

# Dr. Raphael Lemkin-The Polish Jew who Criminalized Genocide

The following is an excerpt from a May 2015 *New English Review* article: “Commemoration of Armenian Genocide and the Polish Jew who Criminalized it”



Dr. Raphael Lemkin-a picture taken by Arthir Leipzig

The paradox is that the term “genocide” was defined by a courageous Holocaust survivor and Polish Jew, Raphael Lemkin, who [coined](#) the term genocide in 1943 while in exile in the US. Raphael Lemkin’s, legacy for humanity is the [UN Genocide Convention](#) passed in November 1948 by the General Assembly later ratified in 1957. Lemkin was [born](#) in the Vilnius governorate of Imperial Russia in 1900, the son of a farmer and intellectual mother, a poet. As a child he became a linguistic prodigy ultimately learning over 14 languages, proficient in eight of them.

Lemkin [lost](#) 49 family members and relatives in the Shoah. He had foreseen the impending Nazi Holocaust and urged his family to leave pre-WWII Poland. Lemkin was one of the three international legal experts [selected](#) by UN Secretary General Norwegian Trygve Lie, to draft the international genocide law. He considered the Armenian atrocities during WWI as the first genocide in the 20<sup>th</sup> Century. He [published](#) a dossier on those Young Turk leaders who gave secret orders for the annihilation of 1.5 Armenians in 1915-1916.



Lemkin was motivated as a young law student at the University

of Lvov, then in Poland now part of the Ukraine, when he asked his professor why there was no international law to prosecute the perpetrators of the Armenian atrocities. Lemkin was prompted by the 1921 [assassination](#) of former Ottoman Interior Minister, Pasha Talaat by a young Armenian student in Berlin.

Soghomon Tehlirian was an operative of Operation Nemesis composed of members of their diaspora. The assassin was later exonerated for his action in a trial in Germany. It was in revenge for the Armenian Genocide. Talaat was instrumental in issuing the secret orders for the forced marches and other atrocities carried out by Turkish military and Kurdish auxiliaries that ethnically cleansed Armenian populations throughout the empire. Talaat was the Turkish signatory in 1920 of the Treaty at Sevres with the wartime allies that ended the Ottoman Empire. See this *New York Times* [review](#) of Eric Bogosian's chronicle of this episode, *Operation Nemesis*.

Lemkin following law school was [appointed](#) a public prosecutor in Poland. In 1932, he [collaborated](#) with Professor Malcolm McDermott of Duke University Law School on the English translation of Polish criminal law published by the Duke University Press. McDermott and Lemkin would see each other again in 1936 and 1937 when McDermott had a visiting professorship at universities in Poland. His interest in a possible international law deepened when he submitted the proposal to a 1933 international criminal law conference in Madrid. In his proposal he identified the Armenian "great catastrophe" and the 1933 Assyrian Jihad at Simele in Iraq as examples of state-sponsored mass killings. He was barred by the Polish government from attending the international criminal law conference as the Polish Foreign Ministry did not want to alienate the new Nazi government in Germany and was prevented from traveling to Madrid to attend the conference. Lemkin's proposal had identified Hitler's rise in Germany, arguing that if it could happen in Turkey during WWI, then it could happen again. As [noted](#) in a 2013 *Duke Magazine* profile of Lemkin:

His draft law would outlaw “barbarity,” meaning “the premeditated destruction of national, racial, religious, and social collectivities,” along with “vandalism,” referring to the “destruction of works of art and culture, being the expression of the particular genius of these collectivities.”

This was prescient in light of the jihads of the Taliban and the Islamic State in the 21<sup>st</sup> Centuries.

Given the rising anti-Semitism in pre-World War Two Poland Lemkin was [ousted](#) from his prosecutor appointment and took up private law practice in Warsaw. He had warned his family prior to the German invasion of Poland in 1939 to leave. He [joined](#) the Polish Army and was wounded in the defense of Warsaw. He [escaped](#) to Lithuania, despite his train being machine gunned by the Luftwaffe, and eventually made his way to Sweden, where he worked for his former Swedish clients and lectured at the University of Stockholm. There he compiled Nazi edicts about destruction of captive populations, especially fellow Jews. That material formed the basis of his book published in the US during World War II in 1944, [Axis Rule in Occupied Europe](#). In his book he defined Genocide from the Greek root of “Genos” for race or tribe and the Latin “cide” for killing. Book reviews in both the *New York Times* and *Washington Post* cited Lemkin’s arguments calling it evidence of the Nazi systematic and purposeful destruction of Jews and others and a monster that “gorges itself on blood.”

Through his friendship with [Professor Malcolm McDermott](#), Lemkin obtained sponsorship of a visa that enabled him to come to the US. That [entailed](#) a 10,000 mile journey. He flew from Sweden to Moscow and across Soviet Russia by train to Vladivostok. From there he took ship to Japan where he stayed briefly learning about the massacres of Catholics over nearly two centuries. He left Yokohama by ship for Vancouver from which he eventually arrived in Seattle. Upon arrival at Duke

in April 1941, he [received](#) a lecturer post at the Law School through the auspices of his friend Professor McDermott. In 1942 he left Duke to go to Washington where he became a consultant with Board of Economic Warfare and the Foreign Economic Administration eventually joining the War Department. He documented Nazi evidence of state-sponsored genocide developing the prototype of what ultimate would become the UN Genocide Convention. He pleaded with President Roosevelt for a treaty to make it a war aim criminalizing state-sponsored destruction of a race or ethnic group. In response to Roosevelt's counsel of "patience", Lemkin remarked in his biography:

"[W]hen the rope is already around the neck of the victim and strangulation is imminent, isn't the word 'patience' an insult to reason and nature?" He saw a "double murder," one by the Nazis against the Jews and the other by the Allies, who refused to publicize or denounce Hitler's extermination campaign.

Immediately following the Nazi surrender, he left for Europe to find his family only to learn of her parents and relatives destruction at the hands of the Nazis. Only one brother and his family survived as captives in Soviet Russia during the War who ultimately came to Montreal. He then became consultant to Supreme Court Justice Jackson at the Nuremburg Tribunal where he endeavored to create a brief for conviction of Nazi leaders on grounds that they violated international law as perpetrators of state-sponsored mass killings. He returned to the US and received an appointment as a lecturer at Yale Law School. That enabled him to lobbying the UN and of NGOs in the America to adopt his proposal for a Genocide Convention. He ultimately was enlisted by UN Secretary General Trygve Lie along with two international legal experts to draft the Convention that passed in November 1948. The Convention was ultimately ratified in 1957. Lemkin was nominated four times for a Nobel Peace Prize. He later held a lecturer post

at Rutgers Law School. Lemkin died of a heart attack in 1959. While he has received post-mortem recognition for his efforts, he never was accorded a suitable international honor. Samantha Powers, US UN Ambassador under President Obama accorded recognition of his international law on Genocide in her Pulitzer-Prize winning book, [\*A Problem From Hell: America and the Age of Genocide.\*](#)



Lemkin Family members with Ambassador Garen Nazarian,  
Permanent Representative of Armenia at UN, December 2013

At a gathering of Lemkin relatives at the UN in December 2013 with the Armenian Permanent Representative, Garen Nazarian , an American- Israeli cousin, Benyamin Lemkin, a lawyer like his noted relative, [said:](#)

There is great dissonance between the UN's official proclamations and professed identification with the principles that Raphael Lemkin promoted and the actual course of action the UN takes day-to-day.

I view the UN as a hotbed of anti-Israel activity. The enemies of Israel, these days most notably Iran, pose a genocidal threat to the Jewish state and the Jewish people. We must remember that the Arab countries in previous years, when they thought they were capable of doing so, sought to liquidate the State of Israel and its Jewish residents. Raphael Lemkin himself considered the Arab riots in the 1920s and 1930s against the Jews in the Land of Israel to be genocidal in nature.

If the UN really wished to live up to Raphael Lemkin's legacy, it would be acting forcefully and unambiguously against the regime in Iran, which is in flagrant violation of the Genocide Convention.

There is a CBS interview with the late Dr. Lemkin by

commentator Quincy Howe during which Lemkin recognized the Armenian Genocide precedent that influenced Hitler's Holocaust against European Jews saying:

I became interested in genocide because it happened so many times. First to the Armenians, then after the Armenians, Hitler took action.

Watch the 1949 *CBS* Interview with Dr. Lemkin:

For a chronology of Lemkin's life and bibliography of his publications and biographies see the [Raphael Lemkin Project](#) of the Rutgers Center for the Study of Genocide and Human Rights.