017

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The Apex of Biographical Intellectual History

by A. Dirk Moses

Scholarship on the origins of the genocide concept has advanced considerably over the past twenty years with the rediscovery of Lemkin's unpublished papers in various US libraries and archives. Access to these papers spawned a revival of interest in the founder of the genocide concept, leading to many publications on the subject in which intellectual history and Lemkin's biography were conceived as coterminous.¹ None of them is as significant as Douglas Irvin-Erickson's *Raphaël Lemkin and the Concept of Genocide*. No-one has mined those papers as assiduously, placed him in various intellectual contexts so convincingly, nor made important links between Lemkin's published texts on topics seemingly unrelated to genocide, like international money transfers. These, Lemkin showed, were integral to the Nazi modality of predatory, indeed destructive occupations of conquered nations and their economies.

In my brief commentary, I ask Irvin-Erickson, six years since his book appeared, whether he thinks a new intellectual history of genocide needs transcend the assumption about its humanization of domestic and international affairs. For whether in international armed conflict like the Korean and Vietnam Wars, or the domestic convulsions of the Chinese Great Leap Forward and the secessionist civil wars in Nigeria (1967–1970) and Pakistan (1971), not to mention the Khmer Rouge regime in Cambodia (1975–1979), and the Balkan conflagration and Rwandan Genocide of the 1990s, the astonishing extent of civilian destruction since 1948 makes a mockery of the United Nations Convention on the Prevention and Punishment of Genocide (UNGC). That it is nonetheless a major steppingstone in the development of civilian protection, culminating in the Rome Statute of the International Criminal Court (2000) and the Responsibility to Protect norm (2005), is the conventional liberal view. The civil wars in South

¹ In chronological order: Steven L. Jacobs, "Genesis of the Concept of Genocide According to its Author from the Original Sources," *Human Rights Review* 3, no. 2 (2002), 98–103; special issue of *Journal of Genocide Research* 7, no. 4 (2005), reprinted in Dominik Shaller and Jürgen Zimmerer, eds., *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence* (New York: Routledge, 2009); Bartolomé Clavero, *Genocide or Ethnocide, 1933–2007: How to Make, Unmake and Remake Law with Words* (Milan: Giuffrè Editore, 2008); John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (New York: Palgrave Macmillan, 2008); A. Dirk Moses, "Raphael Lemkin, Culture, and the Concept of Genocide," in *Oxford Handbook of Genocide Studies*, ed. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2010), 19–41; Agnieszka Bienczyk-Missala and Sławomir Debski, eds., *Rafał Lemkin: A Hero of Humankind* (Warsaw: Polish Institute of International Affairs, 2010); Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, ed. Donna-Lee Frieze (New Haven: Yale University Press, 2013); special issue of *Journal of Genocide Research* 15, no. 3 (2013); Philippe Sands, *East West Street: On the Origins of Genocide and Crimes Against Humanity* (New York: Knopf, 2016).

Sudan and Yemen since 2013 and 2014 respectively, the Myanmar military's expulsion of Rohingya in 2017, the current conflict in the Tigray region of Ethiopia, and the Chinese state's mass incarceration and persecution of Uyghur citizens, suggest two alternative conclusions.²

The first is the impotence of international institutions in preventing and punishing genocide, notwithstanding the agonistic triumphalism of liberal international rhetoric. Is Lemkin partially to blame? Along with many anthropologists from the 1930s to the 1950s, he repudiated the Nazi biological conception of race only to embrace a cultural version of it, along with a hierarchical civilizationalism indexed to ideals of development and modernity. Consequently, in defining racism and genocide in terms of the discredited version of Nazi empire in Europe, postwar liberals naturalized Western empires and modernizing states. With Lemkin's assistance, the United Nations (UN) also depoliticized the definition of genocide by distinguishing it from military necessity, thereby cordoning off armed conflict—both non-international (colonial and civil war), or international—from the intended destruction of ethnic, national, racial, or religious groups “as such,” as the UNGC puts it. It was thus all too easy for states to claim that their violent repression of national liberation or secessionist movements, or bombing of enemy cities, was not genocidal, but rather driven by security and military motives, irrespective of how many civilian deaths they occasioned.³

The second conclusion is the continued existence of stateless races, nations, and ethnicities, rather than solely states, as actors in international relations. They belie the tidy relationship between nation and state embodied by the UN: each nation housed in a state, an alignment that the self-determination of decolonization was supposed to complete, with human rights replacing the minority rights formerly (selectively) protected by the League of Nations.⁴ However, as the above cases indicate, while international armed conflict has diminished compared to the first half of the twentieth century, non-international ones—civil war and independence insurgencies—have increased because of the misalignment between state borders and the peoples they contain.⁵ As before the UN Charter, the diasporic existence of refugee populations and mass migration fuel “long distance nationalism” and the transnational geopolitical imagination of “races” and even civilizations.⁶ Genocide appeals to minorities and indigenous peoples as a standard to frame persecution in striving for self-determination.⁷

These two conclusions indicate that genocide, defined by the UNGC as systematic attacks on racial, national, and ethnic groups on the grounds of identity alone, is implicated in securitization and racialization processes in contrapuntal ways. On the one hand, its proximity to the Holocaust (history's largest race hate crime) means that states claim their attacks on minorities do not violate the UNGC because security imperatives rather than racial animus motivate them; on the other hand, their victims insist that they are victims of genocidal racialization. The law that shields the perpetrator is also a rhetorical weapon of the weak, meaning that the question of genocide is a structural feature of an incoherent global order of stateless nations seeking political independence. This unresolvable tension was built

² On the Tigray case, see the forum edited by Rachel Ibreck and Alex de Waal, “Introduction: Situating Ethiopia in Genocide Debates,” *Journal of Genocide Research* 24, no. 1 (2022), <https://doi.org/10.1080/14623528.2021.1992920>. On the Uyghurs, see Jo-Smith Finley, “Why Scholars and Activists Increasingly Fear a Uyghur Genocide in Xinjiang,” *Journal of Genocide Research* 23, no. 1 (2021), 348–370.

³ This is an argument of my book, A. Dirk Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge: Cambridge University Press, 2021).

⁴ Maivân Clech Lãm, *At the Edge of the State: Indigenous Peoples and Self-Determination* (New Brunswick: Transaction, 2000).

⁵ Thomas G. Weiss and Sam Daws, “World Politics: Continuity and Change Since 1945,” in *The Oxford Handbook on the United Nations*, ed. Thomas G. Weiss and Sam Daws (Oxford: Oxford University Press, 2008), 3–40.

⁶ Benedict Anderson, *The Spectre of Comparisons: Nationalism, Southeast Asia, and the World* (London: Verso, 1998), 58–74.

⁷ Brian Grodsky, “When Two Ambiguities Collide: The Use of Genocide in Self-Determination Drives,” *Journal of Genocide Research* 14, no. 1 (2012), 1–27.

into the concept by Lemkin and his successors. Necessarily, any analysis of these issues revolves around him, since he coined the term and campaigned for its adoption. But to appreciate how Lemkin could dream up this new word and why it eventually enjoyed widespread popularity, it is necessary to understand the intellectual and political worlds he inhabited. We have Douglas Irvin-Erickson to thank for expertly doing so in his important book.