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The Holocaust and the Human Rights Revolution

The Problem of Genocide Recognition Since the 1940s

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1 hour, 16 minutes, 42 seconds

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[Holocaust Living History Workshop](#)

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Time	Transcription
00:00	[Read Write Think Dream / The Library UC San Diego Channel / www.uctv.tv/library-channel/]
00:10	Dirk Moses: As an historian, I think it's important to question our questions, so we can situate ourselves in time and place to better understand the challenges we confront. Why should we be interested in the contingent origins of the genocide concept, and why now? What useful knowledge do you expect to acquire today? Well, unfortunately, the genocide concept is all too current in our current political conversation. Consider that recently a politician here attacked the green New Deal as tantamount to genocide because of its perceived effects on his rural constituents. Then, less than a month ago, a young Australian terrorist attacked worshipers in two New Zealand mosques, killing 50 Muslims and wounding many more. He has a 73-page manifesto he called <i>The Great Replacement</i> which he uploaded shortly before the attacks, highlights his fear of a putative white genocide that he thinks is underway in the form of declining European birth rates and non-European - especially Muslim - immigration, which he likens to an invasion. And you can see a quotation to this effect from his manifesto up there.
01:33	[Paranoid invasion fantasies of genocidal destruction > lead to genocidal terrorism / Christchurch, New Zealand, March 15, 2019 / "This is ethnic replacement. This is cultural replacement. This is racial replacement. This is WHITE GENOCIDE"]
01:34	Dirk Moses: Fitting this pattern, in October last year another far-right terrorist massacred 11 members of the Tree of Life synagogue in Pittsburgh, the deadliest attack of Jews in US [United States] history. Now, like the Australian New Zealand, the murderer felt he was acting in self-defense. The synagogue, he declared quote, likes to bring invaders - again that word - that kill our young people, that kill our people. I can't sit by and watch my people get slaughtered, he said. Screw your optics, I'm going in. I'm sure you've heard this terrible quotation many times. Now commentators are inferring that he became incensed by the President's denunciation of the caravan of Central Americans in, in Mexico heading towards the US [United States] border. They were enemies of America, among whom might be dangerous Middle Easterners, he and others declared. Because they were apparently intent on invading - again that word - the US [United States], Mr. Trump ordered deployment of armed forces to the border. Now although the murderer is apparently a neo-Nazi who regards the President as a bit of a softy on race and migration, he seems to have shared a sense of emergency, indeed panic, about the far-off caravan comprising mainly women and children, hardly really an existential threat.
02:49	Dirk Moses: Now these are a couple of examples and now consider this: if you are a Rohingya from Myanmar, we'll say a member of the Pan-Islamic movement

Jamaat-e-Islami in Pakistan - you can see that on the poster on the right - you are talking about genocide as well. This time because of Myanmar military's murderous expulsion of Rohingyas into neighboring Bangladesh, where hundreds of thousands languish in enormous refugee camps. The High Commissioner for Human Rights at the UN [United Nations] called the campaign quote, a textbook case of ethnic cleansing, while a UN [United Nations] sponsored Commission of Investigation recommended by contrast that the International Criminal Court investigate whether to assess whether genocide, not just ethnic cleansing, had been committed. So, what is it, ethnic cleansing, or genocide, or as in Myanmar state and military put it, an anti-terrorist campaign? Now the question of labeling remains contested and no legal determination has been made. While the claim of genocide is made to mobilize support and express sympathy for the Rohingya people, most legal experts doubt it because the legal definition is so narrowly defined and difficult to satisfy. Finally, continuing my introduction, consider this slide produced by a geographer just north of here 11 years ago based on National Geographic data. It depicts a scale of claimed genocides around the world since 1900. I find it a remarkable image. By conveniently dating, or starting in 1900, my country in the bottom right-hand corner and yours on the top left are given a clean bill of health, which is significant given that most university classes about genocide start with the Armenian Genocide during the First World War, also thereby overlooking the genocidal origins of our settler-colonial states, despite the growing scholarship on the subject, such as these images. Here is a book that I published in 2004 on the left on genocide in Australia, on the right you have a colonial monument to one of our colonial heroes duly graffitied by an indigenous activist two years ago. On the right, you'll see it says, no pride in genocide and this has become a slogan in indigenous communities in Australia. You'll see it on t-shirts and so forth.

05:25 Dirk Moses: Now this country, the US [United States], is covered by books like these, including on the right that by our UCLA [University of California, Los Angeles] colleague Ben Madley in his much-reviewed study of colonial California, which carefully documents the many massacres and displacements which enabled European settlement here. Now not only would students not learn about this issue from the slide, but they could be confused by say the million dead who are identified in India, presumably referring to the partition in 1947 and [19]48, or to the 30,000 in Algeria, but it's unclear whether it's referring to the brutal colonial war of the 1950s or the civil war of the 1980s, or, if you look up to the far right, 30 million famine casualties of the Chinese Great Leap Forward. Now my point here is not to engage in an unfortunate academic habit of nitpicking, but to highlight the issue that also confronts us with the fringe fantasy of the so-called white genocide and also the all-too-real state terror campaign against the Rohingya in Myanmar. They go to the heart of the point I want to make, namely the significance of concepts in organizing our emotions - by which I mean the dread of becoming a victim of

genocide, or the indignation, shock, and outrage that you experience in the witnessing genocide somewhere, and wanting to intervene, and rescue people.

07:12 Dirk Moses: Secondly, in organizing our categories of good and evil, after all, genocide is known as the crime of crimes, thus implicitly demoting other kinds of mass crimes. Thirdly in organizing our naming of events are the population expulsions of the later [19]40s, like the partition of India, that of the Rohingya today, which is mainly a population expulsion accompanied by terror, but also the colonial warfare of the 1950s really cases of genocide? Still less, The Great Leap Forward and mass famine in China in the post-war period. Why any of this matters is obvious when we consider the practice that claiming genocide to gain attention is a extremely common practice, and that's why, of course, white nationalists are shouting white genocide. Now look on Twitter if you don't believe me. You don't need to draw the dark web, just put in white genocide as a search category and you'll see all the sites and the very ugly memes that are associated with it. And of course, it's the genocide concept that Rohingya advocates are reaching for in order to gain attention to their cause. Now Media Studies scholars have long observed these kinds of patterns of claim-making in the public sphere. Pointing out the disparate perhaps inflationary uses of genocide is nothing new. The historian in me is asking a slightly different question, namely, how did we get this infuriatingly unstable concept in the first place? After all, it was only imagined in 1943, presented to the world in a book a year later, became the subject of a United Nations General Assembly resolution in 1946, and then enshrined in a UN [United Nations] Convention in 1948.

09:19 Dirk Moses: So until then, humanity had managed quite well referring to violent excesses with other words, and other phrases. There was no hierarchy of criminality, no crime of crimes. And it's not as if this new international law has prevented mass violence since 1948. In investigating the origins and formulation of the genocide concept, I've come to understand that it's not a natural category, by which I mean a word that names the phenomenon outside language. The word, I think, constructed a new way of bundling different phenomena into a new totality, what some scholars call the magic of concept, makes genocide a generative notion. It creates its object of inquiry in an act of retrospectively imposing an ideal type definition on the past, thereby magically discovering cases, like on this map, as if they all have something actually to do with each other. Now, after all, this map would look very different if we tweaked its creators' quite broad definition of genocide. To make it perfectly clear, I'm proposing a quite a relativistic position that a concept does not reflect the truth, but creates a truth and humans then organize reality to conform it, to confirm it. So rather than a believe that genocide is a natural concept or B, presume it has an ideal meaning that has been distorted or polluted by misuse. I think C, we should reconstruct how and why it came to exist at all and to trace its contested and shifting meanings, considering carefully

why the word destruction came to be its chosen operative verb rather than say the more emphatic extermination.

11:22 Dirk Moses: Now, given the violence we see around us associated one way the other with the word genocide, it strikes me as an urgent scholarly task to explore why the genocide label can lend itself to this inflationary, and frankly somewhat destructive use, especially in the white genocide mode. To make it clear, I'm not in the business of policing genocide usage, though I obviously have my own views. As a scholar, I'm in the business of stepping back to understand and explain the seemingly infinite capacity of humans to create meaning and engage in political action, however offensive it may be at times. The civic act of evaluating these creations and actions is another modality of human praxis, and that comes next after the analysis. So now I'll move to the Second World War years, as it says in my title because that is where our constructivist case begins. Then I'll also spend at the end a little time in the early 1950s to examine how the genocide threshold was debated in this country, in particular, because these debates appeared to be the roots of a current moment we have here in relation to the Black Life Matters [Black Lives Matter] and white genocide debate. I want to stress that in doing so I'm not suggesting any equivalences between any of these cases. The only thing they have in common is that the word genocide appears in all of them. What I'm drawing attention to is how the genocide concept's instability allows it to be put to so many uses. Yes, these are extremely difficult and understandably sensitive issues. Some colleagues sometimes advise steering clear of them in a public lecture in order to fish in calmer waters and avoid the danger of capsizing, but I believe, it's precisely because the issues are so fraught that historians can play a role, indeed make ourselves socially useful, by infusing a meta reflective dimension into such debates - namely by asking questions about our categories of judgment and interpretive experience.

13:39 Dirk Moses: So, we start now with the Second World War with the Allies trying to categorize what the Germans were doing. We need to ask ourselves one - who were the participants in the transatlantic debate about German policy and practice, two - what conceptual toolbox did they have to work with before this word genocide appeared, and relatedly, what other linguistic alternatives were out there to use to talk about the Germans and their mass crimes, and three - what was the object of this debate? Was it to understand like a social scientist, to condemn and to mobilize like a moralist, or to prosecute like a lawyer, or perhaps a combination of these? Now all too often these questions in the history of concepts are ignored and instead reconstructing the biographies of heroic males is done instead. In this field, Rafael Lemkin on the left and Hersh Lauterpacht on the right are the main protagonists. They lend themselves to joint treatment because they were roughly the same age, both hailed from the same part of Eastern Europe, both studied at Lviv University under Polish control in the 1920s, both fled the Nazis as Jews, and the families of both were murdered in the Holocaust. Lemkin coined the word

genocide in 1944, the same year that Lauterpacht supposedly introduced the rival notion of crimes against humanity. Now I think this fixation on these two, which is common in the literature now, is a mistake. Methodologically such treatments write the histories of these concepts of genocide and crimes against humanity out of these men's archive papers, which contain of course their writings and their correspondence but blend out the thicker context in which they were thinking, indeed, that formed them.

- 15:46 Dirk Moses: This approach also conveys the air of inevitability and naturalness about the breaking through of their concepts. By contrast, studying other sources and zooming out to geopolitical machinations over which they had no control reveals the impact of contingency - that word in my title. To understand how and why a new term like genocide, let alone crimes against humanity, gained instant attention when rough equivalents like terrorism, destruction, etc., were widely used, we need to understand how and why genocide appealed to leaders of what were called small nations which were occupied by Germany, and of course, to Jewish and Christian groups who were dissatisfied ultimately with the Nuremberg Trials, which I'll come back to. As we will see, were it not for an unpredictable constellation of circumstances Lemkin's notion would have been stillborn. Now many have speculated that Lemkin was inspired by British Prime Minister's famous speech. Soon after the German invasion of the Soviet Union in 1941, when the British intercepted German cables detailing mass executions of civilians and especially of Jews, Churchill made a BBC broadcast in August and he said this, since the Mongol invasion of Europe, there has never been a methodological, methodical merciless butchery on such a scale or approaching such a scale, he declared. We are in the presence of a crime without a name. Now this famous rhetorical flourish has often been taken to refer to the Holocaust, sort of very early on in the process, with Lemkin naming genocide as this unnamed crime.
- 17:40 Dirk Moses: In fact, Churchill talked about Soviet Patriots, if you read the whole quotation, who were being executed - mainly like large Slavic populations, among whom were Jews. So it was the civilian population in general, rather than Jews in particular. Now the fact is, is that these crimes did have a name at the time, if you read the sources. Until 1944 the common terms to describe Nazi practice were - down the bottom there in the PowerPoint - enslavement, expropriation, destruction, extermination, terrorism, and war crimes. These are the words that come up again and again. Terrorism was the common term to refer to excesses against civilians. And not for nothing, did contemporaries call the Nazis terrorists who committed atrocities and war crimes. The common assumption was that atrocities occurred when terrorists took over a state and made it an instrument of their purpose, and the Nazis provided plenty of evidence for their interpretation, or this interpretation, whether by terrorizing designated regime opponents since 1933 or in the brutal invasion of Poland in 1939. Other states soon came under the Nazi heel. The entirety of Czechoslovakia was occupied that year after the annexation

of the Sudetenland to 1938, and France was defeated in 1940. Now the representatives of these occupied and defeated States convened at the Inter-Allied Conference in the St. James Palace in London, depicted here in early January, or in mid-January in 1942. And they also resorted to exactly this vocabulary well before the genocide and war crimes terms circulated. Their St. James Declaration, which is - that's the cover of it there on the left - their St. James Declaration decried a German policy of aggression, a regime of terror consisting of imprisonments, mass expulsion, execution of hostages, and massacres. The German atrocities they said violated the convention signed in The Hague in 1907 regarding the laws and customs of warfare.

20:04 Dirk Moses: Hague law, Hague law - that is war crimes - was the legal category to understand and prosecute Nazi criminality in other countries. So these leaders often complained about the failure to convict German war criminals after the First World War, which they said emboldened their powerful neighbor to launch the Second World War, and they would not permit a repetition of this failure to prosecute war criminals, and that's, of course, the reason they declared their declaration or they named their declaration punishment for war crimes. Now the state leaders also signal an expansive agenda at the St. James Palace, reforming international law by broadening the definition of war crimes. In condemning German aggression, they sought to criminalize the Nazi invasion as such not just the way it was carried out. Now, of course, until the Kellogg-Briand Pact of 1928 which outlawed aggressive warfare, invading another country was not illegal in international law. Conquest was not illegal. It was considered sort of an or right of state and they wanted to change that. As small countries between large empires, that's quite understandable. What's more, they continued, conventional notions of war crimes - which you got in The Hague conventions - did not fully cover Germany's policies. The German mode of occupation was bent, they said, on destroying their nations that Czechoslovak nation, the Polish nation, etc. The Czechs insisted that this process began already with the German annexation of the Sudeten Territory in 1938, before formal hostilities. Already in 1941, its government in exile had published an account of the German occupation that detailed what it called Germanization, the persecution of Christian churches and Jews, economic enslavement and robbery, and what they said, what they called the destruction of Czech schools and the persecution of Czech cultural life.

22:18 Dirk Moses: In a phrase that would appear in Lemkin's writings the declaration, the St. James Declaration's introduction noted that the Nazi, Nazi crimes intended to cripple - it's at the top left there - cripple the vital forces of the nations they had temporarily subjugated. Now these crimes, the Czech Prime Minister said, cannot be classified as either acts of war or political crimes. The quotations on the right. They were so extreme, concluded his Greek counterpart, that the excuse of obeying orders could no longer be a defense. Henceforth a new principle of international penal law has come into being, he declared, somewhat prematurely.

For these reasons, stated the Polish Prime Minister, the declaration resolutely turns international law in a new direction, even if establishing all the details would occur later. Now it's those details, which would bedevil the inter-allied relations for the next three years. Now because the post-war prosecution of Axis criminals was the imperative of these small states - less so the British and Americans at this stage, who weren't interested in war crimes trials - the legal question became paramount. By which law would you prosecute the Nazis when the war was over? Non-technical language like enslavement and destruction had no legal status, unlike war crimes which could be traced back to The Hague Conventions of 1899 and 1907. These conventions, particularly on occupation regimes and setting the norms of civilized warfare - as they called it at the time - were the key at the center of the debate. Now even these conventions were contested among Europeans, and this is an important point. Smaller European states in these negotiations about The Hague Law, led by Belgium, could not agree with the larger imperial powers, Russia, Germany, and France, about the rights of occupying powers and the rights of the occupied people, especially the rights of resistance-partisan warfare.

24:35 Dirk Moses: As might be expected, Continental imperial powers like Germany and Russia demanded the right to change local laws, import their own public servants, and levy taxes, while disputing the occupied population's right of resistance, which of course was defended by the smaller nations who would be subject to Russian or German occupation. As a compromise, the signatories agreed to the Russian diplomat's, Fyodor Martens, suggestion to insert a new paragraph into the preamble which set a general standard of conduct until a detailed agreement could be reached at a later conference. Now this wording was sufficiently vague to satisfy both the Germans and the Russians, but also the smaller nations who are reassured that its invocation of standards supplemented the specific articles of the conventions. And it's important that we read this because fragments of this quotation come up again, again in the debates in the early 1940s about the legal standing to prosecute Nazi war criminals. Until a more complete code of the laws of war is issued - so it's deferred - the High Contracting Parties think it's right to declare that in cases not included in the Regulations adopted by them, populations and belligerents under the protection and empire - empire here means governance - of the principles of international law, as they result from the usages and established between civilized nations, - and this is the key phrase - from the laws of humanity in the requirements of public conscience. Okay, that last sentence or phrase is repeated again and again in the sources.

26:30 Dirk Moses: Now the legal language used to discuss military criminality was thus split between The Hague Conventions' specific prohibitions, you know which are very technical and so forth, and the imprecise requirements of this statement in the preamble. The former, those are the specific articles of the Hague Conventions, are called the laws and customs of war and they enjoyed the status of settled law which could be called later war crimes in this period in the 1940s. While the latter,

the Martens Clause, became the subject of dispute in this period, in the early 1940s, because lawyers, diplomats, and scholars of these small nations, including Jewish representatives, suggested that the Hague Conventions' technical requirements only partially captured German occupation and policies. What they wanted is to apply this more vague general preamble, whose legal status was very ambiguous, to German occupation policy and prosecute German war criminals on its basis. And they drove the debate about codifying the Martens Clause. Now whether and how to codify the Martens Clause was the bone of contention in the early 1940s.

- 27:51 Dirk Moses: So who were the other participants in this debate about German criminality and about the Martens Clause? In the first place, in London, there were these exiled representatives of occupied states, particularly Poland, Czechoslovakia, and Belgium, and these rubbed shoulders with British lawyers and diplomats, and it's they who issued the St. James Palace Declaration. In New York and in Washington D.C., the World Jewish Congress was developing its own notion of war crimes in the teeth of State Department resistance. Meanwhile, in Moscow, Soviet scholars were conceptualizing the notion of an aggressive warfare as the ultimate crime. Then in addition to that, there was a cast of mainly exiled Jewish and non-Jewish Polish, Czech, Hungarian, and German-Jewish émigrés scholars - in this country, and in the UK, and a couple in New Zealand, Australia - who wrote about their occupied homelands for English-speaking audiences, as part of this transatlantic debate. To begin with, of course, there was Lemkin, who fled Poland via Sweden and made his way to the US [United States] Compared to the intensity of London, in particular, he was very isolated. He was a visiting scholar at Duke University in North Carolina where, really on his own, sort of almost in an autistic fashion, he developed his notion of genocide, or started.
- 29:20 Dirk Moses: Others included, for example, Hans Ernest Fried who was an Austrian Jewish jurist and political scientist who migrated to the US [United States] in 1938 and worked as a research assistant at the Institute for Social Research in New York. His book here from 1942 *The Guilt of the German Army* discerned a qualitatively new phase of German militarism in the German, in the Nazi, regime. And particularly its style of warfare which he called, in a memorable phrase, a concentration-camp warfare, and extermination militarism. I think it's quite accurate but this was hardly going to catch on, as a phrase. Those of you who are German speakers here can easily retranslate back what he's saying. He's saying, I think, ein Konzentrationslager Kriegs und Vernichtungs Militarismus, something like that. Deborah's nodding. But, you know, it's a clunky translation, right? It's not like genocide, which is going to, you know, take off. But you can see, there are other linguistic options out there for policymakers and lawyers. Then there was Frank Munk, a Czechoslovak political economist who worked at various US [United States] universities and for the UN [United Nations] Relief and Rehabilitation Administration. His book on the left, *The Legacy of Nazism and The Economic and*

Social Consequences of Totalitarianism from 1943 discerned what he called a German raumpolitik, or space politics, an expansionism that manifested itself in multifaceted, multifaceted attacks on what he called persecuted minority groups. Indeed, he continued, in the wholesale destruction of racial and national groups.

31:01 Dirk Moses: On the right there you see another book, this time by Simon Segel, who was like Lemkin a Jew, a Jewish Pole born in 1900 who ended up working for the American Jewish Committee after migrating to the US [United States] in 1935. His book *A New Order in Poland* from 1942, pictured here, which Lemkin incidentally reviewed, depicted in detail the various dimensions of the Nazi restructuring and plundering of his native land in Poland. Now there was of course interaction between these émigré scholars, and there are many more - this is just a few that I'm mentioning - and these governments in exile in London, and delegations in New York and Washington. They're all densely networked probably all went to the same cafes and they shared information. Now the government's in exile, and these diaspora organizations in the US [United States] produced extensive reports in the late [19]30s and early 1940s, like these two from the Polish government documenting their homeland's experiences under Nazi occupation. So this is, the white and the black book, you can see at the top on the right-hand Republic of Poland Ministry of Foreign Affairs. These were widely published cheap paperbacks to get the word out about what was going on. Now also a player was the Institute for Jewish Affairs, a research unit in New York City founded by the World Jewish Congress in 1941, in February 1941. Its original purpose was post-war planning, but the disastrous news from Europe required drastic revision of the assumption about a large European Jewish population available for migration to Palestine or requiring minority protection in Europe after Germany's defeat.

32:48 Dirk Moses: So the Institute's focus moved to establishing wartime facts about the treatment of Jews in the lands between the Baltic States and Greece, in particular regarding individual and minority rights, modern economic nationalism - is a term they used - Nazi antisemitism, of course, refugees. And it produced many books like these two here, in part, in part based on the gazettes produced by the occupied, by the Axis countries, a practice that Lemkin also followed, in other words using the statistics and government reports produced in the, in those states. Now they listed in these kind of publications the various means of destruction, and I quote, planned starvation, forced labor, deportation, pogrom, and methodical murder in the German-run extermination centers of Eastern Europe, and these were all quoted in Lemkin's book. All these publications, Institute for Jewish Affairs, and the others I've mentioned, highlighted the multi-dimensional nature of Nazi or Axis rule. The Germans took over the economy; they banned local languages; they engage in deportations; they transferred German families - to German families - children considered racially valuable; they arrested and murdered cultural elites, plundered forests, etc., etc., etc. So from the perspective

of these small nations, and of course Jewish representatives, their nations as a whole were being destroyed in a variety of ways. Massacres were just but one element of the ordeal, and the German extermination camp system was really only vaguely understood even by late 1942.

34:38 Dirk Moses: Now these and other writers shared a basic, and I think quite accurate, understanding of Nazism as a radical pan-Germanism that in the name of living space, lebensraum, colonized and exploited their nations - the nations between the Soviet Union, of Russia and Germany - by deporting millions of Slavs, deporting and murdering millions of Jews and replacing them with German settlers who would rule over an enslaved class of helot-workers [state-owned serfs]. Nazism was thus in the term of one of these scholars, a racial imperialism that imported extra European colonial techniques into Europe while completely eliminating the Jewish population. Using the word extermination, like in this article from the *London Times* from late 1942, which was itself based on this report from the again, from the Republic of Poland Ministry of Foreign Affairs on the mass extermination of Jews in occupied Europe. So the word extermination is used there. Now, but this basic assumption that Jewish and non-Jewish scholars shared about the multi-dimensional nature of destruction of nations did not mean that they agreed on all points. On the contrary, the World Jewish Congress was repeatedly rebuffed by these Allied states, these smaller states, and the UK when it requested that they issue declarations that, as Stephen Wise its leader put it, Jews were special victims of the inhuman and criminal policies of oppression of the civilian population.

36:21 Dirk Moses: In reply, these governments in exile and the British said that to distinguish Jewish citizens, Jewish Poles, Jewish Czechoslovaks, etc. in this way would play into the hands of the Nazi division of their populations. Also, giving the World Jewish Congress a seat at the table, for example at the St. James meeting, or allowing it to participate in intergovernmental deliberations, would also grant space to a non-space, non-state actor without an international legal personality, which could open the door for other groups with disruptive consequences, like American Catholics or what have you. Besides, the leaders did not think that Jewish, that their Jewish citizens were being neglected in their, in their reporting. The inter-Allied Information Committee in New York, and the official Polish and Czechoslovak organs did - I've checked - publish reports about the German occupation that did feature the persecution of Jews among their citizens, as in this slide. So this is the table of contents from a book from 1941, produced by the Czechoslovaks - two years of German oppression. And, it's a bit blurry. I don't know if you can see, but chapter 5 is the persecution of Jews, which comes, to be sure, after the persecution of Christian churches, etc. Okay, and at the bottom of course is always the heroic resistance - Czechoslovak resistance at home and abroad.

- 37:46 Dirk Moses: Now this tension between the World Jewish Congress and these smaller states bedeviled the work of the United Nations War Crimes Commission, which was established in late [19]42 but effectively only in 1943 and [19]44 to catalog and document Nazi war crimes for later prosecution. The Czechoslovak and American representatives Bohuslav Ečer and Herbert Pell, to their credit I think, moved - pushed hard to move beyond the narrow focus on the existent war crimes regime of The Hague, Hague law, because they excluded so many dimensions of Nazi persecution. For example, because Hague law pertained only to military occupation of foreign States after conquest, it omitted the persecution of German Jews before the war, as well as as well as stateless Jews. Hague Law also omitted the German annexation of the Sudetenland of Czechoslovakia because it occurred before formal belligerents hostilities took place. Pell, here on the right, who had contact with American-Jewish leaders and was a Roosevelt appointee, in fact, suggested the term crime against humanity as a way of naming the Marten's Clause in early 1944, to include those aspects. And of course, he was crushed by the State Department which eventually got him sacked. For his part Ečer, there on the left, who was very close to the Soviets was preoccupied with formulating the crime of aggressive warfare as the ultimate crime because, for him, the big crime was that the small nations crushed by Germany. It was the crime that led to the, all the other crimes. So what we now call genocide is a result of an aggressive military occupation. So what you need to do is criminalize aggressive warfare.
- 39:52 Dirk Moses: For its part, the World Jewish Congress was busy preparing for its input into the projected war crime trials. Its own conception of what war crimes were, and especially that the crimes against Jews, were of a different character to those against European Christians. Jews, they said, were killed without political reasoning and they were often killed with more cruelty. This is what it says in the sources I've read. What's more, they continued, Jews were targeted as Jews and not, for example, as Polish citizens. Consequently any legal indictment, they argued, should reflect this collective targeting across the continent, which was not foreseen by the Hague Conventions as well. So, they said, there was a single crime - the crime against Jews - rather than many different ones dispersed across Europe in different occupation zones. As the head of the Institute of Jewish Affairs put it, convincing the Allies of this point was a fight for our identity, a fight for the recognition that the victims were Jews and not some anonymous Allied nations, and that the chosen victim of Hitler was the Jewish people, the first target of aggression. Okay, so that was their conception of the Nazi, the first Nazi crime, or the crime of crimes.
- 41:30 Dirk Moses: Now Lemkin similarly thought it was necessary to transcend the Hague regime of law because it was quote, silent regarding the preservation of the integrity of a people, by which he meant nations as collective entities. War crimes trials, he said, or war crimes law protected individuals and not Nations. So, in

arguing for amendments to the Hague Conventions, Lemkin was also seeking to deal with attacks on nations actually in peacetime as well, meaning that he was really doing more than just amending war crimes notions. He was looking to invent what he called a new generic notion, you know, very general notion that occurred could occur, in peacetime as well as in wartime. Now some historians, very critical historians, have attacked Lemkin for illegitimately conflating distinctions in policies towards Jews and non-Jews because they said he didn't really understand the full extent of the Nazi ambitions when he was writing in 1942-43. In fact, he was well aware of the distinctive Jewish experience. Alluding this distinction between non-Jews and Jews was the point of his new concept. Now, why did he proceed in this generalizing way? He was dismayed, like the World Jewish Congress, dismayed by what he perceived to be the lack of government reaction to the many reports about the Nazi targeting of Jews. You know, reports like this.

42:48 Dirk Moses: Like American Jewish leaders, Lemkin wanted more than expressions of sympathy from Roosevelt who did condemn these things in a few times. He demanded action. So giving up on politicians, he resolved to influence public opinion rather than appeal to political leaders, and that's why he wrote this book, as well as to try to change the law. So in doing so he - and of course, this is he was living at Duke University. I don't know if you know the the coat of arms of Duke University. It's a cross and the twist Trinity. It was originally a Methodist institution, I think. In doing so, he understood that the American public and, like the leaders of the Christian small nations occupied by the Germans - Poland and Czechoslovakia - that they understood Nazism as an attack on Christian Europe as much as on European Jews. That's clear once again when you go back and read the sources. So Lemkin concluded that appealing to the Christian majority was essential in order to help generate solidarity for Jews. So a broad generic conception of group destruction would thus simultaneously unite Jewish and non-Jewish experiences, as well as reflect the cultural sensibilities of small nations for which there were also many types of destruction, as we've discussed. Accordingly, he formulated an extraordinarily broad definition of genocide in recommending changes to the Hague Regime.

44:20 Dirk Moses: So here is a quotation from page 93 of his book, *Axis Rule in Occupied Europe*, in the first - so in the first phase of reforming international law - should be included every action infringing upon the life, liberty, health, corporal integrity, economic existence, and honor of the inhabitants when committed because they belong to a national, racial, or ethnic group - oh, sorry - a national, religious, or racial group; and in the second, in every policy aiming at the destruction or the aggrandizement of one such group to the prejudice and detriment of another. And that's quite a broad definition. Okay, now keep that definition in mind when we move to the post-war period we'll get to shortly. Also bear in mind, that these broad genocidal or policies are what he called techniques of genocide, which we would now call policies of genocide, and he divided them up

according to these categories: political, social, cultural, economic, etc. So physical genocide is broken down into three parts and mass killing, which is often associated now with what genocide really is, is really only one, one element, one subcategory of a subcategory. Okay now I could - in a lot of paper - go into great detail about these, but you can see from what I've said so far that here is mirroring the debate at the time about the multi-fit multifarious ways that the German state and its allies was occupying and destroying conquered nations. Wasn't just through mass killing, was through plundering, was through restructuring their economy, etc.

46:01 Dirk Moses: Now in formulating Lemkin, genocide like this, I think Lemkin introduced instability into the DNA of this new concept. It was covering so many different kinds of policies and experiences ranging from economic discrimination to mass murder. As we'll see shortly, he got caught in a conceptual trap of his own making when it came to the issue of racial terror in the American South after the war. So this is one contingency Lemkin's confection of a concept to respond to a political problem of recognition among the Allies, namely their reluctance to share the World Jewish Congress's view that Jews - who are of course citizens of all these different countries - were one of them, should be distinguished from their fellow citizens in terms of their experience of the war, should be conceptually and legally distinguished. The other contingency is this, having coined this new word as a relatively obscure academic - one of many like this, Thomas Munk, Frank Munk, there are hundreds or dozens of these academics who were, in a sense, ideas entrepreneurs in the early 1940s, all at various universities. - of course, many of them didn't get jobs at American universities - or working for government agencies, all analyzing the Nazi regime and all proposing a concept or a phrase to describe what's going on. But this one breaks through. Now how did that happen? How did it become the subject of a UN [United Nations] General Assembly resolution in late 1946 and then an international convention two years later?

47:44 Dirk Moses: Lemkin's notion, it turns out, appeared a little too late on the scene to be included as one of the central indictments of the Nuremberg Trial. Instead, the Charter of the Nuremberg Trial covered the imperative of The Marten's Clause with the novelty of crimes against humanity. That's what they fixated on, and that's what Nazis were accused of, in addition to crimes against peace and war crimes. So having appeared in international relations in the Allied note to the Ottomans about its treatment of Armenians, of its Armenian civilians in 1915, the phrase genocide, crimes against humanity was now given an official seal and a precise legal definition as one of the three indictments of the Nuremberg Trial Tribunal Charter. So crimes against humanity has actually got the leg up at this moment, not genocide. It's mentioned here and there in the Nuremberg Trials, but it's not central. Now however in including crimes against humanity in the Nuremberg Trials, the Americans and the British controversially mitigated its application to Nazi crimes that were linked to the principal crime at Nuremberg, crimes against

peace, which they took from the Russian concept that is aggressive warfare. So although the prosecutors tried to link pre-war Nazi criminality against German Jews to its military preparations. The court ultimately disagreed and such persecution was not covered by the trial judgment. So the outcome, let me repeat that - it's complicated - the outcome was that the German treatment of German Jews before the war before war crimes could occur, was not covered by crimes against humanity. [unclear] The American and the British wording of the charter of the Nuremberg Tribunal linked crimes against humanity to aggressive warfare.

49:48 Dirk Moses: Now why did they do that? Now historians have uncovered why the State Department, and the War Department, in particular, were nervous about including pre-war persecutions of German citizens by the German state under the rubric of crimes against humanity. Now, this point is actually well-known among international lawyers, but it's important to mention this. They did not want to set a precedent that could be used against the US [United States] and they were worried about racial discrimination in the US [United States] which was an international scandal. Here is Henry Stimson head of the war, Secretary of the War in September 1944, while we appreciate the abhorrence of those crimes against civilization - he means the Nazis here - I have yet to see any way by which we could treat them as a crime against ourselves or as a crime again in the punishment of which we can participate. I don't see any more reason in law or justice why we should intervene in the matter to punish the Germans who had been guilty of killing the Jews than Germany would have the right to intervene in our country to punish the people who were lynching etc. Okay now then Robert Jackson, the famous American prosecutor, we have some regrettable circumstances at times in our own country in which minorities are unfairly treated. We think it is justifiable that we interfere or attempt to bring retribution to individuals or States only because the concentration camps and the deportations were in pursuance of a common plan or enterprise of making an unjust or illegal war in which we became involved. We see no other basis on which we are justified in reaching the atrocities which were committed inside Germany, under German law, or even in violation of German law, by authorities of the German state.

51:31 Dirk Moses: So, can't be done. So he concluded, unless we have a war connection as the basis for reaching them, I think we have no basis for dealing with these atrocities before the war. If it's before the war, it can't be a war crime. And it can't be a crime against humanity, there's a crime against humanity can only occur during the war. Now as you might expect, Jewish groups, and small nations, and Lemkin were gravely disappointed by this outcome. And of course, these were groups were kind of bickering with, well each other. The World Jewish Congress was bickering with these small nation-states because they wouldn't recognize, they couldn't agree on, on the hierarchy of criminality, if you like. So it's no coincidence that in just a month after the conclusion of the trial of the major war criminals in October 1945, the General Assembly of the UN [United Nations] passed a

resolution through convention on the punishment and prevention of genocide. Now as we know, Lemkin linked the fate of Jews and non-Jewish victims of the Nazi occupation in his generic notion of genocide, thereby enabling the joint mobilization of small nations and the World Jewish Congress which all feared national distraction and were dissatisfied with the legalistic and conservative Anglo-American approach to international law. In late 1946, a coalition of small nations and Jewish groups prevailed against the British and the Americans in convincing the General Assembly to develop a convention against genocide. So whereas they had been quarreling during the war, now they join forces against the British and the Americans, who had excluded them, of course, from the Nuremberg Trials - which was run purely by the British, the French who were allowed in as prosecutors, but the British, the Americans and the Russians.

53:22 Dirk Moses: While international lawyers and the Nuremberg Trials did not take genocide - this curious new term - very seriously, on the other hand, journalists and religious groups were beguiled by its humanitarian aura, and the outsider Lemkin cultivated journalists to publicize his neologism. He became friends with editors at the *New York Times*, *The Washington Post* who wrote then big articles about it. So the discursive landscaped, you know which word is primary here, war, crimes against humanity, genocide changed very quickly in 1946. So the second contingency is this, were it not for the initial initially restrictive interpretation of crimes against humanity at Nuremberg, the genocide concept would have died at birth because it wouldn't have been needed. Crimes against humanity would have done the moral, legal, and emotional work. So now genocide takes on a life of its own, soon surpassing crimes against humanity in rhetorical force, because construction, destruction can occur in so many ways and mean so many things, and because nationally conscious people will always fear that their nation's life forces are being crippled - to use that phrase from the St. James Declaration debates. So henceforth, all that counts are two questions: is a transgression an international crime, and above all, is it genocide? So even before the Convention was voted on in late 1948, it became a geopolitical football. Here in 1947, Baltic States accused the Soviet Union of genocide and this was also immobilized by diaspora groups here.

55:11 Dirk Moses: Then a year later in 1948 and [19]49 the new Israeli state accused Arab States and Pakistan for attacks on Jews in those countries. I could give you other slides where Pakistan and India accuse each other for genocide during Partition. So what occurred to Lemkin's broad definition when it comes to an international treaty in December 1948, about exactly 70 years ago? It was dramatically narrowed. In another paper, I could detail how the British, American and Soviets excluded population transfer, ethnic cleansing because they all approved the expulsion of 12 million Germans at this time in treaties that they negotiated. And they excluded cultural and political genocide for reasons of domestic security. So this is the law as it stands today. This was then incorporated

into the International Criminal Tribunals of Rwanda and Yugoslavia and the Rome Statute of the International Criminal Court. But the instability, although it's narrowed here, continued nonetheless because the operative word is still destruction committed with the intent to destroy, in whole or in part, a national, ethnic, racial, religious group in these five ways. Now let's look at how - very briefly - how this played out in the US [United States] in the 1950s. Do I have time? Okay, President Truman transmitted the Convention to the Senate for advice and consent for ratification. The Senate Foreign Relations Committee held hearings on the convention in 1950. Now the elephant in the room was the same that concerned State Department officials during the war: could international instruments be used to embarrass the US [United States] during the Cold War? Senator after senator and representatives of the American Bar Association expressed intense anxiety that local racial discrimination would expose the country to international law and humiliation.

57:15 Dirk Moses: Now the debate turned, in part, on this term - in part or in whole - in the convention. Dean Rusk, who's who later became Secretary of State in the [19]60s, represented the State Department at the hearing. Now he insisted that the word, or the wording, meant that the intention was to destroy the group as a whole, even if only part of it was then ultimately destroyed. Now, this is certainly not the common view, and Lemkin wrote to the Committee to argue that in part simply meant a substantial part and that such a group was imperiled or crippled was enough. But he was, at the same time, really seeking to reassure Senators in order to win their support for ratification. So now, he actually insisted on quite a narrow definition of genocide, in order to exclude US [United States] racial violence. He began the letter that he wrote thus, a thorough analysis of the Genocide Convention proves conclusively that the Convention does not apply either to lynching or to African-American rights. Genocide, he continued, does not apply to individuals but to groups. Certainly, he continued, a casual lynching is not of this nature it does not destroy the black race as such. Lynching, he continued, is rather an act of local terrorism. And the same with race riots. Their logic, he said, was to maintain racial hierarchy, engage in just group destruction, not even in part. So he concluded that quote, genocide is a crime that does not happen in the US [United States]. This country, he said somewhat patriotically, is called upon to cooperate in fighting the disease, this disease for humanitarian and for defensive reasons only.

59:08 Dirk Moses: Only a year later, the somewhat opportunistic views - opportunistic given what had written in 1944 with his very broad definition of genocide which talks about honor, group aggrandizement, all these things which he quickly forgot about - this was challenged by a controversial petition directed to the UN [United Nations] General Assembly by the communist-backed Civil Rights Congress, which was founded in 1946, and led by the black lawyer William Paterson who had been radicalized by the Sacco and Vanzetti and Scottsboro boys trials in the

1920s and the early [19]30s respectively. Here is his autobiography on the left, *The Man Who Cried Genocide*, published in 1971. So named because he led a petition with Paul Robeson and signed by luminaries like W.E.B. DuBois that accused the US [United States] of genocide against African Americans. Now the the word petition is a bit of a misnomer. It's actually a 239-page text of closely reasoned and exhaustively documented indictment of racial violence and discrimination in the US [United States]. That's it there on the right. Cleverly using NAACP [National Association for the Advancement of Colored People] statistics, its empirical claims were actually unimpeachable. It of course was the genocide frame that was so controversial and that was, of course, the point. In her careful study of this period of politics, *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights*, the historian Carol Anderson details how this petition was a tactical ploy of the Communist Party to rebuild party links with the unions and black churches after its leadership had been decimated by anti-communist perceived prosecutions in US [United States] courts - and they were effectively bankrupt. She goes so far as to suggest that the petitioners like Patterson were less interested in African Americans than in their own party's interests.

1:01:08 Dirk Moses: Now I'm not in a position to judge, but Anderson does not subject this petition's reasoning actually too much attention. She's more interested in the politics around the petition, rather than what it actually says. Now because William Paterson was a lawyer and wanted to provoke international legal proceedings, he cleaved very closely to the UN [United Nations] definition, organizing this text under the headings of Article II of the Genocide Convention, so under the the subheadings ABCD and E. He began by contesting Rusk's point. There, so there they are delivering the, delivering the manuscript there. Paul Robeson did it to the UN [United Nations] in New York and Patterson tried to do it in Paris, but he was prevented of doing so by US [United States] officials. So Patterson disputed Rusk's version, for example, this whole or in part interpretation for example, in quotations like this - [it is] sometimes incorrectly thought that genocide means the complete and definitive destruction of a race or people. But the Genocide Convention adopted by the UN [United Nations] General Assembly defines genocide as any killings on the basis - in fact, it's just destruction, not just killings - on the basis of race in whole or in part, etc., etc. So he's, you know, very legalistic about this. Now obviously the killing of, lynching featured centrally, as did economic disadvantaging of America African-Americans, which he claimed reduced the life expectancy to eight year, eight years less than whites.

1:02:41 Dirk Moses: So he, and there he then appealed to C, deliberately inflicting on a group conditions of life calculated to bring about its physical destruction in whole or in part, or B, causing serious bodily or mental harm to members of the group. So it can all be interpreted in very creative ways. Now, as might be expected, this text was denounced as communist propaganda, and Willie Patterson was prevented

from delivering it to the UN [United Nations], as I said, in Paris, where the, the State Department try to confiscate his passport. He then fled to Budapest. He was very welcome in Soviet-occupied countries. He was a sort of a celebrity there. Now to a large extent, the State Department did succeed in burying this petition, which hardly featured in the mainstream press - save of, of course for the African-American press, like *The Baltimore Afro-American*. You can see this slide here, *UN [United Nations] Asked To Act Against Genocide in the US [United States]*, and there, there's that picture of Paul Robeson. Now again at this point, Lemkin came to the rescue of his adopted homeland, joining the criticism of the petitioners for diverting, what he said, attention from the crimes of genocide committed against Estonians, Latvians, Lithuanians, Poles, and other Soviet subjugated people. So Lemkin was a fervent anti-communist. He did not mention at this point that their diasporic representatives were actually paying his salary at the time, which I found correspondents in his papers. In an op-ed for the *New York Times* in June 1951, he said that genocide could not be taking place when African-Americans were enjoying improved conditions. Genocide was a war-era crime of great magnitude, he continued. So now defining it very narrowly by divorcing it from the Nazi policies of discrimination, not just extermination that he'd included in his earlier work.

1:04:35 Dirk Moses: So anyway, despite his opposition, the notion of genocide against African-Americans has lingered. Now, as you can see, in the Civil Rights pamphlet on from 1964, genocide in Mississippi for example. Now let's conclude with some reflections on today. Historians of this episode in the early 1950s tend to see it as a, as fleeting, because the Civil Rights Congress was wound up in the mid-[19]50s and it was fervently opposed by the larger and of course longer standing NAACP [National Association for the Advancement of Colored People], which contested the petition. Figures like Ralph Bunche for example or vehemently opposed to Patterson. Now I'm not taking sides here. Rather, I'm interested in tracing how variable the meaning of genocide can be depending on political intent and context. Clearly, the broad definition of genocide can be utilized in sort of a counter-systemic way. Now today the forces that opposed the US [United States] ratification of the Genocide Convention, those Southern Senators who did not want international law to criminalize the racial terror of lynching and discrimination, are now today wielding their own genocide rhetoric by chanting you will not replace us. A slogan imported from white nationalist groups in Europe and fantasizing that they are victims of white genocide.

1:06:03 Dirk Moses: Here's one of their websites, and you can see their memes that they produce: diversity means chasing down the last white person, white genocide, anti-racist is a code word for white genocide, etc. You see this on, sent constantly on the internet if you go searching. Here, as in Europe and now in Australia, such slogans are not just alt-right but genocidal in two senses, in that they express a fantasized fear of being a victim of genocide, but also licensing genocidal violence

as pre-emptive self-defense. Now, by comparison, the We Charge legacy, the We Charge Genocide legacy is rather contained. Here, there's now today a We Charge Genocide website which is a Chicago-based citizens group which opposes police violence against African Americans. You can see it down at the bottom, we charge genocide as a grassroots intergenerational effort to center voices, center the voices and experiences of young people most targeted by police violence in Chicago. So and that's a screenshot from their petition today, and you can see they, they, they go back to the We Charge Genocide petition of 1951 as their inspiration.

- 1:07:26 Dirk Moses: So what can we conclude from this different views or different usages of the genocide concept? Thanks to the contingencies during the Second World War, we now have this incendiary word genocide to name the ultimate human catastrophe that can, in certain circumstances, now mobilize people with its slogans, slogan like simplicity insinuating connections to the Holocaust. Of course, mass violence occurred before the term debuted in 1944, but then there were all manner of words to use, enslavement, massacre, terror, etc., extermination - which we mentioned before. And in fact, they were much more precise than this word genocide. So now, ironically, you've got a word whose aura is partly indentured to the Holocaust being appropriated by antisemites who deny the Holocaust, in many cases. If the word was meant to signal urgency and provoke humanitarian intervention, as Lemkin intended, he did not consider its potential to motivate genocide - a terrible outcome, as we saw in the Pittsburgh Synagogue, and in the Christchurch Mosques. And indeed as occur, can occur when states ruthlessly bomb and shoot civilians because of a paranoid fear that they present a genocidal threat. Yet, at the same time, as we see in today's We Charge campaign in Chicago, the word can also oppose precisely such paranoid uses of genocide.
- 1:08:56 Dirk Moses: Now the strictly scholarly point here, and with this, I end, is to delineate these patterns, to trace their development, and observe them in action. The next point, the civic point - that is our deliberation as citizens not just as scholars - is this, is first to subject such claims like this to empirical scrutiny. Is genocide really the non-hysterical concept to apply to diversity campaigns? I mean really. And the second one is to decide what kind of politics do you want to do with the or pursue with the genocide concept now that we're stuck with it. But that's up for you to decide and I look forward to your questions. Thank you.
- 1:08:49 Speaker 1: Based on your work, and the work of Zimmerman, and some others in the past decade - with bringing up colonialism and its tie to genocide - what role do you think colonialism, or have you seen colonialism play in the formation of that preamble and essentially setting up the problem of having to define genocide? And really not being able to fully try pre-war crimes. And then things that have happened since.

1:10:12 Dirk Moses: Okay, terrific question. So, there are a number of elements, I think, to it. Now the the Hague Convention was a very Eurocentric project and as I said briefly it delineated what it called civilized warfare, and so it would only apply these constraints, or restrained warfare would really only apply to the signatories to the treaty and that was in North American States and the European states. I can't remember if Japan was a signatory at this point, by 1907 it may have been. And so that meant you treated POWs [Prisoners of War] with respect, you treated occupied civilians of your enemies, you know, with some restraint and so forth. You didn't plunder them in the way you did in another context. Now of course that meant that it didn't apply to colonial people. So uncivil, the presumption was that - what people would regard now as a global South - conducted war in an uncivilized way because they didn't distinguish between combatants and non-combatants, so tribal warfare, you know. So we didn't have to engage in any restraint either. So you saw the the outcome of that in the way colonial warfare was waged by the Germans in Southwest Africa in 1904-05. Where, you know, an entire people are decimated and that includes the women and the children, non-combatants. Okay because the Germans say well we're not constrained by the Hague Law, the Hague Laws when treating a rebellious African people, right? Now let's move forward briefly to the 1940s. You recall that, you know, all the the contributors to the debate about, you know, what are the Nazis doing and how do we categorize it in the early [19]40s agreed that it was a Nazi form of imperialism and that the Nazis were treating Europeans the way Europeans had been treating South Africans. And they didn't really like it. And a number of us who work on this thing have - this topic - you know think that the so-called human rights revolution after the Second World War, The Human Rights Declaration, or Declaration of Human Rights, the Genocide Convention, the Fourth Geneva Conventions - all from the late 1940s - are a result of this feeling, well we don't want to really be treated like the way we've been treating our colonial subjects.

1:12:35 Dirk Moses: Now, of course, that didn't prevent the French from participating in massacres in Setif, or Algeria in 1946, and then, of course, many more to come, and the British in Kenya committing atrocities. Once again there was this sort of schizophrenia in the part of colonial powers about the way they treated their colonial peoples. And international law was always catching up. Now what's important to remember is to have, I think, a cynical view of international law - is that it was, it was crafted by the great powers and shorn of any real critical excess so that they could put internal rebellions and colonial rebellions. That's why there's no such thing as cultural genocide as a legal category. That's why there's no such thing as political genocide as a legal category. That was opposed by the Soviets and many Latin American states for related reasons. The Soviets wanted, who wanted to crush anti-communist resistance and the Latin American states wanted to crush communist resistance, but they agreed on the crushing political opposition, so it's not in the Genocide Convention. So anyway, I've given you quite

a roundabout answer but, one has to be, what's important is not to be, you know, have rose-tinted glasses when, when looking at these issues.

1:13:49 Speaker 2: My question is related to the reticence of the United Nations to declare genocide. And my understanding is that it, that if it does, it does require a military response to that. Which implies that the usage of the word may or may not be indicated depending on how the politics, you know, at the UN [United Nations] are going. Could you comment on that aspect?

1:14:14 Dirk Moses: Yeah, my understanding, and I'm not an international lawyer, is that there's dispute about whether signatories to the convention are obliged to engage in some kind of military action or any kind of action if there's an official determination that genocide is taking place. Now until quite recently, there wasn't even really the machinery to do that unless you talk about the Security Council. And we know that's always hamstrung because wherever there's a genocide-like action taking place, it's bound to be one of the clients of one of the states in the United Nations. Now in the meantime, now in the meantime now, we have a Special Rapporteur for genocide - and in fact, they call them atrocity crimes - who, which is an agency or an office within the office of the Secretary-General which can, you know, it can't initiate anything in any legal or determinative way because the Security Council is sovereign. But it can at least start a discussion and, you know, ultimately civil society actors talk about generating political will - but we all know that if vital interests of states are engaged or involved it's very difficult for non-state actors to convince a state to do anything. So it's, it's a, it's a challenge for everyone working in the humanitarian sector and I don't have any ready answers for you other than the melancholic sensibility of an historian who looks at these things and sees repetition of human suffering.

1:15:48 Deborah Hertz: Okay, well thank you so much.

1:15:53 [Inventing Genocide: The Contingent Origins of a Concept During World War II, April 10, 2019]

1:16:00 [Featuring A. Dirk Moses / Professor of Modern History University of Sydney]

1:16:05 [Presented by, The Holocaust Living History Workshop / Deborah Hertz, Ph.D. / Director, The Jewish Studies Program, UC San Diego / Susanne Hillman / Program Coordinator, The Holocaust Living History Workshop]

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