

10-10-2022

Round Table (Part 2): *Reflections & Questions*

Sarah Federman
University of San Diego

Follow this and additional works at: <https://digitalcommons.usf.edu/gsp>

Recommended Citation

Federman, Sarah (2022) "Round Table (Part 2): *Reflections & Questions*," *Genocide Studies and Prevention: An International Journal*: Vol. 16: Iss. 2: 6–7.

DOI:

<https://doi.org/10.5038/1911-9933.16.2.1918>

Available at: <https://digitalcommons.usf.edu/gsp/vol16/iss2/5>

This Feature: Round Table Discussion is brought to you for free and open access by the Open Access Journals at Digital Commons @ University of South Florida. It has been accepted for inclusion in Genocide Studies and Prevention: An International Journal by an authorized editor of Digital Commons @ University of South Florida. For more information, please contact scholarcommons@usf.edu.

Round Table (Part 2): Reflections & Questions

Sarah Federman
University of San Diego
San Diego, California, U.S.A.

Raphaël Lemkin and the Concept of Genocide

Douglas Irvin-Erickson

Philadelphia, University of Pennsylvania Press, 2017

320 pages; Price: \$46.95 Paperback

Commentary by Sarah Federman

University of San Diego

This commentary is part of the Round Table Feature in Issue 16.2. Full version is available at <https://doi.org/10.5038/1911-9933.16.2.1929>.

Reflections & Questions

by Sarah Federman

Douglas Irvin-Erickson's *Raphaël Lemkin and the Concept of Genocide* has a sobering effect. Perhaps others have shared my celebratory feelings about Lemkin's successful introduction of the word genocide and the subsequent inception of the United Nations (UN) Genocide Convention. Lemkin's efforts in the 1940s and beyond contributed to vernacularizing genocide prevention and human rights discourse more broadly. As an individual, he had a dazzling intellect, able not only to communicate seventeen languages, but to communicate and persuade native speakers in these languages by drawing on their political, artistic, and spiritual traditions. What a remarkable story about the power of commitment and persuasion to advance global moral standards. Irvin-Erickson revives readers from this romantic rendition of Lemkin's story by outlining the gap between Lemkin's aspirations and the final convention itself.

Irvin-Erickson tells the story from a post-colonial vantage point, showing how numerous states defanged the convention's scope during the late 1940s to preserve the ability to oppress and repress their own populations as desired. This included the U.S. and Canadian desire to avoid outside intervention in their treatment of indigenous populations, and the U.S. treatment of African Americans, experiencing segregation and unchecked brutality at the time. Brazil sought to preserve its freedom to persecute political opposition. Other Western powers feared the Convention, if too strongly worded, would interfere with colonial rule by legitimizing African and other governments.

The heaviest hand on the Genocide Convention, and the strongest blow to those of us guarding idealistic sentiments, was that of Josef Stalin. Stalin, with the help of USSR Ambassador to the UN Andrey Vyshinsky, ravaged the early drafts ensuring nothing in the convention would impede Stalin's present and forthcoming purges, forms of terrorism, and the use of gulags. The resulting document left states free to terrorize the humans within their boundaries. They simply could not annihilate those outside of their borders.

Irvin-Erickson also tells the story from a gender perspective, one I never considered. He first illuminates the critical role that female delegates played in supporting Lemkin's efforts to outlaw genocide. While Lemkin did push prosecutors at Nuremberg to include sexual assault as a category of German war crimes, for example, he did so only because he thought his concept of genocide could be used to prosecute these crimes. Lemkin then misrepresents himself to women's NGOs at the UN, claiming he was an advocate for women's rights at the Nuremberg tribunals, when, really, he was using the prosecution of sexual violence as just another reason why the Allies should use his concept of genocide. Irvin-Erickson then shows how Lemkin

leveraged this support from women's NGOs at the UN without necessarily advocating for their concerns the way he led them to believe. This distorted our understanding of the role of sexual assault in the Holocaust and in genocide more broadly. Rape was not included in the Genocide Convention and was not considered a tool of genocidal warfare until the Bosnian Genocide decades later.

Intellectual sobriety can leach us of some idealism, but in return prepares us better to navigate the world as it is. Lemkin advanced the global commitment to genocide prevention as far as he did because he understood the values and interests of each nation he lobbied. Master negotiators commit to understanding their counterparts. For those who want the convention and other human rights protection to expand further, we too must understand the history and strategic statecraft at the convention's inception. Irvin-Erickson helps us do just that.

I would like to ask Irvin-Erickson several questions to help me better understand the past and how to move forward from here.

Would the UN Genocide Convention, as written, have prevented the Holocaust? To clarify, I do not mean would the world care enough to act, but rather would the resulting document hold under those circumstances? Or, alternatively, did the dilutions ensured by Soviet lawyers and many other state delegates cripple it to the point where even Hitler could have proceeded without running afoul of the law?

Another question relates to what interstate violence the Convention permits. You help us see the vague boundaries of what constitutes genocide and whether it can occur in peace time as well as war. If we interpret the Genocide Convention most broadly, what is left? Is self-defence the only legitimate use of force between states? What happens, too, when Russia claims Ukraine is its territory. Does this become an intrastate affair beyond the reach of the Genocide Convention?

This next question stems from my interest in the role of corporations in genocide. We see transnational corporations increasingly outsize and outpace many countries in which they operate. Their resources and skilled legal teams enable them to lobby for more rights than obligations, and skirt obligations when assigned. How does the history of the Convention and the Nuremberg trials shape our treatment of these non-state actors?

Former U.S. Secretary of State Madeline Albright argued for the collective responsibility to protect. She also believed in the importance of the International Criminal Court and other judicial bodies that served to hold leaders accountable and expunge the collective. She was concerned that holding everyone accountable in the aftermath of genocide would bring nations to a standstill and perhaps impede resilience. I shared with Albright my confusion concerning how we have collective responsibility to prevent genocide, but only consider individual accountability *for* genocide. If genocide prevention requires collective action and genocide itself mass participation, how then does accountability become singular. She said she did not know as she had not considered that quandary. How might you resolve this conundrum? Is accountability collective and, if so, how best to engage in that collective work?

Thank you for your thoughtful and timely contribution.