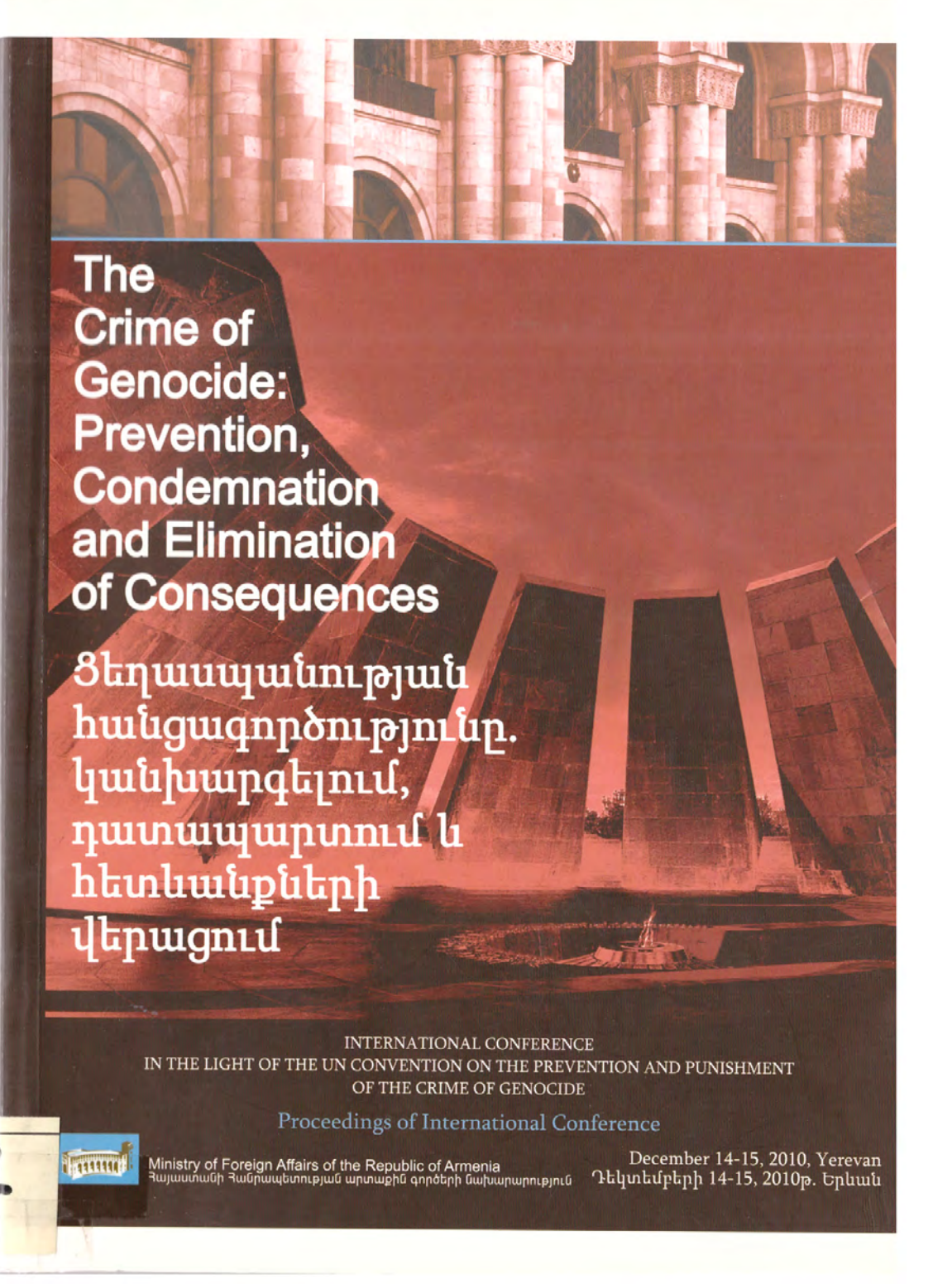




The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences

Ցեղասպանության
հանցագործությունը.
կանխարգելում,
դատապարտում և
հետևանքների
վերացում

INTERNATIONAL CONFERENCE
IN THE LIGHT OF THE UN CONVENTION ON THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE

Proceedings of International Conference



Ministry of Foreign Affairs of the Republic of Armenia
Հայաստանի Հանրապետության արտաքին գործերի նախարարություն

December 14-15, 2010, Yerevan
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THE CRIME OF GENOCIDE:

PREVENTION, CONDEMNATION AND
ELIMINATION OF CONSEQUENCES



Proceedings of International Conference
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Խմբագրության
Արամ Հարությունյանի

On December 14-15, 2010 the Ministry of Foreign Affairs of the Republic of Armenia, in cooperation with the Armenian Genocide Museum-Institute organized and conducted an international conference entitled "The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences" in the context of the UN Convention on the "Prevention and Punishment of the Crime of Genocide". Prominent genocide scholars from around 20 countries participated in the Conference. This Conference brought significant contribution to the coverage of the crime of genocide, its condemnation and prevention, as well as the international recognition of the crimes against humanity. The current proceedings include the speeches of the participants of the Yerevan Conference, genocide scholars, as well as photos and other materials related to the event.

2010 թվականի դեկտեմբերի 14-ից 15-ը Հայաստանի Հանրապետության արտաքին գործերի նախարարությունը Հայոց ցեղասպանության թանգարան-ինստիտուտի հետ համատեղ կազմակերպեց «Ցեղասպանության հանցագործությունը. կանխարգելում, դատապարտում և հետևանքների վերացում» խորագրով միջազգային գիտաժողով, «Ցեղասպանության հանցագործությունը կանխարգելելու և պատժելու մասին» ՄԱԿ-ի Կոնվենցիայի համատեքստում: Երևանյան այս գիտաժողովը իր նշանակալից ներդրումն ունեցավ ցեղասպանության հանցագործության, նրա դատապարտման և կանխարգելման խնդիրների լուսարանման, մարդկության դեմ իրագործած ոճրագործությունների միջազգային ճանաչման գործում: Ներկա ժողովածուում ամփոփված են երևանյան գիտաժողովի մասնակիցների՝ ցեղասպանագետ-գիտնականների ելույթները, ինչպես նաև լուսանկարներ և միջոցառումներ վերաբերող այլ նյութեր:

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MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF ARMENIA. INTERNATIONAL CONFERENCE IN THE
LIGHT OF THE UN CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE.
14-15 DECEMBER 2010, YEREVAN

9(47.925)
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CONTENTS

Statement of President Serzh Sargsyan	6
The opening speech by Edward Nalbandian, Minister of Foreign Affairs of Armenia	8
Preface	11
YVES TERNON Le rôle déterminant de Rafael Lemkin dans l'élaboration et l'adoption de la Convention de 1948 sur la prévention et la répression du crime de génocide	12
LEANDRO O. DESPOUY Address by Dr. Leandro Despouy on the Receipt of the 'Mkhitar Gosh' Medal Republic of Armenia	21
ISRAEL W. CHARNY R 2 L! The right to life of all people !	25
FRANÇOIS ROELANTS du VIVIER Prosecution of Genocide Denial under Criminal Law: The Case of Belgium	36
WILLIAM A. SCHABAS 'These new crimes of Turkey against humanity and civilization...'	41
TANER AKÇAM Assimilation and the Armenian Genocide	51



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TESSA HOFMANN

- 'Cold Cases' of Genocide: The Meaning and Limits of Genocide
'Recognition' by Legislative Bodies 64

FRANK CHALK

- Lessons Learned: Why We Failed to Mobilize the Will
to Intervene in the Rwanda Genocide of 1994 and
What We Learned for the Future 78

MATTHIAS BJØRNLUND

- Forgetting and Remembering the Armenian Genocide
in Scandinavia in the 1920s 84

THEOFANIS MALKIDIS

- The Convention on the Prevention and Punishment
of the Crime of Genocide (UN 1948) and the Greek Genocide 105

ANTHONIE HOLSLAG

- Within the Acts of Violence 127

MUHAMMAD REFAAT AL-IMAM

- The massacres of Adana: April 1909 and its impacts in Egypt 148

WA'IL NICHOLAS KHEIR

- Education as a Deterrent to the Crime of Genocide 150

DONNA-LEE FRIEZE

- "Genos – the Human Group": How the Concept of "Culture"
Underscores Raphael Lemkin's Notion of "Genocide" 164

TETSUSHI OGATA

- Toward a Model of Engaging Governments in a Network
of Genocide Prevention 172

DICKRAN KOUYMJIAN

- The Crime against Cultural Heritage and Historical Memory:
The Question of Abandoned Property 178

PETER BALAKIAN

- The Significance of the Destruction of Culture and Cultural Property
in Genocide and Human Rights Violations: Some Reflections 187

ARMEN T. MARSOOBIAN

- The Moral Imperative to Remember, Acknowledge and
Repair the Crime of Genocide 196

RUBEN SAFRASTYAN

- Ottoman Empire: Program of Genocide (1915) 204

SEDA PARSAMYAN

- The Cultural Genocide as a State Policy and
the Question of its Responsibility 217

ALFRED de ZAYAS

- De Zayas Book: The Genocide Against the Armenians 1915-23 and
the Relevance of the 1948 Genocide Convention
On the Occasion of the 95th Anniversary of the Armenian Genocide 222





STATEMENT OF PRESIDENT SERZH SARGSYAN AT THE INTERNATIONAL CONFERENCE "THE CRIME OF GENOCIDE: PREVENTION, CONDEMNATION AND ELIMINATION OF CONSEQUENCES"

Distinguished Participants of the Conference,
Dear Guests,
Ladies and Gentlemen,

I welcome all participants of this Conference. I thank those foreign scholars who accepted our invitation and came to Armenia to take part and make proposals in the scientific discussions on the crime of genocide, its condemnation and prevention as well as the elimination of the consequences of that crime.

Today, more than ever, it is necessary to take serious steps and develop efficient mechanisms for the prevention of genocides. And today, more than ever, the impunity of different political administrations and states, which have committed the crime of genocide, absence of international condemnation, lack of adequate mechanisms or their ineptitude created a situation when the mankind, along with other grave challenges, still faces the threat of new genocides.

Bitter lessons of the Armenian Genocide are not just memories in the history of the world: they were amplified by the horrors of the Holocaust, genocides in Rwanda,

Darfur and many other tragedies. Unfortunately, genocide denial and oblivion are still present in our world. Political expediency and short-sighted timeserving often prevail over the necessity to adopt and implement sound and reasonable decisions.

Issues pertinent to the prevention and condemnation of genocides, as well as elimination of their consequences, should be put on the agenda of international deliberations. Civilized world should demonstrate an ability to fight united against this menace.

Neither the venue, nor the title of the conference held in Yerevan are accidental. It is true that chronologically the Armenian Genocide occurred several decades before the adoption of the UN Convention on Prevention and Punishment of the Crime of Genocide; however its international, including legal and ethical repercussions became the foundation for the development and adoption of the aforementioned Convention.

Rafael Lemkin says on this, "Until now, the government could treat its citizens as it saw fit. Millions and thousands of hundreds of Muslims and Jews, Armenians and Slavs, Greeks and Russians, swarthy Africans and fair Poles perished in this crime. The world come to a decision that genocide is a crime which falls within the scope of international law, and that to prevent and punish this "crime of the crimes" the convention must be signed by the member states.

Today, we observe another phenomenon: along with the attempts to review historical facts, which were scientifically proved by official historiography and have received corresponding international assessment, some countries are trying to fashion stories of "their own genocides." Such false approaches constitute simple distortion of the clear-cut legal basis for the definition of the crime of genocide. Without going into the motives behind that phenomenon, I would like to say one thing: "to bestow genocide" on one's own people is neither patriotism, nor diplomacy.

Those who review and rewrite historical facts imagine that they can impose on the world their corrupt and bogus story. To hush up guilt and the committed crime means to conduct a new crime; moreover, such cynicism proves that some do not comprehend or don't want to realize the terrible price which the humanity has been paying ever since.



Ladies and Gentlemen:

Intolerance and xenophobia are the starting points of any genocide; furthermore, adoption of such policies for whatever reasons, as well as propagation of intolerance and bigotry, also with the direct participation and headship of the leaders of the political elite, contain real danger and prepare fertile soil for new tragedies and genocidal acts.

The Armenian nation greatly values the input and the accomplished work of the scholars who possess scientific candor and maintain unequivocal stance. Their work resulted in scientific substantiation and proof regarding the genocide perpetrated against Armenians in the Ottoman Empire in the beginning of the XX century. With this regard, the role of the International Association of Genocide Scholars, which this year has received the Presidential Award, is indispensable.

I attach great importance to the organization of this scientific conference for the issues related to the crime of genocide, and I am confident that it may be instrumental for the adoption of political decisions aimed at the prevention of that crime and for the manifestation of political will. The conference is also important in the context of developing defined approaches and conceptual documents on the elimination of the consequences of genocides.

The Armenian Genocide, "Mets Eghern" is individual and collective pain of our nation, which knocked at the door of each Armenian family; it is our tragedy and memory. And we are confident that the road from recognition to forgiveness, from justice to peace, as well as tolerance and coexistence have no alternative.

On the eve of the approaching 100th anniversary of Mets Eghern, bowing to the memory of our innocent victims, we as a nation which survived a genocide, will continue to voice our appeal and warning to all – for the sake of the humankind and civilized world, we must protect our planet from such universal tragedies.

Let us create together our new history and common future.
I wish you productive work.
Thank you.



**THE OPENING
SPEECH BY EDWARD
NALBANDIAN, MINISTER
OF FOREIGN AFFAIRS
OF ARMENIA DURING
AN INTERNATIONAL
CONFERENCE "THE
CRIME OF GENOCIDE:
PREVENTION,
CONDEMNATION AND
ELIMINATION OF
CONSEQUENCES"**

Honorable Mr. President,
Respectable Guests,
Ladies and Gentlemen,

The prehistory of the Convention on the Prevention and Punishment of the Crime of Genocide adopted by the UN on December 9, 1948 is related to the most tragic page in the history of the Armenian people. It was the absence of condemnation and elimination of consequences of the Armenian Genocide that made the young philologist Rafael Lemkin in 1921 ask his professor why the Armenians did not have the masterminds of the Armenian Calamity arrested. To that question the professor replied that there was no law under which they could be arrested. It was this answer that forced Lemkin to drop philology and get immersed in international law dedicating his life to the study of crimes against humanity, which, among others, paved the way for the adoption of the 1948 Convention.

In the future great efforts were put for the elimination of the consequences of the Holocaust, as it was not possible to prevent its calamity. The ensuing history of 60 years, Cambodia, Rwanda, Darfur and other tragedies demonstrated that all



good-will is not enough to root out such genocidal expressions, as the hatred and hostility propagated on national, ethnical, racial and religious grounds.

Indeed, the international community has registered some progress in this area by the adoption of Rome Statute and the establishment of tribunals for Rwanda and Yugoslavia. In this period several genocide research centers were founded, studies have been carried out in various research establishments and universities, big amount of literature has been and is being published, symposiums and conferences are organized. The scholars who have come together here in this conference in Yerevan from different corners of the world have had their important contribution to this cause. Nevertheless, the recurrence of genocide or its threat is not a turned page for the humanity.

The denials of genocides, the impunity pave the way for the repetition of new crimes against humanity. Independent of geopolitical or other interests the international community should stand together in the condemnation of genocide, in its prevention. It is due to the absence of this unanimity that humanity witnesses new attempts to committing genocides.

It was in such a conference in Madrid in 1933 that Rafael Lemkin urged that if the international community were ever to prevent mass slaughter of the kind the Armenians had suffered, the world's states would have to unite to exclude that phenomenon. This goal is actual and I think you, academicians gathered here today, are motivated by it.

During the two-day conference you will probably be able to propose such approaches that would facilitate the ongoing struggle in the prevention, condemnation and elimination of the consequences of genocide.

The organization and hosting of this international conference in Armenia is symbolic. I would like to greet and thank the respected scholars and experts coming from France, Argentina, Switzerland, the Netherlands, Belgium, Greece, Italy, Germany, Denmark, Ireland, Hungary, USA, Canada, Australia, Lebanon, Egypt, Israel and Japan.

Dear guests,

The President of the Republic of Armenia, Mr. Serzh Sargsyan is invited to deliver the opening speech of the conference.
Please, Mr. President!

PREFACE

On December 14-15, 2010, the Ministry of Foreign Affairs of the Republic of Armenia, in cooperation with the Armenian Genocide Museum-Institute organized and conducted an international conference entitled "The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences" in the context of the UN Convention on the "Prevention and Punishment of the Crime of Genocide".

Mr. Edward Nalbandian, the Minister of Foreign Affairs opened the conference, followed by the speech by Mr. Serzh Sargsyan, the President of the Republic of Armenia.

Prominent genocide scholars from around 20 countries participated in the Conference, including Yves Ternon (France), Leandro Despouy (Argentina), Israel Charny (Israel), William Schabas (Ireland), Taner Akcam (USA-Germany), Richard Hovhannisian, (USA) Tessa Hofmann (Germany), Frank Chalk (Canada), Vahakn Dadrian (USA) and others.

On the following day of the commencement of the "The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences" Conference, the participants visited the Tsitsernakaberd Memorial and Museum of the Armenian Genocide Victims. They laid a wreath at the eternal flame and honored the memory of the innocent victims with a minute of silence. Afterwards, the representatives of the international delegation visited the Armenian Genocide Museum and got acquainted with the exhibition and then they planted a fir in the Alley of Tsitsernakaberd.

In those days by the order of the President Serzh Sargsyan the eminent diplomat and lawyer Dr. Leandro Despouy (Argentina) was awarded with the "Mkhitar Gosh" medal for his contribution to the international recognition of the Armenian Genocide. This Yerevan Conference brought its significant contribution to the coverage of the crime of genocide, its condemnation and prevention, as well as the international recognition of the crimes against humanity.

As President Sargsyan stressed in his speech "this event is also important in the context of the elaboration of clear approaches and conceptual documents on the elimination of the consequences of the genocide".

The current proceedings include the speeches of the participants of the Yerevan Conference, genocide scholars, as well as photos and other materials related to the event.

ARMAN KIRAKOSSIAN

Deputy Minister of Foreign Affairs
Republic of Armenia





YVES TERNON

French Physician and Historian
Specializing on Historical Research of the
Jewish Holocaust and the Armenian Genocide
Doctor of History of University Paris IV
Sorbonne

LE RÔLE DÉTERMINANT DE RAFAEL LEMKIN DANS L'ÉLABORATION ET L'ADOPTION DE LA CONVENTION DE 1948 SUR LA PRÉVENTION ET LA RÉPRESSION DU CRIME DE GÉNOCIDE

Decisive Role of Rafael Lemkin in Elaboration and Adoption of the Convention of 1948

En 1941, un juriste polonais réfugié aux États-Unis depuis peu, Rafael Lemkin, prend connaissance du discours prononcé le 24 août 1941, deux mois après l'invasion de l'URSS, par Winston Churchill à la BBC. Évoquant la cruauté sans précédent de l'agression allemande, il dit : « Nous sommes en présence d'un crime sans nom ». Lemkin allait donner un nom à ce crime : « génocide ». Si nous sommes réunis aujourd'hui pour parler du crime de génocide, c'est parce que Lemkin a identifié cette infraction. Il a consacré sa vie à l'introduire dans une convention de droit pénal international.

Né juif en 1900 dans un village de la Russie tsariste devenu polonais en 1918, Rafael Lemkin commence en

1920 des études de philologie. En 1921, il est informé du procès intenté à Berlin à Soghomon Tehlirian qui vient d'assassiner Talaat Pacha. Il se demande alors pourquoi Tehlirian est accusé d'un crime parce qu'il a tué un homme, alors que ce ne serait pas un crime de tuer plus d'un million de personnes. Il estime que la souveraineté d'un État ne peut conférer à cet État le droit de mettre à mort des millions d'innocents. Le jeune homme abandonne alors la philologie pour étudier le droit. Il poursuivra des recherches historiques sur les massacres des Arméniens, accumulant une documentation que l'on a trouvée dans ses archives, mais qu'il n'a pas publiée. Devenu juriste, Lemkin centre ses travaux sur les agressions des États

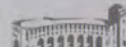
contre leurs minorités. Il consacrera sa vie à poursuivre cette réflexion et à lutter pour que de tels crimes soient reconnus et jugés. Il participe aux conférences pour l'unification du droit pénal qui se tiennent à partir de 1927 à Varsovie, puis à Bruxelles et à Copenhague. En octobre 1933, il ne peut se rendre à la conférence de Madrid, le ministère de la Justice s'opposant à son voyage : il est juif et le gouvernement polonais, alors antisémite et en négociation avec l'Allemagne nazie pour un pacte de non-agression, ne veut pas blesser ses « amis allemands ». Son rapport est néanmoins présenté, mais son projet n'est pas accepté. Lemkin y formule le concept de deux nouveaux crimes qu'il propose d'introduire dans le droit pénal interne des trente-sept États participants : « le crime de barbarie », actes d'oppression et de destruction dirigés contre des individus membres d'un groupe national, ethnique ou religieux ; « crime de vandalisme », destruction intentionnelle d'œuvres artistiques et culturelles qui sont les créations spécifiques du génie de ces groupes et constitue son patrimoine.

En septembre 1939, Lemkin n'est pas mobilisé. C'est une personnalité connue et il se sait menacé par les nazis. Il ne parvient pas à convaincre ses parents de s'exiler avec lui. Non sans mal, il atteint Vilnius, alors occupée par l'Armée rouge. Ses relations en Suède lui permettent d'obtenir un visa pour ce pays. Par Riga, il se rend à Stockholm où il

YVES TERNON

séjourne jusqu'en avril 1941. Là, il continue à réunir des textes sur les lois et décrets adoptés par les nazis, afin de compléter la documentation qu'il a déjà colligée. Dès qu'il a obtenu ses visas pour l'URSS, le Japon et les États-Unis, il se rend à Moscou, puis à Vladivostok, au Japon, à Vancouver, avant d'atteindre Chicago où il est accueilli solennellement. Il entre en relation avec le responsable de la section juridique de la bibliothèque du Congrès, John Vance, et traduit en anglais, pour le War Department, un recueil de décrets nazis qui paraît en 1942. Fin janvier 1942, il a été nommé consultant au Board of Economic Warfare de Washington. Tandis que s'accumulent les preuves de la destruction des Juifs d'Europe, il ne parvient pas à convaincre ses collègues de la spécificité de cette extermination. Il rédige un memorandum pour le président Roosevelt. Lemkin projette de publier un livre et trouve le soutien du directeur du département de droit international de la Fondation Carnegie pour la paix, George Finch. Ce livre est achevé en novembre 1943, mais il n'est publié qu'un an plus tard. C'est *Axis Rule in Occupied Europe*, un recueil de 712 pages de ces lois et décrets que Lemkin a patiemment colligés. Le chapitre IX de ce livre est intitulé « Génocide. Un nouveau terme et une nouvelle conception pour la destruction des nations ». Il commence ainsi :

De nouvelles conceptions exigent des termes nouveaux. Par « génocide nous



entendons la destruction d'une nation ou d'un groupe ethnique. Ce nouveau terme, créé par l'auteur pour désigner une vieille pratique dans sa forme moderne, est formé du grec ancien *genos* (race, tribu) et du latin *cide* (qui tue) et renvoie dans sa formation à des mots tels que tyrannicide, homicide, infanticide, etc. D'une manière générale, génocide ne signifie pas nécessairement la destruction immédiate d'une nation, sauf quand il est réalisé par des meurtres de masse de tous les membres d'une nation. Il se propose plutôt de signifier un plan coordonné de différentes actions visant à détruire les fondements essentiels de la vie de groupes nationaux, pour anéantir ces groupes eux-mêmes [...] Le génocide est dirigé contre le groupe national en tant qu'entité et les actions qu'il entraîne sont menées contre des individus, non pour ce qu'ils sont, mais pour leur appartenance à ce groupe.

Depuis le discours de Churchill, Lemkin cherchait un mot qui condensât ceux de barbarie et de vandalisme et qui connotât non seulement une extermination à grande échelle, mais aussi l'ensemble des moyens de destruction pratiqués par les nazis. « Meurtre de masse » ne convenait pas parce qu'il n'incorporait pas le mobile singulier du crime. Le juriste se souvenait de ses études de philologie, ainsi que des réflexions de George Eastman qui avait inventé le mot « Kodak », pour désigner un nouvel appareil

photo: ce mot est court, facile à prononcer et il ne ressemble à aucun autre. C'est pourquoi, en 1943, il crée cet hybride au double radical grec et latin. « Génocide » est admis peu après dans le *Webster*, le nouveau dictionnaire international. Quelques semaines après la publication du livre de Lemkin, le Comité des réfugiés de guerre de l'administration Roosevelt prend officiellement acte des accusations de meurtre de masse perpétrées par les Allemands. Plusieurs journaux établissent un lien entre ce rapport et le mot inventé par Lemkin. Le 3 décembre 1944, un éditorial du *Washington Post* présente le mot « génocide » comme le seul capable de rendre compte des gazages et crémations des Juifs à Auschwitz-Birkenau. Le 26 janvier 1945, la *New York Times Book Review* consacre une page entière à la recension du livre de Lemkin. Le crime est nommé. Reste à inclure ce mot dans le droit pénal international. Un long chemin reste à parcourir. Lemkin va le parcourir seul, rencontrer de nombreux obstacles et tous les surmonter.

Lemkin est à Londres, en tant qu'assistant du juge américain, Robert Jackson, le 20 juin 1945. Il tente de faire inclure le mot « génocide » dans le statut du tribunal militaire international (TMI) adopté le 8 août 1945, mais les représentants anglais s'y opposent : il ne figure pas dans l'*Oxford Dictionary*. Finalement, c'est le concept de crimes contre l'humanité,

introduit d'ailleurs par Jackson, qui est retenu : article 6, §c. Avant que le procès s'ouvre à Nuremberg en novembre, l'acte d'accusation est lu à Berlin, le 18 octobre. Le mot « génocide » est prononcé : les inculpés « se livrèrent au génocide délibéré et systématique, c'est-à-dire à l'extermination de groupes raciaux et nationaux parmi la population civile de certains territoires occupés, afin de détruire des races ou classes déterminées de populations et de groupes nationaux, raciaux ou religieux, particulièrement les Juifs, les Polonais, les Tsiganes ». C'est la première mention du mot « génocide » dans un texte international.

Après l'ouverture du procès, on en retrouve de nombreuses occurrences : à trois reprises, dans le réquisitoire final du procureur anglais, Sir Hartley Shawcross, qui lui accorde un sens encore plus large : « Les buts du génocide ont été formulés ainsi par Hitler » ; « Le génocide ne comprenait pas seulement l'extermination du peuple juif ou des Tsiganes. Il fut appliqué sous différentes formes en Yougoslavie, aux habitants non allemands de l'Alsace-Lorraine, aux populations des Pays-Bas et de Norvège » ; « Qu'aucun des hommes assis sur le banc n'ait pu rester ignorant des horreurs perpétrées pour aider la machine de guerre nazie et la politique du génocide ». Le 29 juillet, c'est le procureur français, Auguste Champetier de Ribes, qui déclare dans son réquisitoire, soulignant la spécificité

de l'extermination méthodique de millions d'êtres humains : « Crime si monstrueux, si inconnu dans l'Histoire depuis l'ère chrétienne jusqu'à la naissance de l'hitlérisme, qu'il a fallu créer le néologisme de « génocide » pour le caractériser, qu'il a fallu accumuler les documents et les témoignages pour le croire possible. Enfin, dans son réquisitoire final, Charles Dubost, parlant des accusés : « Tous ont, d'une façon ou d'une autre, concouru au pire crime, le génocide, l'extermination des races ou des peuples sur lesquels ils entendaient conquérir l'espace qu'ils jugeaient nécessaire à la soi-disant race germanique ».

Le mot est dans l'air, mais il n'est pas encore dans le droit. En décembre 1945, le *Washington Post* publie un article de Lemkin : il entend bien introduire aux Nations unies une résolution pour une convention sur le crime de génocide pour en faire un crime international. Il voudrait que les États-Unis soient à l'origine de la proposition. Le verdict du TMI tombe en septembre 1946 : l'infraction « crimes contre l'humanité » n'est retenue qu'en temps de guerre, ce qui ne permet pas de condamner les accusés pour les crimes commis dans le Reich de 1933 à 1939. En effet, le tribunal entend lier les incriminations entre elles : celle de *conspiracy* (entente en vue de commettre un acte criminel) concerne le crime contre la paix et les crimes de guerre, donc également les crimes



contre l'humanité. Lemkin apprend que l'Assemblée générale de l'ONU prépare sa session d'automne et qu'un comité est formé pour rédiger les futures propositions qui seront soumises à cette assemblée. Il espère inclure son projet de convention dans l'agenda de cette première session. Sa proposition est soutenue par Adlai Stevenson, mais refusée par le délégué soviétique. Grâce à Jan Masaryk, il rencontre Vychinski et le persuade que son projet n'est pas dirigé contre l'URSS. Lemkin dispose donc d'un argument supplémentaire pour démontrer que le concept de génocide est complémentaire de celui de crimes contre l'humanité. Le 11 décembre 1948, l'Assemblée générale de l'ONU adopte la résolution 95 (I) qui confirme les principes de droit international reconnus par le TMI et l'arrêt de cette cour. Cette résolution élargit à tous les États membres un accord qui ne liait que les vingt-trois États parties à l'accord de Londres. Le droit pénal international est né avec la reconnaissance du droit de Nuremberg. Le même jour, une résolution 96 (I) donne une première définition du génocide :

«Le génocide est le refus du droit à l'existence de groupes humains entiers, de même que l'homicide est le refus du droit à l'existence à un individu ; un tel refus bouleverse la conscience humaine, inflige de grandes pertes à l'Humanité qui se trouve ainsi privée des apports culturels ou autres de ces groupes, et

est contraire à la loi morale ainsi qu'à l'esprit et aux fins des Nations unies ».

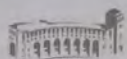
Une première étape est franchie. Mais il reste des obstacles à surmonter, car cette résolution rencontre une forte opposition. Pour instituer cette infraction, l'Assemblée générale de l'ONU a invité les États membres à prendre des mesures législatives pour prévenir et réprimer ce crime. Elle a chargé le Conseil économique et social d'entreprendre les études nécessaires en vue de rédiger un projet de Convention qui sera soumis à la prochaine Assemblée générale. Ce projet est rédigé avec le concours des trois experts les plus compétents dans ce domaine : Lemkin, Donnedieu de Vabres et Pella. Il est ensuite transmis à la Commission pour le développement progressif du droit international, puis à l'Assemblée générale de l'ONU qui, dans sa deuxième session, adopte, le 20 novembre 1947, la résolution 180 (II) : « Le génocide est un crime international qui comporte des responsabilités d'ordre national et international pour les individus et pour les États ». On peut alors passer à la dernière étape : la rédaction du texte définitif de la Convention. Le Conseil économique et social est chargé de le rédiger. Il nomme un Comité spécial composé de représentants de la Chine, des États-Unis, de la France, du Liban, de la Pologne, de l'URSS et du Venezuela qui est prié d'élaborer un projet. Ce comité se réunit à Lake Success du 5 avril au 10 mai 1948 et

prépare un texte qui est renvoyé à la Sixième Commission qui l'amende profondément en fonction des intérêts des nations lesquelles sont désireuses de préserver leur souveraineté.

Depuis 1947, Lemkin est rentré aux États-Unis. Il est professeur à Yale, mais aussi consultant auprès du Secrétariat général des Nations unies en droit pénal international. Il attend impatiemment la présentation de la Convention devant l'Assemblée générale de l'ONU. En juillet 1948, il reçoit un télégramme de l'ambassadeur du Venezuela aux Nations unies, Perez Perozo, qui l'informe que le Conseil économique et social qui va se réunir à Genève désire s'entretenir avec lui. Il s'y rend, décidé à se battre pour défendre son projet. Les délégués lui demandent de leur communiquer des cas historiques de génocide, ce qu'il fait d'autant plus volontiers qu'il travaille depuis son retour aux États-Unis à une « Histoire du génocide ». Ils lui demandent ensuite comment prévenir les génocides. Il répond qu'il faut se placer à deux niveaux : national, introduire le crime dans les codes nationaux ; international, rendre chaque nation responsable devant la communauté internationale, en portant les cas de génocide devant la Cour internationale de justice de La Haye ou des organes de l'ONU. « Il faut, ajoute-t-il, que les États comprennent que les minorités et les petites nations ne sont pas des poulets entre les mains d'un fermier, destinés à être abattus, mais

des groupes de personnes de grande valeur pour eux-mêmes et pour la civilisation mondiale ». A certains moments, il désespère de réussir. Un soir, le délégué canadien, Dana Wilgress, lui dit qu'il va l'aider à emporter la décision. Il lui obtient un entretien avec le futur président de l'Assemblée générale de l'ONU, Herbert Evatt, ministre des Affaires étrangères d'Australie, qui lui garantit son soutien. Finalement, le 15 septembre, le Conseil économique et social adopte le projet de Convention. Reste à le formuler.

Lemkin se rend alors à Paris où un comité doit rédiger une définition aussi complète que possible de l'incrimination. Il rencontre un nouvel obstacle : le délégué anglais, Sir Hartley Shawcross, ne tient pas à la Convention : le droit de Nuremberg suffit. Lemkin sollicite alors des appuis, notamment celle du nonce du pape, le cardinal Roncalli – le futur Jean XXIII. Le comité doit aller vite, tout en réconciliant les différences. Les discussions portent sur plusieurs points. Après trois jours de débats, on décide d'écarter les groupes politiques. On accepte d'inclure les crimes du temps de paix. La formule « en tout ou en partie » est adoptée, le génocide culturel, cher à Lemkin, refusé. Par contre, l'idée d'une Cour criminelle internationale est retenue. Finalement, le texte de la convention est rédigé et inscrit à l'ordre du jour de la future Assemblée générale de l'ONU. Le comité l'adopte à



l'unanimité. Un délégué propose même de l'appeler « Convention Lemkin ». L'idée d'une criminalisation du génocide, souligne le *Washington Post* dans un éditorial est de « jeter un cordon sanitaire autour de la nation coupable. On comprendra alors qu'un génocide concerne tout le monde civilisé, qu'il est l'affaire de chacun. »

Un nouvel obstacle se dresse au dernier moment. L'Assemblée générale de l'ONU qui se réunit en décembre doit discuter de la Déclaration des droits de l'homme et Lemkin craint une rivalité entre les deux textes. Il monte aussitôt au créneau : « La Déclaration des droits de l'homme, explique-t-il, n'est que la formulation de principes généraux. Une déclaration n'a pas force de loi ... À l'inverse d'un droit international, elle ne crée pas une obligation... Ce n'est pas un traité entre nations... La déclaration des droits de l'homme est seulement un engagement ... La Convention sur le génocide est un mariage ». Le 10 décembre, l'Assemblée générale de l'ONU adoptera la Déclaration universelle des droits de l'homme par 48 voix et 9 abstentions. En fait, les deux textes vont continuer à voyager ensemble, sans jamais se rencontrer.

Le 9 décembre 1948, l'Assemblée générale de l'ONU, qui se tient à Paris, au palais de Chaillot, adopte, par 58 voix contre 19, les 19 articles de la

« Convention pour la prévention et la répression du crime de génocide ».

L'article I déclare :

« Les parties contractantes confirment que le génocide, qu'il soit commis en temps de paix ou en temps de guerre, est un crime du droit des gens [en anglais, *International Law*], qu'elles s'engagent à prévenir et à punir ». Cet article est fondamental. D'une part, il introduit le mot « génocide » dans le vocabulaire juridique international, d'autre part, il répare l'omission du verdict de Nuremberg qui, parlant des crimes contre l'humanité, n'avait retenu l'infraction que pour le temps de guerre.

L'article II résume toutes les délibérations qui ont eu lieu pendant deux ans à propos du sens du mot « génocide » et introduit de nombreuses ambiguïtés qui demeurent encore aujourd'hui :

« Dans la présente Convention, le génocide s'entend de l'un quelconque des actes ci-après, commis dans l'intention de détruire, en tout ou en partie, un groupe national, ethnique, racial ou religieux, comme tel :

- a) Meurtre de membres du groupe ;
- b) Atteinte grave à l'intégrité physique ou mentale de membres du groupe ;
- c) Soumission intentionnelle du groupe à des conditions d'existence devant entraîner sa destruction physique totale ou partielle ;
- d) Mesures visant à entraver les naissances au sein du groupe ;

e) Transfert forcé d'enfants du groupe à un autre groupe ».

Cet article est un compromis entre le sens du mot « génocide », tel que l'avait formulé Lemkin et les exigences des États parties à la Convention. En excluant, les groupes politiques, culturels, sociaux et sexuels de la Convention, la Sixième Commission avait offert à des criminels une dérobade, la possibilité d'exterminer des groupes humains en les étiquetant différemment. C'est ce danger d'exclusion que soulignèrent plusieurs juristes, dont Peter Drost qui proposait une définition plus large du génocide : « Le génocide sous sa forme la plus grave est la destruction délibérée d'êtres humains pris individuellement en raison de leur appartenance à une collectivité humaine quelconque, comme telle ». On retrouvera ce refus de limitation à quatre groupes dans l'article 211, §1, du Code pénal français de 1994 qui, aux quatre groupes de la Convention, ajoute : « ou de tout autre groupe déterminé à partir de tout autre critère arbitraire ».

En cette année 1948, Raphaël Lemkin voit aboutir le projet qu'il a conçu et qu'il a, de bout en bout, mené à son terme. Il a défendu ce projet avec acharnement, mais il sort épuisé de ce rude combat. Le soir du 9 décembre, il tombe malade. Le lendemain, il est hospitalisé pour trois semaines. Les médecins parlent d'hypertension artérielle. Lemkin nomme son mal « génocidite ». Il le

définit ainsi : « épuisement provoqué par le surmenage lors de la préparation de la Convention sur le génocide ». A peine guéri, il va mener un nouveau combat : pour entrer en vigueur, la Convention doit être ratifiée. Il apprend que l'Assemblée générale de l'ONU se réunit à Lake Success et il s'y rend, afin de presser les délégués de ratifier le texte adopté le 9 décembre. Il faut obtenir au moins vingt signatures avant la session de l'Assemblée générale à la fin de 1950. Le 1^{er} mai 1949, l'Éthiopie est le premier pays à signer. Lemkin concentre sa requête sur les petites nations d'Amérique latine qui, plus que les grandes nations, ont besoin de la protection du droit international. Il obtient l'accord de l'Équateur, puis de Cuba. A la mi-octobre 1950, vingt-quatre nations ont ratifié la Convention, dont la France, Haïti, Costa Rica, la République de Corée. Quatre signatures de plus que requises. Lemkin peut être rassuré. La Convention entrera en vigueur 90 jours après le dépôt des ratifications.

La victoire de Lemkin est complète. « Les Nations unies, écrit-il, ont une loi pour arrêter le massacre des innocents. » Cette victoire, il la paie de sa santé. Il est hospitalisé à l'hôpital Bellevue de New York avant le vote de l'Assemblée générale. Il subit une intervention abdominale. Sa vie est en danger, mais il sait qu'il ne va pas mourir : il a encore tant à faire. De 1951 à 1956, il n'a plus de fonction officielle. Il a quitté son poste de Yale et il n'en retrouve



un qu'en 1956 à l'école de droit de la Rutgers University. Pendant ce temps, il reprend deux projets : la rédaction de son autobiographie ; une « Histoire des génocides », une compilation remontant à l'antiquité et abordée dans une perspective pluridisciplinaire qu'il est le premier à introduire dans l'étude des génocides. Le 20 octobre 1957, un éditorial du *New York Times*, intitulé « *The Crime of Genocide* » se termine par cette phrase : « On peut tirer une leçon de cet homme, patient à l'excès et totalement non officiel, le professeur Rafael Lemkin qui, jour après jour, session après session, a poussé à l'adoption de la Convention sur le génocide et qui vient de remporter sa 56^{ème} victoire ». En effet, la Convention venait d'obtenir une 56^{ème} signature. L'URSS avait signé en 1954, mais les États-Unis n'avaient toujours pas ratifié la convention – c'est seulement en 1986 que, à l'initiative du président Reagan, cette signature sera obtenue. Le 28 août 1959, Rafael Lemkin fait un infarctus du myocarde et meurt. Il est enterré à New York, au cimetière du Mont Ébron.

La Convention sur le crime de génocide introduit bien des ambiguïtés. Elle conduit à identifier comme génocide des événements qui, à l'évidence, ne répondent pas aux critères définis par Lemkin. Elle introduit des controverses sans fin et une concurrence des victimes aux effets néfastes. Il n'en reste pas moins que le crime de génocide est défini depuis la fin du XX^e siècle dans le statut de tribunaux *ad hoc* et de la Cour pénale internationale comme l'infraction majeure du droit pénal international et qu'il est enfin extrait du concept de crimes contre l'humanité dans lequel il a été longtemps inclus. Lemkin voulait démontrer la spécificité de la destruction planifiée par un État d'un groupe humain dont les membres sont tués en raison de leur appartenance à ce groupe. C'est là le sens du combat juridique qu'il a mené et gagné. Pour lui rendre hommage, certains ont qualifié le XX^e siècle de « siècle de Lemkin ». Des Arméniens aux Juifs et aux Tutsi, ce fut en tout cas le siècle des génocides.



Dr. LEANDRO O. DESPOUY
Human Rights Advocate and Scholar (Argentina)

ADDRESS BY Dr. LEANDRO DESPOUY ON THE RECEIPT OF THE 'MKHITAR GOSH' MEDAL REPUBLIC OF ARMENIA

I wish to thank the Hon. President of Armenia, Mr. Serzh Sargsyan, for honouring me with the prestigious *Mkhitar Gosh* medal. This is a further example of the generous hospitality of both the State and the people of Armenia which gave me the opportunity to take part in a cause of such high meaning as is the international recognition of the genocide suffered between 1915 y 1923 by this people through the mark of the Ottoman Empire and the Republic of Turkey. For decades, I have been able to share the fight and aspirations of the Armenians and their firm resolve to restore justice and the right to truth and to obtain the condemnation of negationism. In the course of this long journey we shared, a number of events of major meaning that have affected my own life and these very events bring me to this country to-day.

In 1985, as a member of the then Sub-Commission of the United Nations

Human Rights Commission and as a diplomat of the recently restored democracy led by President Raúl Alfonsín in Argentina, I took an active part in the intensive debate that ended with the approval of the report presented by the famous English expert, Sir Benjamin Whitaker, stating the international recognition of the Genocide at the level of the United Nations. At that time, the international community was taking very initial steps on the way to consolidating the principle of universal jurisdiction and the world was entering the process by which human rights would become the core of all democratic processes and of relations between States.

This is why the UN recognition had such tremendous importance. I shall not incur here into describing it as I trust that this has affected generations of Armenians and will impact future



generations. As from that recognition, the relations existing between the Republic of Armenia and the Diaspora have indeed changed, as also the relations between this country and the Republic of Turkey and the rest of the world. A clear evidence of this are the successive acts of recognition of the Genocide by various States, including a number of national and regional Parliaments. The importance of this change can be verified until today, for example if one thinks of the conditions put by the European Union to allow the Republic of Turkey to become part of it.

The recognition is the result of a long fight carried out by the Diaspora. It has helped unifying its foundations and is a true conquest both, for the victims and the subsequent generations. This is why it has turned into a symbol of identity which gained a special meaning on the international scene. This heritage needs to be guarded and shared with great precaution because it is a collective achievement. We should then all take part in keeping it and preserving it.

Beyond its impact on the very Diaspora and Armenia, it has had a major effect at the international level and in the field of human rights. The basic principle on which the claim for recognition was based was *the right of peoples to their memory*, and the juridical formulation of this right gave birth, went along and deepened the recognition of the *right to truth* and as a right which

is inalienable and is further binding on all States.

This has been the extraordinary contribution of the Armenians to the opening and furthering of a debate of universal reach – even though with uneven progress according to the regions – as from which the world can no longer forget acts such as genocides and crimes against humanity.

Since then, we have seen great developments with regard to judging this kind of crimes by national and international tribunals to the point that, nowadays, it has become common to talk about the tribunal that judged the militaries in Argentina as the international tribunals of Cambodia, Sierra Leona, Ruanda, ex Yugoslavia, etc. In addition, national tribunals are now able to apply the principle of universal jurisdiction with a view to judging this kind of crimes even where they were committed outside of the national boundaries.

If indeed Armenia owes a lot to the world for the recognition of the Genocide, what the world owes to Armenia is much more for achieving, in extremely difficult circumstances, the reconstruction of the initial thread of memory, its legitimacy among peoples and, at the same time, the juridical elaboration of the right to truth.

Let us recall that in 1915, while what was happening to the Armenians in Turkey was known, France, the UK and Russia agreed to judge the responsible of those “crimes against humanity”: but this in fact did not take place. In 1919, the Paris Conference considered that international institutions and legislation were inadequate to carry out such judgement; the legal corpus of the Conference allowed to judge crimes committed between States but not to judge crimes committed against their own population – and the Armenians were the subjects of the Ottoman Empire.

Even though it provided for the creation of a tribunal, no trial was carried out as by the Sèvres Treaty (1920); a contradictory initiative by Great Britain to conduct a trial under its own legislation did not prosper; those prisoners under its power, in Malta, were sent back to Ankara and freed. Those courts martial created by the Ottoman Government (1918-1922) which reached a sentence –very few of them being carried out in practice– were dissolved by the Turkish Nationalist Movement. Their archives –which, according to the historian Taner Akcam, were hidden, dispersed, remained incomplete, destroyed or stolen– would have been a major source to confirm the planned character of the annihilation of the Armenians. But many of those considered to be responsible were promoted to high functions in the nationalist Government and at

the Lausanne Conference (1922-23), all criminals were eventually granted an amnesty.

These facts and many other reasons placed Armenia, further to the UN decision, in a particular position because of being a national community that suffered the crucifixion of silence but strengthened its dignity through recognition. This is a very meaningful example of the best of the human condition, of the identity of peoples and their fight to prevent the reiteration of such facts. We live in a world agitated by violence, wars that hide its real nature, and in the last decades we have witnessed the revival of the spectrum of genocide in the Balkans, Cambodia; currently, the situation in the Great Lakes region in Africa, in Sudan and the Democratic Republic of the Congo is of extreme concern. These situations show the risks and threats that affect the future of mankind.

In this context, Armenia has a major role and responsibility to promote and establish spaces such as the Seminar that is taking place these days, as well as other permanent fora, institutes and academies from which to promote reflection and thinking in pro of the prevention, and action to stop acts and circumstances susceptible to degenerate –according to their gravity and level of development– into genocides or crimes against humanity. An adequate



articulation between the efforts of the Armenian State and the civil society of the Diaspora is the only way to develop strategies that may be truly effective to definitely overcome negationism.

Armenia has both the experience and moral authority to do so. Peace can only be reached through sineuous ways and achieving it is every day more difficult, at least in some parts of the world. The Caucasus region, as various others in the world, need to lessen risks. In this regard, the threats by Azerbaijan, as an ally to Turkey, on Nagorno Karabagh represent a real threat for its population and for the very Republic of Armenia. In such circumstances, the fight to prevent genocides is not only a noble and prosperous proposal for the world: it has a specific root in the region.

This is the path marked by the Armenian experience that has a meaning for the world as a tool for peace and a pacific solution to conflicts and controversies. Negationism is just its antinomy. We all are aware of its pernicious consequences and of its durable negative impact both at the international level, with political and economic relations with the world that remain impaired for those countries practising it, such as is the case of Turkey, and

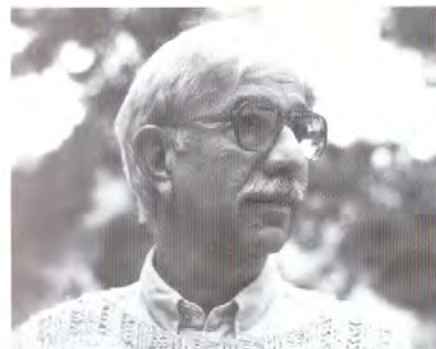
at the national level where imposing negatism inevitably affects the state of law and implies exalting repressive practices and, at the same time, binding justice.

When receiving this medal, the least I can do is to wish for Armenia the destiny of peace and prosperity it deserves. I further wish a peaceful resolution of its controversies, in harmony with its historical interests, so often affected and postponed, in a regional context of extreme complexity, in the past and currently.

I come from a country where the recognition of the Armenian Genocide is a State policy and I personally feel united to your people through a fight in which we joined hands and through the enormous contribution you made to Argentina. My country received you and at the same time it received from you the example of a firm resolve of work and talents that find their expression in all professional fields, science and public life.

Mr President,
How important for us all this moment in which we can feel that we form part of a common history!

Yerevan, December 14, 2010



Prof. ISRAEL W. CHARNY
Executive Director, Institute on the
Holocaust and Genocide, Jerusalem
Editor-in-Chief and Executive Director of
GPN - GENOCIDE PREVENTION NOW

R 2 L ! * THE RIGHT TO LIFE OF ALL PEOPLE ! **Proposing a worldwide union of genocide victim peoples -** **and all caring people - on behalf of a right to life of all people**

We have fought courageously and successfully for -- I believe permanent and enduring -- recognition of the Armenian Genocide, once the "Forgotten Genocide" or the "Unremembered Genocide," but hardly any longer. The present occasion of an international meeting sponsored by the Government of Armenia in Yerevan dedicated to further progress of the Armenian people to be a stronger nation among nations comes on the basis of our considerable success in gaining recognition of the Armenian

Genocide around the world. Yet with your permission, without reducing our commitment to advancing knowledge of the Armenian Genocide and strengthening the wonderful Armenian people, I want to take the occasion to convey to you, and lead us to recognize together, the abysmal lack of information in our world about so many genocides, not only of any one of our own peoples whom we want recognized the more, but of many other victim peoples in the world.; and that this abysmal lack of knowledge and caring is also shown by many of

* R2L is a new proposal that was presented for the first time to the International Conference, "Three Genocides, One Strategy," in Athens, September 2010, in a paper entitled: *The Psychology of Denying Other Victims of a Genocide: A Quest for Exclusivity and Superiority -- Disturbingly, Not Unlike Similar Motives in those who Commit Genocide* (-updating the theory of the psychology of denial of genocide 2010-ii). The organizers of the conference, who constitute an ongoing organization that is planning to hold a next conference in Stockholm, announced that they had resolved to support the proposed development of R2L. See the Press Release from the Institute on the Holocaust and Genocide in Jerusalem: *A New Proposal for a Worldwide Union of Genocide Victim Peoples - and all Caring People - On Behalf of a Right to Life of All People (R2L)*, in GPN GENOCIDE PREVENTION NOW worldwide Web Magazine, Issue 4, Fall 2010 <http://www.genocidepreventionnow.org/2010/12/press-release-from-institute-on.html>

R2L also extends an earlier concept of the author calling for a «worldwide campaign for life,» which was published in Charny, Israel W. (2007). *Fighting Suicide Bombing: A Worldwide Campaign for Life*. New York: Praeger Security International



US AND OUR PEOPLES who were ourselves victims of genocide, and certainly want the world to know of US, yet we ourselves do not care to know very much about OTHER victims.

All of us, sons and daughters of our own peoples' genocides, and all of us students and scholars of the genocides of many peoples in the world, want a better world with far less mass killing, and we are fully aware of the lying and obscenity of the deniers of established genocides, and how in doing so they are encouraging further genocide. In this respect there is no single major institution on the world scene that outdoes the government of Turkey as the tried and true master of falsehood, concealment of historical information, and hardball realpolitik to coerce compliance with denials that she was responsible for the genocides of many non-Turkish peoples, including we well know the Armenians, but also including Assyrians, Greeks, Yzedis, and also some Kurds – a people that we must note are also being attacked genocidally by contemporary Turkey in our time— for all that we also remember and know that many Kurds served as direct perpetrators in the Ottoman genocide.

We are alternately disgusted, outraged, and frightened by the implications of denials of genocide such as by the Turkish government. We have come to understand that they are not only

excuses and justifications of the genocide that is being denied, and continuing insults to intelligence and sensibility, and that they also constitute brute totalitarian control of minds and freedom of information, and a legitimation and threat of renewed and further violence and genocide by a government that will allow itself to do whatever it wants to do in seeking power.

Erdogan, the head of a government that continues for the most part to deny the Armenian Genocide, and still sends people to jail who say otherwise, is exemplifying the lawfulness of the postulate that deniers of a genocide are often enough involved in other violent acts and should be understood to be setting the stage for possible renewed violence and genocide. The Turkish government is continuously involved in genocidal acts against Kurds; and emotionally irritable Erdogan has recently blown up to threaten that he will deport 100,000 Armenians from Turkey.

Iran too has become a state that officially engages in denial, in her case government denials of the Holocaust – see the conference Ahmadinejad held, and see the government sponsored cartoon contest to portray such denials; and the same Ahmadinejad is repeatedly threatening the genocidal extinction of Israel—a threat that is the more alarming because it is coupled with Iran's defiant push to develop military nuclear capacity. **The Guardian**

reported on 27 October 2005, "Israel should be wiped off map, says Iran's president." On April 8, 2010, Ahmadinejad threatened Israel, "We will end your 'filthy life.'" At the same time he also attacked the US so that UNcoverage.net commented, "Ahmadinejad is so emboldened he now makes direct threats to the United States and to Israel in two back-to-back speeches." Many people view Iran's move to nuclear power as the single most threatening early warning of possible genocide in the world today.

But little do we allow ourselves to know that WE, sons and daughters of our own people's genocides, and students and scholars of genocide, also engage in considerable denials of the genocides of other peoples.

Do Israelis really know of the Armenian Genocide, and care about it? I am happy to say that many do, and that despite the shameful denial of the Armenian Genocide by our government—that must be put to an end—overall we have won the cultural war for recognition of the Armenian Genocide in Israel by the press and cultural media of our society. But there are still too few Israelis who know about the Armenian Genocide or other genocides. Our friend, Professor Yair Auron, also an Associate Director of the Institute on the Holocaust and Genocide in Jerusalem, has researched the level of awareness of Israeli students of genocides other than the Holocaust of the Jewish

people and reports what he describes as disappointing and shameful results. And central institutions for the memorial and study of the Holocaust in Israel, such as Yad Vashem, and Holocaust studies at almost all schools, colleges and universities in Israel for the most part do not teach and do not engage in comparative study of other genocides in our world (Open University of Israel, under Auron's direction, is the outstanding exception). To this day comparative study of multiple genocides, which means attention to genocides other than the Holocaust, is treated by many as a kind of betrayal and even sabotage of the holiness of the Holocaust and claims to its exclusivity and uniqueness.

Do we Israelis really know and care about the genocides of—

- the Russian peoples by Stalin;
- the Cambodians by Pol Pot;
- the Chinese people by Mao tse-Tung;
- the Rwandans (largely but not only Tutsi)
- the Burundi (largely but not only Hutu);
- the Bosnians by the Serbs and by the Croats (but also Croats and Serbs by the Bosnians in the free-for-all of multiple interacting genocides that took place) in the former Yugoslavia • where only fifty years earlier the Serbs, along with the Jews, had been brutally subject to genocide by the Croats (Ustache), who have been described as more vicious than the Nazis;
- the Sudanese people in the South (Christians) by the Sudanese



government and its militias (Moslems)
• and on and on?

For a fact, we human beings on Earth must face not only the **specific genocides** that our various peoples legitimately mourn and decry, **we also have to face a universal problem of our species that the human animal is easily drawn to and delights in mass murder of fellow human creatures.**

We practice degrees of omission and indifference to many genocides, continue with outright denials of the evidence, and are capable of relabeling of meanings of the mass murders of any number of fellow victims even when they were killed right alongside of our people in a genocidal process we shared with them.

Do you know how I will be received in my Israel if I propose that textbooks on the Holocaust also include the fates of the Roma (Gypsies) many of whom were in the same Auschwitz and the same gas chambers as our peoples? Can you imagine the reception I will enjoy if I bring up the known facts of 100,000 Russian POW'S being executed in the gas chambers where we Jews were slaughtered?; or homosexuals?; or Jehovah's Witnesses?; let alone the reaction if I propose that the fates of millions of other civilians in Nazi-occupied countries are also in certain senses aspects of an overall Holocaust committed by the vicious Nazis.

Similarly in respect of the Armenian Genocide – for whose recognition we fought so long and hard and successfully – there have been frequent denials by Armenians of the accompanying fates of the above named Assyrians, Greeks, Yzedis, and some Kurds. In our august International Association of Genocide Scholars, there was a vicious battle before the historic resolution we adopted in our early years recognizing the Armenian Genocide (which has been used very productively in many international forums over the years) was expanded in 2008 to include recognition of the Assyrians and Greeks as fellow victims of the Armenians. Do you know how aggressively some of my longtime Armenian colleagues and previously very much friends fought, in white knuckle anger, to suppress this resolution (which happily was finally passed by an overwhelming percentage of the vote of the membership)?

We victim peoples do not generously recognize one another's plights, and we spend an inordinate energy on denying many other victims who died literally alongside and even with us in our unbearable genocides.

Proposal of R 2 L ! Right to Life ! - A Worldwide Union of Genocide Victim Peoples –and All Caring People—on behalf of a Right to Life of All Peoples I propose for our several peoples to join together to establish a new organization that is devoted to the fundamental right to life of all peoples:

R 2 L ! RIGHT TO LIFE !

A WORLDWIDE UNION OF GENOCIDE VICTIM PEOPLES – AND ALL CARING PEOPLE—ON BEHALF OF A RIGHT TO LIFE OF ALL PEOPLES

The proposed concept of R2L should be immediately recognizable as a companion to the historic proposal of R2P or the Right to Protect which was put forward by Gareth Evans, former Foreign Minister of Australia, and Mohamed Sahnoun, Special Advisor to the UN Secretary-General. The Commission issued its report in December 2001. It has been adopted by the United Nations and has been considered by many as a momentous breakthrough in human thinking and the value system of the international community. On a legal level it is a breakthrough concept that instead of countries being responsible not to intervene in the domestic affairs of other nations, each nation has no less than a responsibility to intervene on behalf of saving human lives when it became clear that the government of another nation is failing to do so or itself is actively involved in mass killing.

R2L is a companion concept that asserts the inviolable right of every human being to live. In the present proposal I begin with proposing the establishment of such a movement by no less than victim peoples of past genocides, for who should be more sensitive than the peoples of past victims of genocide to the right of all living people to live? At the same time, the proposed

organization is obviously for all people, and those who hail from non-victim peoples are no less invited to further the work of R2L.

I envision R2L as a major international office conducting an international cultural campaign on behalf of the sanctity of life and commitment to protecting human life, in projects conveyed in the different languages of our world, through the various cultural forms known and trusted by different peoples, including religious leaders and activities, folk art, music, and more. I have described a worldwide campaign for the right to life of all peoples at some length in my recent book on the psychology of suicide bombers. At the core of such a proposed campaign would be the mobilization of many major leaders of the world's religions – priests, ministers, imams, rabbis, and other holy leaders spanning the globe – to join together in an international ecumenical group which will be devoted to honoring and celebrating the core religious value that all human life is sacred. The intention will be to invoke the special appeal and archetypal power of religious images for millions of people on our globe, including secular people many of whom also have in their early memories and imagery an imprinting of a basic religious emphasis



on "Thou Shalt Not Kill" or the mercifulness of Allah who, as in the dialectic that will be found to some extent in most religions between respecting life and calling for violence, calls on the faithful not to spill the blood of various strangers and innocents. These religious leaders are to be joined by a wide distribution of major cultural heroes, from politics, and medicine, sport, the military, science, and more, all people who are honored in their cultures and regions and in the world as representing decency and integrity. The proposal is for all of these culture leaders to come together in a broad advertising campaign, which would be scheduled and enabled to function over a good number of years, to inculcate a new level of cultural prohibition against killing and its replacement by greater reverence for human life.

A cardinal rule for any R2L project or activity must be the authenticity and scientifically established validity of information, so that at no point will denialist propaganda be honored. Are the records of the Ottoman courtmartial of the perpetrators of the Armenian Genocide forgeries? Is the Morgenthau diary a forgery? I sat through several days of a conference in Istanbul about Armenian-Turkish relations where, to the Turks' credit, we were allowed to speak of the Armenian Genocide, but we also had to listen to speaker after speaker from their doctrinaire camp making absurd counterfactual claims like the above. So too we have seen

from neo Nazis and anti-Semitic bigots over the years that the Jews 'dined to music' at Auschwitz, or that the Jews declared war on the Nazis and it is therefore that the Nazis 'fought' them back with their harsh measures? All ugly nonsense. It is not difficult to establish clear procedures for ruling on the inadmissibility of openly lying misinformation and propaganda, and there is no reason that the world community has to continue entertaining such ridiculous claims by anyone, including governments, as if they deserve a fair hearing as 'the other side' of the story or a 'competing narrative,' or an alternative view that has to be 'researched' further. I suggest that an international organization can create evaluation committees that are drawn from multiethnic and multidisciplinary sources, with several committees working in parallel processes but entirely independently of one another, and with all of them protected to the utmost from political pressures from any source. *It will not take very long to rule out the ever-recurring 'forgeries' of ridiculous claims of forgeries that have no place in reasonable men's discourse, or the bizarre counterfactuals of history such as denials of gas chambers or crematoria in the Holocaust.* Genocide scholarship must be based on full and objective truth and an overriding loyalty to humanity as a whole and to life that are greater than our heartfelt loyalty to any specific people, including our own beloved peoples.

Beyond the symbolic value of an R2L organization and the statement it makes to mankind, I see such an organization undertaking a variety of major action projects such as the following two projects:

1. Proposal of a GENOCIDE SITUATION ROOM in Museums of Genocide of Individual Peoples around the World—with core materials made available by R2L, a Worldwide Union of Genocide Victim People

Amazingly, I know of no Holocaust or genocide museum that has made a real transition from its dedicated presentation of the genocide with which it deals to the actual current and future threats of genocide in the world in which we are all living—there is some exception in what was the Committee of Conscience and then the Academy for Genocide Prevention at the US Holocaust Memorial Museum, but it is limited and not really reflected in the museum experience for the visitor.

2. Proposal of a WORLDWIDE GENOCIDE EARLY WARNING SYSTEM on behalf of All Human Life—with core materials made available by R2L, a Worldwide Union of Genocide Victim Peoples

I also propose that R2L undertake to establish and maintain a WORLD

GENOCIDE EARLY WARNING SYSTEM headquartered somewhere in the world—perhaps in a particularly symbolic location such as the scene of a past genocide—on behalf of all peoples. The proposal for an early warning system on genocide has a long and honorable intellectual history and a very 'dishonorable' record of no real action ever taken to establish such a system. The overriding purpose of a Genocide Early Warning System is to combine the authority of scientific information systems and the voice of an international agency whose identity is carefully cultivated and maintained to express the responsible and disciplined voices of a group of trusted and respected senior leaders of many of the world's peoples, including leaders of different religions and ethnicities and political orientations, joining together to issue warnings of genocide based on responsible empirical information.

The Surprising Mirror Images of the Perpetrators and the Deniers of Genocide

What is it that the perpetrators of genocide are saying in their cruel drive for ethnic, national, religious, political or whatever k-i-l-l-i-n-g those who are different from them? Clearly the explicit and implicit claims of genociders are for their uniqueness, exclusivity, and ultimate superiority.



We are unprecedented/
incomparable/
unique and exclusive/
superior/
the ultimate people

In other words, we make the startling discovery that *hateful Perpetrators and Victim peoples who deny the genocides of others are in fact mirror images of one another*. The shared characteristic is a pursuit and an insistence on attributing to one's selves uniquely superior status over others. It is amazing how through the years of responding to the claims of our various peoples to be in one way or another the most important and chosen people, to the extent of denying the presence of other victim peoples alongside us in the genocide we suffered, and to the extent of not «knowing» or wishing to know of the genocidal tragedies of many other peoples, most of us have not caught on to how we victim people are making claims for superiority and power over others that are amazingly similar to the claims of supremacy that were made by those who came to destroy us.

I conclude that a quest for exclusivity and superiority is the core of a widespread spiritual human cancer that results in mass killing of millions of one another. It is still very much in the nature of our species. It is a core existential illness we human beings must fight to overcome.

Arch Nazi-hunter, the late Simon Wiesenthal, who among other things played a decisive role in the capture of Adolph Eichmann by Israel, wrote me a personal letter in 1988:

For many, many years it has been my opinion that in a humane, in a political and educational sense we Jews failed to stress the point that we were persecuted and suffered in concentration camps together with people from 18 other nations during the Nazi reign. Right after the war, I dreamed about the formation of a brotherhood of victims which could also be fighting body against any new - or old - forms of National Socialism. You can imagine how all at once, the chorus of hateful people accused me of wanting to reduce the meaning of the Holocaust.

Personal Learner Worksheet: My Personal Cognitive, Emotional, Ethical and Behavioral Reactions to Different Genocides

I conclude with presenting a Worksheet for each of us to use, first with ourselves and then with colleagues, students, and public groups. I created this worksheet for the first time for a group of diplomats who came to the

first seminar-retreat organized by the Auschwitz Institute for Peace and Reconciliation, that was created by the longstanding Auschwitz Jewish Center under the direction of Fred Schwartz in cooperation with the Auschwitz-Birkenau State Museum. at Auschwitz itself. Mid-level diplomats from a variety of countries around the world gathered to learn about the Holocaust and about all genocides, and about what they themselves will be able to do, and should prepare themselves to do, if and when they are called upon in history to relate to an emerging mass killing. The purpose of the brief exercise that is presented on less than two sides of a single page (text follows below) is to help each of us discover how much we

know about different major genocides, how much we feel for the victims of each given genocide, how strongly we condemn ethically the evil of the genocide, and 'looking back into the future' as it were, how much we would want to see ourselves behaviorally actually seeking to generate interventions in the genocidal situation.

By definition our reactions will vary for different cases of genocide. But how much?

How far do we want to develop ourselves, spiritually, and in our real life commitments and behavior? If we listen authentically, each of us will hear our own self replying with the truths about ourselves.

PERSONAL LEARNER WORKSHEET: MY PERSONAL COGNITIVE, EMOTIONAL, ETHICAL AND BEHAVIORAL REACTIONS TO DIFFERENT GENOCIDES

GENOCIDAL EVENT:	COGNITIVE How much do I know about this genocide?	EMOTIONAL How deeply do I feel for the victims of this genocide and about the event?	ETHICAL How strongly do I condemn the immorality and evil of this genocide?	BEHAVIORAL "Looking back into the future," would I want to work for an intervention by the international community? What kind of interventions would I seek?
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GENOCIDE OF
ARMENIANS
& OTHER NON-
TURKISH PEOPLE
see next box



ISRAEL W. CHARNY

GENOCIDE OF
ASSYRIANS,
GREEKS, YZEDIS,
AND SOME KURDS
BY OTTOMAN
TURKEY along
with the Armenian
Genocide

THE HOLOCAUST
OF THE JEWS AND
OTHER VICTIMS

USSR

CAMBODIA

CHINA

RWANDA

FORMER
YUGOSLAVIA

SUDAN-DARFUR

GENOCIDE OF
INDIGENOUS
PEOPLES, e.g.,
Indians in Brazil

ISRAEL W. CHARNY

RESPONSE SCALE: 1. A great deal or very strongly; 2. A lot or strongly; 3. I do know or have feelings; 4. Not a great deal or not strongly; 5. Very little to no information or very little to no feeling.

© Israel W. Charny, First Presentation May 11, 2008 the Auschwitz Peace and Reconciliation Institute (AIPR), convening at Auschwitz; revised for Conference in Athens, "Three Genocides, One Strategy" September, 2010; Presented to International Symposium in Yerevan, Armenia, December, 2010





FRANÇOIS ROELANTS du VIVIER
Belgian Honorary Senator

PROSECUTION OF GENOCIDE DENIAL UNDER CRIMINAL LAW: THE CASE OF BELGIUM

Let me tell you first that, beyond any discussion on the crime of genocide denial, it appears essential for our democratic societies not to forget the fact that millions of human beings have been hatefully exterminated in the course of the 20th century because of their ethnic origins.

Acknowledging history must constitute a useful guidance to understand the present and decide upon the future. For, as Raymond Aron, the French philosopher said, « if one wants to overcome History, history should be recognized », and therefore our duty is a duty of memory.

In the case of the Armenian genocide, the handing over of memory is all the more essential because differently from the Shoah or the Tutsi genocide, there are no more survivors who were direct witnesses. The confrontation with the survivors is no more an obstacle, and

here a neighbour country devotes itself with the power of a State apparatus to pretend without stopping that there was no Armenian genocide.

As you may know, the Belgian Senate had already, in 1998, passed a resolution recognizing the Armenian genocide. This was a first step in the right direction.

But there is another duty : the fight against the denial of any genocide. Because denying means depriving the victims and their children from the legitimacy of their suffering and their mourning. Our societies must therefore remain vigilant and uncompromising in front of any calling into question of recognized facts.

How should we proceed if we want to punish denying words or written works related to a genocide? Maybe some responses could be found in the case of Belgium.

FRANÇOIS ROELANTS du VIVIER

The opportunity to act on this field came when Belgium had to adapt its legislation into the Council of Europe 2001 convention on cybercrime, by modifying a 1995 law intended to punish the denial of the Shoah. Following an intense discussion, the Belgian House of Representatives agreed upon the following principles : punishing those who deny or roughly minimize facts of genocide or crimes against humanity, crimes beforehand recognized as such by an international criminal court of law, by a European Union member criminal court of law or by a Belgian criminal court of law, or recognized by two political bodies, the UN Security Council and the UN General Assembly.

However, the Belgian Senate, considering this response as too timid, used its recalling right by trying to answer further questions. Three main issues had to be considered : the procedure for the recognition of a genocide, the fight against denial and the defence of freedom of speech.

First of all, could one envisage a judicial proceeding about a genocide or crime against humanity that has not been recognized as such by an international or national criminal court ? Furthermore, is it possible or appropriate to recognize a genocide whose presumed authors are not any more alive (which is the case for the Armenian genocide) ?

Secondly, does the fight against genocide denial go against freedom of speech? Is it legitimate to forbid the expression of some ideas? Is there a risk for a legislation where what is not permitted is forbidden and where all what is not forbidden is compulsory?

Finally, is it wise to establish an official truth, a State truth, whose objection would be criminalized ? Aren't we at the fringe of an interference from the judicial power with the historical study field ?

Those are fundamental issues that illustrate the legal and political questions faced by the legislator.

Whatsoever, it is urgent to make legislation, especially when one sees that denial is taking ground with the new media, offering a platform to those who deny the genocide. Social networks such as facebook publish web-pages called « the so-called Armenian genocide » « Armenian invention: the Armenian genocide » or –so elegantly– « fuck Armenia » that are a haunt of a denial propaganda, perfectly tolerated on the web.

Initially presented in 2006, my draft bill on « punishing the denial, the minimization, the justification or the approval of the crime of genocide or the crime against humanity » has been striving to bring an answer to all the above questions.



Right away, I had underlined that (quote) « if we are very much attached to the freedom of speech, we are nonetheless of the opinion that free expression of opinion should be fought when, on the one hand, it threatens our democracies when trying to rehabilitate a pro-genocide ideology and, on the other hand, it insults the memory of the victims and the survivors of a genocide. In our past, there has been a precedent: anti-Semitic attitudes were harassing our Jewish fellow citizens up to a point where a law was adopted (in 1995) on punishing the denial of the Shoah ».

Article 3 of the draft bill made provision for the following purview :

(quote) « will be sentenced to 1 year imprisonment and a fine of 5000 Euro whoever roughly minimizes, attempts to justify or to approve the genocide perpetrated by the Young Turk Ottoman Regime during First World War, the genocide perpetrated by the national-socialist Regime during Second World war, or the genocide perpetrated by the Rwandese Hutu Power Regime in 1994, from a viewpoint of discrimination, incitement to hatred, or of defamation towards a person, or a group of people because of their nationality, their so-called race, their ethnic membership or their religion ».

Why was the bill limited to the three above genocides ? Because, objectively, groups of Belgian citizens today are

still harassed, insulted, even aggressed because they are amongst the survivors or the families of survivors of the three quoted genocides. Many incidents had to be deplored. For instance, a grocer, Belgian citizen of Armenian origin, had, two years ago, his grocery devastated by young Belgians of Turkish origin, shouting « death to the Armenians ! ». Therefore, it is necessary for the legislator to make sure that any Belgian citizen may live in safety, this safety being precisely compromised by frequent episodes of violence disturbing peace and public order.

This, I consider, is an objective argument relying specifically on the Belgian situation. If we had chosen the criteria of « any genocide » we would have been left with an endless discussion about the reality of this or that genocide. So, quoting certain genocides because their denial causes a problem to the public order in Belgium (or in any other country) was and still is found by criminal law experts as an unanswerable argument.

This draft bill has been debated within the committee on justice of the Belgian Senate. But the bill is yet not adopted. Indeed, the minister of Justice did her best to put administrative obstacles due to the risk of loss of the Turkish-born electorate for her party.

The political debate around the punishing of genocide denial under criminal

law is therefore far from being closed. It will be closed only by legislating, for such is the role of the State that it must ensure to all fellow citizens the guarantee of peace and public order, and to the victims of the genocide and their descendents the expression of national recognition.

This battle is still an unfinished one. But my message and my conviction

are that as always in politics, ideas evolve and the time for their springing up changes. What is sure is that, suddenly, having reached the unexpected term of this maturation, the evidence is imperative. And, in any case, the sanction of genocide denial will be, sooner or later, an integral part of criminal law in all our so-called Western democracies.





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'THESE NEW CRIMES OF TURKEY AGAINST HUMANITY AND CIVILIZATION...'

Taner Akçam entitles his new book *'The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire*.¹ The atrocities of 1915 visited upon the Armenian minority in the Ottoman empire are described by Professor Akçam with three different legal terms or concepts. Genocide, which is the term most commonly used today, was unknown in 1915. The word genocide was cut from whole cloth by Raphael Lemkin in his 1944 book *Axis Rule in Occupied Europe*.² Ethnic cleansing is of even more recent origin, only appearing in an official context in the early 1990s when it was used in General Assembly resolutions to describe the conflicts in the Balkans.³ Of the three,

only crimes against humanity had been in common use in 1915.

We trace the use of the term crimes against humanity to the declaration issued by Britain, France and Russia at the time of the massacres. In May 1915, upon reliable reports from diplomats and other sources that the Armenian population in the Ottoman empire was being massacred, Britain, France and Russia issued a warning: 'In view of these new crimes of Turkey against humanity and civilization, the allied Governments announce publicly to the Sublime Porte that they will hold personally responsible [for] these crimes all members of the Ottoman overnment and those of their agents who

1. Taner Akçam, *'The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire*, Princeton: Princeton University Press, 2011.

2. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, Washington: Carnegie Endowment for World Peace, 1944.

3. The Situation in Bosnia and Herzegovina, GA Res. 47/121. See also: Interim Report of the Commission of Experts Established Pursuant to Security Council Resolution 780 (1992), UN Doc. S/35374 (1993), para. 55.

WILLIAM A. SCHABAS

are implicated in such massacres.⁴ As Cherif Bassiouni has explained, this is the first occurrence of the term as a label for a category of international crime.⁵ But although it was the initial reference in the context of international diplomacy, the expression crimes against humanity had been in widespread use in several languages dating back to the eighteenth century.

The great Italian criminologist Cesare Beccaria, writing during the Enlightenment, suggested that excessive penalties could be an outrage against humanity, a crime against humanity or *soverchio rigore contro di un colpevole muove a sdegno l'umanità*.⁶ At the same time, John Bowles wrote, with respect to atrocities committed in Ireland, that the French would attack England 'to punish us for outrages which have been too long unpunished, to carry vengeance into the midst of our country, and to punish Albion (Great Britain) for its long Catalogue of crimes against humanity'.⁷ Henry

Mann described the expulsion of the *Acadiens* from Nova Scotia which took place in 1756 as a 'crime against humanity; the conversion of an honest, industrious and thrifty peasantry into a host of penniless vagrants was as wrong and cruel as it was unnecessary'.⁸ The originator of the expression may have been Voltaire. Speaking of acts that were universally condemned, such as theft and murder, Voltaire said 'that which is approved in England and condemned in Italy, ought to be punished in Italy, as if it were one of the crimes against humanity'.⁹

Later in the nineteenth century, crimes against humanity was a label regularly attached to slavery and the slave trade. For Condorcet, *'l'esclavage est regardé universellement dans les treize états comme un crime de lèse humanité, comme une tache à la gloire des amis de la liberté'*. A pioneering American jurist, Henry Wheaton, wrote of public opinion 'stigmatizing the traffic as a crime against humanity'.¹⁰ In 1846, the

4. The Ambassador in France (Sharp) to the Secretary of state, Paris, 28 May 1915; in US Foreign Relations, 1915, Supplement, p. 981. For a slightly different version, although with no substantiated distinctions, see: United Nations War Crimes Commission, *History of the United Nations War Crimes Commission and the Development of the Law of War*, London: His Majesty's Stationery Office, 1948, p. 35.

5. M. Cherif Bassiouni, *Crimes Against Humanity, Historical Evolution and Contemporary Application*, Cambridge: Cambridge University Press, 2011, at p. 88.

6. Cesare Beccaria, *Dei delitti e delle pene: coi commentari di vari insigni scrittori*, 1764, p. 240.

7. John Bowles, *The Political and Moral state of Society, at the Close of the Eighteenth Century*. London: Woodfall, 1800.

8. Henry Mann, *The Land We Live In or The Story of Our Country*, New York: The Christian Herald, 1806.

9. Voltaire. *A Philosophical Dictionary: From the French of M. De Voltaire*. 1793. Reprint, London: W. Dugale, 1843, p. 293.

10. Henry Wheaton, *History of the Law of Nations in Europe and America: From the Earliest Times to the Treaty of Washington, 1842*, New York: Gould, Banks & Co., 1845.



dismemberment of Poland by various European powers was condemned as 'crimes against humanity, and worthy of eternal reprobation'.¹¹ At the 1849 Peace Congress, presided over by Victor Hugo, a British statesman blamed those who provided loans for perpetrators of war atrocities, saying 'it is you who give strength to the arm which murders innocent women and helpless old age; it is you who supply the torch which reduces to ashes peaceful and inoffensive villages, and on your souls will rest the burden of these crimes against humanity'.¹²

By the early twentieth century, the term crimes against humanity was being widely employed, often to describe atrocities associated with European colonialism in Africa and elsewhere. The Irish patriot Roger Casement invoked crimes against humanity to describe persecution of indigenous peoples in the Amazon basin. In 1903 Baron Descamps, who was later to preside over efforts at establishing an international criminal court within the League of Nations, claimed that 'the slave-trade has another character; it is the very denial of every law, of all

social order. Man-hunting constitutes a crime of high treason against humanity'.¹³ The British Parliamentary debates of 1907 report that 'the position of the native in the Congo today was a disgrace to civilization. The atrocities which had been committed and the annexation of the Congo to Belgium would only be another crime added to a crime against humanity as Belgium did in the Congo'.¹⁴

Thus, by 1915, when the three European powers invoked 'these new crimes of Turkey against humanity' with respect to atrocities against the Armenians, the term was already very familiar and in common usage. It did not yet have an agreed definition set out in a legal text. But then, at least in common law countries where crimes have been defined by case law, neither did murder and rape.

In 1915, the famous condemnation of crimes against humanity perpetrated by the Young Turks was communicated by American Ambassador in Constantinople to the Grand Vizier on behalf of the three European powers.

11. Taner Akçam, 'The Young Turks' Crime against Humanity: The Armenian Genocide and Ethnic Cleansing in the Ottoman Empire, (Princeton: Princeton University Press, 2012), p. 10. Philip McGrath, 'The Petition of a Public Meeting holden at the Crown and Anchor Tavern Strand, the 25th day of March, 1846', in *Appendix to the Report of the Select Committee of the House of Commons on Public Petitions*, 1846, p. 210.

12. Edward Miall, *Report of the Proceedings of the Second General Peace Congress*, London: Charles Gilpin, 1849, p. 79.

13. Edouard Eugène François Descamps, *New Africa: An Essay on Government Civilization in New Countries, and on the Foundation, Organization and Administration of the Congo Freestate*, S. Low, Marston and Company, 1903, p. 132.

14. *The Parliamentary debates (Authorized edition)*, Vol. 179. London: HM Stationery Office, 1907, p. 1225.

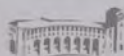
He reported that the Ottoman leader 'expressed regret at being held personally responsible and resentment at attempted interference by foreign governments with the sovereign rights of the Turkish Government over their Armenian subjects'. Meanwhile, the ambassador added that 'persecution against Armenians [is] increasing in severity'.¹⁵

The message to the Ottoman rulers from the three governments spoke of international accountability and it was addressed to individuals and not just the state as such. Previously, defeated tyrants had often been punished, but by summary execution or exile, not by a court of law. In addition to individual citizens, the message contemplated a Head of State, something the Grand Vizier understood immediately. There would be – and still is – an argument whether such persons are immune from prosecution. Immunity is a concept that is firmly anchored in international law. Indeed, it was around long before international law suggested that there was an imperative of prosecution. Immunity is closely linked to the other great objection, national sovereignty, often raised by those whose prosecution is contemplated or by their governments.

Reacting to the declaration by Britain, France, and Russia, the Grand Vizier

seemed to imply that the threat of criminal prosecution was politically motivated. He might have added that if Britain, France and Russia were prepared to punish him for massacres committed against subjects of the Ottoman Empire, something more even-handed ought to have been envisaged. That way, all such persecutions, whoever the perpetrator, would be dealt with by the courts. Perhaps the leaders of Britain, France and Russia might then have felt themselves exposed to trial for crimes perpetrated against vulnerable minorities over whom they had jurisdiction. In any event, when the war ended, the threat of criminal prosecution lingered only for those who lost the battle. In the end, Britain, France and Russia never did not make good on their promise, although. The Treaty of Sèvres, which was negotiated in Paris in 1919, envisaged trial of those 'responsible for the massacres committed during the continuance of the state of war on territory which formed part of the Turkish Empire on August 1, 1914', including the possibility that this would take place before a criminal tribunal to be created by the League of Nations. But the Treaty of Sèvres was never ratified by Atatürk's new regime. Some of the perpetrators were brought to justice before Turkey's own courts, but most went unpunished.

15. 'The Ambassador in Turkey (Morgenthau) to the Secretary of state, Constantinople, 18 June 1915', in *US Foreign Relations*, 1915, Supplement, p. 982.



Controversy continues to rage about the accurate legal characterization of the 1915 atrocities. By and large, it concerns the concept of genocide. A recent study by Geoffrey Robertson, and in particular the documents that he obtained from the Foreign and Commonwealth Office pursuant to a freedom of information request, reveals British diplomats invoking the supposed non-retroactive application of the 1948 Genocide Convention as a rationale for failing to take a position on the description of the events. A draft answer prepared by bureaucrats in the Foreign Office said that 'additionally, the government's legal advisors have said that the 1948 UN Convention on genocide, which is in any event not retrospective in application, was drafted in response to the holocaust and whilst the term can be applied to tragedies that occurred subsequent to the holocaust, such as Rwanda, it cannot be applied retrospectively'.¹⁶ The issue returned on 7 June 2006, when government spokesman Geoff Hoon replied to a parliamentary inquiry:

The fact is that the legal offence of genocide had not been named or defined at the time that the actual atrocities were committed. The UN Convention on Genocide came into force in 1948 so it

was not possible at the time of the events that we are considering legally to label the massacres as genocide within the terms of the convention. I recognize that it is perfectly possible intellectually to try to apply the definitions of genocide from the convention to appalling tragedies that occurred in this case some 30 years before ...¹⁷

The British government returned to the point in 2007, in a memorandum that said 'it is not common practice in law to apply judgments retrospectively'.¹⁸ But these are no more than the mealy-mouthed efforts of bureaucrats and politicians to avoid tension with Turkish diplomats.

No similar objection can arise with respect to crimes against humanity. After all, it was the British government itself, together with France and Russia, that invoked the concept in 1915. When British politicians and diplomats conjure up disingenuous

arguments about the temporal scope of the term genocide, they should be asked, in reply, what view they take of characterizing the 1915 atrocities as crimes against humanity. If they hesitate, the words used by their own Foreign Office at the time should be recalled.

16. 'Parliamentary Question Background Document relating to a written question from Lord Buffen tabled on 23 January 2001 – Draft response for Baroness Scotland', cited in Geoffrey Robertson, *Was There an Armenian Genocide?*, 9 October 2009, para. 65.

17. Hansard, 7 June 2006, Col. 136WH.

18. 'Memorandum from the Russia, South Caucasus and Central Asia Directorate, FCO to Mr Murphy, titled 'HMG's position on the Armenian genocide claims', 2 July 2007, cited in Geoffrey Robertson, *Was There an Armenian Genocide?*, 9 October 2009, para. 79.

Describing the 1915 atrocities as crimes against humanity rather than genocide does not sit well with everyone. For reasons that are difficult to comprehend fully, the concept of crimes against humanity seems to lack what Madeleine Albright and William Cohen have called the 'unmatched rhetorical power' of genocide.¹⁹ In discussions about whether to qualify certain acts as crimes against humanity or genocide, one frequently hears reference to 'mere crimes against humanity' or 'only crimes against humanity'. When former United States President Jimmy Carter described atrocities in Darfur as crimes against humanity rather than genocide, following an October 2007 visit to the region, he was excoriated by American bloggers and conservative websites.²⁰ Yet crimes against humanity belong squarely within the catalogue of international atrocity crimes where, indeed, their place is probably more central to the entire exercise than that of genocide. The Nazis were prosecuted for crimes against humanity rather than genocide, a fact that suggests there is nothing trivializing about using the former term rather than the latter. Similarly, the tyrants in the former Yugoslavia have been convicted almost exclusively for crimes against humanity by the International Criminal

Tribunal for the former Yugoslavia; there have only been a few convictions for the crime of genocide.

Today, the authoritative definition of crimes against humanity appears in the Rome Statute of the International Criminal Court. It was adopted on 17 July 1998 and entered into force on 1 July 2002. In the first ten years after its adoption, the Rome Statute was ratified by more than 100 States (although by neither Turkey nor Armenia; Armenia has signed the Statute). Here is the text of article 7 of the Rome Statute:

Article 7. Crimes against humanity

1. For the purpose of this Statute, 'crime against humanity' means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

- (a) Murder;
- (b) Extermination;
- (c) Enslavement;
- (d) Deportation or forcible transfer of population;
- (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of

19. Albright, Madeleine, William Cohen, et al., *Preventing Genocide*, Washington: United States Holocaust Memorial Museum, The American Academy of Diplomacy, and the United States Institute of Peace, 2008.

20. See, e.g., Eric Reeves, "'Carterwauling': Jimmy Carter's Shamefully Ignorant Statement on Darfur", *The New Republic*, 8 October 2007, (<http://www.tnr.com/article/carterwauling>).



international law;

(f) Torture;

(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;

(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;

(i) Enforced disappearance of persons;

(j) The crime of apartheid;

(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

2. For the purpose of paragraph 1:

(a) 'Attack directed against any civilian population' means a course of conduct involving the multiple commission of acts referred to in paragraph 1 against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack;

(b) 'Extermination' includes the intentional infliction of conditions of life, *inter alia* the deprivation of

access to food and medicine, calculated to bring about the destruction of part of a population;

(c) 'Enslavement' means the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children;

(d) 'Deportation or forcible transfer of population' means forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law;

(e) 'Torture' means the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in the custody or under the control of the accused; except that torture shall not include pain or suffering arising only from, inherent in or incidental to, lawful sanctions;

(f) 'Forced pregnancy' means the unlawful confinement of a woman forcibly made pregnant, with the intent of affecting the ethnic composition of any population or carrying out other grave violations of international law. This definition shall not in any way be interpreted as affecting national laws relating to pregnancy;

(g) 'Persecution' means the intentional and severe deprivation of fundamental rights contrary to

international law by reason of the identity of the group or collectivity;

(h) 'The crime of apartheid' means inhumane acts of a character similar to those referred to in paragraph 1, committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime;

(i) 'Enforced disappearance of persons' means the arrest, detention or abduction of persons by, or with the authorization, support or acquiescence of, a State or a political organization, followed by a refusal to acknowledge that deprivation of freedom or to give information on the fate or whereabouts of those persons, with the intention of removing them from the protection of the law for a prolonged period of time.

3. For the purpose of this Statute, it is understood that the term 'gender' refers to the two sexes, male and female, within the context of society. The term 'gender' does not indicate any meaning different from the above.²¹

Unlike the definition of genocide, which has been reiterated without change in various international instruments since the 1948 Convention, that of crimes

against humanity has varied considerably beginning with its first codification in the Charter of the International Military Tribunal, in August 1945. This definition, used in the pioneering Nuremberg trial of the major Nazis was much more succinct than that of the Rome Statute:

CRIMES AGAINST HUMANITY: namely, murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the court where perpetrated.

There were several attempts to reformulate the definition of crimes against humanity by the United Nations International Law Commission in the course of its work on the Code of Crimes Against the Peace and Security of Mankind, which continued intermittently beginning in 1949 and only concluded in 1996. At one point, the Commission flirted with the idea of replacing the concept altogether with something it entitled 'systematic or mass violations of human rights'.²² In recent years, the United Nations Security Council has experimented with slightly different versions in the

21. Rome Statute of the International Criminal Court, (2002) 2187 UNTS 90.

22. *Yearbook...1991*, UN Doc. A/CN.4/SER.A/1991/Add.1 (Part 2), p. 103.



statutes of the *ad hoc* tribunals for the former Yugoslavia, Rwanda and Sierra Leone.²³

Obviously, all of the definitions of crimes against humanity were devised many years after the events in 1915. There was no codified text setting out a definition of crimes against humanity in 1915, so the exercise inevitably has elements of retroactivity or retrospectivity. The situation here is much the same whether the issue is genocide or crimes against humanity. Yet the claim that a crime could not exist because it had not been defined formally in a positive legal text was rejected at Nuremberg, and also has been dismissed in decisions of the European Court of Human Rights.²⁴ At the same time, it seems too simplistic to adopt the view that crimes against humanity have been punishable since the beginning of civilization, a position rooted in theories of natural law. If that were the case, it would be problematic to explain the evolution in the definition *since* its first codification at Nuremberg. For example, the Rome Statute adds punishable acts that did not figure in the Nuremberg definition, such as *apartheid* and enforced disappearance. Perhaps they were comprised

implicitly within the catch-all category of 'other inhumane acts'. The notion of 'persecution' provides a clearer example. The act of persecution is rooted in the oppression of an identifiable group on certain listed grounds, such as race or religion, but also on 'grounds that are universally recognized as impermissible under international law'. This suggests a certain dynamism in the definition. Today, we might agree that disability is such a ground, whereas that might not have been the case in 1945. In the future, we may accept sexual orientation as such a ground, although it is unlikely that such a prohibition could be described as 'universal' at the present time. Thus, the better view is that modern definitions of crimes against humanity cannot automatically be transposed to events that took place nearly a century ago.

Be that as it may, there is a certain core of the concept of crimes against humanity that has remained unchanged since 1945. Furthermore, the 1945 definition was conceived so as to apply retroactively to acts perpetrated by the Nazis even prior to the outbreak of the war, and it does not seem unreasonable to allow it an additional two decades or

so of validity so that it could be applied to acts perpetrated in 1915. The precise acts of crimes against humanity that seem most applicable are exterminations, deportations and persecutions.

Once it is determined that an arguable case exists for the perpetration of a punishable act, such as exterminations, deportations or persecutions, the analysis shifts to the contextual elements of crimes against humanity. The Rome Statute requires that a crime against humanity be committed as part of 'a widespread or systematic attack directed against any civilian population, with knowledge of the attack'. These words receive further clarification in paragraph 7(2)(a), where the attack must be conducted pursuant to 'a State or organization policy'.²⁵ Whether this is a feature of crimes against humanity more generally, or a condition that is specific to the Rome Statute, is controversial. Judges at the International Criminal Tribunal for the former Yugoslavia have held that crimes against humanity do not require evidence of a 'policy,' and that anything going beyond merely random and isolated acts may meet the definition, providing that it is 'widespread or systematic'.²⁶

In the past, there was some dispute as to whether crimes against humanity

needed to be carried out with a discriminatory intent or motive. That issue is no longer controversial. There is no requirement of a discriminatory intent or motive, except with respect to the crime against humanity of persecution, which makes specific reference to the targeting of minority groups.²⁷ The persecution category of crimes against humanity has the feature of encompassing acts that may not be criminal under ordinary law. They are acts generally carried out as a result of State policy, sometimes by virtue of legislation, that involves the persecution of specific groups. The Nuremberg laws, by which the Nazis deprived Jews of many civil rights, offer a classic example.

Historically, the requirement that crimes against humanity be committed in association with an armed conflict was the contextual element that raised the most difficulty. It is probably of no great relevance to the issue of 1915, where there can be no doubt that an armed conflict was present and that it was associated with the acts committed against the Armenian population in Turkey. The requirement of a link or *nexus* between crimes against humanity and armed conflict that was imposed in the Charter of the International Military and confirmed by the Nuremberg judgment had the direct effect of prompting Raphael

23. Statute of the International Criminal Tribunal for the former Yugoslavia, UN Doc. S/RES/827 (1993), annex, art.5; Statute of the International Criminal Tribunal for Rwanda, UN Doc. S/RES/955 (1994), annex, art. 3; Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone, (2002) 2178 UNTS 138, annex, art. 2.

24. *SW. v. United Kingdom*, Ser. A, No. 335-B; *CR v. United Kingdom*, Ser. A, No. 335-B; *Kononov v. Latvia*, App. No. 36376/04, 17 May 2010.

25. *Situation in the Republic of Kenya* (ICC-01/09), Decision Pursuant to Article 15 of the Rome Statute on the Authorization of an Investigation into the Situation in the Republic of Kenya, 31 March 2010.

26. *Kunarac et al.* (IT-96-23 & IT-96-23/1-A), Judgment, 12 June 2002, fn. 114.

27. *Tadić* (IT-94-1-A), Judgment, 15 July 1999, para 297. Also: *Akayesu* (ICTR-96-4-A), Judgment, 1 June 2001, para. 464.



Lemkin to push for recognition of genocide as a distinct international crime. Framing the assessment of the 1915 atrocities using the concept of crimes against humanity has obvious advantages when compared with genocide. The argument about retroactivity, used for example by parliamentarians and diplomats in the United Kingdom, is far less effective because of the reference to crimes against humanity in the declaration issued by Russia, France and Britain at the time. Furthermore, the quarrels about proof of 'specific intent' that feature in debates about genocide are not of the same significance when crimes against humanity is concerned. Arguably, the label genocide has today an unequalled level of stigmatisation. It is important to recall that it was crimes against humanity and not genocide that was employed at Nuremberg and in the other post-Second World War trials.

There will be concern about legal consequences associated with characterizing the 1915 atrocities as crimes against humanity. The issues are not really very different from those with respect to genocide. The main difference is that there is no binding treaty equivalent to the 1948 Genocide Convention. This may not be of much significance, however, given serious doubts that the 1948 Convention can apply retroactively. The argument for retroactive application of the crime of genocide is the same as for crimes against humanity: these were international crimes

under customary international law or general principles of law even prior to their codification in the post-Second World War period.

That crimes committed in 1915 no longer can be punished, even if retroactivity is conceded, should be obvious enough. There are simply no more living suspects. The real legal issue concerns the possibility of State responsibility for the atrocities. Although there are continuing efforts to litigate historic atrocities, such as the slave trade and the persecution of aboriginal peoples, in practice they have met with little success. Concern that recognition of responsibility for crimes against humanity perpetrated nearly a century ago may bring significant legal liability is probably misplaced.

The real argument is about reaching some common understanding of historical events. Much of the debate centres upon a factual description of the events, something that is beyond the scope of this short article or the expertise of its author, who is a jurist and not an historian. However, matters of law also are involved, to the extent that they characterize not only the extent of the atrocities but also the intent or policy that lay behind them. The modest suggestion in this article is that it may be easier to agree upon the term 'crimes against humanity' than to admit to 'genocide,' and that this may open a pathway to a shared narrative.



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ASSIMILATION AND THE ARMENIAN GENOCIDE

First of all, I would like to make some remarks on two points than give some basic information on the subject of assimilation and the Armenian Genocide. The first point is within the theoretical contextualization of the problem; it means the correlation of assimilation and Genocide; the second point relates to the sources that I have mainly used for this research.

First Point: Assimilation and Genocide

Raphael Lemkin, who coined the term *genocide*, wanted to define a phenomenon which would differ from the concept which had found its way into the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948).

First difference related to the issue of *cultural genocide*. In the first draft

prepared by the UN Secretariat in May 1947, there was a special crime category which was called "**cultural genocide**."¹

In his autobiography *Totally Unofficial Man*, Lemkin regrets that he could not persuade the relevant UN committee to include an article on "cultural genocide" in the final draft of the Convention: QUOTE: "I defended it successfully through two drafts. It meant "the destruction of the cultural pattern of a group, such as the language, the traditions, the monuments, archives, libraries, churches." In brief: the shrines of the soul of a nation. But there was not enough support for this idea in the Committee. ... So with a heavy heart, I decided not to press for it." So Lemkin had to drop the idea that in his words "was very dear to me."²

1. <http://www.preventgenocide.org/law/convention/drafts/>

2. John Docker, "Are Settler-Colonies Inherently Genocidal? Rereading Lemkin," in: Dirk Moses (ed.), *Empire, Colony Genocide, Conquest, Occupation and Subaltern Resistance in World History*, (New York, Oxford: Berghahn Books), 82.



But contrary to what is commonly thought, the difference was not limited to the cultural aspect of genocide. As important as this difference is, however, another difference in Lemkin's approach should be noted. Lemkin understood genocide not only as a single act, but alternatively as a series of connected acts, a process that unfolded over time. "Generally speaking," Lemkin wrote in *Axis Rule in Occupied Europe*, the work that introduced the concept, "genocide does not necessarily mean the immediate destruction of a nation."³ In contrast, the Genocide Convention of 1948 enshrined a narrower concept of genocide as a unitary event or act that resulted in the immediate destruction of a "national, ethnical, racial or religious group."

After the broader concept of genocide as a prolonged process slipped into oblivion, all subsequent debate revolved around whether a given episode of mass violence conformed to the United Nations definition of genocide and therefore could be qualified as such. This was an unfortunate and probably unavoidable consequence of the adoption of genocide as a concept of criminal law.

Even though there is a window in the Convention to interpret it a little bit

differently, another consequence of the legal definition was the conceptualization of genocide solely as an act of physical destruction. For the inventor of the term, however, physical destruction was only one aspect of the genocidal process. Lemkin understood that genocide, as a social reality, constructs as much as it destroys. To quote Lemkin again: "Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor."⁴ While this second phase can take many different forms, in the end the targeted group is compelled to adopt the lifestyle, culture, and institutions of the dominant group. Without doubt, assimilation is among the most effective ways to achieve this result. Scholarly debates on genocide have been neglecting the constructive phase of genocide for far too long.

Accepting the 1948 definition as the basis of analyses in social science has created some additional problems:

First one is formulated by the French scholar, Jacques Semelin; he asks, "to what extent is it legitimate to adopt an international legal norm resulting from a political compromise between states as a basis for historical, sociological or anthropological inquiry?"⁵

The 1948 definition gave rise not only to this problem, but also to a series of other, equally important and inter-related, conundrums that plagued the relatively new academic discipline of genocide studies: I have three interrelated negative consequences here:

- 1) Genocide was regarded as a single event, and the event in question (which was generally physical annihilation) was examined from the perspective of whether or not it conformed to the 1948 Genocide Convention;
- 2) Those social scientists, who did not agree with the United Nations definition (whether justified or not), began proposing their own. Nearly every genocide scholar had his or her own definition, and therefore most debates were focused on classification and labeling;⁶
- 3) The Holocaust occupied the central place in these debates as a *sine qua non*. Similarity to the Holocaust became the yardstick against which an event might or might not measure up as a genocide. Every researcher of mass violence other than the Holocaust spent enormous amounts of energy trying to prove that the event they were studying shared

similarities with the Holocaust, so as to strengthen the case for genocide.⁷

Instead of developing models and trying to explain a dynamic process, genocide scholars were working with a static concept that was delimited by definition as a single act. I call this phase the phase of *definitionalism*. And for social science it was equal to a **methodological suicide**. Genocide scholars have constructed their individual definitions of genocide like the **Procrustean Bed from the Greek Mythology**. They analyzed social events according to the definition they had chosen, stretching some points, shortening others, and, in general, "cutting and pasting" the narrative to match their "bed." To understand a dynamic historical process over a period of time was less important than whether or not a given sequence of events met the definition of the concept they were proposing.

And, it was no different with the research on the Armenian Genocide...

Debates on the Armenian Genocide within genocide studies have also suffered from the general weaknesses of the emerging field and have had to contend with similar issues. Especially

6. For different definitions and their relations to each other see: Scott Strauss, "Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide," *Journal of Genocide Research* 3, no. 3 (2001): 349-375; Henry R. Huttenbach, "Toward a Conceptual Definition of Genocide," *Journal of Genocide Research* 4, no. 2 (2002): 167-176.

7. The relationship between Holocaust and other Genocides is one of the most debated topic and there are a wide range of literature on this topic; for an overview see Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone (Houndmills: Palgrave MacMillan, 2004), 533-55.



given the Turkish Republic's preferred stance of denial regarding the mass annihilation, the question of whether or not the 1948 definition of genocide, or other definitions, could appropriately be applied to the events of 1915 became the lodestone for all debates. The fear that the events of 1915 would not be considered genocide, if they did not resemble the Holocaust, obstructed serious analysis along the lines of dynamic social processes, redirecting it toward proving just how similar the Armenian Genocide was to the Holocaust. Meanwhile a concerted effort was made to ignore all the differences that naturally would arise between two discrete events of mass violence.

As a result of this approach, some of the most significant structural components of the Armenian Genocide, such as religious conversion or the assimilation of Armenian children into Muslim households, were almost completely omitted from the analyses of the events of 1915 because such elements played no role in the annihilation of the Jews in Europe.

Hopefully and fortunately we can say that this state of affairs is beginning to change in our field. The scholars have slowly abandon the Procrustean model for a rather flexible concept of genocide, which, like the term "art," is in common use without general agreement as to its meaning. In place of the endless *definitionalist* wrangling, new debates have arisen over structures,

mentalities, continuities, and ruptures in a long genocidal process. At the head of these topics is the idea that mass annihilation must be understood and explained as a dynamic flow of events. How to identify the states of mind and institutional structures that lend themselves to mass violence, how these structures and state of mind function, and where the breaks and continuities in the process are: such are the leading questions today.

There is a second reason why Assimilation was ignored in the Armenian Genocide Research. This also will be my second point: The sources that I used for research.

Even though we had a lot of information in consular reports or in survivor accounts on both aspects of the assimilation (namely religious conversion and distribution of Armenian children in Muslim households) there were no truly systematic study made on this issue. This has been directly related to the character of these available sources.

Until recently the main sources for this topic were either German or American consular reports, or survivor accounts. Their information leaves the impression of the chaos afoot in the true sense of the word instead of a systematic policy in this area. One reason for the creation of this kind of confusion was the lack of knowledge of the different decisions that the Ottoman administrators

took during the process. The consuls and missionaries were, like many others, unaware of these decisions, and their reports were devoid of precise records with respect to chronology, which could have made the administrative changes evident. Instead, they were mostly in form of observations covering a long period of time, and some generalizations. This obscured a true understanding of what was taking place and the reason of the chaos....

Based on this, it can be supposed that religious conversion or policy toward children was a practice which changed from region to region and was primarily left to the discretion of local administrators. It was also believed that the primary motive behind the religious conversion, for example, would be Muslim fanaticism. And similarly, religious conversion would not be sufficient to save the lives of the Armenians, and consequently it is thought that those converted were also annihilated.

However, in the light of the new documents I found in the Ottoman archives, I suppose there is a need to revise our ideas on this topic.

I used extensively the collection of Ottoman-language documents found in the Prime Ministerial Ottoman Archive in Istanbul. Among its holdings are the Interior Ministry Papers (*Dahiliye Nezareti Evrakı*) which are crucial and contain a great deal of information directly related to our subject. I also

used extensively the papers from the **Interior Ministry's Cipher Office**, and the papers of the various branches of the Interior Ministry's **General Security Directorate** (*Emniyet-i Umumiye Müdürlüğü*, EUM).

Interior Ministry's Cipher Office was set up in 1914, which functioned as a separate office for the purposes of telegraphic communication between the central Ottoman administration and its various provincial functionaries. The communication was going on in form of short telegraphic messages, which included ciphered orders of the central government. The ciphers were changed regularly.

On the Assimilation Itself

There are two kinds of assimilation: One is religious assimilation (so, conversion into Islam) and secondly assimilation policy toward male and female children.

At the outset of the deportations, the conversion of the Armenians was permitted. However, in the settlement areas in Syria assimilation was planned even without the conversion of the Armenians. Religion of male and female children was forcibly changed and marriages with Muslims were imposed.

So, throughout the entire process of deportation and destruction, the concepts of "*temsil*" and "*temessül*" in Ottoman, which mean assimilation,



were openly used in the matter of the settlement of the Armenians who had survived and reached Syria alive.

If assimilation is claimed to be an inseparable part of the Armenian deportations and annihilation, it is also necessary to answer the question of the relationship between assimilation and physical destruction. My belief is that the Ruling Party always took the principle of "governability" as its lodestone. **When faced with a situation wherein they believed that the policy of assimilation constituted a danger, they put an end to it and turned toward the choice of physical annihilation.** At a clear stage of physical annihilation, in situations where they believed that those who remained behind were not problematic from the point of view of *governability*, they again favored assimilation policies. **Thus, balance between assimilation and physical annihilation was of key importance throughout deportations.**

Beginning Phase:

At the commencement of the deportations, permission was given for mass conversion to Islam, and it this was even encouraged. The first document that I found concerning conversions was a cipher telegram marked "**confidential**" and dispatched on June 22,

1915. It instructs that "the Armenians ... who converted to Islam individually or collectively be detained and those who are found assembled together be dispersed in the province." The fact that the telegram concludes with the clauses "...inform those who will be executing [the orders] of our communication; take the copy of this cable from the telegraph office and destroy it" is very interesting.⁸

This is one of only three documents that I have found in the Ottoman archives in which the destruction of the telegram after its perusal is ordered—and all of these telegrams are related to the topic of assimilation.

From both German and American documents we understand that religious conversions began much earlier than this order was issued and were conducted intensively... An important point is that religious converts, even if they were not deported, were not allowed to stay at their own places but dispersed to the neighboring provinces and districts.

Yet, when it turned out that most Armenians were willing to convert in order to escape death, the policy of conversion was abandoned. In its telegram of 1 July, 1915 the Ministry of Interior

informed the provinces through a general circular that religious conversions had been halted and ordered that even if Armenians wished to convert, they still would be subject to deportation.⁹

After this general circular prohibiting religious conversion, orders of the same contents were separately sent anew in response to individual queries arriving from the provinces.... It appears that in many areas conversions to Islam continued and local officials were even encouraging it.

For this reason, a new order was sent out on 22 July to all regions with the code "**confidential, to be taken care of personally.**" It communicated that religious conversions were not allowed, and that it was necessary to immediately deport all the converts.

This policy of banning the conversion continued until the end of October. At the end of that month in separate telegrams to different governors, the Interior Ministry informed that the conversion to Islam is allowed. For example, a telegraph dated 25 October 1915 was sent to a provincial district, noting that "the practice of the procedure of conversion of Armenians in due form is suitable from the end of October."¹⁰ Later, all the provinces and

provincial districts were notified of this change through the order sent out 4 November 1915 and marked "**confidential**" (*mahrem*). The telegram, which began with "The points below concerning the conversion of Armenians must be taken into consideration,"...Number 1. The conversion [to Islam] of those who remained in the neighborhoods where they resided from of old and have not been deported is accepted."

The conversions were allowed on the individual basis after the police conducted a detailed investigation regarding every single person, and the decision was made accordingly.

Assimilation and Religious Conversion at the Destinations of the Deportations

It was initially planned that the Armenians, who would reach Syria in the summer of 1915, had to be dispersed in certain areas and settled, and consequently assimilated. This assimilation was related to the language, education, and similar fields, but did not stipulate religious conversion.

A telegram sent to some provinces in Syria on 23 June 1915 sheds light on the plans and policies of assimilation for the surviving Armenians in Syria. The important thing about this telegram is that it had been sent before the majority of

8. BOA/DH.ŞFR, nr. 54/100, Cipher telegram from Interior Minister Talât to Cevdet Bey (Governor of the Province of Van), to Cemal Azmi Bey (Governor of the Province of Trabzon), Tahsin Bey (Governor of the Province of Erzurum), Mustafa Bey (Governor of the Province of Bitlis), Sâbit Bey (Governor of the Province of Mamuretül aziz), Reşid Bey (Governor of the Province of Diyarbakir), Muammer Bey (Governor of the Province of Sivas), dated 22 June 1915.

9. BOA/DH.ŞFR, nr. 54/254, Coded telegram from the Interior Ministry's General Security Directorate to the provinces and provincial districts of Erzurum, Adana, Bitlis, Aleppo, Diyarbakir, Trabzon, Mamuretülaziz, Mosul, Van, Urfa, Kütahya, Maraş, İçel, and Eskişehir, dated 1 July 1915.

10. BOA/DH.ŞFR, nr. 57/115, Coded telegram from the Interior Ministry's General Directorate of Security to the provincial district of Bolu dated 25 October 1915.



the deportation caravans even reached the deserts of Syria, and in this sense, must be considered the expression of a previously planned policy.

This cable, which carries the instruction **“to be taken care of personally,”** contained the following order: “The Armenian population from the same counties and districts [of a province] is to be broken up and settled in different regions, and no space or permission is to be given for the opening of Armenian schools in their areas of settlement; thereby, their children are to be forced to continue their studies at the government schools and care and attention is to be given that the villages in which they are to be settled be at least five hours distant from one another and that they be in no place or condition that would allow for self-rule or defense.” Finally, the telegram ends with the instructions that “it must be destroyed after its contents have been communicated to the concerned parties.”¹¹

It is noteworthy that this telegram was sent only one day later after the telegram dated 22 June 1915 that gave permission for religious conversions, and both telegrams contained instructions to be destroyed. Thus, this is the second of the three previously mentioned documents related to assimilation, which was to be destroyed.

One week later, a more extensive second telegram containing additional orders of the Supreme Military Command was issued, which formulated in a more open manner the principles of the assimilation policy. The telegram had enclosed the following instructions: “The addition of the following articles to the decisions about the Armenians is communicated from the Supreme Military Command: (1) the language of domestic and foreign communication and correspondence is to be Turkish for those Armenians who have been or are to be removed and dispersed there from the Eastern Anatolia[n provinces] adjacent to the Russian border, Zeytun, Sûriye [hereafter Damascus],¹² Adana, and the coastal areas; (2) Absolutely no permission shall be given for the establishment of the Armenian schools in the areas in which Armenians are to be resettled and all Armenian youth are to be educated in government schools; (3) At present, the permission is given to publish Armenian-language newspapers only in Istanbul; Armenian newspapers in other provinces are to be banned.”

However, later this policy would be abandoned. The first change came in the form of sanctioning religious conversions. Another special telegram of 21 December 1915 to the provinces, which were allotted as new settlement

areas for the Armenians, informed that a decision was taken: “to accept in accordance with the plan conversions of the Armenians who desire [this] from [those] who have arrived for the purposes of settlement from other places, after their arrival to the new areas.”¹³

The importance of this permission to carry out religious conversion is in the fact that so far it did not translate into a forcible Islamization. We understand from the memoirs of some Armenian deportees that at the beginning there was no coercion at all.

The Last Step in Religious Conversion: Either Become a Muslim or Be Deported

In the spring of 1916, there took place another important change in the policies of religious conversion. The Armenians remaining in Anatolia as well as those who were permitted to settle in Syria while preserving their religion, were presented with the alternative **“either Islam or deportation to Der Zor.”**

It is important that this decision of forcible Islamization took place at the same time as another change in policy. This was a decision for the second wave of the massacres and killings of the remaining Armenian population. In the months of spring 1916, the cleansing of all the Armenian settlement sites

and camps in Aleppo and its environs began, and all throughout the summer the second carnage was organized. A direct connection can be discerned between the policies concerning the decision for the second wave of massacres and forcible Islamization. The Armenians, who knew that deportation meant death, were compelled to accept forcible religious conversion.

Factors Determining the Religious Conversion Policy

The picture summarizing the information above is as follows: at the commencement of the deportations, religious conversion was permitted, and the converts were dispersed to various towns. Starting 1st July 1915, religious conversion was prohibited, while as of the end of October 1915, it was permitted again - although with certain restrictions. In Syria - the final stop of the deportations, a similar process took place—at first, settlement and pertinent assimilation policies were pursued; however this was not part of the policy of religious conversion. In Syria too, religious conversion was permitted at the end of 1915. In the spring of 1916 though, a distinct change of policy took place in the Syrian region, and, in particular, the Armenians (“Jemal Pasha’s Armenians”) who had earlier been settled in the areas of Hama, Homs, and Damascus were left to choose between Islam and deportation to Der Zor which

11. BOA/DH.ŞFR, nr. 54/122, Coded telegram from the Interior Ministry’s Office of Tribal and Immigrant Settlement to the province of Mosul and the provincial district of [Der] Zor, dated 23 June 1915.

12. Sûriye is the name of the province that encompasses today’s capital of Syria—Damascus—and the provincial districts of Hama, Havnân, and Kerek.

13. BOA/DH.ŞFR, nr. 59/83, Coded telegram from the Interior Ministry’s General Security Directorate to the provinces of Haleb, Damascus, and Mosul, and to the provincial districts of Urfa and [Der] Zor, dated 21 December 1916.



*meant death. Forcible Islamization was placed in operation in parallel with annihilation.*¹⁴

The question that requires an answer is: Was there a rationale behind the policy change? What were the motives that the Ottoman officials acted upon, when freely permitting or forbidding religious conversion, or making Islam the only alternative to death?

First it should be noted that narrow minded Islamic fanaticism hardly explains the policies of religious conversion.

Regardless of how complete or incomplete it was when it went into practice, we can say that a cold blooded calculation lied behind that policy.

It is argued here that in the policies of religious conversion, conformity with the principle of *governability* was the fundamental determinative in the balance between assimilation and physical destruction. The objective of permitting religious conversion was assimilation. In situations, where it was believed that the Armenians converting their religion could be dissolved within the majority Muslim group, permission was given or was pushed through with force; in the opposite circumstances, policies of annihilation

were brought to the fore. From this point of view figures are important, and in all probability the number of Armenians played an important role in the Union and Progress Party's various actions concerning the policies of religious conversion. The leaders of the Party wanted to preserve the remnants of the Armenians staying behind at a level where they would not create problems, preventing them from acting as a collective actor or preserving their national and cultural identities.

For that very reason, numbers were important. In various messages sent to the provinces, the Ministry of Interior made regular inquiries regarding the numbers of the converted Armenians and asked about the comparative values of the remaining Armenians and the Muslim population.

For instance, an order sent to all provinces and districts in July 1916 required that a tabulated list be prepared on this issue and sent back: "The need is communicated via circular for the rapid preparation and dispatch of a tabulated list by district [*kaza*] containing the quantities within the province/district of 1) local Armenians, 2) foreign Armenians, 3) those left as Catholics and Protestants [Armenians], 4) those staying in their places as families of soldiers, 5) those staying because of

14. I would like to caution that the summary here should be read with undivided attention. First, it is based on official Ottoman documents—it would be essential to look more closely at how the procedures were carried out in the provinces; secondly, there is not too much information concerning the fate of the Armenians who had chosen conversion to Islam prior to July 1. Though we learned from the consular reports that those people remained alive, it is still necessary to conduct further research on the topic, particularly in the accounts of the Armenian survivors.

the conversion, [and] 6) Armenians staying due to special orders.¹⁵

These documents prove that assimilation was a structural element in the destruction of the Armenian people as a nation.

Regarding male and female children

It can easily be proved that the policy of assimilation was a structural element of the Armenian genocide, especially in the actions in which Armenian boys and girls were subjects. Extant Ottoman documents clearly show that the government of the Committee of Union and Progress applied a systematic policy of assimilation of male and female children. A synopsis of this policy was – to first forcibly convert boys and girls into Islam, and then, through placing into orphanages or distributing to Muslim families, dissolves them within the Muslim majority. A part of this plan was the idea that young girls to be married off by force. The important point is that this assimilation policy had been planned before the deportations started.

The first cable regarding this issue was sent to the provinces on 26 June 1915. It

is important to note that the telegram was sent not by the Interior Ministry, which was in charge of deportation, but by the Ministry of Education. This attests to the fact that the issue of children and young girls had been discussed in the cabinet, a decision was taken, and the Ministry of Education was instructed to implement the measures. The telegrams sent directly by the minister of education, with the notations "confidential" and "[to be deciphered] according to the Interior [Ministry's] Cipher [Office Code]," contained the following instructions: "Since consideration has been given to [the idea of] the education and upbringing of the children under the age of ten of those Armenians who have been relocated or in some fashion deported, either through the establishment of an orphanage or by gathering them into the already existing orphanages, [it is requested that] it is reported back with all haste how many [such orphaned] children there are within the province, and whether or not there is a suitable building in existence for the establishment of an orphanage."¹⁶

Almost two weeks after the first telegram another telegram was sent out

15. BOA/DH.ŞFR, nr. 68/112, Coded telegram from the Interior Ministry's General Security Directorate to the provinces of Edirne, Adana, Ankara, Aydın, Bitlis, Baghdad, Beirut, Aleppo, Hüdâvendigâr (Bursa), Diyarbakir, Suriye, Sivas, Trabzon, Kastamonu, Konya, Mamuretülaziz, and Mosul, and to the provincial districts of Urfa, İzmit, Bolu, Canik, Çatalca, [Der] Zor, Karesi, Jerusalem, Kale-yiSultaniye [Çanakale], Menteşe, Teke, Kayseri, Karahisâr-iSâhib, İçel, Kütahya, Maraş, Niğde, and Eskişehir, dated 24 September 1916.

16. BOA/DH.ŞFR, no. 54/150, Coded telegram from the Private Secretariat of the Ministry of Education to the provinces of Diyarbakir, Adana, Aleppo, Trabzon, Erzurum, Sivas, Bitlis, Mamuretülaziz and Van, and the provincial district of Maraş, dated 26 June 1915.



- this time from the Interior Ministry's Office of Tribal and Immigrant Settlement (IAMM) to numerous provinces and provincial districts, containing the following instructions: "For the purpose of the care and upbringing [*bakimveterbiye*] of the children who will probably be left without a guardian [i.e. become orphans] during the course of the Armenians' transportation and deportation, their [the children's] distribution to notables and men of repute in villages and *kazas* [counties], where Armenians and foreigners are not found, and the payment of thirty *guruş* monthly from the special appropriations for the children, who will be left over after the distribution and will be given to those, who do not have the means of subsistence, are seen as suitable. It is notified by a circular that this must be communicated to those concerned and be carried out. After this cipher telegram is shown to those concerned, it must be destroyed."¹⁷ This is the third telegram directly related to assimilation, which was to be destroyed.

The phrase "the children who are likely to become orphans" in this telegram is extremely important. This statement clearly shows that such an outcome to the deportations was

known in advance and taken into account—in other words, it was pre-planned. Perhaps through the order to destroy the telegram it was intended to keep secret that Armenian families had been broken into pieces in a conscious manner by the government. It shows that regardless of the degree to which the government was able to realize its plans regarding the "care and upbringing" of the children, it developed a well thought-out policy of assimilation.

Moreover, the government created a special mechanism and made painstaking efforts to assure that Muslim families would adopt Armenian children and the girls would be easily married off. The essence of this mechanism, which can be defined as a "program to encourage assimilation" is that the families, where the Armenian boys and girls would be placed into, were recognized as their heirs. From this point of view, a telegraph sent on 1 August 1915 to the leadership of the Abandoned Property Commissions is very important. It states, "Personal property of the children, who are to be left with the people worthy of trust for the purpose of education and upbringing, together with the property of those converting or marrying, will be preserved, and if their testators

have died, their hereditary shares will be given."¹⁸

The importance of this order will be better understood, if it is considered along with the words that the American missionary Riggs attributed to the governor-general (Vali) of Harput [Mamuretü'l-aziz]: "he was not ashamed to say... [e]very person sent into exile is considered by the government as dead."¹⁹ A race, in the true sense of the word began among local administrators and notables to plunder

Armenian goods and one of the easiest ways to do it was either to adopt children of rich Armenian families, or forcibly marry young girls and women whose husbands had been deported. The inclusion of a girl from Harput as part of the harem of a Turkish notable of the city in order to seize her goods, or forcible marriage of some rich Armenian women in the Erzurum convoy in order to legally take their goods are only a few of the examples that can be given of this plunder.²⁰

17. BOA/DH.ŞFR. no. 54/411, Coded telegram from the Interior Ministry's Office of Tribal and Immigrant Settlement to the provinces of Adana, Aleppo, Diyarbakir, Erzurum, Bitlis, Van, Trabzon, Sivas, Hüdâvendigâr (Bursa), Edirne and Mosul, and to the provincial districts of İzmit, Canik, Kayseri, Maraş, [Der] Zor and Urfa, dated 12 July 1915.

18. BOA/DH.ŞFR. no. 54-A/382 Cipher telegram from the Interior Ministry, IAMM Statistics Department, to the provinces of Adana, Ankara, Erzurum, Bitlis, Halep, Hüdâvendigâr, Diyarbakir, Damascus, Sivas, Ma'mûretü'l-aziz, Mosul, Trabzon, and Van; to the provincial districts of İzmit, Urfa, Eskişehir, Zor, Canik, Kayseri, Maraş, Karesi, Kal'a-i Sultâniyye, Niğde, and Karahisâr-i Sâhib; and to the Abandoned Property Commission chairmanships of Adana, Halep, Maraş, Ma'mûretü'l-aziz, Diyarbakir, Trabzon, Sivas, Canik, and İzmit, dated 11 August 1915.

19. Henry H. Riggs, *Days of Tragedy in Armenia, Personal Experiences in Harpoot, 1915-1917* (Ann Arbor, Michigan: Gomidas Institute, 1997), 93.

20. Cited in Hans-Lukas Kieser, *Der Verpasste Friede, Mission, Ethnie und Staat in den Ostprovinzen der Turkey, 1939-1938* (Zurich: Chronos Verlag, 2000), 426-427.





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‘COLD CASES’ OF GENOCIDE: THE MEANING AND LIMITS OF GENOCIDE ‘RECOGNITION’ BY LEGISLATIVE BODIES

DEFINITION, TYPOLOGY AND PERCEPTION OF ‘COLD CASES’ OF GENOCIDE

In my definition, the ‘cold cases’ of genocide are those committed before the adoption of the above mentioned 1948 UN Convention. The fact that—with the exception of the genocide against the European Jewry—these cases occurred without legal qualification or condemnation prevented their closure, reconciliation, redresses or rectification. Looking into the individual cases as quoted below, we find that they are scholarly researched to very different degrees, some even remaining under-researched. In typological comparison, cases of colonial genocide are over-represented among the pre-1948 ‘cold cases’ of genocide. This does not surprise, since the period in question—the late 19th century and the first half of the 20th century—coincides with European

colonialism in Africa and at the fringes of the expanding Russian Empire. In essence, even some of the cases of genocide that have been tentatively classified as ‘domestic’ in the typology below bear some features of colonialism.

Three of the four cases of colonial genocides—Namibia, Tanzania/East Africa and North Caucasus—were committed in order to crush a rebellion or armed resistance of natives. The destruction of livelihood by German colonial forces and subsequent massive starvation in the German colonies of South-West and Eastern Africa during 1904-1908 may have triggered a repetition during the First World War in the Ottoman province of Syria, where the surviving Armenian deportees were exposed to a similar fate. The 1937/38 destruction of the native population of Dersim, speakers of the most Western Iranian language Zazaki, on the other hand appears as a variety of ‘domestic

colonialism’, with the aim of complete control of a so far unruly region.

At first glance, the settings of cases c) and d) seem highly divergent, but occurred both in phases of profound political transformation and ‘social-engineering’. The destruction of the indigenous Christians of Asia Minor/Western Armenia and Mesopotamia in the last decade of Ottoman rule can be described as a crime that originated in the failure of the feudal Ottoman multi-ethnic state and the nation state-building process of its mono-ethnized successor state, whose chauvinist elites perceived the Ottoman Christians as not integrable and unacceptable ‘internal enemies’. Although seen in Ukraine as a crime directed against the Ukrainian nation in the first place, the

Holodomor occurred as a side-effect of Soviet collectivization and consequently a kind of ‘economicide’ or ‘sociocide’, aimed at the destruction of the Soviet peasantry. As the Ottoman perpetrators, the responsible for the Holodomor intended the complete re-construction of the overall population, in the Soviet case in social terms, in the Ottoman case in ethnic. Whereas the Ottoman genocide served the monoethnization (Turkification) of a multi-ethnic society, the Holodomor accelerated the ‘proletarianization’ of a so far predominantly rural and agricultural society.

Colonial/Foreign genocides¹:

(a) In Africa:

1885-1912: Congo Free State and later Belgian colony (3-30 mil. victims)²

1. This list is far from being complete, in particular, if the first half of the 19th century is included. For example, scholars of colonial genocide would also include the genocide against the aborigines of Australia (Tasmania, Queensland) since 1804. – Cf. Yale University Genocide Studies Program <http://www.yale.edu/gsp/colonial/index.html>

2. Report of the British Consul, Roger Casement, on the Administration of the Congo Free State, reprinted in full in Ó Siócháin, Séamus; O’Sullivan, Michael (Ed.s): *The eyes of another race: Roger Casement’s Congo report and 1903 diary*. Dublin, 2003; cf. also Adam Hochschild, based on contemporary reports and inquiries. – Hochschild, Adam: *King Leopold’s Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa: The Plunder of the Congo and the Twentieth Century’s First Great International Human Rights Movement*. Boston M.A.: Houghton Mifflin, 1999. – Victim tolls are highly disputed. Although Hochschild as author of the most authoritative contemporary study on the case of Congo rejects the notion of genocide and instead suggests to understand it as a ‘forced labour system’, the UK Parliament declared in an early notion of 24 May 2006: “That this House notes that in 2002 the Belgian Royal Museum of Africa commissioned a panel to investigate the nature and scale of atrocities committed by the then colonial authorities in what is now the Democratic Republic of Congo; notes the commission was due to report in 2004, but no report seems to have been published; believes that many millions, estimated in 1919 at 50 per cent. of the population by official bodies of the Belgian Colonial government, died under the regime of King Leopold II between 1885 and 1908 in what was the world’s only privately controlled colony, exposed in part by activists such as Roger Casement, British journalist E.D. Morel and UK, US and Swedish missionaries; whilst recognising the sensitivity of these matters in Belgium, believes the full truth should be known; and calls upon the Belgian government to publish all the evidence that is available and to apologise to the people of the Congo for the tragedy of King Leopold’s regime, which can only be classed as genocide.” – <http://edmi.parliament.uk/EDMi/EDMDetails.aspx?EDMID=30788&SESSION=875>



1904-1908: "Deutsch-Südwest" (today: Namibia; 24-100,000 Herero and over 10,000 Nama victims)³

1905-1907: East Africa (at present Tanzania, Burundi, Rwanda; 75,000-300,000 victims)⁴: death by starvation after the colonial German 'protection forces' had burned down villages, farmland and bush country.

(b) In Europe: 21st May 1864: A century of unequal Russian-Circassian War (1763-1864) ends in the North Caucasians' defeat and massive flight to the neighbouring Ottoman Empire, followed by Russia's order to deport the

remaining Muslim 'Circassians'⁵ (victims: 300-500,000)⁶

Domestic genocides:

(c) **Ottoman Empire**, 1912-1922: Massacres and deportations of indigenous Christians (Armenians, Arameans/ Assyrians, Greek-Orthodox: 3-3.5 mil.) (d) 1932/33: Holodomor/Голодомор in Soviet Ukraine, South Russia, West Ural, North Kazakhstan, Western Siberia (Ukraine: 3.5 mil. starved victims; in all: over ten-14.4 mil.)⁷

(e) **Dersim** (Turkish Republic), 1937/38: Massacres of ten-thousands of indigenous population (Dersimis, 'Zazas') in Central Dersim by regular Turkish Forces; deportation.

3. Zimmerer, Jürgen; Zeller, Joachim (Ed.s): *Völkermord in Deutsch-Südwestafrika: Der Kolonialkrieg (1904-1908) in Namibia und seine Folgen* [Genocide in German-South-West Africa: The colonial war (1904-1908) in Namibia and its repercussions]. Berlin: Chr. Links Verlag 2003; Sarkin, Jeremy: Colonial Genocide and Reparations Claims in the 21st Century: The Socio-Legal Context of Claims under International Law by the Herero against Germany for Genocide in Namibia, 1904-1908. Praeger, 2008; about the continuity effects of the Namibia case on Nazi German extermination policies in Eastern Europe during the Second World War see: Madley, Benjamin: From Africa to Auschwitz: How German South West Africa incubated ideas and methods adapted and developed by the Nazis in Eastern Europe. "European History Quarterly", July 2005, Vol. 35, No. 3, pp. 429-464

4. Becker, Felicitas; Beez, Jigal (Ed.s): *Der Maji-Maji-Krieg in Deutsch-Ostafrika 1905-1907* [The Maji-Maji-War in German-East Africa 1905-1907], Berlin: Ch. Links Verlag 2005. In difference to the case of Namibia, the destruction of the indigenous population in East Africa is nearly unknown to the German academic and general public.

5. Often used as a collective name, comprising not only Western, but also Central and Eastern Caucasian groups

6. Shenfield, Stephen D.: The Circassians – A Forgotten Genocide? In: Levene, Marc; Roberts, Penny (Ed.s): *The Massacre in History*. Oxford; New York: Berghahn, 1999; 2009. (Series War and Genocide, Volk. 1), pp. 149-162; Leitzinger, Antero: The Circassian Genocide. "The Eurasian Politician", October 2000, Issue 2; Berzhe [Berger], A. P. [Берже А[дольф]. П[етрович]: Выселение горцев с Кавказа, "Русская старина", 1882, СПб. Кн. 2. [Vyselenie gortsev s Kavkaza: Emigration of mountaineers from the Caucasus. "Russkaya Starina" 1882 January, 33, kn. 2. St. Petersburg.]

7. Conquest, Robert: *The Harvest of Sorrow: Soviet Collectivization and the Terror — Famine*. Edmonton: The University of Alberta Press in Association with the Canadian Institute of Ukrainian Studies, 1986; Sokoloff, Georges: 1933, L'année noire - Témoignages sur la famine en Ukraine. Georges Sokoloff: 1933, L'année noire - Témoignages sur la famine en Ukraine. Albin Michel, Paris 2000; Mark, Rudolf A.; Simon, Gerhard; Sapper, Manfred; Weichsel, Volker; Gebert, Agathe (Hrsg.): *Vernichtung durch Hunger: Der Holodomor in der Ukraine und der UdSSR* [Destruction by Hunger: The Holodomor in Ukraine and the USSR]. Berlin 2004

With the exception of cases b) and e), famine, enforced by governments was dominant element of destruction. Although Article II (c) of the UN Genocide Convention supports a qualification of famine as genocide, some scholars question that indirect killing by exposing victimized groups to starvation is a genocidal element.⁸ The limitation of genocide victim tolls to victims of massacres (Art. IIa of the UN Convention) could be noticed as early as the debates between Ottoman Greek and Armenian MPs, on the one hand, and Muslim MPs in the aftermath of the First World War.⁹ In the case of the Armenian genocide, the dismissal of starvation as an element of genocide results in the denial of genocidal intent

in the destruction of Armenian deportees (predominantly, women, children and aged people). The same applies to the Holodomor or the genocides, committed in the early 20th century in German colonies in Africa. In addition, the armed resistance of parts of the victim groups has been largely quoted by scholars and stakeholders as evidence against genocide claims, suggesting that only a defenceless population qualifies as a target group of genocidal intent. It is only with regard to more recent cases of genocide— Srebrenica (1995), South Sudan (since 2000-2004) and Darfur (since August 2003)—that scholars suggest to consider the armed (self-) defence or resistance of victimized groups as a human right.¹⁰

8. For the Armenian genocide, see Gerlach, Christian: Nationsbildung im Krieg: Wirtschaftliche Faktoren bei der Vernichtung der Armenier und beim Mord an den ungarischen Juden [Nation building during war: Economic factors of the extermination of the Armenians and the murder of the Hungarian Jews.] In: Kieser, Hans-Lukas; Schaller, Dominik J. (Ed.): *Der Völkermord an den Armeniern und die Shoah – The Armenian Genocide and the Shoah*. Zürich: Chronos, 2002, pp. 347-422, especially pp. 381-395 ("Emergence of a Turkish bourgeoisie, food trade, and famine"). Among others, the author critically rejects the term "genocide" and its German equivalent ("Völkermord") as being of "academically limited value" and questions the assumption of a general centralized intent to annihilate the Armenians. – For the Holodomor, see Douglas Tottle: *Fraud, Famine and Fascism. The Ukrainian Genocide Myth from Hitler to Harvard*. Toronto: Progress Books, 1987. – The author dismisses the genocide claim as propaganda by Ukrainian nationalists, Nazi and Cold War propaganda.

Cf. <http://rationalrevolution.net/special/library/tottlefraud.pdf>

9. Akcam, Taner: *Armenien und der Völkermord: Die Istanbul Prozesse und die türkische Nationalbewegung* [Armenia and the Genocide: The Istanbul Trials and the Turkish National Movement]. Hamburg: Hamburger Edition, 1996, pp. 85-88

10. Cf. Kopel, David B.; Gallant, Paul; Eisen, Joanne D.: Is Resisting a Genocide a Human Right? "Notre Dame Law Review", Vol. 81:4, pp. 1275-1344

<http://www.davekopel.com/2a/Foreign/genocide.pdf>. – The authors conclude that "(b)ecause the very strong language of the Genocide Convention forbids any form of complicity in genocide, and because the Genocide Convention is jus cogens (meaning that it prevails over any conflicting national or international law), (...) the Genocide Convention forbids any interference, including interference based on otherwise valid laws, against the procurement of defensive arms by groups which are being victimized by genocide".



INTERNATIONALIZATION OF LEGAL RECOGNITION: A SYMBOLIC SURROGATE?

Without legal condemnation or in the absence of full law enforcement, the 'cold cases' of genocide remain unsolved in many aspects. The reasons are partly to be found in the nature of the main proponents, or actors of genocide claims. These are either the exiled survivor communities of the dispossessed and once victimized groups, or indigenous survivor communities or national states, acting in the name of victims.

The internationalization of labour markets, followed by the persistent growth of international migration added to the internationalization of genocide claims. Such claims were not made immediately: Both in the Armenian and in the Jewish cases of genocide, an initial period of about 50 years could be observed, until externalization by the third post-genocide generation followed the complex silence of the first two victimized generations. In the Armenian case, legal condemnation had to be replaced by legislative 'recognition': In the absence of a competent court and an independent national state that could have submitted a complaint on behalf

of the Armenian nation Armenian Diaspora organizations started since 1965 to confront the international community with the demand to 'recognize' or 'affirm' the genocide against their ancestors as a historical fact according to the UN Genocide Prevention.

In the Armenian self-perception, this recognition movement is outstanding. "No other people have suffered such a warped fate", wrote the US-Armenian Michael Bobelian, "—a trivialization of their suffering and a prolonged assault on the authenticity of their experience. And a few other people have participated in a global campaign for justice that has stretched across the decades."¹¹

In reality, the international Armenian recognition movement was certainly and so far the most successful, but by far not unique among the 'cold cases' of genocide that challenged the international community both on national, and international levels. The likewise internationally dispersed descendants of the Christian co-victims of the Ottoman Armenians – first of all the Pontos Greeks and the Assyrians – followed the successful example of the Armenian Diaspora, which had achieved resolutions and even laws by 21 national legislatures in recognition of the Armenian genocide.¹²

11. Bobelian, Michael: *The Children of Armenia: A Forgotten Genocide and the Century-Long Struggle for Justice*. New York, London, Toronto, Sydney: Simon & Schuster, 2009, p. 11

12. A complete list of the acknowledging states is given on the site "International affirmation of the Armenian Genocide": http://www.armenian-genocide.org/current_category.7/affirmation_list.html

On international level, the genocides against Aramaic speaking Christians (Syriacs, or as national self-identifiers, Arameans, Assyrians, Chaldeans) and the Orthodox-Christian Ottomans (Greeks; in Turkish 'rumlar' – 'Romans') had been included since 2006.¹³ Other sub-groups of the 'cold cases' followed suit: In January 2007, twenty Adygeyan (Circassian) NGOs from Russia, Turkey, Israel, Jordan, Syria, the USA, Belgium, Canada and Germany addressed to the president of the European Parliament (EP) with the request to "recognize the genocide against Adygeyan (Circassian) people, being committed by the Russian state since the end of the XVIII till the beginning of the XX centuries", in particular with regard to the following offences carried out against the indigenous population of the Northwest Caucasus:

- Occupation of territories
- Purposeful deprivation the peaceful population of the basic means of

life-support (destruction of gardens and crops, stealing of cattle, burning completely settlements)

- Massacre of the peaceful population (women, children, and old men)
- Deportation.¹⁴

In March 2010, the Washington based Jamestown Foundation held a conference in the Georgian capital Tbilisi, entitled "Continuing Crime: Circassians and the People of the North Caucasus Past and Future"¹⁵. It concluded with the adoption of a document that asked the Georgian legislators to recognize the genocide against the Circassians committed by Russia in the 19th century. On 31 July 2011 the Georgian Parliament did indeed adopt a resolution in which it recognized "... the mass murder of Circassians (Adyge) during the Russo-Caucasus War and their forceful eviction from their homeland, as an act of genocide, in accordance with the IV Hague Convention on Laws and Customs of War on Land of October

13. Cf. paragraph 56 of the non-legislative resolution of 29 September 2006 by the European Parliament: The European Parliament "believes that a similar position should be adopted for the cases of other minorities (i.e. the Greeks of Pontos and the Assyrians)". – Eurlings, Camiel (Rapporteur), Committee on Foreign Affairs, European Parliament: Report on Turkey's progress towards accession. (Final Version). (2006/2118(INI)). – <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0269+0+DOC+PDF+V0//EN>

14. This was the second conference on Circassian hosted by the Jamestown Foundation. – Cf. http://www.circassian-genocide.info/cg/index.php?entry_id=1237296300&title=circassian-fischt%3A-the-circassian-genocide-1864

15. Kvelashvili, Giorgi: Will Georgia Recognize the Circassian Genocide? "Jamestown Foundation Blog", 22 March 2010 – <http://jamestownfoundation.blogspot.com/2010/03/should-georgia-recognize-circassian.html>



18, 1907 and the UN Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948".¹⁶

More successful in gaining recognition of genocide claims are initiatives made by national states and their representatives. In this aspect, the Ukrainian 2005-2010 President Victor Yushchenko achieved the recognition of the Holodomor by the following 22 states: Argentina, Australia, Azerbaijan, Belgium, Brasilia, Ecuador, Estonia, Georgia, Italy, Canada, Columbia, Latvia, Lithuania, Moldova, Paraguay, Peru, Poland, Spain, Czechia, Hungary, USA, and Vatican. As these few examples reveal, the universal significance of legal recognition is largely overshadowed by numerous side effects, most of all by considerations of external political alliance, commercial interest, internal and external antagonism, or strategic considerations (as in the case of Georgia, when 'weighing' possible Georgian support of Circassian genocide claims for Circassian support against Abkhazian secessionist movements). In the Ukrainian case, the recognition of the Holodomor as a genocide committed by Soviet Russia against the Ukrainian people polarizes the Ukrainian society. Yushchenko's proactive recognition support was revised by his successor Victor Yanukovich, while bodies of the EU avoided the validation of this

massive crime as genocide, putting the blame mainly on Stalin. Instead and as a compromise, the European Parliament adopted a resolution on 23 October 2008 that qualifies the Holodomor as a crime against humanity. On April 27, 2010, a draft Parliamentary Assembly of the Council of Europe (PACE) resolution including the Non-Ukrainian co-victims, when declaring that the famine was caused by the "cruel and deliberate actions and policies of the Soviet regime" and was responsible for the deaths of "millions of innocent people" in Ukraine, Belarus, Kazakhstan, Moldova and Russia. Even though PACE found Stalin guilty of causing the famine, it rejected several amendments to the resolution, which proposed the Holodomor be recognized as an act of genocide against the Ukrainian people.

The Ukrainian case further exemplifies the quantitative differences between Diasporas and nation states as actors of genocide claims: While Armenian Diaspora communities gained 21 supportive resolutions and laws over a long period of 60 years, the massive support, given to the Holodomor recognition claim by the president of the Ukrainian national state achieved an equal quantity of 'recognizers' in only seven years since the 70th anniversary of the Holodomor in 2003. Comparing the states that have recognized both the genocide against the Armenians and the Holodomor we find an intersection

of seven states—Argentina, Belgium, Italy, Canada, Lithuania, Poland, and Vatican—, comprising only a third of the total of 'recognizers'. This indicates that the commitment of national and international legislative bodies toward 'recognition' and memory politics varies from case to case and in dependence from strategic, historical or other factors rather than strictly legal or human rights concerns. Another example of disparity can be found in the United Kingdom: While both Houses of the UK Parliament for many years declined any resolution on the Ottoman genocide against Christians, and the genocide against the Armenians in particular¹⁷, the House of Commons is the only legislative body that issued an early notion on the genocide in Congo, although both in the Armenian and in the Congo case the UK parliament might rely on a wealth of evidence in its own archives. The House of Commons proactive position in the case of Congo can also be interpreted as being guided by minor considerations to the Belgian as to Turkish sensitivities.

The significance of parliamentary genocide recognition can further be limited by the pronounced *quid pro quo*

considerations of the recognition seekers. Such mentality showed not only in the above quoted statements on the Circassian case by Georgian representatives, but also among the co-victims of the Armenian genocide: Since the Hellenic Parliament adopted a resolution on the Armenian Genocide on 24 April 1996, Greeks expect Armenia's lawmakers to act likewise and to recognize the 1912-22 genocide against the Ottoman Greeks; however, a 2006 petition addressed by 13 Germany based Greek organizations first to the German and in 2007 to the Armenian legislator.¹⁸

'CLASH OF POWERS': LEGISLATIVES VS. EXECUTIVES

The effectiveness of legal genocide recognition is also limited by diverging interests between legislatures and executives. In the case of the Ottoman genocides, this 'clash of powers' was felt already at a very early stage of the recognition movement. It also showed on EU levels in the contrast between the (rather powerless) European Parliament, which since 1987 had called on Turkey in four subsequent resolutions to recognize the Armenian genocide; in

17. The last decision was made on 29 March 2010, when the House of Lords rejected to recognize the genocide of the Armenians. – Cf. Палата лордов парламента Великобритани не признала геноцид армян [The House of Lords of the parliament of Great Britain did not recognize the Armenian Genocide]. – „Kavkazkiy uzel“, 2 April 2010. <http://north-caucasus.kavkaz-uzel.ru/articles/167280/>

18. Cf. the German original of the petition of 24 May 2006 to the German Bundestag on http://www.aga-online.org/downloads/de/news/attachments/Petition_Voelkermordanerkennung_Griechen_Anschreiben_de.pdf

16. Cf. http://www.parliament.ge/index.php?lang_id=ENG&sec_id=63&info_id=31806



its first resolution, the EP had made Turkey's recognition a pre-condition for the country's admission to the EU.¹⁹ The European Commission, however, which is the decisive executive body of the EU never applied these demands of the European 'legislators,' nor did it include genocide recognition into the Copenhagen Criteria (1993) that regulate the eligibility of candidate member states. Neither Turkey, nor other previous or current candidates to the EU had been requested to come to terms with past genocidal crimes before their accession to the EU, although Croatia²⁰, Czechia²¹, and Romania²² were to different degrees involved into domestic genocide during and after the Second World War. The 'cold cases' of genocide in Croatia and Czechia also exemplify the significance of retributive genocide in South Eastern and Central European history and consequently the interchangeability of genocide claims.

As far as the 'old' EU member states are concerned, Britain, France, Spain, Belgium, and Germany have obvious difficulties to face their colonial past and the genocides committed under their rule in Africa, South America or Australia. Europe's refusal to accept responsibility fuels Turkey's protest when reprimanded by Europeans for crimes against Ottoman Christians and other minorities. But even the exclusion of genocide recognition from the Copenhagen Criteria did not prevent Turkish criticism against European 'double standards' and the 'European value system,' which is so frequently invoked in critical European debates on Turkey's refusal to acknowledge the Armenian and other Ottoman genocides. In particular France is criticised in the Turkish public discourse for its acknowledgement of the Armenian genocide, while at the same time conducting highly controversial memory politics with regard to its

repression of the Algerian independence movement.²³

On national levels the 'clash of powers' becomes even more evident, causing serious setbacks to human rights in general, and to genocide recognition in particular. The most telling example here is Sweden, which on 11 March 2010 adopted a decision on the all-inclusive recognition not only of the Armenian, but also the Assyrian and Pontos Greek genocides.²⁴ On the level of federal (regional) state bodies, similar 'all-inclusive' resolutions had been previously issued in the United States and Australia.

Against the decision of 11 March 2010 Sweden's head of government and Foreign Minister apologized for the decision of their legislators. The Foreign Minister even called on the Turkish community of Sweden to sue

for a cancellation of the recognition decision.

In Germany, the Foreign Office replied to a parliamentary inquiry on the position of the Federal Government with regards to the Armenian Genocide that in the face of pending court cases in the US for reparations against German institutions the German government did not want to comment.²⁵ According to the German Federal Government, the question whether or not the events of 1915 qualify as genocide according to the UN Convention must be answered solely by Armenia and Turkey in their mutual dialogue on history. With this position the German Federal Government returned to its earlier policy of non-interference, which with regard to Germany's role in the Ottoman Empire during the First World War seems inappropriate and unacceptable.

19. Cf. paragraph 14 of the resolution, adopted by the European Parliament on 18th June 1987, published in "Official Journal of the European Union" – C 190, 20 July 1987, pp. 119 ff.

20. The genocide committed predominantly in extermination camps by the Croatian Ustasha regime against Jews (appr. 25,000 victims), Roma (appr. 309,000) and ethnic Serbs (nearly 600,000) during 1941-45. – Heinsohn, Gunnar: *Lexikon der Völkermorde*. Reinbek bei Hamburg: Rowohlt, 1998, p. 227 f.

21. Partial genocide against the indigenous minority of Sudeten Germans with nearly 238,000 victims. – Heinsohn, op. cit., p. 328

22. Since June 1945, Romania extradites Jewish nationals to Germany or annihilates them by own means during death marches. Of a total of 770,000 Jews of Romanian nationality, 420,000 perish during this genocide. Between 1945 and 1950 Romania expels 350,000 of the country's 785,000 Germans; more than 100,000 Germans are 'democidally' killed during this expulsion. – Heinsohn, op. cit., p. 293

23. Bayraktar, Seyhan: *Politik und Erinnerung: Der Diskurs über den Armeniermord in der Türkei zwischen Nationalismus und Europäisierung* [Policy and Remembrance: The Discourse on the Murder of the Armenians in Turkey between Nationalism and Europeanization]. Bielefeld: Transcript, 2010, p. 219-220

24. Assyrian Genocide Center Issues Statement on Sweden's Genocide Recognition. – <http://www.aina.org/news/20100313141233.htm>

25. Letter of the German Foreign Office to the president of the German parliament, 1 June 2010, p. 5, published on http://www.aga-online.org/downloads/de/news/attachments/Antwort_Bundesregierung_Kleine_Anfrage_Linksfraktion_01062010.pdf



**No compensation, no comment:
Opinion of the German Federal
Government on the Genocide against the
Armenians**

4 June 2010

Question: How does the Federal Government assess the present results of scientific research on the role of the German Empire in the destruction of the Ottoman Armenians, and what political consequences does it draw from it with regards to (...):

b) To review and support for possible compensation for families of former Armenian forced laborers, who were relentlessly exploited by German entrepreneurs in the Ottoman Empire during the construction of the Baghdad Railway under slave labour conditions?

Governmental response: In the light of an ongoing process of Armenian plaintiffs at a US Federal Court against German companies, where one of the plaintiffs has been put forward the alleged forced labour at the construction of the Baghdad Railway, the Federal Government will not comment.

CONCLUSION AND RECOMMENDATIONS

In this talk I tried to explain why and how movements for legal recognition by national or international legislative bodies have emerged. The main reasons are historical and stem from the peculiarities of the 'cold cases' of genocide, i.e. cases committed before the 1948 UN Convention on Genocide, which did

**Avoiding Opinion:
The German Federal Government
on the Genocide against the Armenians
23 February 2010**

Question: Does the Federal Government agree that the massacres of Armenians in 1915/16 clearly constitute genocide according to the UN Convention of 1948?

Governmental Response: The Federal Government welcomes all initiatives that serve the further processing of the historical events of 1915/16. An evaluation of the results of this research should be subject to scientists. Against this background the Federal Government believes that dealing the tragic events of 1915/16 is primarily the responsibility of the two affected countries Turkey and Armenia. Against this background, the Federal government pays respect to both the Turkish and the Armenian side for the courageous steps they already have made for the normalization of their bilateral relations. It encourages in its discussions on a regular base both sides to persistently continue the ongoing rapprochement process, which also includes the formation of a commission of historians.

not yet receive full legal validation and condemnation. Such cases appear as risk factors, because they remain obstacles not only to closure, reconciliation, domestic²⁶ and international stability, but can result in re-occurrence and retributive crimes. In a surrogate act of justice seeking survivor Diasporas and migrant communities brought their demand for legal recognition to the attention and validation of international and

national legislators/bodies, including the European Parliament and the UN Human Rights Commission. Leading in such activities were Armenian Diaspora organizations, which in the absence of Armenian state sovereignty and a competent international criminal court sought legal recognition of the 1915/16 Ottoman genocide, thus internationalizing the unsolved 'Armenian Question'. The Armenian experience was prompted by similar movements not only of Christian victim groups (Arameans/Assyrians/Chaldeans; Greeks from Asia Minor, in particular Pontos Greeks), but also by other Diasporas (e.g. Circassians) and NGOs of indigenous nations (e.g. Herero) who suffered from European colonial genocide. Sovereign nation states such as Ukraine acted as a third category of recognition seeking interest groups.

The examples of recognition successes, gained by the three categories of recognition seeking actors, and more so the setbacks suffered during the process clearly illustrate the flaws of legal recognition as a substitute of jurisdictional genocide validation and condemnation: Sustainability and representativity

1) The composition of legislative bodies changes from one legislature to the next. Decisions on genocide recognition can be cancelled, as it happened with the first Swedish recognition decision of 29 March 2000. In theory, a parliamentary

decision can also be revoked through a decision of a constitutional court.

2) Parliaments act not independent and impartial with regard to constituents and electorates. Their decisions (or refusals to take a decision) are easily influenced by conflicting migrant groups or Diasporas. They are also determined by strategic, commercial and political considerations. In particular, there is a high degree of quid pro quo mentality on the side of the recognition seekers as well as the recognizers.

3) If a national state seeks international legal recognition or affirmation of own or third side genocide claims, memory politics are again highly influenced by the political composition of national legislative and executive bodies. The example of Ukraine reveals how differently historical events can be assessed or interpreted in one and the same nation, and how controversially they are assessed by the head of states and the governments that represent this nation and determine its memory politics.

Out of about 195 states that exist in the world, only one tenth has affirmed the Armenian genocide and the Holodomor in Ukraine as genocide. Two thirds of the 'recognizers' in both cases are disparate, which reveals the voluntariness of the 'recognizers' and the limitedness of the 'recognition'. Further analysis shows that there is a high degree of determinants in such decisions that are

26. Note that in the *Failing State Index* one of the four social indicators for state failures, or domestic stability is characterized as 'Legacy of Vengeance-Seeking Group Grievance or Group Paranoia'. The explanation for this indicator reads: "History of aggrieved communal groups based on recent or past injustices, which could date back centuries; patterns of atrocities committed with impunity against communal groups (...)" - http://www.fundforpeace.org/web/index.php?option=com_content&task=view&id=99&Itemid=140

caused by considerations of political alliance or sympathy with the recognition seekers, or on the contrary by political antagonism toward the culprit state, or its legal successor. At any rate, selectivity and partiality come to mind as serious obstacles when validating a crime as genocide by means of national parliamentary decisions. However, political selectivity and partiality are incompatible with the legal principle of universality, which is at the base of every democratic legislation, law enforcement and jurisdiction. The controversial approach of legislative and executive bodies toward genocide recognition puts an additional question mark on the effectiveness of parliamentary genocide recognition.

Insufficiencies exist also with regards to the practical effects of legal recognition by national parliaments. As the German case exemplifies, resolutions of recognition remain rather symbolic acts without binding consequences for the memory politics of the given country and the descendents of survivors living in that country, in particular, if a parliamentary resolution cannot rely on a court decision or jurisdictional condemnation. As an additional obstacle, there is a decreasing willingness on international and national levels to issue penal laws against the denial of

genocide, fearing that this may restrict the freedom of expression.

Genocide has been rightly labelled as the ultimate crime. But being a criminal offence and a state crime the finding and qualification of facts is in the first place the task of a competent court. The experience of jurisdiction in the 20th century has taught that ideally such a court must be international and impartial. Justice cannot be traded *quid pro quo*, e.g. for the recognition of territorial integrity by war-winners, as the Ottoman Empire tried to do in 1918–20, nor can justice truly convince if it is imposed by war-winners on a culprit state. In some of the ‘cold cases’ that were considered in this contribution, the International Criminal Court could help to legally validate the crimes of the past. On 7 April 2010 the main prosecutor of the International Criminal Court confirmed during his meeting with the Minister of Justice of the Republic of Armenia that the ICC would be competent to rule on the Armenian case²⁷, provided that the Constitutional Court of the Republic of Armenia revises its position on the incompatibility of the Rome Statute with Armenian legislation²⁸. Only after such revision could the Armenian legislator decide on a ratification of the Rome Statute. In difference to

Georgia²⁹ and Greece that both ratified the Rome Statute, Armenia (1 October 1999), Ukraine (20 January 2000) and Russia (13 September 2000) are signatories, but have not yet ratified the Rome Statute. Whereas Armenian and Ukrainian legislation and jurisdiction have barred the way to the ICC for the time being, Greece could sooner and more easily address to the ICC for a ruling on the genocide, committed against Ottoman Greeks.³⁰

In some of the ‘cold cases’—e.g. the Aramaic speaking Christians, the Circassians, the Herero and Nama—the achievement of legal qualification and condemnation are additionally exacerbated by the fact that descendents of survivors do not have their own state or a country of origin that is ready to submit a complaint at an international court.

Seeking legal recognition from national and international legislative bodies

seems justified in cases and periods when survivors or their descendents have no sovereign national state who submits their claims to an independent international court. But such an approach is temporary, provisionary and remains a surrogate for genuine juridical validation.

For the Armenians who have set off the recognition movement some 50 years ago, this approach seems to be no longer effective, considering not only the increasing setbacks as explained in this contribution, but also the new possibilities that Armenia gained since its independence and since the establishment of a competent court in 2002. The time has come when independent legal validation should be sought and can be sought. Yet there still remain other ‘cold cases’ that demand special and additional provisions in order to be dealt with at institutions like the ICC.

27. Cf. <http://www.panorama.am/ru/law/2010/04/07/genocide/>; <http://www.kavkaz-uzel.ru/articles/167487/>

28. Cf. details of the Republic of Armenia's argumentation on <http://www.iccnw.org/?mod=country&iduct=8> and <http://www.iccnw.org/?mod=newsdetail&news=15>

29. Georgia took the lead in promoting an ICC coalition in the South Caucasus: “The Georgian Coalition decided, when its objective was achieved in 2003, to promote the development of a South Caucasian Coalition for the ICC (Georgia, Armenia, and Azerbaijan), to use its acquired experience and promote ratification and implementation of the Rome Statute in the other two countries of the region. The CICC is currently working with local NGOs in all three countries.” - <http://www.iccnw.org/?mod=region&idureg=10>

30. The Hellenic Parliament has passed two laws on the fate of the Ottoman Greeks: The 1994 decree affirmed the genocide in the Pontos region and designated 19 May a day of commemoration, while the 1998 decree affirmed the genocide of Greeks in Asia Minor as a whole and designated 14 September [1922; destruction of the undefended and defenceless port city of Smyrna by Kemalists forces] a day of commemoration. The 1998 law was prompted by the official protest of the Turkish Foreign Office that blamed this Greek memory law not only for the ‘distortion of history’, but for alleged “expansionist mentality”. – Cyprus also officially recognized the Greek Genocide.





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LESSONS LEARNED: WHY WE FAILED TO MOBILIZE THE WILL TO INTERVENE IN THE RWANDA GENOCIDE OF 1994 AND WHAT WE LEARNED FOR THE FUTURE

I. INTRODUCTION

In 1994, Canada and the United States manifested the definite will NOT to intervene to halt the Rwanda genocide, aimed at the country's Tutsis. Five years later, despite the Security Council's refusal to endorse intervention, Canada and the United States waged a military campaign in Kosovo and Serbia. Based on interviews with nearly 90 senior politicians, civil servants and NGO leaders, as well as scholarly publications and memoirs, this paper explains why Kosovo was not treated like Rwanda, and summarizes the lessons drawn by the researchers of the Will to Intervene project directed by Gen. Romeo Dallaire and myself. It asserts that the governments of Canada and the United States received sufficient early warning of Rwanda's looming genocide to warrant the early use of preventive "soft power" as early as 1992-93, and that important field

reports containing this vital intelligence were "siloed" and buried by the senior political leaders to whom they were delivered. It shows why the Will to Intervene developed at the highest levels of the Canadian and United States governments in 1999, and what we can learn from the top down leadership during the Kosovo crisis about mobilizing the domestic political will to prevent future mass atrocities.

II. HOW DO THE CLINTON ADMINISTRATION AND THE GOVERNMENT OF JEAN CHRETIEN EXPLAIN THEIR REFUSAL TO ACT

An old Russian joke says "Russia is an unusual country—it has an unpredictable past." The past of the United States is certainly more predictable than that. Since 1994, President Clinton,

Secretary of State Christopher, and US Ambassador to the United Nations Madeline Albright have consistently hewn to the same explanation. To summarize it briefly, they claim ignorance of developments in Rwanda and they refuse to talk about any evidence to the contrary. President Clinton has apologized to the people of Rwanda for his failure to act and recently he told an audience in Toronto that he felt responsible for the deaths of thousands who he might have saved by approving intervention.

Journalists and scholars are skeptical about his claim that he simply did not know what was happening. In her Pulitzer Prize winning book, *A Problem from Hell*, Samantha Power put the blame squarely on the White House. And in his well researched historical narrative, *One Hundred Days of Silence*, Jared Cohen showed that officers of the Defense Intelligence Agency, American diplomats, and NGO leaders fought misrepresentations of the genocide as "civil war" and spontaneous tribal killings.

Canadian Prime Minister Jean Chretien is unapologetic and silent about his refusal to intervene in 1994. Until September 2009, when we released our policy study and August 2010, when McGill-Queen's University Press published the book version of our study, Canadian journalists and scholars gave very little attention to the subject. Like

FRANK CHALK

Clinton, Christopher and Albright, Chretien and almost all other senior members of his Liberal government refuse to confront the issue in public. Our interviews and studies of key documents reveal that Canadian officials knew at least as much about the unfolding genocide as their American colleagues and that one senior Canadian mandarin worked hard to mobilize reinforcements to help Gen. Dallaire halt the genocide.

III. WHAT REALLY HAPPENED IN THE WHITE HOUSE AND THE PRIME MINISTER'S OFFICE

Clinton's refusal to act resulted from the convergence of three forces: 1) the combination of American disillusionment with its failures in Vietnam and Somalia summarized as the "Vietnam syndrome;" 2) the eruption of vicious partisan warfare spearheaded by Newt Gingrich in the United States Congress; and 3) the judgment that the United States that no national interest was at stake in Rwanda. So what was really happening?

First, Clinton panicked as soon as Mohammed Aided's rag tag force killed a dozen Army rangers in Mogadishu. General Colin Powell's refusal to provide the US expeditionary force with armored vehicles or AC-130 gunships qualified his reluctant



agreement to deploy US forces to Somalia in the first place. The lesson Powell learned from Vietnam was that you could not trust the politicians to back the military when its operations overseas led to American casualties. Reiterating the Powell doctrine in 1994, Powell declared, the US military was not designed to pursue humanitarian intervention, peacekeeping or "nation-building".

Second, and overlapping with this first factor, Congressional Republicans exhilarated by Newt Gingrich and his emerging Contract with America program attacked Clinton viciously the moment the Rangers died, accusing him of being anti-military, and falsely charging that he had placed US troops "in foreign uniforms and under foreign command, ceding U.S. sovereignty to some odd collection of third-world socialists in New York." Gingrich and his colleagues blamed UN incompetence for the Rangers deaths. Rapidly forgotten by the Republicans was the fact that George Herbert Walker Bush, a Republican president, ordered the US military into Somalia and that Aideed sought to monopolize the sale of international food shipments intended to feed starving Somalis. Clinton announced he would withdraw American troops from Somalia within six months and ordered the Americans confined to their base until the six months expired. As a result, there were no further American combat fatalities and

American military might was neutered in Somalia.

Confronting a genocide emerging in the midst of a civil war with the memory of Somalia deeply engraved in his mind, Clinton not only refused to intervene—he tasked Richard Clarke, a presidential national security adviser and chair of the inter-agency Peacekeeping Core Group, to block any proposal for American intervention in Rwanda that might emerge from lower level US officials, as well as at the UN. Clarke implemented Presidential Decision Directive 25 believing that the Rwanda crisis was a test case in which the US could "say 'no' to peacekeeping in areas that were not of strategic interest."

Third, Clinton accepted the judgment of his advisors that no United States material, strategic, or security interest was at stake in Rwanda, negating the need for American intervention. Only a strong argument for intervention based on protecting America's national interest could have overcome the force of the first two factors in Clinton's mind. Arguments from NGO leaders and refugees based on morality, ethics and humanitarian concern counted for little in his political and national interest calculations. Even before Somalia, Howard Adelman told us, Africa was not a high priority for the Clinton Administration and it did not want to spend money there.

A parallel but slightly different set of calculations prevented Ottawa from

reinforcing Dallaire's small international detachment. First, the word from Washington reached Ottawa early that the United States would not touch the Rwanda operation with a barge pole. Second, the scandal of Canadian paratroopers torturing and killing a Somali thief had already triggered the dissolution of the Canadian Parachute Regiment and Chretien's government wanted no risk of repeating that situation in Rwanda. And third, receiving a confidential report recommending that Ottawa strongly reinforce Dallaire from a respected former Deputy Minister of Defence who had just returned from a visit to Rwanda, the Department of Defence deemed strengthening Dallaire's force as "not in Canada's national interest." Canadian soldiers were already deployed in Haiti and Bosnia, furnishing the Government with the added excuse that the Forces were overstretched.

IV. WHAT HAVE WE LEARNED FOR THE FUTURE?

1. American and Canadian politicians are risk averse to foreign interventions unless they see a definite security, strategic, economic, or political reason to act.
2. Activists and scholars assume a much higher degree of altruism than really exists among Americans and Canadians. Polled about what
3. Africanists need to educate the public about the threats that mass atrocities in Africa pose to the national interest and security of people in Canada and the United States. The threats are real, but many scholars and the public are unaware of them. In a decade when one billion human beings purchase airline tickets annually, the long predicted "global village" is upon us—it has arrived.
4. Mass atrocities in Africa produce the massive displacement of large numbers of people which encourages the spread of infectious diseases worldwide. Mass atrocities in Africa increase the probability of new terrorist incidents in our countries. They multiply the number of failed and failing states which in turn creates more sanctuaries for pirates and terrorists. And mass atrocities in Africa are force multipliers for war lords fighting to extend their control of rare earth minerals and other strategic raw materials.
5. We can not prevent every mass atrocity in Africa, nor would it be prudent to try. But positioned



between doing nothing and doing everything lies a vast terrain littered with preventable mass atrocities. We neglect them literally at our peril... our OWN peril. We must not make achieving the perfect the enemy of achieving the good.

6. The governments of Canada and the United States must take specific measures to implement the lessons crystallized in the Will to Intervene study of Canadian and American policy, as well as the report of the Prevent Genocide Commission chaired by Madeline Albright and William Cohen. It is vital that we incorporate the preventing of mass atrocities in our government's definition of the national interest.

7. Specifically, we learned that both governments need to do the following:

- a. Make preventing mass atrocities a national priority
- b. Create a cabinet level super secretary in charge of preventing mass atrocities and breaking log jams in government obstructing prevention
- c. Mandate standing committees in Parliament and the US Congress tasked with monitoring what the government is doing to prevent mass atrocities

d. Create interdepartmental coordinating offices for the prevention of mass atrocities furnished with standard operating procedures for disseminating intelligence on emerging mass atrocity situations throughout the whole of government

e. Appoint civil servants with skills and experience in crucial areas of mass atrocity prevention as members of a Civilian Prevention Corps for deployment to sites of preventable conflict in fragile countries

f. Increase their diplomatic and development presence in failed and failing states

g. Continue to enhance the capability of their military forces to prevent mass atrocities by increasing their force strength and developing operational concepts, doctrine, force structure, and training to support civilian protection

8. We have also learned lessons applicable to civil society organizations such as NGOs and research institutes. We need to do the following:

- a. Organize civic dialogues with invited politicians, business leaders, academics, and NGO activists to spell out the threats to our countries from neglect of mass atrocities in Africa

b. Persuade media owners, editors and journalists to recognize their "responsibility to report" accurately the complexity of mass atrocities in Africa and the threat they pose the welfare of their news consumers

c. Propose motions and resolutions in city councils and state or provincial legislatures calling on our federal governments to implement the recommendations of the Will to Intervene team and the Cohen/Albright Commission





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FORGETTING AND REMEMBERING THE ARMENIAN GENOCIDE IN SCANDINAVIA IN THE 1920S

"Article I. No massacre of Armenians shall take place without the Council of the League being notified *one month* in advance.

Article II. If the massacre should include women and children, the notification of to the Council of the League shall be given *two months* in advance.

Article III. Any massacre of Armenians which takes place without these formalities being observed shall be considered as null and void (*nul et non avenue*)."¹

INTRODUCTION

Since the drafting of the 1948 United Nations Genocide Convention, preventing and punishing the criminal act of genocide has time and again been declared a priority of the first order by international organizations, nations, and scholars alike; to name but one recent example, the 2006 US National Security Strategy states that "genocide must not be tolerated. It is a moral imperative that states take action to prevent and punish genocide..."² It lies beyond the scope of this study to evaluate whether or to what extent declarations such as this reflect hypocrisy or honest intentions, wishful thinking or realistic

assessments, or some murky mixture of these. Rather, the chapter deals with one specific aspect that might be, in theory at least, a *sine qua non* for the prevention of mass atrocities such as genocide: The general, public, even official acknowledgment of the crime.

Acknowledgement of past crimes appears to be a simple aspect of prevention, perhaps deceptively so. It may, for instance, be difficult to acquire empirical documentation beyond mere anecdotes to detect any direct link or even meaningful correlation between, on the one hand, outright genocide denial or the marginalization, rationalization,

MATTHIAS BJØRNLUND

or trivialization of the event, and, on the other hand, the planning and perpetration of future mass violence (barring examples such as Adolf Hitler's well known remark in 1939 before the German invasion of Poland: "Who, after all, speaks today of the annihilation of the Armenians?").³ But it does seem to be at least counter-intuitive to disregard a hypothesis that entails the possibility of such a correlation – a correlation which can be put into an equally simple formula: In order for anyone to have any chance of learning from past atrocities there must at least be a recognition that such atrocities actually happened. Statements such as this by Turkish President Abdullah Gül to the *Parliamentary Assembly of the Council of Europe* (PACE), 24 January 2011, "History does repeat itself if we do not draw lessons from our past mistakes"⁴ (Gül is referring here to the Holocaust and what he sees as increasing intolerance and discrimination in Europe), lose all credibility when uttered by the leader of a nation with an official policy to deny its own genocidal past for almost a century now.

Or to put it differently: the issue at stake is not contested history as such. Academic disagreement is natural, even vital. The issue is rather when a situation arises where the very act of genocide is widely denied or excused, and memories as well as scholarly analyses of the event are suppressed or marginalized to the extent that it has

become difficult or impossible for 'ordinary people' and decision makers alike to learn any operative, let alone ethical, lessons from the event. This creates a situation where early indicators of impending mass violence may be overlooked, prospective perpetrators may feel emboldened by the lack of legal or moral accountability, and, to the extent that the horrors of past genocides are remembered at all, these horrors may be explained away or even celebrated, thus perpetuating dehumanizing images of past victim groups and a general culture of violence that may help pave the way for new atrocities.

What, then, has this to do with Denmark, Sweden, and Norway and the Armenian genocide? The argument presented here is not that, say, denial or remembrance of the Armenian genocide in Scandinavia has had any effects on the planning or perpetration of subsequent genocides. Rather, I simply attempt to introduce and analyze what I believe is an instructive case of how willful or 'incidental' acts of forgetting and remembering genocide on government and grassroots level played out on domestic and international arenas: What was once widely acknowledged as an important topic (the 'Armenian Question') and an important event (the Armenian genocide) largely disappeared from the political agenda and the general public view (but not from the agenda of a handful of dedicated organizations and quite a few individuals)



in Scandinavia from the 1920s. Also, I will tentatively and briefly look at any possible present-day effects of these acts of forgetting and remembrance in Scandinavia vis-à-vis discussions of recognition of the Armenian genocide in particular and genocide prevention in general.

PRELUDE: FROM THE ARMENIAN GENOCIDE TO THE PARIS PEACE CONFERENCE

By 1920, the Armenian Question – in short: the question evolving during the 19th and early 20th Century of what, if anything, should or could be done to safeguard the Ottoman Armenians⁵ – had by and large become an explicit non-issue for the Scandinavian governments, the same year that the short-lived Armenian Republic ceased to exist and the Turkish national movement led by Mustafa Kemal (Atatürk) was on the rise. Despite detailed knowledge in Scandinavia of the fate of the Ottoman Armenians before and during the Armenian genocide, the Armenian Question had in fact never really been an issue at state level.⁶ But the difference was that before and during World War I it had been, at best, an implicit issue that could easily be avoided. It had been effortless for the Scandinavian governments to avoid potential entanglement or embarrassment in this or just about any other 'sensitive' international political question beyond

their immediate geographical sphere; nothing much had been expected from them from the outside world or the electorate at home.

But from the end of WWI in 1918, Denmark, Norway, and Sweden – neutral, peripheral small states during the war and thus deemed harmless, reliable, trustworthy, 'untainted' – were frequently approached or pressured by domestic and international NGOs, national delegations, Great Powers, and the League of Nations to intervene in the Armenian Question and other issues demanding a humanitarian response. Basically, such pressure resulted in a continuation of the coordinated Scandinavian policies on 'sensitive' foreign policy matters that had been in place since the beginning of WWI.⁷ These policies, prepared in the foreign ministries, were largely aimed at supporting each other in staying neutral and keeping out of trouble. And, while the Scandinavian nations were, in theory, committed to promoting, e.g., Wilsonian principles of national self-determination, this continued to be the case regarding the Armenian Question after the war.

A consequence of this approach was that even symbolic gestures on behalf of the Armenians could be seen by the authorities as a political problem or suspicious behavior. In the summer of 1918, before the end of WWI, Danish-Swedish Baroness Sigrid Kurck of KMA (*Kvindelige Missions Arbejdere; Women*

Missionary Workers), Danish writer Ingeborg Marie Sick of DA (*Danske Armeniervenner; Danish Friends of Armenians*), and writer and head of *Norges Husmorforbund (Norwegian Housewives' Union)* Marie Michelet initiated a petition signed by 42 prominent Scandinavian women and addressed to the German *Kaiser*, Wilhelm II. The objective was to urge him and Germany to protect the remaining Armenians in Eastern Anatolia/Western Armenia and the Caucasus against Kemalist aggression.⁸ When the Danish Ministry of Justice learned about this initiative via the German embassy at Copenhagen, they sent a police officer to Sick to interrogate her; this ended in a minor scandal, with the ministry and the police having to apologize to Sick who protested strongly and eloquently against being treated as a criminal.⁹

A further example is provided by Danish Foreign Minister Erik Scavenius during his last months in office. He wrote the following in a 28 January 1920 telegram to Herman Anker Bernhoft, head of the Danish Paris legation and member of the Danish delegation at the Paris Peace Conference where the Treaty of Versailles was drafted:

At the request of Armenophiles here, it is under consideration in parliamentary circles if Parliament should, like the Swiss Assembly, induce the government to direct a resolution of sympathy to the Supreme Council [i.e., the representatives of the USA, France, Great Britain, and Italy at the Paris Peace Conference]

Stop To this I have, for now, secretly answered that such a step must be advised against for two reasons, partly because of the consequences, partly because the character of the question has changed since the collapse of Turkey, since it would now probably not be a resolution of sympathy on behalf of an oppressed race, but meddling in a political question present at the Peace Conference Stop In order for me to be able to give more detailed grounds for my position you are requested to report on how the Armenian Question is positioned at the conference and especially if it is the intention that Armenia shall become an independent state.¹⁰

Bernhoft replied that while declarations of sympathy such as the one approved by the Swiss Assembly on the initiative of Swiss Armenophile politician Dr. Otto de Dardel¹¹ did not "seem to be of great significance," they could, wrote the envoy, "hardly do any damage either."¹² That was a rare nuanced answer by a diplomat to what was basically a request by his superior, not for an analysis, but for verbal ammunition to shoot down in advance what was or could become 'an embarrassing' humanitarian gesture. In the end, no official Danish parliamentary resolution of sympathy was drafted. Nor do there seem to have been any reactions from the Scandinavian administrations to the Armenian petitions they received. One, from Egyptian-Armenian President of the Armenian National Delegation at Paris, Boghos Nubar Pasha, was dated 16 April 1918,



well before the 31 October Armistice of Moudros (Mondros) that marked the end of WWI for the Ottoman Empire. It was addressed to the Danish King Christian X, the nominal head of state, and inquired if Denmark would intervene or support intervention to protect Armenians from the Ottoman army in the areas of Anatolia that had recently been abandoned by the Russians.¹³ Another one, from 3 January 1920, was addressed to Norwegian Prime Minister Gunnar Knudsen and signed by Hamazasp Ohandjanian, Armenian Foreign Minister and representative of the Armenian Republic at the Paris Peace Conference, and Nubar Pasha. It refers to the abovementioned Swiss "resolution of sympathy," and inquires if Norway could be moved to issue a similar resolution.¹⁴

INTERLUDE: FROM VERSAILLES TO THE LEAGUE OF NATIONS

While the Scandinavian nations were neutral during the war, and thus originally consigned to be mere observers at the Paris Peace Conference, they would and could not remain completely so. Neutrality, at least in the strict sense, had become less of a viable foreign policy option for small states already during WWI.¹⁵ And the post-war realities were such that traditional neutrality in more or less splendid isolation was no longer viewed as realistic by most European nations, so it became a

matter of making the most of a situation where the future of neutrality and security for small states was predicated on active participation in the new international order.¹⁶ For marginal players such as Denmark and Norway, this included using the opportunity created by Allied goodwill and the momentary weakness of Germany and Russia to raise territorial claims that were in fact accommodated at Versailles: Norway gained sovereignty over Svalbard (the Spitsbergen Archipelago) 1920 (effective from 1925), and Denmark regained part of Schleswig (Slesvig) from Germany through a plebiscite that same year. Sweden also had a territorial claim at Paris, to the contested Åland (Aaland) Islands, but it was mainly up to the Swedish majority population of the islands to work for this end. They sent representatives to Paris, but failed to get support for national self-determination under Swedish sovereignty. The islands became a demilitarized, autonomous zone under Finnish sovereignty through League of Nations mediation in 1921.¹⁷ Armenia, a less marginal subject on the Paris agenda, met goodwill too, but achieved little in the end.¹⁸

At Versailles, Scandinavian representatives were also invited to consultations with a sub-committee established by the Powers to discuss the Covenant of the League of Nations shortly before the final draft was approved in April 1919. 20-21 March, the

Scandinavian delegations met with the sub-committee headed by Britain's Lord Robert Cecil at Hotel Crillon in Paris. The last-minute invitations for the consultations came as a surprise for the Scandinavian governments and their representatives in Paris, and they did not achieve much during the meetings with the representatives of the Powers. But they were in fact well prepared to give suggestions and raise objections. Indeed, ever since the initial shock of the outbreak of war had abated it had been clear to many in Europe and the US that some sort of binding arrangement to avoid future collapses of the international order had to be put in place after the war.¹⁹ In Scandinavia, coordinated preparatory work for such an occasion was initiated at minister level at a meeting in Kristiania (Oslo), Norway, November 1917,²⁰ before US President Woodrow Wilson had presented his famous Fourteen Points in a speech to the US Congress in January 1918. The speech defined US war aims which included the establishment of a league of nations and "an absolutely unmolested opportunity for autonomous development" for the nationalities ruled by the Ottoman Empire.²¹

At the Kristiania meeting, questions of how the Scandinavian countries should relate to vital post-war issues of mutual concern such as disarmament, neutrality, national sovereignty and integrity vs. international arbitration, a peace conference, and an international legal

system were discussed (but not necessarily agreed upon), and then delegated to national expert committees for further scrutiny. Such Scandinavian cooperation existed on various levels, cultural, economic, political, an example being the series of ministerial and inter-parliamentary meetings during and after the war, for instance in Kristiania June 1917, where a memorandum was drafted that requested the Scandinavian governments to examine the possibilities for a post-war international legal system,²² and in 1920, also in the Norwegian capital, where coordinated preparations were made for the first League of Nations session in Geneva, Switzerland, 15 November-18 December 1920.²³ One of the points that the Scandinavian state and foreign ministry delegations agreed upon in Kristiania in February that year was to await 'further developments' before recognizing new states like the Armenian Republic.²⁴ The Powers would have to take the first step in all such matters.

It was not that the Scandinavian governments always followed the Powers blindly. From the beginning at Versailles, early 1919, the small, neutral nations were concerned about how the League Covenant was being shaped exclusively by the Powers. It was not least a matter of not being sidetracked, of avoiding that the League became merely a playground for the Powers.²⁵ Thus, the Scandinavian representatives met regularly at Paris before and



during the consultations with the Allied Powers, and they also held meetings with their Dutch and Swiss colleagues to coordinate policies, give mutual support to each other's proposals, and to speak, as much as possible, 'with one voice' to secure some amount of influence of the neutral European nations vis-à-vis the Powers at the League.²⁶ It was difficult, because not only were at least some among the Powers unwilling to face a united neutral block or actually make concessions of any importance to small states.²⁷ There were also fundamental disagreements between the Scandinavian nations,²⁸ and, more generally, between the neutral nations about what demands to raise and how to negotiate with the Powers en bloc. It was partly a matter of hierarchy and status. As Liberal Danish MP Niels Neergaard, part of the Danish delegation at Paris, stated at a closed meeting in the Danish Parliament 3 April 1919, at the time of the conclusion of the consultations and the approval of the League Covenant:

Spain informed us that it was almost by mistake that they were present among us lesser Gods who had gathered there, because they were practically already a Great Power. Greece felt very much that they were marching toward Great Power status; that was also the case with Romania, and no less the case with Greater Serbia, not to mention the new Kingdom of Poland which will probably not be easy to deal with. None of these states have any feelings of solidarity with us....²⁹

In Scandinavia, few in positions of power harbored any such illusions. So it is hardly surprising that these were the main political priorities that the Scandinavian governments, despite disagreement on various issues, could easily agree upon 1919/1920: Not the Armenians or any other persecuted people, but national security and integrity; Scandinavian cooperation, even solidarity (when the price was not too high);³⁰ and, when possible, influence on, and political and territorial gains through, the emerging international system: the Paris Peace Conference and the League of Nations.

SCANDINAVIA AND THE ARMENIAN QUESTION AT THE LEAGUE OF NATIONS

19 January 1920, the Supreme Council at the Paris Peace Conference, i.e., the representatives of the USA, France, Great Britain, and Italy, decided to de facto recognize the government of the Armenian Republic, and they furthermore suggested to the newly-established League of Nations that the organization should take on responsibility to protect Armenia's independence by becoming a mandate state – a system that was "intended to bridge over the conflict between the secret agreements made by the Allies for the partition of Turkey in Asia and the Wilsonian principles of the independence of the small nations," as it has been aptly put.³¹ The

League Council replied that it lacked the necessary organizational, financial, and military means to take on such a task, and that it was against the basic principles of the organization anyway to act as a mandate power. This basically amounted to one of a series of 'pass the buck' games played first and foremost by the Great Powers and the League of Nations 1919-1920, games that increasingly aimed at avoiding any serious commitment concerning the Armenian Question beyond mere statements.³² As Stephen Bonsal, member of the US delegation at the Paris Peace Conference had noted already in March 1919: "At times, Lord [James] Bryce fears that the whole idea of a free and independent Armenia, to which we are all pledged, will be dropped. I hate the whole wretched business, and from now on I shall decline to urge the Armenians to cherish hopes which I fear will never be realized."³³

But the game did not stop then and there, as hopes were still raised, publicly and repeatedly, by the League and the Powers. The August 1920 *Treaty of Sèvres* signed by the representatives of the European Powers as well as the governments at Yerevan and Constantinople (Istanbul) did in fact accord Armenia a sizeable portion of Eastern Anatolia (also known as the Armenian Provinces or *Vilayets*), thus formalizing the numerous public promises of an independent national home made to Armenia and Armenians by

the Allied Powers.³⁴ The borders were to be delimited by US President Woodrow Wilson, a task he finished 22 November that year. But as the League and the Powers had known from the beginning: actually guaranteeing the borders and safeguarding the population was another matter entirely. Keeping their promises by implementing the Treaty meant keeping the Bolsheviks and the Kemalists at bay, at least until the remnants of the Armenian nation could recuperate and consolidate in a new, enlarged Armenian Republic. That would be logistically difficult if not impossible, certainly expensive, and most likely cost the lives of Europeans and Americans should troops be sent to the area. The matter was further complicated by the fact that in Armenia, 1920, Armenians were usually only a relative majority vis-à-vis other groups. This was due, not least, to "the Turks' terrible depopulation of Armenia," as Bernhoft, the Danish envoy at Paris, put it.³⁵ The plight of the Armenians still aroused widespread sympathy in the West, but, on the other hand, there was little sympathy for any more 'military adventures' among the war-weary populations, not to mention most politicians, diplomats, and military men.

So, while there early on was widespread agreement that the Armenian provisions of the *Treaty of Sèvres* were based on illusions,³⁶ the Powers and the League were generally not yet willing or able to abandon the matter completely,



at least not publicly. From before the signing of the Treaty, the League had argued that the best way to safeguard Armenia and the Armenian survivors that were to take refuge in the new state – “to redeem the solemn pledge given to this unfortunate nation in the name of humanity,” as it was put by a League Council statement from May 1920³⁷ – would be if a Great Power could act as a mandate power under their control and with their support. That power, it was reiterated, should be the USA, the “honest broker” in Armenian and other delicate matters, as the country had become known already at Paris, where it first accepted a mandate for Armenia and Constantinople.³⁸ But President Wilson had at that point already decided to at least postpone any decision concerning US responsibility for Armenia. Persuading the US Congress to ratify the Treaty of Versailles and secure the nation’s entry into the League was considered of primary importance by the president. As it happened, postponement equaled abandonment, as all of Wilson’s initiatives soon fell victim to American isolationism.³⁹

There were incidents during the spring and summer of 1920 involving two of the Scandinavian nations that seem to testify to the already desperate nature of the whole ordeal, and to herald later attempts by the Powers and the League to avoid previous commitments by trying to get neutral nations to assume responsibility for the Armenian Question.

12 April 1920, M. J. Gout of the French League of Nations delegation told a Swedish diplomat that “it would be extremely desirable if one or several states [could be found], who might be inclined to accept this significantly important and humanitarian task.” That task was of course the Armenian mandate, which was now offered by the League to Sweden and other ‘civilized states.’ It was also reported in a Swedish newspaper 15 April 1920 that a League Council meeting had expressed that it would “evoke much satisfaction if Holland, Sweden, or Norway would be able to accept the mandate responsibility, to which even Canada seems to be willing.” Sweden declined, citing lack of economic and military resources as the reason. The League of Nations then turned to Norway.⁴⁰

7 May 1920, the Norwegian envoy to Great Britain, Paul Benjamin Vogt, sent a strictly confidential report to Norwegian Foreign Minister Nils Claus Ihlen concerning a recent diplomatic gathering in London. According to Vogt, Sir Eric Crowe (Sir Eyre Alexander Barby Wichart Crowe), formerly a leading member of the British delegation at the Paris Peace Conference and now Permanent Under-Secretary at the Foreign Office, had first forcefully stated during the general dinner conversation that he did not envy the country which had to assume responsibility for Armenia. Later in the evening, Crowe had discreetly

approached Vogt, whispering to him that, “you know, intimations have been made to Norway, but we first have to see what America answers.”⁴¹

As is well known, and as the League and the Powers had obviously expected, the American answer was in fact an emphatic ‘no.’ Woodrow Wilson’s proposal for an Armenian mandate was submitted for a vote at the US Senate later that same month, 24 May 1920, only to be rejected soon after. France and Britain clearly did not want to assume responsibility for Armenia either, nor did Sweden or Norway.⁴² So, over the next seven months the League of Nations once again went further and further down the list of countries, beginning with, or returning to, the largest, most powerful: USA, Britain, France, and almost ending with Scandinavia.⁴³ The initial, comparatively discreet and unofficial or semi-official probes by a French diplomat and a British civil servant to learn if Sweden and Norway might be interested in the Armenian mandate, had quickly evolved into a series of desperate, last-minute pleas from the League of Nations. Meanwhile Armenia was dying, as a Belgian member of the League of Nations Assembly put it.⁴⁴

It was during the early stages of the first League Assembly session in November 1920, shortly before the Armenian Republic was absorbed into the Soviet Union, that the Scandinavian governments were approached by League

officials inquiring if one or all of them would be the, or among the ‘civilized states’ wishing to accept mandate power over Armenia under the supervision of the League of Nations.⁴⁵ At least one other small nation which was approached by the League that month was the Netherlands, which quickly rejected the idea of accepting an Armenian mandate.⁴⁶ Similarly, the Scandinavian answer was, after a few telegrams had gone back and forth between the Norwegian, Swedish, and Danish foreign ministries, basically a coordinated ‘thanks but no thanks.’⁴⁷ Coordination of policies was imperative for Scandinavia, in the foreign ministries as well as in the delegations at the League Assembly.⁴⁸ As it was put in Norwegian daily newspaper *Nordlands Avis*, 6 December 1920, when news of the League request had surfaced:⁴⁹

The government has answered the telegraphic request from the League of Nations Council regarding whether Norway alone or with other states will end the hostilities in Armenia. The Norwegian government states that Norway, due to its remote geographical position and to the Armenian Question’s inner [sic] and serious character, cannot assume this responsibility. The governments of Sweden and Denmark have sent similar replies.

At a 27 November 1920 Danish cabinet meeting, the matter of an Armenian mandate was presented by Foreign Minister Harald Scavenius (first cousin of former Foreign Minister Erik



Scavenius), who had recently taken office. It resulted in unanimous support for the minister's recommendation: that since Sweden and Norway 'were not likely to participate' in sending a joint military corps to Armenia to end, as it was put, the miserable conditions there, the answer to the League of Nations should be 'no'.⁵⁰ This may seem to indicate that there would at least theoretically have been circumstances under which one or more of the Scandinavian governments would have accepted such a mandate, but that is unlikely. Rather, the sources indicate that the Scandinavian governments (more specifically the rather autonomously functioning foreign ministries) basically coordinated the use of each other as alibis to deflect actual or potential domestic or international criticism or pressure while staying firmly on the path of neutrality and non-interventionism.

Armenia was indeed a responsibility none of the Scandinavian nations were willing or felt able to assume, although not all citizens concurred. In fact, during the early 1920s an uneven battle between *realpolitik* and idealism/humanitarianism vis-à-vis the Armenian Question was briefly fought out in public in Scandinavia. Briefly, and with an outcome that was quickly becoming clear. The idealism was usually represented by NGOs and intellectuals, but there was at least one leading Scandinavian statesman voicing a

strong opinion concerning the question of an Armenian mandate: Hjalmar Branting of Sweden, "the natural centre for the Nordic delegations at the League," as Danish delegate at the Paris Peace Conference and Minister of Defense Peter Munch put it.⁵¹ Branting had advocated a negotiated peace between the warring parties during WWI, and he had condemned the Armenian genocide, calling it 'folk-mord' ('the murder of a people,' 'genocide') at a public meeting in Stockholm in 1917.⁵² After the war he became Swedish Social Democratic Prime Minister three times from 1920-1925, Chairman of the League of Nations Assembly's Committee on Disarmament 1920-1921, and Nobel Peace Prize Laureate in 1921.

Branting had just resigned as Prime Minister when he addressed the League's Plenary Meeting on 22 November 1920. At the same marathon session where Norwegian delegate Fridtjof Nansen (see below) "stressed the humanitarian aspect of sparing the Armenian people from destruction," Branting warned that "a repetition of the systematic massacre of Armenians would be a strong reproach to humanity. The Great Powers had the men and the money to intervene and should be pressured to see 'that these crimes should not be repeated, that there should be an end to this extermination.' It was time 'to pass from words to acts.'"⁵³ But to the Swede and to most other Scandinavians it was clearly to

be the action of the Powers, not of small states like Sweden. Perhaps it was statements like those of Nansen and Branting that led Italian diplomat and writer Daniele Varè, known for the apt quote "Diplomacy is the art of letting someone have your way," to write in his diaries during the period of the November-December 1920 League Assembly session that,

As usual, everyone sheds tears over the sad fate of Armenia, but the only ones who declare themselves willing to rally round to her help are the representatives of the small states who have no armies or navies to offer. They show themselves most generous at other people's expense and tell us that we will be eternally disgraced if Armenia is not saved from the Russians and the Turks. How easy it is to spout moral platitudes when you assume no responsibility.⁵⁴

Whether this is an entirely accurate characterization is debatable. What is certain is that there was at the time a wide gap between the public statements by some of the Scandinavian delegates at the League of Nations concerning the Armenian Question, and the actual policies promoted by their foreign ministries. The delegates frequently advocated action on behalf of the Armenians (albeit apparently not action that demanded direct Scandinavian participation), while ministers and civil servants appear

simply to have tried to avoid or bury the question altogether.

The November-December 1920 League session basically marked the end of the Armenian Question as an international issue, though, e.g., France retained the mandate of Armenian Cilicia until 1921. Britain, the only Western Power possessing what according to some observers might have been a sufficient number of troops in the Caucasus region to safeguard Armenia from the Kemalist forces as a mandatory Power, had declined to do so already in 1919.⁵⁵ When the British government was approached in early December 1920 by Paul Hymans, the Belgian President of the Council of the League of Nations who made one last call, no longer for a mandate power, but simply for someone to take on "the humanitarian mission of stopping the hostilities between Armenia and the Kemalists," the response was once again negative.⁵⁶ Alongside US President Wilson who was acting in a somewhat semi-official fashion since the US was not a member of the League, Brazil and Spain, two of the nine countries that were members of the League Council,⁵⁷ did in fact accept to at least and at last mediate between Armenia and the Kemalists.⁵⁸ Not surprisingly, the offer was welcomed by Britain, France, and beyond, but any opportunity there might have been to actually safeguard Armenia and Armenians was long gone.⁵⁹ Mid-December 1920, there was



a last-gasp effort by the Romanian delegation that proposed the formation of an international expeditionary force to “establish order and peace in Armenia.” Many League delegates, frustrated by the lack of action, applauded the suggestion, but it was quickly shot down. That month Armenia ceased to exist as an independent entity as well as anything but a negligible political issue on the international stage.⁶⁰ The 1923 Treaty of Lausanne was merely the final nail in the coffin.⁶¹

DENIAL AS POLICY AND IDEOLOGY IN THE WAKE OF THE ARMENIAN GENOCIDE

While the Armenian Question was effectively being buried on the political and diplomatic levels, the inter-connected post-war rehabilitation of the nascent Turkish Republic began in Scandinavia and the rest of the West, often accompanied by denial or rationalization of the Armenian genocide. “The Turks’ reign of terror” in Armenia, to use the expression by a Norwegian Colonel in his 1924 history of WWI, was not suddenly and completely forgotten, far from it.⁶² Throughout the 1920s, the memory of the destruction of the Armenians was, e.g., kept alive in numerous Scandinavian publications. To name but one more example: Natanael Beskow, married to famous Swedish writer Elsa Beskow, was a Swedish pacifist theologian and author

who supported Karen Jeppe’s post-war work in Syria financially (see below). He wrote in 1921: “Of a population of 2-2.5 million [Armenians], c. 1 million have been brutally killed in a methodical war of extermination.”⁶³

But for quite a few influential Scandinavian diplomats, intellectuals, and businessmen, idealism or even historical accuracy was not on the agenda. For reasons of political expediency, economy, and/or sympathy with the Turkish population in general and the Kemalist dictatorship in particular (‘strong men’ – Kemal, Stalin, Mussolini, etc. – were en vogue at the time), active denial of the extent and nature of the fate of the Armenians became an issue, as it had been to some extent in intellectual and military circles in Scandinavia during the Armenian genocide. 1920, a new Swedish ambassador arrived in Constantinople: Gustaf Oskar Wallenberg, businessman, former Swedish Envoy to Japan and half-brother of Knut Wallenberg, Swedish Foreign Minister 1914-1917. Soon after his arrival, he began dispatching reports to the Swedish Foreign Ministry denying or downplaying previous and ongoing massacres of Armenians (thus also ignoring the many detailed reports on the Armenian genocide from the Swedish Constantinople embassy written during WWI), at times with an added Armenophobe touch that suggested the Armenians deserved no better anyway.⁶⁴ Interestingly, such post-war denial or rationalization was in some ways

foreseen in this excerpt from an article in popular Danish weekly *Illustreret Tidende*, 22 September 1918:

Even now, when the war enters its final phase where America’s population that once sprang from Europe’s surplus returns and saves the mother continent from the reign of tyranny; even now, who knows what life will be like between the nations. When peace comes, the day of reckoning arrives. Then the 1914 horrors and misdeeds in Belgium will be re-evaluated, because it is then the locks are removed from the mouths, and either the impudent and bloodthirsty *franc tireurs* will get their deserved punishment and their murderers will get compensation, or the other way around. [...] It is then it will be decided whether it is the Turks who are the poor, persecuted martyrs, and the Armenians who are the vicious killers, or the other way around. If only there are enough Armenians left for an examination.⁶⁵

Indeed, not simply ignoring but downplaying or denying the atrocities of WWI and beyond was quickly seen by many in the West as necessary for the consolidation of the new Turkish regime, whether out of opportunism (to secure goodwill and concessions) or conviction. Among Scandinavian intellectuals, engineers, and businessmen coming to the new Turkey in the 1920s such tendencies can easily be detected, especially among those who had ideological or economic interests in Turkey and/or its main ally during the war, Germany. Fredrik Böök, Swedish conservative Pro-German (later pro-Nazi) Turkophile literary critic, is a typical

example.⁶⁶ In his 1922 travelogue about a journey through Central Europe to Constantinople, Böök laments “Germany’s political castration,” courtesy of the Versailles Treaty, and lauds Mustafa Kemal (Atatürk), ‘the stout and steadfast liberator who incarnates the national pathos of all of Turkey.’ The Kemalists were, together with the Young Turks and the ‘Enverists,’ three wave crests on the same big wave, “what they have in common is the struggle to secure the rebirth of Turkey.”⁶⁷

Regarding the ‘Armenian claims,’ Böök had received information from Kemal’s Angora government that they were lies originating from a certain Mr. Jawel, most likely made up or exaggerated to smear first the Ottoman Empire and now Turkey. In any event, according to Böök, Kemal himself had stated in an 18 June 1922 public speech that if any law had been bent or broken concerning the Armenians during WWI, it was to meet the demands of military necessity. The actual guilty parties were “in Athens, or perhaps in a certain even larger capital.”⁶⁸ To Böök, tough times demanded tough measures, and “there are other, nobler peoples than the Armenians who writhe in nameless agony, who are starved and oppressed. Charity begins at home.”⁶⁹ To wit, the awkward revisionist formula ‘the Armenian genocide never happened, and besides they deserved it’ has roots going back a long way, including to Scandinavia in the



1920s.⁷⁰ Scandinavian pro-Kemalists did in fact not necessarily deny the Armenian genocide. Simply justifying the destruction was sometimes enough. An interesting example is provided by Danish engineer Olaf A. Rygaard in his 1935 memoirs covering the period during the late 1920s where he worked for a Danish-Swedish joint venture to build the Anatolian railway, a task given by Turkey to companies from these nations explicitly because of their neutral status during WWI, and because they were small states with technical know-how and no imperialistic designs in the region. According to Rygaard, the reasons given by the Turkish authorities for building the railway were not only economic:

[The] need for a railway line in the Southeastern border regions had turned out to be very tangible during the great Kurdish uprising in 1925 where the Turkish troops suffered terrible losses that for the most part were due to bad connections and difficult communications. Even though the Turks finally managed to quell the uprising it was clear to the government that to effectively secure the Southern border with Syria and to keep the Kurds under control, a railway line that was connected to the Baghdad railway and which led to the heart of Kurdistan had to be established. Naturally, such a railway would also mean a great deal regarding the utilization of the fertile stretches of the Euphrates valley and the rich ore deposits at *Arghana Maden*, but there is no doubt that it was first and foremost designed to serve strategic purposes.⁷¹

Thus, the Scandinavian company helped build the infrastructure needed to effectively suppress the Kurds in Eastern Anatolia in the wake of the bloody suppression of the 1925 insurrection.⁷² It is equally instructive to look at how Rygaard justifies the Kemalist dictatorship and the supremacy of the Turks in social Darwinist, indeed racist terms typical of the period:

They [i.e., the Western Powers] tried to subdue a master race ['Herskerfolk'; literally 'ruling people'; 'Herrenvolk'] by tearing asunder the Asia Minor heart of their old empire and establishing dubious states for inferior peoples among their former subjects. The cunning Armenians and the predatory Kurdish people were to be rewarded for the stabs-in-the-back by being elevated to the status of independent nations. [...] But a wild hatred of all aliens was created in the deadly wounded Turkish people; they rallied defiantly around their leader, gathered behind their best cover: the wild mountains and the barren deserts for one last superhuman effort, crushed the ambush by Armenians and Kurds, drove the ravaging Greeks out of the country, and forced the Great Powers to a humiliating diplomatic retreat. Lloyd George's foolish, almost crusader-like Oriental policy had finally, but much too late, suffered a decisive defeat that was now irreparably damaging the European prestige in other parts of the world. *Kemal Pasha*, the heroic figure unrivalled in all of history, who never gave up but acted instead, created a new Turkey for his people who, through their unyielding primordial force, had shown an astonished world that they had the right to an independent life and a dominant position among weaker races.⁷³

But to Rygaard, defending Turkey and revering Atatürk to such a degree was no reason to deny the obvious, that "Talaat ordered the extermination of the Armenians in 1915".⁷⁴

CONCLUDING REMARKS

"Yes, even today this remarkable, age-old, civilized nation is a ball in the game of Great Power politics."

Fra Armenien: Vor samtids martyrnation [From Armenia: The Martyr Nation of Our Time], Oslo: KMA 1927, p. 5.

It would not be entirely fair to end this narrative about Scandinavia, Scandinavians, and the acts of forgetting and remembering the Armenian genocide on disillusioned notes only. For sure, Armenia all but ceased to be a political issue during the 1920s, and the process leading to that point was riddled with hypocrisy, indifference, and broken promises. Some would argue that such is the nature of politics and diplomacy. In any event, the Scandinavian nations played their part in this process, a part that was arguably small and marginal, as were the nations relative to the Great Powers, but a part nonetheless. The reactions to being offered a part in 'solving' the Armenian Question are instructive, as are the attempts at outright genocide revisionism that followed. It tells us something about Scandinavian history, of course,

and about small-state behavior vis-à-vis Great Powers and international organizations. And some of the roots and reasons for the burial of the Armenian Question and the widespread denial of the Armenian genocide are unearthed as well. But it is not the whole story. To many Scandinavian individuals and organizations, building a future for the remnants of the Armenians was very much a priority during the 1920s and for decades to come, as it had been before and during the genocide. That is equally instructive history.

What, then, are the possible further present-day effects of these acts of forgetting and remembrance in Scandinavia? The memory of the Armenian genocide – including the memory of, for instance, the vast and detailed documentation of the genocide that was accumulated by Scandinavians, not least by eyewitnesses – has largely been forgotten or marginalized in Sweden, Denmark, and Norway, at least until recently. So any effects today of these events are quite naturally hard if not impossible to detect. But that is exactly one of the points of the truism from the introduction: in order for anyone to have any chance of learning from past mistakes there must at least be a recognition that such mistakes were actually made. Few if any lessons have been learned in Scandinavia from the Armenian genocide; it has rarely even been attempted to do so, a clear exception being the



recent official Swedish recognition of the Armenian genocide.⁷⁵

Whether or not knowledge and recognition of genocide in Scandinavia and elsewhere can or will lead to genocide prevention remain an open question. What does seem clear, however, is that the denial, justification, or simply forgetting of genocide – whichever genocide for whatever reason – not only dumbs us all down, to use a colloquial

term. Such thoroughly anti-intellectual pursuits also desensitize us to atrocities past, present, and future. Furthermore, they stand in the way of even the slightest theoretical chance that historical memory and historical knowledge of genocide can ever be used to recognize and, in the best of all worlds, stop the planning, development, and perpetration of similar events. There has been plenty of that already.

1. The three articles of a 1920 mock resolution drafted by Chief of the Political Section of the League of Nations, French historian Paul Mantoux. It is a despairingly sarcastic document which German-born law professor Hans Wolfgang Baade calls “senseless and cruel,” but which also aptly reflects the widespread disillusion with the numerous ineffective League resolutions aimed at addressing the Armenian Question and saving the remnants of the Ottoman Armenian population. Quoted in Hans W. Baade, “Nullity and Avoidance in Public International Law: A Preliminary Survey and a Theoretical Orientation,” *Indiana Law Journal*, Vol. 39, 1963-1964, pp. 497-498. Italics in original text.

2. Quoted in Sarah Sewall, Dwight Raymond, Sally Chin, *MARO – Mass Atrocity Response Operations: A Military Planning Handbook*, 2010, p. 8.

3. See, e.g., Kevork B. Bardakjian, *Hitler and the Armenian Genocide*, Cambridge, MA: Zoryan Institute 1985.

4. *Today's Zaman*, 25 January 2011.

5. Definitions of the Armenian Question are numerous. Arman J. Kirakossian, *British Diplomacy and the Armenian Question, from the 1830s to 1914*, Gomidas Institute 2003, p. xi, briefly defines it as “the fate of Western Armenia.”

6. See, e.g., Matthias Bjørnlund, “Adana and Beyond: Revolution and massacre in the Ottoman Empire seen through Danish eyes, 1908/9,” *Haigazian Armenological Review*, Vol. 30, 2010, pp. 125-156; idem, “A Fate Worse Than Dying: Sexual Violence during the Armenian Genocide,” in Dagmar Herzog, ed., *Brutality and Desire: War and Sexuality in Europe's Twentieth Century*, Palgrave Macmillan 2009, pp. 16-58; idem, “Karen Jeppe, Aage Meyer Benedictsens, and the Ottoman Armenians: National Survival in Imperial and Colonial Settings,” *Haigazian Armenological Review*, Vol. 28, 2008, pp. 9-43; idem, “When the Cannons Talk, the Diplomats Must Be Silent: A Danish Diplomat during the Armenian Genocide,” *Genocide Studies and Prevention*, Vol. 1, No. 2, September 2006, pp. 197-224; Vahagn Avedian, *The Armenian Genocide 1915. From a Neutral Small State's Perspective: Sweden*, unpublished MA thesis, Uppsala University 2008, on www.armenica.org/materiel/; idem, “The Armenian Genocide of 1915 from a Neutral Small State's Perspective: Sweden,” *Genocide Studies and Prevention*, Vol. 5, No. 3, 2010, pp. 323-340; Maria Småberg, “Witnessing the Unspeakable – Alma Johansson and the Armenian Genocide of 1915,” in Karin Aggestam & Annika Björkdahl, eds., *War and Peace in*

Transition. Changing Roles of External Actors, Lund: Nordic Academic Press 2009; Inger Marie Okkenhaug, “Herren har givet mig et rigt virkefelt. Kall, religion og arbeid blant armenere i det osmanske riket,” *Historisk Tidsskrift*, Vol. 88, 2009. See also www.armenisoykirim.net/dansk.htm (Turkish, Danish, English). Archival sources and abbreviations used in this paper: Danish National Archives (Rigsarkivet): Archives of the Danish Foreign Ministry (Udenrigsministeriets Arkiver; UM); Archives of Women Missionary Workers (Kvindelige Missions Arbejdere, KMA); Archives of the Danish Friends of Armenians (Danske Armeniervenner; DA); Gylling Local History Archives (Lokalhistorisk Arkiv for Gylling og Omegn), Karen Jeppe Archives (Karen Jeppe Arkivet, KJ); Norwegian National Archives (Arkivverket, Riksarkivet). Further documentation from the Swedish and Norwegian archives has been kindly provided by Vahagn Avedian, Inger Marie Okkenhaug, and Maria Småberg, while Jussi Flemming Bjørn, grandson of Bodil Bjørn, has provided documents from his personal archives. References to the 80 documents from the Danish Foreign Ministry Archives (UM documents) that appear in Danish and in English translation at the Danish section of www.armenocide.net (edited and translated by the present author) will be given in the form in which they appear at the site, e.g.: 1917-01-14-DK-001.

7. While neutrality (strict or ‘benevolent’) was observed by neutral European nations, Norway, Denmark, Switzerland, and the Netherlands did in fact engage in officially sanctioned humanitarian work, mainly by aiding or interning Entente and Central Powers POWs. Whether or to what extent this was altruism or a matter of getting ‘good press’ from one or more of the warring parties that “saw neutrals reaping the benefits from the war without contributing to the war effort or suffering any of its horrific consequences” is briefly discussed in Maartje M. Abbenhuis, *The Art of Staying Neutral: The Netherlands in the First World War, 1914-1918*, Amsterdam University Press 2006, p. 110.

8. Another promoter of the petition was Inga Nalbandian, Danish writer married to Armenian scholar Mardiros Nalbandian (who had died in Constantinople 1915), and leading member of the Danish Friends of Armenians: Katri Meyer Benedictsens, ed., *Åge Meyer Benedictsens, De Undertrykte Nationers Tolk. En Mindebog*, Vol. II, Copenhagen: Nyt Nordisk Forlag 1935, p. 137, letter from Åge Meyer Benedictsens to Inga Nalbandian, 4 April 1918.

9. UM, 2-0355, “Konstantinopel/Istanbul, Diplomatsk Repræsentation, 1822-1920. Korrespondencesager. Korrespondence om sunheds [sic] og humanitære Sager, 1897-1920.”

10. 1920-01-28-DK-001.

11. Karl Meyer, *Armenien und die Schweiz: Geschichte der schweizerischen Armenierhilfe: Dienst am einen christlichen Volk*, Bern: Blaukreuz-Verlag 1974, p. 128.

12. 1920-02-03-DK-001.

13. 1918-04-07-DK-001.

14. Arkivverket (Norwegian National Archives), Riksarkivet, Utenriksdepartementet, eske 5187, “Innberetninger fra generalkonsul Theodor Richard Reppen,” No. 00935, letter from Déléation de l'Arménie Intégrale, Paris, France, 3 January 1920, received 14 January at the Norwegian Foreign Ministry.

15. Nils Ørvik, *The Decline of Neutrality 1914-1941*. With special reference to the United States and the Northern neutrals, Oslo Johan Grundt Tanum Forlag 1953, passim.

16. See, e.g., Torbjörn L. Norman, “A Foreign Policy Other than the Old Neutrality’ – Aspects of Swedish Foreign Policy after the First World War,” in John Hiden & Aleksander Loit, eds., *The Baltic in International Relations Between the Two World Wars*, Baltic Studies Center, Stockholm University 1988, pp. 235-236.

17. Margaret MacMillan, *Paris 1919: Da den Store Krig sluttete* (orig. title: *Peacemakers*), Borgen 2004, p. 20; P. J. Capelotti, *The Svalbard Archipelago: American Military and Political Geographies of Spitsbergen and Other Norwegian Polar Territories, 1941-1950*, Jefferson, NC: McFarland & Co. 2000, p. 46. See also Wedel Jarlsberg, 1932, pp. 367ff; Frede Castberg, *Folkenes Forbund*, Oslo: J.



W. Cappelens Forlag 1925, pp. 14-15; Patrick Salmon, *Scandinavia and the Great Powers 1890-1940*, Cambridge University Press 1997, p. 219.

18. See, e.g., Taner Akcam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*, New York: Metropolitan Books 2006, pp. 225ff.

19. See, e.g., Henry Noel Brailsford, *A League of Nations*, London: Headley Bros. Publishers 1917. On the Ottoman Empire, the CUP, and Armenia "which the Turks have turned into a wasted and depopulated hell," see pp. 147ff (quote on p. 159).

20. Erik Scavenius, *Dansk Udenrigspolitik under den første Verdenskrig*, Copenhagen: Forlaget Fremad 1959, pp. 86-87.

21. Wilson quote taken from Simon Payaslian, "The United States Response to the Armenian Genocide," in Richard G. Hovannisian, ed., *Looking Backward, Moving Forward: Confronting the Armenian Genocide*, New Brunswick & London: Transaction Publishers 2003, pp. 67-68.

22. Knud Larsen, *Forsvar og Folkeforbund: En studie i Venstres og Det konservative Folkepartis forsvarspolitiske meningsdannelse 1918-1922*, Aarhus: Universitetsforlaget i Århus 1976, p. 190.

23. P. Munch, *Norden og Folkenes Forbund*, Copenhagen: Levin og Munksgaards Forlag 1935, pp. 5ff. See also, e.g., Victor Elberling, *Danmark under Verdenskrigen og i Efterkrigstiden*, Copenhagen: J. H. Schultz Forlag 1939, pp. 104-105, 114. On the continuation of close Scandinavian cooperation at the League, see, e.g., UM, 2-0255, "Konstantinopel/Istanbul, diplomatisk repræsentation," 1C1-16D7a, pk. 43, "1920-1922. Gruppeordnede sager," 5-B-5, "Genua-Konferencen," No. 36, report from Herluf Zahle to Harald Scavenius on the 3. League of Nations Session at Geneva, Switzerland, 1 October 1922.

24. UM, 2-0255, "Konstantinopel/Istanbul, diplomatisk repræsentation," 1C1-16D7a, pk. 43, "1920-1922. Gruppeordnede sager," 5-F-48, "Nordiske Ministermøder. I København. I Kristiania. I Stockholm," secret protocol from the meeting of the Nordic ministers of state and foreign affairs at Kristiania, Norway, 1-4 February 1920, p. 1.

25. Fortrolig Rigsdagsmøde 3. April 1919. Beretning om Forhandlingerne vedrørende Folkenes Forbund af Forsvarsminister P. Munch, Copenhagen 1920, pp. 4ff.

26. P. Munch, *Folkenes Forbund*, Copenhagen: Folkeuniversitetet 1921, p. 6; Rigsdagstidende, *Forhandlinger paa Folketinget. 72de ordentlige Samling 1919-20. Vol. II, Nos 168-420. Sp. 2667-6700*, Copenhagen: J. H. Schultz 1920, pp. 4096-4099.

27. See, e.g., P. Schou, *Folkenes Forbund*, 1921, pp. 37-38.

28. Larsen, 1976, pp. 183ff.

29. Quoted in Fortrolig Rigsdagsmøde 3. April 1919..., 1920, p. 25.

30. See, e.g., Morten Uhrskov Jensen, *Danmark og Folkeforbundet 1918/20-1933 - et studie af de danske beslutningstageres syn på Danmarks neutralitetsstatus som følge af landets medlemskab af Folkeforbundet*, unpublished MA thesis, University of Copenhagen 1999, p. 42.

31. Hans Kohn, *Western Civilization in the Near East*, New York: Columbia University Press 1936, p. 219.

32. See, e.g., Christopher M. Andrew & Alexander Sydney Kanya-Forstner, *The Climax of French Imperial Expansion, 1914-1924*, Stanford University Press 1981, pp. 194-197; Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians*, Oxford University Press 2005, pp. 156ff.

33. Stephen Bonsal, *Suitors and Suppliants: The Little Nations at Versailles*, Simon Publications 2001 (1946), p. 226.

34. Akaby Nassibian, *Britain and the Armenian Question 1915-1923*, London, Sydney, New York: Croom Helm/St. Martin's Press 1984, p. 178. The Treaty was not ratified by Turkey: See, e.g., Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus*, Providence: Berghahn Books 1997, 2. rev. ed., p. 359.

35. 1920-02-03-DK-001

36. Dadrian, 1997, p. 188; Harold Nicholson, *Peacemaking*, 1919, Houghton Mifflin Co. 1933, p. 336.

37. Arkivverket, Riksarkivet, Utenriksdepartementet, eske 5187, "Innberetninger fra generalkonsul Theodor Richard Reppen," "Protection of Armenia. Reply to the letter of the Supreme council, dated from San Remo, dealing with the Armenian question; approved by the Council of the League of Nations, meeting in Rome, on 15th May 1920."

38. John Milton Cooper, Jr., "William Linn Westermann at the Paris Peace Conference of 1919," in Michael Meckler, ed., *Classical Antiquity and the Politics of America: From George Washington to George W. Bush*, Waco, Tex: Baylor University Press 2006, p. 90; Lloyd E. Ambrosius, "Wilsonian diplomacy and Armenia: the limits of power and ideology," in Jay Winter, ed., *America and the Armenian Genocide of 1915*, Cambridge University Press 2003, p. 129.

39. Suzanne E. Moranian, "A Legacy of Paradox: U. S. Foreign Policy and the Armenian Genocide," in Richard G. Hovannisian, ed., *The Armenian Genocide: Cultural and Ethical Legacies*, New Brunswick, NJ: Transaction Books 2007, pp. 316-317; John Milton Cooper, Jr., "A friend in power? Woodrow Wilson and Armenia," in Winter, ed. 2003, p. 111; Joseph L. Grabill, *Protestant Diplomacy and the Near East: Missionary Influence on American Policy, 1810-1927*, Minneapolis: University of Minnesota Press 1971, especially chapter 9, "The Isolationist Revival," pp. 214-246.

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42. Ambrosius, in Winter, ed., 2003, p. 139; Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response*, New York: HarperCollins Publishers 2003, pp. 360-362.

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44. Richard G. Hovannisian, *The Republic of Armenia: Between Crescent and Sickle: Partition and Sovietization*, Vol. IV, Berkeley, Los Angeles, London: University of California Press 1996, p. 317.

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46. List of Documents Published in "Documenten Betreffende de Buitenlandse Politiek van Nederland 1919-1945"

(Documents relating to the foreign policy of the Netherlands 1919-1945), July 1, 1919-August 31, 1921, The Hague 1977, p. LV.

47. See, e.g., Avedian, 2008, pp. 66-67.

48. UM, 2-0264, "Ankara, diplomatisk repræsentation," "1919-1940. Gruppeordnede sager: Ankara," 3. J. 11 III, pk. 16, II. C. 1. A, "Delegationen i Genf (1925-1928)," report from Zahle to Scavenius, 17 November 1920.

49. See also Elberling, 1939, p. 182.

50. Tage Kaarsted, ed., *Ministtermødeprotokol 1920-1924*, Århus: Jysk Selskab for Historie 1977, p. 68.

51. Munch, 1935, p. 11.

52. Avedian, 2008, p. 48.

53. Hovannisian, 1996, Vol. IV, pp. 318-320.

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55. Richard G. Hovannisian, *The Republic of Armenia: The First Year, 1918-1919*, Vol. I, Berkeley, Los Angeles, London: University of California Press 1971, p. 300ff.

56. Nassibian, 1984, p. 215.

57. Hartvig Frisch, *Fra Brest-Litovsk til Rapallo. Europas Politiske Historie 1917-1922*, Vol. II, Copenhagen: Udvalget for Folkeoplysningens Fremme 1936, p. 98.



58. Hovannisian, 1996, Vol. IV, pp. 322ff.
59. See, e.g., New York Times, 2 December 1920.
60. Hovannisian, 1996, Vol. IV, pp. 336ff.
61. See, e.g., Moranian, in Hovannisian, ed., 2007, pp. 317ff.
62. Gudmund Schnitler, *Verdenskrigen 1914-1918*, Kristiania: H. Aschehoug & Co. 1924, p. 293. See also, e.g., Nordlands Avis, 31 July 1919 (on how German sources estimate that some 1.1 million Armenians were killed during WWI); H. Jenssen-Tusch, H. Ewald, Johs. Lindbæk, H. Strymer, eds., *Verdenskrigen i samtidige Skildringer*, Vol. V, sections 5-6, Copenhagen & Kristiania: Gyldendal 1922, pp. 75, 130, 247.
63. Natanael Beskow, *Ett Martyrfolk i det Tjugonde Århundradet*, Stockholm: Birkagårdens Förlag 1921, p. 2. See also Chr. Collin, *Ved en Ny Tids Frembrud: Av Tidens Tanker*, Kristiania: Gyldendal 1922, pp. 100-101: "Next to the most outrageous atrocities, like the massacres in Armenia, the war has revealed to us the most sublime spirit of self-sacrifice and heroism."
64. Avedian, 2008, pp. 61-64.
65. *Illustreret Tidende*, Vol. 59, No. 38, 22 September 1918, p. 534.
66. On how Böök was perceived as a propagandist for Germany by French envoy at Stockholm Eugène Thiebaut during WWI: Erik Palmstierna, *Orostid I. 1914-1916. Politiska dagboksanteckningar*, Stockholm: Tidens Förlag 1952, p. 180.
67. Fredrik Böök, *Resa till Konstantinopel genom Mellaneuropa våren 1922*, Stockholm: P. A. Nordstedt & Söners Förlag 1922, pp. 66, 277, 314 (direct quote).
68. *Ibid.*, p. 320.
69. *Ibid.*, p. 321. For more admiring Scandinavian accounts of Atatürk, see, e.g., Gustaf Munthe, *Orientaliskt: Reseskildringar från Turkiet, Syrien och Mesopotamien*, Stockholm: Bokförlaget Natur och Kultur 1928, pp. 32ff; Carl Gustaf Kolmodin, *Johannes Kolmodin i brev och skrifter*, Filologiskt arkiv 41, Stockholm: Kungl. Vitterhets Historie och Antikvitets Akademien 1999, pp. 69-70, 77; Rütger Essén, *Bakom Asiens Portar*, Stockholm: Albert Bonniers Förlag 1931, *passim*.
70. See, e.g., Roger W. Smith, "State Power and Genocidal Intent: On the Uses of Genocide in the Twentieth Century," in Levon Chorbajian & George Shirinian, eds., *Studies in Comparative Genocide*, London & New York: MacMillan Press & St. Martin's Press 1999, p. 10.
71. Olaf A. Rygaard, *Mellem Tyrker og Kurder. En Dansk Ingeniørs Oplevelser i Lilleasien*, Copenhagen: Gyldendal 1935, p. 39. Italics in original text.
72. See, e.g., Robert Olson, "The Kurdish Rebellions of Sheikh Said (1925), Mt. Ararat (1930), and Dersim (1937-8): Their Impact on the Development of the Turkish Air Force and on Kurdish and Turkish Nationalism," *Die Welt des Islams*, New Series, Vol. 40, No. 1, 2000, pp. 67-94; Ugur Ümit Üngör, "Seeing like a nation-state: Young Turk social engineering in Eastern Turkey, 1913-1950," *Journal of Genocide Research*, Vol. 10, No. 1, 2008, pp. 29ff.
73. Rygaard, 1935, p. 9. Italics in original text.
74. *Ibid.*, p. 172.
75. See, e.g., <http://www.folkmordet1915.se/>



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THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (UN 1948) AND THE GREEK GENOCIDE

1. INTRODUCTION

The beginning of the Greek presence in Thrace, Pontus, Asia Minor and Cappadocia (former Ottoman state), starts from the myth and continue to historical facts. The myth starts with Prometheus, the missions of Hercules, continues with Frixos and Elli, who carried the Golden Fleece to the area and became the reason for the trip of the Argonauts. The evidence for the wealth, prosperity and the Greek essence of those colonies is proved through the descriptions of many both Greek and other scientists and philosophers. Generally during the era of the Roman and Byzantine Empire, Thrace, Pontus, Asia Minor, Cappadocia, was signified as an important centre of Greeks. As a result of the conquest of Constantinople came slaughtering, plunder, flee towards Western Europe and the Balkan countries, as well as

forcible islamization. Among the peoples that were forced to change faith the phenomenon of crypto-Christianity was noticed, as well as the maintenance of the Greek language, a phenomenon that is also noticed in current times, too.

Since the beginning of the 18th century the Greeks are re-capturing their lost identity and are mobilizing once again their spirit and abilities. The Greeks of the area are regaining their lost faith to freedom and are longing for their ethnic liberation. The establishment of "Filiki Eteria" ("Secret Club"), that promoted the Greek Revolution, takes place in a powerful economical and political centre, Odessa, of Greeks from Ottoman Empire. In a very short time, the Greeks regained the commerce mobility of this region. Thus, the economic prosperity in the wider area had as a result the intellectual and artistic renaissance, as well as a demographic boom. As mentioned above, the Greeks since the fall of the



Byzantine empire (1453) encountered constant persecutions and efforts towards mass forcible islamization and turkization, having an outmost peak the extremely well organized, planned, scheduled in a systematic way and efficiently promoted Genocide in the very beginning of the 20th century.

The Ministries of External Affairs of Europe and the U.S.A. are still undeniable witnesses for the conviction of the crimes that were committed by the Ottoman state against the Greeks of Thrace, Pontus, Asia Minor, Cappadocia, crimes that resulted in the death of 1.000.000 Greeks, (in 1914 the total Greek population was more than 2.500.000) the violent expatriation more than 1.220.000 of Greeks, abandoning their fortunes and the civilization of their creative and evolutionary presence in those areas.

2. THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (UN 1948)

The notion "Crimes against Humanity" is recorded for the first time in Roves pier's speech at the "National Council of the French Revolution", during which Louis the XVI was implicated¹. In his account to the UN Secretariat, the author

George Washington Williams, referring to Leopold's II tyrannical regime in Congo – the number of aborigines in Congo decreased 25% between 1880 and 1920 used the notion "The King is responsible for crimes against humanity"².

The matter of massive crimes in the Ottoman State detained the International community. On 24th May 1915 the countries of "Entente" were holding members of the Ottoman government personally responsible for ordering the killing of the Armenian people, assuming at the same duty and the right to indict them to justice. Lord Curzon talking in the Council of Entente's Ministers (11/20/1918) suggested establishing an International Court which would penalize anyone responsible for the crimes committed during the war. Lloyd George claimed that "a war, as a fact, is a crime against humanity" and he demanded that the authorities of Germany and the Ottoman Empire would be judged for the crimes they committed during World War I³. For the same point spoke and the Russian Minister of Foreign Affairs Sazanov⁴.

The Ottoman government was engaged to deliver the accused and give any kind of information, the allied powers

would keep the right to indicate which courts would judge the cases and the government would assume responsibility to recognize these courts. The Ottoman government agrees that the arbitration committees will be appointed by the League of Nations council wherever it is necessary. These arbitration committees will listen to all claims covered in this article and then they are going to decide with summary procedures". During the talking to the Responsibility Committee the notion "transgression of the war and humanity laws and customs" is used⁵. Greece was represented by the Minister of Foreign Affairs N. Politis, who suggested using the notions "Crimes against the Laws of war" and "Crimes against the laws of humanity". These efforts, despite being supported by the representatives of the U.S.A and of Japan, ended in failure. The British authorities (1918-1919) proceed to legal actions, as we have mentioned before, in order for the war criminals to be tried, but the movement of Mustafa Kemal, the difficulty in finding evidence, the argument on which law would be applied, which authority would be in charge in addition to other allies misgivings led to the cease of process in November 1921. Damad Ferid Pasha's government which was elected in the same year in

Turkey formed a "research committee" under the command of Mazhar Pasha to lead those responsible for the massive crimes. Finally, death penalties were imposed on Ministers and other people who had fled, whereas two officers, who were not the ring-leaders, were executed. Kemalist movement stopped the procedure in January in 1921 and two years later the Lausanne treaty recognized the sell out of the authorities that were announced in 1915 and 1920 regarding the punishment of Crimes against humanity. Moreover, Higher Officials imprisoned in Malta, who should have been sentenced for crimes against humanity⁶, were granted amnesty according to the Lausanne treaty. As a result, although the International Community had signed the Sevres treaty and had recognized the crimes against Armenians, Assyrians and Greeks, there was impunity, since the Allies didn't guarantee its appliance. The failure was imputed to the increasing international political disorder after WWI, the rise of the USSR and the agreement with the Kemalists, the withdrawal of British military presence, the weakening of the Ottoman government and the rise of Kemalism, the policy of isolating the U.S.A. Although the American diplomats had condemned the genocide since 1915,

1. Robespierre M., Press universitaires de France 1952, p. 130.

2. Godwin Rapando Murunga, King Leopold's Ghost: A story of Greed, Terror and Heroism in Colonial Africa, History Department, Kenyatta University, Nairobi, 1999.

3. Aksam T. A shameful act. The Armenian Genocide. Athens: Papazisis, p. 348.

4. Trumpener U. Germany and the Ottoman Empire 1914-1918. Princeton NJ: Princeton University Press 1968, p.210.

5. Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties: Report" American Journal of International Law, Volume 14, New York 1920.

6. Schabas W., Genocide in International Law, Cambridge University Press, 2002, p. 20-22.



the Government of the U.S.A. didn't take any measures to restore the injustice after WWI. The American ambassador Henry Morgenthau had named the Slaughtery "murdering races" and that on 10th July 1915 he sent a telegram to Washington with the following words: *"The persecutions of Armenians have spread quickly. The reports from the widely scattered regions show the systematic efforts on the first hand to uproot the peaceful Armenian populations and on the order hand to bring their destruction and elimination, though arbitrary arrests, terrible tortures, massive expulsions and exiles from one end of the empire to the other, which were often followed by rapes, sacks and murders turned to slaughter. These measures were not the answer to the popular or fanatical people's request but completely arbitrary and guided from Constantinople on the name of military needs, usually in regions where no military operation was possible to take place"*⁷.

As a result the Lausanne treaty was the means of cleansing Kemalist Turkey which had been exculpated from its crimes. This was the case to which Hitler referred when he said:

"who remembers the Armenians"?⁸ This was the way Greeks and other Christian nations disappeared from their age long hearths and their living ground became Turkish⁹. The massive murders are followed by destructions of monuments, of churches and houses, of architectural inscriptions and renaming of regions. The new kemalist state was built on the ruins and the lives of thousands of Greeks and millions of Armenians and Assyrians, soon the Kurds would follow the Christian population bloodstained uprising¹⁰.

The states of Entente, despite its first intention, didn't deal with the massive crimes and especially those committed by the Ottoman state and Kemalist Turkey, due to its weakness and internal problems. As a result this matter was brought up again after World War II to the newly established UN. On the 25th October 1941, Churchill declared that punishment for the war crimes should then on be considered as one of the main purpose of war¹¹. In January 1942, during a meeting of the nine exiled governments in London, it was mentioned that Germany should

face its responsibilities for the crimes they had committed. The declaration was adopted by Great Britain, the U.S.A. and the USSR. The notion "genocide" was firstly expressed in 1944 by the Raphael Lemkin¹² and was made known just before the trial of Nuremberg¹³ for the ones responsible for the extermination of the Jews by the Nazi in many "Pogroms"¹⁴. The professor of law school of the University of Yale, Rafael Lemkin, introduced the term 'genocide' in 1944. The term of Lemkin has been the base of the terminology the United Nations have used to make the 'Treaty for Genocide' of December 9th 1948. At that time the specific crime was coded and there were even set punishments for the criminals, but that hasn't stopped the forcing of violence against a group of people different from their persecutors. The legal conception of "Genocide" was applied at the Trial of Nuremberg and of Tokyo and had to do with a particular kind of war crime which had been almost unimportant up to then and as it was exactly

stated in the first legally recorded act of it: the systematic extermination of some inferior nations in Europe by the Nazis. This crime which was legally stated as genocide had racism as a beginning and constituted its logical and fatal consequence when such a nation became able to develop literately, as happened in Germany.

The term genocide was the main indictment at the trial of Nuremberg. The international court martial of Nuremberg was set up with the agreement of the four powers which was signed on 8th April 1945 in London. In these laws there are acts which should be considered crimes against humanity. The term genocide is used for the first time on 18th October 1945 in a clament of universal range: the indictment against German was criminals who were judged in front of the court of Nuremberg. The act of accusation against German war criminals reports that: "...they occupied themselves with wilful and systematic genocide that is the extermination of racial and national groups among the civilians of particular occupied regions, in

7. Power S. A problem from Hell. America and the age of Genocide, Basic Books, New York, 2002, p. 6. Robert Gellately & Ben Kiernan (2003). The Specter of Genocide: Mass Murder in Historical Perspective. Cambridge, UK: Cambridge University Press. Henham, Ralph J.; Chalfont, Paul; Behrens, Paul (Editors 2007). The criminal law of genocide: international, comparative and contextual aspects, Ashgate Publishing, Ltd.,

8. Dadrian H. The Armenian Genocide. Athens: Stochastis 2004, p.56.

9. Schabas W., Genocideop. cit. p. 20-22.

10. Mandelstam A., La société des Nations e les puissances devant le problème Arménien. Paris 1970.

11. Helmreich P., From Paris to Sevres, Ohio State University Press, Columbus 1974, p. 131.

12. About the term genocide See Lemkin R., Axis Rule in Europe. Laws of Occupation. Analysis of Government. Proposals for readers. Carnegie Endowment for International Peace. Division of International Law, Washington 1944. Lemkin R., 'Le genocide', Revue internationale de droit penal, 1946.

13. Tribunal Militaire International de Nuremberg, Procès des grands criminels de guerre, Nuremberg, p.46. Επίσης Ginsburgs G. -Kudriavtsev V. (eds) The Nuremberg Trials and international Law, Dordrecht, Martunus Nijhoff editions, 1990.

14. "Pogrom" is a term that is usually used in order to are reported the Semitics disturbances in Russia, particularly in 1881-1882, in 1903, in 1905 in the Odessa, Kiev, Chisinau. Klier J. Pogrom, in Shelton D. (ed) Genocide and Crimes against humanity, London Macmillan, 2004, σ.812-815. Also crime against the humanity is the "Night of Crystals" (Kristallnacht) of 9 is -10 is November 1938.



order to exterminate particular races or orders of population and national, racial or religious groups"¹⁵.

A special treaty, which confirmed the general meeting of the United Nations prescribed that the perpetrators of such a crime (either state or military organ and government officials or even citizens) must be personally and individually considered responsible for this crime and must be judged by courts of the country where the crimes had been committed or by the international court.

The court of Nuremberg, with its resolution, emphasized on the principles below¹⁶:

- Each person, who commits crimes according to the International Court, is responsible for these actions and the punishment.
- For actions that no punishment is provided for in the International law, the individual is not released from his responsibility according to the international law.
- The action committed by a person, who constitutes crime if it was committed as state command or by an official of the government does

not release him from international court responsibility.

- The action committed by individuals under government command or under Head Authorities does not release him from international law responsibilities as well as from moral responsibility.
- Each person accused of committing a crime according to international law deserves a fair trial based on the facts and on the international law.
- The sentenced crimes which are punished according to the international law are¹⁷:

a) Crimes against peace

- (i) Planning, preparing, initiation or instigation of offensive war in violation of the international treaties, agreements or guarantees.
- (ii) Taking part in a mutual plan or conspiracy for committing the crimes mentioned in the first paragraph.

b) Crimes of War

Defiances of international war laws and ethics in which we include but we do not fix: assassin nations, maltreatment

and violent transportation of civilians to war camps for compulsory community service, murders or maltreatment of war prisoners, executions of prisoners, sacks and unjustified destruction of cities and villages or destructions that are not necessary for military reasons.

c) Crimes against Humanity

Murders, extermination, enslavement, exile and other cruel actions committed against urban populations, deportations for political, racial or religious reasons in connection with any other crime that falls within the competence of the court, in defiance of the law, or not, of the country where they were committed either in times of peace or war.

- Taking part in committing "crimes against peace", "war crimes", "crimes against humanity" as it is stated in the 6th principle, is a crime according to international law.

The general meeting of the United Nations, since its first session in 1946 has been occupied with the matter entitled: "The prevention and control of the crime called genocide" forcing the social and financial council to undertake consideration in new of the preparation of the blueprint. This blueprint of treaty is ready two years later according to

a strenuous procedure that caused the intervention, apart from the social and financial council, of the Human Rights Committee, of a particular committee and an experts council, a member of which was professor Lemkin who support the Genocide, from the Genocide against Greeks and Armenians.

The United Nations voted at the general meeting 12/09/1948 (No Decision 260-III-A)¹⁸ which came into force on 12th January 1951, the treaty for the prevention and punishment of the crime of genocide, which consists of 19 articles, while in its introduction the following are mentioned: "Recognizing that in all historic periods genocide has caused great humane losses..." "For its prevention, international co-operation is needed..."

According to the treaty, the term "genocide" is given by the articles as follows:

Article 2 Genocide is whichever of the following actions committed with the intention to completely or partly destroy a national, ethnic, racial or religious group because of being so

- a) homicide of members of the group
- b) causing severe physical or mental disorder to members of the group

18. Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). General Assembly Resolution 260 a (III) of 9/12/1948. UNTS, No 1021, vol. 78, 1951, p. 228. It is worth mentioning that many countries that had colonies declared in writing their oppositions, that were partially accepted, and agreed about the matters of the genocide with holdbacks.



- c) implementation of such life conditions that lead to their complete or partial destruction
 - d) implementation of measures which aim at preventing birth inside the group
 - e) violent transportation of children from the group to another
- Additionally, in the following articles of the treaty the following are mentioned:

Article 3 "The criminal actions below are to be punished:

- a) genocide
- b) conspiracy aiming at genocide
- c) direct or indirect instigation of committing genocide
- d) attempt to commit genocide
- e) taking part in genocide

Article 4 Individuals who conspire and act the above in article 3, no matter if they have acted with constitutionality, under public command or individually are to be punished.

Article 6 The individuals who are responsible for genocide actions or any other action as mentioned in article 3 must be tried in the country where

the crime has been committed or in some international penal court which will be recognized by the contracting parties..."¹⁹ Genocide, according to the treaty, has to do with a crime which, by violent means most of the times, aims at the systematic extermination of a whole race or part of it in a particular place. It is a primary crime, which has no connection with war battles. It is the destruction of a nation or of a national group; it is a coordinated plan of several activities that tend to destroy the substantial foundations of life of these national groups, in order to exterminate these groups. Genocide in this age is among the "crimes against Humanity" which, according to article 6c of the "Articles" of the court of Nuremberg have to do with a series of particular severe offenses, committed "in relevance" or "in continuity" to crimes against peace or war crimes²⁰.

The "Genocide" is the most serious crime according to the International Law for which there had been no prescription. Whoever commits genocide does not just exterminate a group for what they have done but for what they are. The genocide can be executed by a series of murders of groups, of all or almost all members of a race or by its systematic decline (with various means) until its gradual obliteration. We have

19. Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). General Assembly Resolution 260 a (III) of 9/12/1948. UNTS, No 1021, vol. 78, 1951, p. 228.

20. Couper L. Genocide, London, Penguin 1981. Fein H. Accounting the genocide, New York 1979.

3. THE GREEK GENOCIDE

The first phase of the Genocide of the Greeks is traced in 1908 and lasts until the beginning of World War I, when the Eastern issue, the rise of the Young -Turks in powerful positions in the ottoman empire, the Balkan Wars and Germany's assistance as a strategic ally of the Ottoman state, created the right conditions for the initiating the expulsions of the Thracian Greeks. During that period, there are no longer declarations by the Young-Turks about fair and equal treatment of all in the state, on the contrary the Greeks are to be exterminated. Major part in this extermination has the "Special Organization", which, having a paramilitary structure, makes the Greeks and the Armenians a target²¹.

The second period started in 1914, when the conflicts that arose during World War I, promoted the genocidal

to mention here that the general meeting of the United Nations²¹ ratified the resolution 50/192, which examined the systematic practicing of rapes during the armed fights constitute war crimes and that under specific circumstances they constitute a crime against humanity and an act of genocide as it is defined in the treaty related to the prevention and punishment of the crime of genocide".²² The relation between "crimes against Humanity" and the war grimes or crimes against peace fades away in the treaty for the prevention and the control of the crime of genocide, which was unanimously adopted by the general meeting of U.N. on 9th December 1948. There, the genocide is to be sentenced as an autonomous "crime of the law of Nations" either committed during peace or during war (article 1).

21. The Economic and Social Council is one of the main organs of the United Nations. It can '... make or cause introductions on the international issues in the areas of economy, social matters, spirit culture and education, public health and other relevant and can make recommendations on these issues in the General Council...' (art. 62 of the chart of the United Nations) and it 'forms committees' (art. 68) among which is the committee for human rights. The committee for human rights was created by the Economical and Social Council in 1946. It conducts studies, prepares recommendations and works on programmes of international organs that concern the human rights. It also takes up special duties that are entrusted to it by the General Council or the Economical and Social Council. It is composed by its countries-members that are elected by the council for three years, the committee calls yearly meetings of a duration of five to six weeks. Attarian V. The Armenian genocide in United Nations. Athens: Gordios editions 2001 (In Greek). See also De Zayas A. The Genocide against the Armenians 1915-1923 and the relevance of the 1948 Genocide Convention. Beirut, Haigazian University, 2010, p.25.

22. Power S., A problem from Hell. America and the age of Genocide, Basic Books, New York, 2002, p.6.

23. Fotiadis, K. The genocide of Greeks of Pontus. Thessaloniki: Herodotus 2004, vol. 1, 2 and 3.



policies²⁴. The Young -Turk government orders a number of actions taken in order to further continue the extermination of the Greeks, together with the genocide of the Armenians²⁵.

In December 1916 the majors Enver, Cemal and Talat, leaders of the Young-Turks party, advanced an extermination project against the non-combat Greek civilians of Thrace, that aimed at the immediate extermination of men only, aged 16-60 years old, and general exile of all men, women and children from the villages in the inner Anatolia, having a master plan of slaughtering and extinction". At that time, another genocide was already taking place, the Armenian genocide, with 1.500.000 victims. The Ottoman state is at war with the Entente Forces and the realization of the structured genocide plan appears easier than ever.

The period 1919-1923 is the third, last and more intense face of the genocide, as the establishment of Mustafa Kemal (Attaturk) in the interior of the

Ottoman state which is coincident with the establishment of the Soviet Union and the aid provided towards the nationalistic movement of Kemal, as well as the change of course in the exterior policy affairs of the great European forces²⁶. The Young-Turks, and Kemalist authorities pre-planned and realized the genocide. The orders for the deportations of the Greek populations to Kurdistan, Syria and elsewhere, either in the form of governmental decisions, either as a bill of the National Assembly, such as 1041 of the 12th June 1921 and 941 of the 16th June in the same year, had been signed both by the Young-Turks and Kemal himself. Consequently until 1923, the Young-Turks and the Kemalists, having taken harsh measures against the Greeks, through the means of expel, rape, slaughtering, deportations and hangings, exterminated hundreds of thousands of Greeks.

Among the victims of the genocide there was a great number of women and children, groups of the Greek population that consisted a particular plan of the extermination plan²⁷. This can be

verified through the reports and documentations of the foreign ambassadors, consuls, embassies, and others, where one can find references on the acts of slaughtering and brutality.

The Genocide forced the surviving Greeks, to abandon their homeland. The final chapter of this mass murder deals with the forcible removal of the survivors from their homeland. With the treaty referring to the population exchange, signed both by Greece and Turkey in 1923, the uprooting of the Thracian Greeks from their land is completed, closing the issue of one of the bloodiest mass murders in the history of mankind. After 27 centuries of presence, prosperity and contribution of a historical nation, the Greeks of Thrace, Pontus, Asia Minor, Cappadocia, abandoned the land of their ancestors, their homes, churches, graves, a culture of world wide appeal. The Greeks from former Ottoman Empire, nowadays in Greece, in the U.S.A., in Canada, in Australia, in Europe, and throughout the world wants justice to be attributed in the name of their ancestors that were murdered during the genocide from the

Ottoman State. A genocide that consists part of a greater crime committed against that cost the life of 1.000.000 Greeks²⁸ and 1.221.000 Greeks became refugees²⁹. Total 2.750.000 Greeks, Assyrians and Armenians, who lived in the Ottoman state in the beginning of the 20th century³⁰.

4. THE GREEK GENOCIDE AND THE CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE (UN 1948)

Unlike other human rights treaties, the Genocide Convention does not establish a specific monitoring body or expert committee. It stipulates that any Contracting Party may call upon the competent organs of the United Nations to take such action under the United Nations Charter, which they consider appropriate for the prevention and suppression of acts of genocide. Thus, the matter may be brought before the International Court of Justice which may order interim measures of protection. According to article II of

24. «The anti-Greek persecutions carried out in Turkey since the beginning of the European War are but the continuation of the plan of extermination of Hellenism practiced by the Young Turks, since 1913». Morgenthau H, "The Greatest Horror in History," Red Cross Magazine, March 1918).

25. The reporter of the newspaper "The Morning Post" states that «All crimes committed by Neron, Kalligoula, Attila and Abdoul Hamit, are equal to nothing, compared to the millions of people deliberately murdered in Turkey, during the last four years". Among the victims lie foreign enemies, prisoners of war, Armenians, Greeks, Arabs, e.t.c.». The Morning Post, London 6.12.1918.

26. Hofmann T., (ed.) Verfolgung, Vertreibung und vernichtung der Christen im Osmanischen reich, 1912-1922, Munster-Hamburg, Lit Verlag, 2005. Sarris N. Foreign policy and political developments in the first Turkish Democracy. Athens: Gordios 1992, p.234. Charalampidis M. The Pontian question in United Nations. Athens: Stravon 2006. (In Greek).

27. Morgenthau, H. Ambassador's Morgenthau story. Garden City, N.Y.: Page & Company 1918.

28. Kitromolidis P-Alexandris A. «Ethnic survival, nationalism and forced migration». Δελτίο Κέντρου Μικρασιατικών Σπουδών 5 (1983-1984), p. 23. For the numbers of victims see Patriarcate Oecumenique, Les atrocités kemalistes dans les régions du Pont et dans le reste l' Anatolie. Constantinople 1922. Black book, The Tragedy of Pontus 1914-1922, Central council of Pontus, Athens 1922. (In Greek) Valavanis. G. Modern General History of Pontus. Thessaloniki: Kiriakidis Brothers 1995. Also De Zayas A. The Genocide against the Armenians 1915-1923 and the relevance of the 1948 Genocide Convention. Beirut, Haigazian University, 2010, p.25.

29. Aigidoi. D. Greece without the refugees. Athens 1934, p.18.

30. «The antiGreek and antiArmenian persecutions are two phases of one the extermination of the Christian element from Turkey». German priest J. Lepsius 31 July 1915.



the Convention, whose strict phrasing is contrary to the vagueness of the previous one, any of the actions below, which is committed with the intention to destroy, completely or partly, a national, ethnic, racial or religious group is considered to be genocide:

- a) murder of group members,
- b) severe damage of the physical or mental integrity of members of the group
- c) intentional instigation of the group in such conditions of life that cause the partial or complete destruction of it
- d) measures that aim at preventing birth inside the group
- e) Violent transfers of children from one group to another.

The recitation is considered restrictive, which is a fact that excludes the possibility for other acts apart from a-e to be taken into account for the establishment of the crime of genocide. According to article 3, the "the following acts will be punished: 1) genocide, 2) agreement on committing genocide, 3) immediate or public encouragement to commit the crime of genocide, 4) attempt of genocide, 5) cooperation to commit genocide."³¹

According to article 5 "The persons who have committed genocide or any of the other acts mentioned in article 3,

will be punished no matter if they are members of the government, civil servants or individuals." Concerning this point, the authority belongs primarily to State Courts in the place where the crime was committed. The definitions of genocide are different in terms of the aspiring aims of each analyst focus on the important central role of the state, contrary to the UN definition where any report to the participation of the state in the genocide was excluded. The definitions differ regarding their nature and the kind of acts that are considered to constitute genocide. The most exclusive interpretation has as a pattern the Jewish holocaust where the perpetrator intention was the complete extermination of the victim and the result of it the destruction of the biological base essential for the maintenance of the community. Other definitions are wider and offer a basis for analyzing the massive destruction of racial or religious groups but make the distinction between the genocide and what we could call pogrom or even group slaughter.

The definition of the crime of genocide that the UN support is wide enough to include the genocides of the colonialism the extermination indigenous groups, the destruction of foreign groups which were given the role of the hostage by the host communities, the great scale of slaughtering which were the result of the fight for

self-determination secession or gaining power, as well as the holocaust and the genocides committed during wars. The definitions of genocide also include, apart from the UN definition, the pre-meditated and centrally organized crime committed by the state aiming at the extermination of a racial, national or religious group, the structural and systematic destruction of one of the groups above by the bureaucratic state mechanism, the massive slattery which is generally committed by the state and whose main purpose is mainly the extermination of a particular group of the social structure and to genocide wholly regards the systematic of a national, racial or religious group³². The exact definition with which we could characterize the slaughter of Greeks by the Turks shouldn't cause difficulties apart from the extreme case where an exact equation of this genocide with the Jewish holocaust would be requested.

However the slaughters committed by the Turks against the Christian populations of the Ottoman state are often compared with the holocaust. The examples he reported were the genocide of the Armenian people and of the Jews in Europe. Arlen and Fein agreed and Fein included the slaughter of the Gypsies of the Europe in the category of pre-meditated genocides, where as Melson characterizes the extermination of the Armenian people in 1915 and the Jews during WW II as methodical contemporary genocides³³.

The testimony of the USA ambassadors Morgenthau and Horton³⁴ are of great importance in order to substantiate the genocide of the Christian populations in the Ottomans state, where as the narrations of the survivors and the wiping of geographical and historic presence of Christian populations from their country are the proof, that the crime of genocide has been committed³⁵.

32. The General Meeting founded the position of High Commissioner of the United Nations for Human Rights in 1993, who "exercises his duties in the Framework of the Map of the United Nations, the International Declaration of Human Rights and other international organs for Human Rights". The Security Council founded an international court in the same year "with the purpose to put individuals, who are considered responsible for serious violations of the international humanistic law committed at the grounds of former Yugoslavia" (the court came into operation in 1994) on trial. Additional it was emphasized that rapes under specific circumstances could constitute a crime of genocide. See also Permanent Court of Populations. The crime of silence. The Armenian genocide. Athens: Herodotus 1988 (In Greek).

33. Melson R., A theoretical inquiry into the Armenian genocide, New York 1983.

34. Morgenthau H., The secrets of Bosphorus, Athens 1989. (In Greek). Horton G., About Turkey, Athens 1992 (In Greek). and of the same, The plague of Asia, Athens 1993. (In Greek). The direct testimony of Morgenthau concerning the matter of the intention is included in the following lines: 'When the Turkish authorities gave the order to apply the measure of dislocations they did nothing less than sentence to death an entire nation. The Turks responsible had a full conscience of that fact and didn't try at all to hide it when they discussed with me' (p. 308-309).

35. See The request from the head of the Armenian church to the USA, Great Britain and Soviet Union, the gesture from the Armenian Committee to the founding council of the United Nations (San Francisco), the memo of the Armenian organizations in 1947. All these called upon the

31. Convention on the Prevention and Punishment of the Crime of Genocide (CPPCG). General Assembly Resolution 260 a (III) of 9/12/1948. UNTS, No 1021, vol. 78, 1951

There has been a systematic procedure of slaughter which started by the disarmament and the massive killing of the Greeks, the Armenians and the Assyrians who had been enlisted the Turkish army, extermination of leaders, arrests and slaughters of the physically able may. In some regions the civilians were slaughtered immediately and bluntly. In other, the transfer of civilians looks like a time banishment and there where some possibilities of rescuing only if somebody embraced the Islam. However, the general form of slaughtering and banishment as well as the systematic elimination from their country are the evidence of the existence of intention for the genocide.

The U.N. has elaborated a framework of international organs and constitutes

the source of international law concerning the Human Rights. Its organs and especially the Human Rights Committee have at their disposal many clauses and procedures of applying them, in order to prevent the violation of human rights, to reveal them, to evaluate their importance to take measures to stop them and finally, to put the responsible on trial. However many times, interests and state priorities do not allow the truth to shine. As a result, since there was a Turkish reaction against the interventions of the Armenians to the U.N. for the nongovernmental organization³⁶ "International Union for the Rights of Freedom of Nations" (2002) for the issue of the Greek genocide³⁷. The measures of ethnic cleansing do not have to be applied all at once in a particular region but partly as this policy directs³⁸.

Treaty of Sevres. See Attarian V., *The Armenian Genocide in the United Nations*, Athens, Gordios. 2001. Also see Hovanissian *The Armenian Genocide in Perspective*, New Brunswick, NJ Transaction Books 1986.

36. Chiang H. *Non Governmental organizations at the United Nations, Identity, Role and Function*, New York, Praeger editions 1981.

37. Charalampidis M. *The Pontian question today. The Pontian question in the United Nations*. Athens: Stravon 2006, p.127.

38. Additionally, the issue of ethnic cleansing was pointed out with the war at former Yugoslavia. The U.N accepted the abhorrent policy of ethnic cleansing as plan of genocide. The measures of applying ethno cleansing are the following: 1. Government and bureaucratic (interventions to the legal, elected authorities, discriminations of humanistic goods and rights). 2. Other non violent measures (guided negative reports to the media, public address of citizens by their national status, nameless threats against the life of the members of the suffering group. 3. Terrorist measures (systematic isolated acts, rapes, robberies massive By ethnic cleansing, we mean the isolation of a particular region by a national group without leaving traces transfers of members of the suffering group, which are carried out by security forces, go unpunished or are punished symbolically) 4. Military Measures (assassinations of leaders of the suffering group, politicians, officials, journalists teachers, grabbing of hostages and using them as shield). Two basic weaknesses of ICTY it is that it cannot judge affairs for crimes that were committed before the 1 July 2002 and his jurisdiction of is additional that of courts of countries that have ratified the Treaty of Rome. See Cipolat U. *The punishment of Rape under international humanitarian law: how to deal with perpetrators in the Yugoslav contex*, Yale Law School 1996 Kiratzopoulos V. *The unwritten genocide*. Athens 2007, p. 99.

The application of particular decisions is either short-term or long term, according to the national social classes of the region, in order that the acts of ethno cleansing not to be understood by external factors³⁹. Ethnic cleansing is considered to be genocide and there was a special court for the crimes in Former Yugoslavia to punish the ones responsible. G.H. Stanton, a professor at Yale University, after the end of the cold war, presented and analyzed the eight phases of genocide as follows: 1) factionalism 2)stigmatizing or symbolism 3)dehumanization 4)organization 5)polarization 6)preparation 7)extermination 8)disclaiming responsibility⁴⁰.

Stanton claims that, according to reports of UN and the non-governmental organizations, the genocide could have been prevented until its fourth phase. He posed another issue as well; It is important to put emphasis not only on who committed the crime but also on whom organized it, because

it is considered to be genocide even if the individuals who committed the crimes followed commands or had a relationship with government functionaries, who haven't expensed their views in public. The accusation is extended if there is a para-state interference for the committing of the crime⁴¹. Turkey signed the Convention on the Prevention and Punishment of the Crime of Genocide on 31 July 1950 with the first group of 20 states, whose co signing entails that the Treaty is in force and published it in the official gazette on 19 March 1954, fully accepting the definition of genocide. However, despite signing the decision for the genocide in 1950, Turkey placed it in the penal code as an offence, 50 and more, years later and to be exact, in February 2005.

Although Turkey is not a contracting part in the Treaty of 1968 in relation to the impossibility of applying legal limitations to war crimes against humanity, the contemporary international law

39. Kuper L. *Genocide: Its political use in the twentieth century*, New York, Penguin books, 1981. Ternon Y. *L'Etat criminel. Les genocides au Xxe siecle*. Paris Le Seuil 1995

40. Stanton G.H *The eight stages of genocide*, University of Yale 1998.

41. During the preparation of the genocide the victims are separated from the mass, secret situations are prepared, the would be victims are aimed and become targets. Properties are confiscated ,the movements are limited by creating blocked places, camps are created and house arrest imposed. It is the phase when the foreign powers must intervene in order to avoid outrages, to help organizes self-defense and if the UN and the foreign powers cannot prevent the genocide, then the seventh, phase of the genocide begins. Then, state and paramilitary powers are used ,groups which will support the genocide, whereas the last phase is of the great interest for the final outcome of the genocide since the persecutor, creates massive graves ,wipes out elements and terrifies the witnesses, denies that three has been a crime committed ,blocks any research until the final destruction of any elements. The persecutors and the mastermind are left un-punished, they declare inability to find those guilty and arrest them and point to the victims as the main responsible for the genocide. Stanton G.H. op. cit. p. 156.



imposed the principle of indescriptible for the crimes of genocide and the crimes against humanity. As a result, the obligation to punish those guilty and the responsibility of Turkey to proceed to reparations to the victims and survivors for the events of the genocide have not lapsed by time⁴².

In the composition of 11th August 2000 to the general meeting of the U.N. for the "obliteration of all the forms of religious intolerance", the expert advocate Abdel Fattah Amor submitted a composition with his conclusions during his visit to Turkey from 30th November up to 9th December 1999. He expressed his impression from the deliberations with the authorities, with non governmental organizations and with independent Turk experts, pointing out the following: "Concerning its relationship with Europe, the Ottoman Empire had to examine the issue of non Muslim minorities in the framework of the European leading demands, which was often expressed under the pretence of rendering of protection for these minorities. In these circumstances, the Turkish society was feeling that it was weakened or even threatened by the Christians and they faced them as a scapegoat. During WWI the state, acting in the frame of nationalistic ideas,

banished the Greek communities using night attacks at villages and motivating the devout Muslims against the Christians..."⁴³

All the successive governments of Turkey, from the end of World War I until today⁴⁴, denied the accusation of committing genocide. The Turkish government did not stop developing concise efforts to prevent any recognition of the genocide and any research on the events by international organizations and during scientific meetings. Moreover, the Turkish governments not only refused to learn about these serious accusations concerning their responsibility for the extermination of the Greeks, but also there is evidence to prove that the plan of extermination of the Greeks is still in process with the premeditated destruction, desecration and desertion of the cultural monuments. Turkey, apart from its tactics of denying the facts, the responsibility of those who took part in them, the methods of disclaiming of history applied by the servants of formal history, makes use of the following: selective use, partial description or masterly twisted reality, continually improved presentation of projects of academic glamour⁴⁵, which will increase credibility when addressing

42. Kiratzopoulos V. The unwritten genocide...op.cit p.99.

43. Attarian V. The Armenian genocide...op. cit.158.

44. Le Martyre du Pont-Euxin et l'Opinion publique internationale Genève: 1922, p. 74, and Times June 27/1919.

45. Uzunoglu N. Newspaper Citizen November 2008.

non-experts, scientific radio televised broadcasts etc. This comes from the misinformation of the propaganda on the Turkish population against the Greeks, their role in the past and their feelings⁴⁶.

These measures it develops in order to disclaim the historical truth and to serve the misinformation, can and will probably be intensified in the future: Turkey could do that by rallying their national feelings round facts such as commemorative occasions for the victims of Turkey in the period between 1915-1918 or by assigning days of national memory and honor of the main responsible for the genocide (among which the ministers Talaat, Cemal, and Enver, Mustafa Kemal, Topal Osman etc). Abroad, in an external level, they could create new institutes and other "centers of Turkish studies", etc. Turkey counts mainly on its international relationships in order to pass an according to its benefits edition of history and its strong denial the Greek and Armenian genocide comes from political influence. The developed Turkish "arguments" reappear with variations in the formal speeches of politicians and historians. They consider the Greeks to

be responsible for the massive crime, their local organizations of self-defense (partisan forces) which caused the Turkish retaliation. Additionally, they blame the Greeks for their act against the Great Powers during World War I or their behavior during the presence of the Greek army in Smyrna region.

Moreover, they twist the statistic figures in order to present less victims and they selectively use certain evidence, partial lapsing or distorting reality, academic research papers, which are supposed to increase validity and prestige and mainly misinformation and propaganda in the interior of Turkey. The latest acts⁴⁷ which point out the special role of the Turkish propaganda against the Greek Genocide are the declarations on this issue, made from the Department of Foreign Affairs for the establishment of Greek refugees from USSR in Thrace⁴⁸, made by R.T. Erdogan (May 2006) after the unveiling of the memorial of genocide in Thessaloniki or the participation of the minister of external affairs at that time and later President of the state, A. Gul (January 2007) who actually declared that the Pontian dances are in fact Turkish. This propaganda which moves

46. See the books, as a part of Turkish propaganda Yilmaz Kurt. Pontus issue Ankara 1995 (In Turkish). Capa M. Pontus issue. The national fight in the Trapezoynta and in Kerasoynta). Ankara: Turk Kulturunu Arastirma Getikli Y.. The question of Pontos. Ankara 1995. Guler A. The question of Enstitusu 1993. (In Turkish) Pontos and the Greek terrorist organisations. Ankara 1991 (In Turkish). Turkdogan B. (ed) The Pontus issue and the policy of Greece. Ankara 2000.

47. See and the statement of Minister of Defence of Turkey for the ethnic cleansing. Vesti Gunul Newspaper Vatan 10/11/2008.

48. News paper Agonas 23/9/1993.



against many Greek-speaking populations mainly in Pontus, armed a young man in Trapezunta, who murdered the Catholic priests (2006 and 2010). However, there exist a number of testimonies of fugitives and survivors, foreign eye witnesses, foreign countries records or records belonging to Turkey itself which ensure the premeditated and massive character of the crime.

5. EPILOGUE

The presence of Greeks in Thrace, Pontus, Asia Minor, Cappadocia, after the Ottoman domination over this region, the Greek influence and their contribution to various cultural achievements were threatened. The authority system and the government, the discriminations against the Christians, the conditions of the financial and political life threatened the continuity of the Greeks in the region. With the creation of the Young Turks group in the ottoman state, a nationalistic ideology appeared and consolidated, and with the domination of power in 1908, there

was a desire for the Christian populations to become extinct, a dream which came true during World War I, the Greeks were a central target⁴⁹. When the genocide of the Armenians was about to end, it was time for the Greeks to be exterminated by the same means: massacres, atrocities, massive violence, arrests of women and children, violent conversions to Islam, marches of death. These facts are confirmed by survivors of the genocide as well as foreign witnesses, whereas lots of people left the region taking refuge in Russia.

The Greek genocide continued even after the end of World War I and systematically after 1919, when on May 19th of the same year Mustafa Kemal arrived at Sampsunta. Operations of massive assassinations, deportations, banishments, destruction of cultural and religious places took place as well as burning down villages and cities. Nobody can explain these crimes and this fact is confirmed by the Turks⁵⁰, many foreigners⁵¹ and allies of Kemal's⁵² coup.

Between 1916 and 1923 approximately 1.000.000 from more than 2.500.000

Greeks (census 1914) were lost due to massacres, deportations and marches of death. This premeditated destruction of the 50% of the Greeks, constitutes genocide according to the criteria of U.N. (article 2 of the Convention, paragraphs a, b, c, d and e). The population which survived the genocide was led to expulsion. Thousands of them took refugee in several countries. The Treaties that were signed between Greece and Turkey in 1923 for the "exchange of populations"⁵³, as well as the Treaty of Lausanne⁵⁴ did not include the Greek survivors, whose great majority was islamized. This is the dimension of the Greeks mainly in Pontus (Black Sea) which remains alive even today, with the existence of large populations who speak the, closest to ancient Greek, spoken dialect nowadays, the Greek

Pontian dialect, which, together with the identity of these people, is threatened by the Turkish regime.

The Greek Genocide is an issue which has remained cut off from the world for many years and is appointed in the late 1980's and in the early 1990's, posed pressure on the Greek grounds and on the issue, which resulted in applying for the issue of the recognition of the genocide. In 1994 and 1996 the Greek Parliament voted for the declaration "Day of Commemoration of the genocide"⁵⁵. So far, the genocide of has been recognized by the Parliament of Representatives of the Cypriot Republic, from the Swedish Parliament, the Parliament of South Australia and by several institutional conveyors of the USA⁵⁶. The issue

53. Pentzopoulos, D. *The Balkan Exchange of Minorities and Its Impact on Greece*. Paris and the Hague: Mouton. 1962

54. Treaty of Lausanne, Acts signed in Lausanne of 30 January and 24 July 1923, Athens: National Printing-house 1923 (In Greek)

55. Greek Parliament. 1994 and 1996 (In Greek).

56. George E. Pataki Governor, Parliament and Congress of New York, May 2002 and May 2005. James E. McGreevey Governor, Parliament of New Jersey, September 2002. Edward G. Rendell Governor of Pennsylvania, May 2004. Alex A. Knopp mayor of the town of Norwalk Connecticut, May 2004. Janet Weir Creighton mayor of the town Canton Ohio, May 2004. Jane L. Campbell mayor of the town Cleveland Ohio, May 2005. Mayor of the town Columbia South Carolina, May 2005. Charlie Crist Governor of Florida, May 2005. Governor of Illinois, May 2005. Mitt Romney Governor of Massachusetts, May 2006. Municipality of Chicago, September 2006. Richard Moccia mayors of the town of Norwalk, May 2007. Carolyn Manoney member of the Congress, May 2007. George Onorato Congressman of New York, May 2007. Michael Giannaris Senator of New York, May 2007. Resolutions: Senate of New Jersey (Suggestion of the senators M. Palaia, T. Corodemus and T. Smith). Signed by the chairmen of the Senate John Bennett and Richard J. Codey and the representative of the General Council J. Suris, September 2002. Parliament and Senate Columbia South Carolina, January 2003. Municipality council of the town Cleveland Ohio. President of the General Council frank G. Jackson, May 2003. Senate of Pennsylvania (decision 1988). Suggestion of the senator Robert J. Thompson. Signed by the secretary of the Senate Mark R. Corrigan, May 2004. State of Florida (decision No 9161) (Suggestion of the Congressman M. Bilirakis. Signed by the representatives of the state Allan G. Bense and Clerk John B. Phelps). State of Florida (decision No 2742). Suggestion of the Congressman M. Haridopolos. Signed by the president Tom Lee and the

49. Charalambidis M. -Fotiadis K. *Pontians: Right to memory*. Athens: Herodotus 1988. (In Greek).

50. Speeches, that pronounced Moustafa Kemal in the second concentration of Democratic Popular Party of (1520 October 1927) for the Pontus question and the attempt of foundation of Democracy of Pontos and the reports of Ottoman are certain sources. Mustafa Kemal Atatürk. Nutuk. Ankara: Kultur Bakanligi Yayinlari 1980. For the proceeding of Turkish National assembly see Proceeding of Secret Meetings of Big National assembly, Türkiye Is Bankasi Kültür Yayinlari, vol. 3, Ankara 1985. (In Turkish)

51. See the volumes 12,13, 14 of the Fotiadis K. *The genocide....op. cit.* Also see certain articles in the newspaper NEW YORK TIMES (New York, U.S.A.) and in newspaper THE TIMES (London, England).

52. See the opinions of Soviet envoy in Turkey. The presence of Frounze in Turkey. Istanbul: Cem 1978. (In Turkish)



has been introduced in the financial and social council of the U.N as well as the organization for the Safety and Co-operation in Europe have been occupied with it, the latter after the intervention of non governmental organizations⁵⁷. The question was posed at the Committee of European Affairs of the European Parliament (5th September 2006), by the presentation of the

composition of the Dutch European-deputy Camiel Eurlings, in which her notes on the development of Turkey in its course to the European accession were reported⁵⁸. Parallel the International Association of Genocide Scholars (IAGS), officially recognize the genocide of Armenians, Greeks and Assyrians (December 2007)⁵⁹, while for first time actuarial company of USA⁶⁰,

secretary Faye W. Blanton. General District Attorney of the State of Florida. State of New York (decision No 1883). Suggestion of the Congressman M. Onorato. Signed by the secretary Steven M. Boggess.

57. Charalambidis M. The Pontian Question in the United Nations, Athens, Gorgios editions 2004 (In Greek) and Charalambidis M. The Pontiac question today . Athens : Gordios editions p. 127(In Greek).

58. The Committee of Foreign Affairs of the European Parliament (Brussels 05.09.2006), and European Parliament, Texts Adopted at the sitting of Wednesday 27 September 2006 Provisional Edition. Turkey's progress towards accession, p. 12.

59. The full text of IAGS resolution: WHEREAS the denial of genocide is widely recognized as the final stage of genocide, enshrining impunity for the perpetrators of genocide, and demonstrably paving the way for future genocides; WHEREAS the Ottoman genocide against minority populations during and following the First World War is usually depicted as a genocide against Armenians alone, with little recognition of the qualitatively similar genocides against other Christian minorities of the Ottoman Empire; BE IT RESOLVED that it is the conviction of the International Association of Genocide Scholars that the Ottoman campaign against Christian minorities of the Empire between 1914 and 1923 constituted a genocide against Armenians, Assyrians, and Pontian and Anatolian Greeks. BE IT FURTHER RESOLVED that the Association calls upon the government of Turkey to acknowledge the genocides against these populations, to issue a formal apology, and to take prompt and meaningful steps toward restitution.

60. As weird or unbelievable as it may seem, the recording of an event in history, in other words the wretched attempt of Talaat Pasha, Minister of Internal Affairs of the Young-Turks in 1915, to collect 'on behalf of the Armenians' the compensation money from their death insurance, a death which he himself contributed to via mass extermination, was reason enough for lawyer Vartkes Yeghiayan to begin a 20 year legal struggle in the State of California with a view to claim back in favour of the descendants of these victims of the genocide of 1915, the above money. The defender of the victims of the Greek and Armenian Genocide, Henry Morgenthau, American Ambassador to Constantinople in the period 1914-17, states in his book Ambassador Morgenthau's Story (1918) (in the Greek publication *The Secrets of the Bosphorus*, 1918), that Talaat asked him whether the Ottoman Government could collect the compensation money from the life insurance contracts which were held by many Armenians (Ottoman nationals), while he personally had undertaken the organisation of their extermination. Vartkes Yeghiayan, whose origins are from Asia Minor, whilst reading the lines from the above book, conceived the idea of reclaiming this compensation money for the descendants of the victims of the Armenian Genocide. At first many didn't take his efforts too seriously, however through strong will and hard work the distinguished lawyer was eventually vindicated. Recently the insurance companies New York Life and AXA, after a long and difficult

gives the possibility in descendants of victims of genocide of claiming compensations (September 2008).

The Greek Genocide is a political issue and its international extension refers to the commitment of all the institutions of the International community, to the states and the international organizations to recognize the offence of genocide which was committed at the expense of the Greeks and to restore, this way, the huge moral damage they suffered. The perspective of building a new Europe and a new peaceful planet which will be more democratic and true depends today on creating a freer, fair, equal, harmonious world. This Europe and the planet on its whole that we anticipate to construct cannot be indifferent, simulated concerning itself and history. The international crime of genocide opposes responsibilities not only on the state which committed it, but also to the whole international community: a) For not recognizing a

situation created by global crime as legal b) For not helping the performance of an international crime to maintain the illegal situation and⁶¹ c) To help other countries with the application of the obligations above. That is, it imposes on the international community the obligation not to recognize an illegal situation as a result of genocide⁶².

A struggle to ask for and point out the truth will find a lot of nations agreed. In order not to repeat the crimes, the responsible and the reasons that led them have to be found out. The truth must be sought and presented to the international public opinion, which knows how to judge and sentence without self-interest. Nowadays, when other nations suffer genocides from racist states, it is time for the first step to be taken to recognize the crime of Greek genocide of the. On the other hand, the contemporary Turkish state has to answer for the Greek genocide⁶³, without making propaganda and pleads

legal battle were ordered to pay to beneficiaries the total sum of 53 million dollars. Apart from life insurance contracts, it is also well known that in that same period in Anatolia, fires destroyed many buildings and belonging owned by Greeks, so in September 2008, New York Life Launches Voluntary Program to Reach out to Heirs of Greek Policies from 1914.

61. Shaw M. in *International Law*, New York 2002, p.481, it marks that the violation of international obligation gives reason for a requirement for the repair.

62. Lauterpacht, H., *Recognition in International Law*, Cambridge University Press, 1947, p. 20. Bassiouni C., "Crimes against Humanity in International Criminal Law", Martinus Nijhof, Dordrecht, 1992. Shelton D. (ed) *Encyclopaedia of Genocide and Crimes against Humanity*, MacMillan reference, 2004. Jacques Francillon, "Aspects juridiques des crimes contre l'humanité", in *L'actualité du Génocide des Arméniens*, Edipol.1999, pp. 397-404 63 See Fotiadis K. *The genocide of Greeks of Pontus*. Thessaloniki: Herodotus 2002-2006. Enepekidis P. *Genocide in Pontus*. Diplomatic documents from Vienna (1909-1918). Thessaloniki: Euxinos Club of Thessaloniki 1996. (In Greek). Vakalopoulos K. *Persecutions and genocide of Thracian Hellenism*.

63. Thessaloniki: Herodotus 1998. (In Greek). The books of Kapsis G. *Lost Homelands*. Athens: A. Livanis 1989 and Black Book, Athens: A. Livanis 1992. (In Greek). The books of Tsirkiniadis H Red



inconsistency as a state in order to be exculpated from the charge. This state, as the creation of Mustafa Kemal, and the Young Turks are responsible for the crime of genocide. Each nation has the right to intensely demand from the authorities of the crimes and offences committed against it to recognize them. The greater the harm and

the longer the facts were hidden, the more intense the desire for such recognition becomes. Recognition, which is a substantial way to fight against genocide; Recognition which constitutes the confirmation of a nation's right to the respect of its existence according to the international law and the historic truth.

river. The tragedy of Hellenism of East. 1908-1923. Thessaloniki: Kyriakidis brothers 2005. I have arm the gallows... Documents of the Big Destruction under the light of Foreigner confidential files 1908-1925. Thessaloniki: Erodios 2005. Synopsis on Greek Genocide. Erodios 2008 (In Greek). Books of Horton, G. The Blight of Asia. Indianapolis: The Bobs-Merrill Co 1926, and Report on Turkey: USA Consular Documents. [Originally published in 1926 as The Blight of Asia.] Athens: The Journalists' Union of the Athens Daily Newspapers 1985. The books of Morgenthau, H. The murder of a nation. New York: Armenian General Benevolent Union of America 1974. Ambassador's Morgenthau story. Garden City, N.Y.: Page & Company 1918. I was sent to Athens. Garden City, N.Y.: Doubleday, Doran & Co 1929. An international drama. London: Jarrolds Ltd. 1930. Also see Black Book: The Tragedy of Pontus 1914-1922. Athens: Edition of the Central Council of Pontus 1922. // Livre Noir: La Tragedie Du Pont 1914-1922. Athenes: Edition du Conseil Central du Pont 1922. Le Martyre du Pont-Euxin et l'Opinion publique internationale Genève : 1922. Oeconomos L. The martyrdom of Smyrna and eastern Christendom; a file of overwhelming evidence, denouncing the misdeeds of the Turks in Asia Minor and showing their responsibility for the horrors of Smyrna. London: G. Allen & Unwin 1922. The editions of Patriarchate Oecumenique, The Black Book of the sufferings of the Greek people in Turkey from the armistice to the end of 1920. Constantinople 1920 and Les atrocites kemalistes dans les regions du Pont et dans le reste l' Anatolie. Constantinople 1922. Hofmann, T. ed. Verfolgung, Vertreibung und Vernichtung der Christen im Osmanischen Reich 1912-1922. Münster: LIT, 2004.



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WITHIN THE ACTS OF VIOLENCE

An anthropological exploration of the meaning of genocide as a cultural expression

PREFACE

When we speak of the "elimination of consequences" we often think of legality, political and international recognition; we do not often consider the more hidden consequences of genocidal violence; the way the experience of violence itself is encapsulated in the cultural framework and within the identity of the survivors. Or as one of my informants told me: "The Armenian genocide *determines* who we are."

This presumption – that consequences can be eliminated by political and legal actions – is caused by a myriad of reasons. One, the cultural and psychological consequences are often too complex and too hidden to directly address. Second, there is this presumption that if there will be international condemnation and recognition of the Armenian genocide and possible legal action; the cultural and

psychological consequences will resolve themselves.

Even though I do not on the outset disagree, I do think that these approaches underestimate in my opinion the complexity of genocidal violence, and genocidal trauma, and how this horrible incident is encapsulated and entwined in the cultural frameworks of the survivors. It is also underestimates the central role the Armenian genocide (still) plays, even among third and fourth generation survivors, within their ethnic identity. With the Armenians I spoke to in the Dutch and English Diaspora communities, the Armenian genocide was not (only) experienced "linearly" as an "historic event". (This is in fact, I discovered during my fieldwork, a Western concept where time is experienced as a "wave" moving progressively forward.) To many of my respondents that I spoke to the Armenian



genocide was also experienced as a "circular" event, what I mean by this is: that it was also something that was still "lived" and "felt"; an event that shaped their day-to-day lives, their world views, their sense of "self", and was, in some cases, even a symbolic exploratory model that explained the suffering of the Armenian people today.

I do not mean this metaphorically. The pain I saw in the faces of my respondents was real. Their family stories and histories, or sometimes the lack of family stories and histories – and imagine how loud this silence is for future Armenian generations! – was very heartfelt.

The Armenian genocide punched a hole in the social and cultural fabric of an ethnic group that was once thriving. In order to understand this pain, it is my argument that we should not only study the legality of the acts or the political contexts of the acts, but also the violence *itself*. Not as an "objectified" act, as is sometimes the case in sociological and political analysis, where we study the structures, the contexts and the methods of violence and elaborate on numbers, death tolls and mass graves, to back up and solidify our analysis; no, I argue that we should study violence as an act with its own internal and *cultural* dynamics.

When we read the eye-witness accounts and the horrible and gruesome depictions described, the violence

seems irrational, inhuman, something beyond the borders of scientific exploration. The violence seems too alien almost to understand, while this violence is significant in explaining the *intention* of the perpetrators and the *traumatic consequences* which are often transgenerational:

To characterize violence as pointless or irrational is to abandon research at the point where it should start....Violence as a cultural category or construction should be understood in the first place as a symbolic activity – not as meaningless, but as meaningful behavior (Blok 1991:203).

It is my aim in my paper to give an explorative view of violence as a cultural expression and also as a cultural act from which meaning is derived. I will therefore present two separate dimensions. On one hand I will try to analyze violence from the bottom-up; not as an irrational act, but as an act spun "in the webs of significance" of the perpetrators. In this I am highly inspired by Geertz (1973):

...man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning (ibid.:5).

The second dimension that I will present in this paper is how meaning of this violent act is derived and how suffering is continued. Here I will also look at the "webs of significance". Not of the perpetrators this time however, but of the

survivors and how they placed this horrible event in their cultural framework.

Genocide, so I will argue, is more than a political act or a physical act alone. It is even more than the five dimensions mentioned in the official definition of genocide during the Genocide Convention¹. To me genocide is the complete destruction of "an identity". It is the destruction of a civil identity, a cultural identity, an ethnic identity, a religious identity and even gender identity; it is a complete attack on religious, political and economic institutions and the destruction of identity markers and indicators. And herein also lies the warning for social scientists. By *objectifying* violence in numbers and statistics, we are also in the danger of *naturalizing* violence. We no longer see violence as an act filled with cultural and symbolic meaning and therefore create an analytical blind spot in understanding the cultural and psychological consequences of this violence for first, second, third and even fourth generation survivors.

To return to the topic of this paper, and let me know reverse the question: how can we eliminate the consequences if we don't acknowledge all the dimensions?

1. As we all know the official definition is: Genocide means any of the following acts with intent or destroy, in whole or in part, a national, ethnical racial or religious group as such by: a) killing members of the group, b) causing serious bodily or mental harm to members of the group, c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, d) imposing measures intended to prevent births within the group and e) forcibly transferring children of the group to another group (Article II, 1948, United Nations, Genocide Convention).

A. DIMENSION I: A PATHOLOGICAL FIXATION ON IDENTITY

To understand the violence we first and utmost have to take a look at the minds of the perpetrators and the identity crisis of the Young Turks. Secondly, we have to connect the identity crisis with the acts of violence itself. At the core of this process lies, in my opinion, what Staub (1989) named the "continuum of destruction". It is in this continuum where violent acts within a specific setting can lead to more (and extreme) violent acts: "Initial acts that cause limited harm result in psychological changes that make further destructive actions possible" (Staub 1989:17). It is within this continuum where an increase of violence occurs; it is also in this continuum where the violence is sanctified.

When in 1908 the Young Turks seize power, the movement is initially inspired by national, democratic and Marxist movements in Europe. Even though nationalistic sentiments were already present (see also Akam:2006), the movement aspired at the beginning unification and modernity for *all* its Turkish citizens (including Armenians). This changed however by internal political pressure and a continues defeat



in the international arena: Bulgaria becomes independent in 1908, Yugoslavia is annexed by the Habsburg Empire in 1908 and in 1913, probably the most devastating and traumatizing defeat of the Young Turks, is the loss of the Balkan wars in 1913. This defeat as Üngör (2008) correctly observes, “polarizes relations among political elites and steers the leadership of the CUP away from political and social pluralism” (ibid.:20).

At the core of this political crisis lies, what Staub (1989 and 2009) considers (based on his theories of motivation and action) a crisis within the self-concept:

All human beings strive for a coherent and positive self-concept, a self-definition that provides continuity and guides one's life. Difficult conditions threaten the self-concept as people cannot care for themselves and their families or control the circumstances of their lives (Staub 1989:15).

Even though revolutions already start out with a vulnerable self-concept (for the new political elite has to reinvent themselves against the old political elite), the internal pressures and the international defeat threatened this “self-concept” even more. While the Young Turks try to legitimize their power, the question of “who is” and “who isn't a *true* Turk” becomes more and more urgent.

2. Here I would like to introduce a quote from Staub: “Nationalism arises partly from this combination of superiority and self-doubt” (Staub 2009:101). Volkan (1999) makes a similar observation: “When large groups regress and become preoccupied with ‘who are we now?’, how are *we* different from *them*?”, and “what will become of *us*?”, the result is often a tense and unstable social and political atmosphere in which the group attempts to maintain its sense of a cohesive identity (...) the loss of the large group identity is like psychological death” (Idem:462).

What we have to keep in mind here is that revolutions have their own internal logic. That initial ideals are changed by revolution itself:

...the point here is that recognized revolutions often start without anyone intending them, and conclude with results no party desires or expects when the shooting starts (Aya 1990:16).

Exemplarity here are the works of Gökulp; one of the architects and ideologists of the Young Turks. While he first rebels in his writings against the old Ottomans, his focus – between 1908 and 1914 – slowly changes to Christian minorities. They become in his opinion the physical (and symbolic) embodiments of the “malfunctioning” Ottoman millet system and an example of the poor politics of the Ottoman regime which was, according to Gökulp, advancing the non-Turks (see also Heyd:1950). The pan-Islam ideology that characterized the old Ottoman Empire is slowly transformed into a pan-Turkish ideology with strong nationalistic sentiments (Zwaan 2001:436)².

In each step of the political escalation, the cultural views of the CUP become more and more extreme. We see between 1908 and 1915 an increase in discriminatory policies. Minority groups are excluded

from the political top, and in January 1913 the CUP seize complete power. The aggressive campaign of “Turkification” increases over all domains in Ottoman society: “This campaign forces state organs, including schools, to correspond and communicate in the Turkish language and starts harassing businesses in non-Muslim hands by forcing them to use Turkish in all corporate transactions” (Üngör 2008:21,22).

While the process of “Turkification” intensified, the notion of “modernity” changed and became a discourse that legitimized the use of state violence (Kieser:2006). This discourse gained importance at the onset of the First World War:

Where a power organization is already involved in war, especially when it is deploying military forces extensively against civilian populations linked to armed enemies, it is more likely to extend violent campaigns to “civilian enemies” (Shaw 2007:147).

In March 1915 the first orders were given to “relocate” of all Armenians in South-East Turkey. On the 24th, 25th and 26th of April the Armenian elite is captured, imprisoned and murdered.

If we summarize the events, and take an analytical step back, we can see that in the perception of the perpetrators, ideas about “self” and “identity” become more problematic as the crisis deepens. The political crisis becomes

as it were an ideological crisis, where the self-concept is imagined to be continuously under threat. This “threat” is not only on the outside borders of the nation-state, as the writings of Gökulp indicate, but also “inside” the borders of the nation-state; the Christian minorities become the physical examples of why the old Ottoman Empire failed.

The Armenians take within this process a peculiar position. While the Ottoman Empire is in decline, the Armenian community experiences a cultural revival, also known as the “Armenian Renaissance” (Demirdjian 1989:4). This is of great importance. While the Turkish elite struggle with their identity, the Armenian identity was being celebrated in Armenian art, poetry and literature. Armenians became, within this political and ideological context, the “absolute Other” (the out-group); the ones the Turkish elite mirrored themselves against and more importantly, indirectly compared themselves with. The Armenians weren't the only group that the Turks mirrored themselves against, they also mirrored themselves against Orthodox Greeks and Assyrians (Gaunt:2006) but they were the group (strong identity, Christians, merchants) that was the most polar opposite.

The mechanism of identity-making at play here is what Baumann (1999 and 2004) considers “baby-grammar”. In this mechanism the dominant culture



group mirrors itself to another group and creates negative and/or positive connotations. For example: if we call a specific group “exotic”, we imply that we are “not exotic” and/or “ordinary”. If we consider a group “creative”, it would imply that we are “not creative” etc. These can be interpreted as examples of what I consider “negative mirroring”; we attach positive images to the “other” to circumvent negative images of ourselves. There is also a process of “positive mirroring”, where we mirror negative images to confirm our own “positive” qualities. If we consider a group for example “uncivilized”, it implies that we are “civilized”. If we consider a group “backwards”, it implies that we are “modern” etc. It is my argument that this positive mirroring (as we will see below), becomes a physical act during the genocidal violence.

In his book *Purify and Destroy* Sémelin (2007) describes, by studying Nazi-Germany and the violence in former Yugoslavia and Rwanda, the political uses of the social imaginary of the in-group. This manipulation occurs on three themes: “identity”, “purity” and “safety”. On the one hand, the political elite manipulates the in-group for political purposes, to solidify their own position in society and to legitimize their power. On the other hand, they also do this because they truly believe in the physical and psychological threat posed by the out-group. There comes a “delusional rationality” where

the call for purification (and mostly purifying the “psychological self”) becomes louder and louder. With each call—and we can compare this with the continuum of destruction described by Staub – the identity of the in-group is increasingly solidified. Destruction becomes a means to cleanse the country from “internal” enemies and to create a mono-nationalistic and/or mono-ethnic society where citizens are subordinate to society and state.

It is not worthy to mention that the political elite of the CUP, during this period, emphasizes the victimization of the Ottoman Muslims in the Balkans (Üngör 2008:21), in the same way that Milošević, decades later, emphasizes the victimization of Serbians in Kosovo during the onset of the Bosnian and Serbian war (Volkan 2001:92,93). The word “genocide”, and especially the genocide on the Serbians, is in fact the most overused word in Milošević’s pre-war speeches (Bringa 2002:202).

What this comparison shows us is that by focusing on the “Other” as a physical “threat” the conflict with the self-concept is diverted. A cultural myth is created (which Sémelin considers “delusional”) where if the society is “cleansed” from this “foreign element”, the nation-state gets a “fresh start”.

The mechanism of “positive mirroring” becomes, so I will argue below, the method on which the perpetrators

confirm and reestablish their superiority. The identity of the in-group gets continuously reconfirmed; in words, in actions, in laws and eventually, so I believe, in the acts of violence themselves.

To explain this, let us now look at the violence transcribed by multiple eyewitness accounts.

B. DIMENSION I: VIOLENCE A CULTURAL EXPRESSION

Genocide knows several steps or phases. Zwaan (2001) distinguishes five steps: identification of the victimized group, segregation and isolation, removal of property, concentration and destruction. Hovannisian (1999) adds another important step in the genocidal process, which is especially urgent in the light of the current Turkish denial of the Armenian genocide: “forgetting” (Hovannisian 1999:16,17). By forgetting and denying the atrocities the victimized group loses its right to remember.

While the above mentioned steps are aimed at the “actions” of genocidal violence on the ground, Stanton (2009) recognizes eight phases which also include symbolic violence. He distinguishes: classification of the out-group, attaching negative symbols to the out-group (symbolization), dehumanization of the out-group and then state organization, polarization (separating the out-group from the community),

preparation, extermination and denial (Idem:153-156). Although these phases include a more symbolic nature of violence within the genocidal process, they are not, in so far I understood them, bounded categories. What I mean by this is, that certain phases overlap or can occur simultaneously.

What make these approaches interesting from a sociological point of view, is that you step away from genocide as a “political event” and approach genocide as a process with its own internal logic and momentum. I think that during each step of this process the pathological identity crisis of the perpetrators is culturally expressed. It’s therefore important to see how they are expressed and how the violence increases.

Genocidal violence, as Card (2003) and Margalit (1996) emphasize is more than killing alone. Within the act the victims are first humiliated:

Before death, genocide victims are ordinarily deprived of control over one’s vital transgenerational interests and more immediate vital interests. They may be literally stripped naked, robbed of their last possessions, lied to about the most vital matters, witness to the murder of family, friends, and neighbors, made to participate in their own murder, and if female, they are likely to be also violated sexually (Card 2003:73).

The question is: why is genocidal violence so gruesome? Why are there so many symbolic connotations?



In the memoirs of Hampartoum Mardiros Chitjian (2003), there are clear depictions of the above-mentioned phases and how the violence increased. Hampartoum Chitjian himself states, and I believe that this statement is all-telling: "One never survives from a Genocide" (Idem:xvi). The impact of the violence is such, that it never can be forgotten.

In 1912 he observed the following at school:

From the very beginning our Christian names were changed to secular names by the new teachers. Kasper became Massis and I became Papken. Although we and our parents accepted this practice, we used those names only in the classroom by the teachers and principal. We maintained our Christian names at home and outside of the classroom (Idem:76).

What makes this quote significant is that we start to see the first steps of "identification", but also in an indirect way "classification" and "symbolization". By changing the students' names it became clear who was and who wasn't a Muslim or a Turk. If you weren't a Turk you were forced (and everyone in the community knew this) to change your name. By doing so you were also immediately stigmatized: everyone knew that you weren't a "real" or "true" Turk.

However, there is another discourse underneath this action; by changing the name, the Christian name became subordinated to the non-Christian name.

In spring of 1915 Hampartoum Chitjian made the following observation: "All of the Armenian shops were confiscated and converted into make-shift jails" (Idem:89).

This is also of great importance. Here we see the phases "segregation and isolation" and even "removal of property". By confiscating Armenian property, you also take away the right of mobility. The property became subordinated to the state. And consider the symbolism of this act. The state didn't create new shops from the old ones, but converted them into *jails*, as if the property itself was tainted and could serve no other purpose than to imprison "criminals". Here we see the negative connotation attached to Armenian property.

At the same time the Turkification at schools increased:

Within a few days we slowly realized what their intentions were for us. They began a very deliberate plan to convert us. We were to become Turkified. The very first thing they did was to change our Armenian names into Turkish names. My name was changed to Rooshdee, Kasper became Rasheed, Kerop became Hamdee, and Nishan became Nahyeem. Next day they demanded we no longer speak Armenian. They insisted we speak only in Turkish (...) What surprised me more was how quickly and unconsciously we completely forgot how to speak Armenian (Idem:100).

What we see here are a few very crucial elements. Changing names into secular

names is not enough; they have to be changed into "Turkish" names. There is also a refocus on language, as not only names became subordinated to the Turkish hegemony, but also the language. What is also interesting in this quote is how quickly the Armenian students internalized this change.

The symbolic suppression went even further:

Next they started to teach us their Turkish history. We were taught to say in Turkish:
Freedom, Liberty, Fraternity – long live the people
We are Ottoman, we are brothers, our customs are ancient
We must devote our lives as a gift towards our country
We are Ottomans, we are brothers
(idem:101).

So we see here that language, as well as the interpretation of history, are subordinated to the new state ideology; you had to abide by the new national identity. "All Ottomans" are "brothers", their customs are "ancient". Lives should be devoted as a gift to the country. This implies that if you weren't an "Ottoman" (and keep in mind here that definition of Ottoman was more narrow than at the start of the revolution of 1908), you weren't a "brother", you didn't follow the "ancient customs" and were therefore an outsider.

What being an Ottoman meant was expressed in the following actions: "The last thing they tried to change was our

faith in Christianity. We had to memorize and recite in Turkish: *Mohamed is a saint and his teachings are correct*" (Idem:101).

To be Turkish therefore meant that you had to a) speak the language, b) carry a Turkish name, c) abide to Ottoman interpretation of history, d) follow "ancient" customs and e) convert to the Islam.

In each step the personal identity was stripped away and subjected by the Nationalistic identity of the CUP.

By the following steps, property was confiscated on a larger scale:

Those [Armenian] houses were bolted shut and tagged with a government seal indicating that the occupants had been taken away by an order from the Turkish government. The properties and all of the contents both within the houses and on the exterior now belonged to them (Idem:102).

Property, a significant identity marker, was taken over by the Turkish dominant culture group; it was subordinated by the superiority of the Turkish elite. Most property was later confiscated, as Üngör (2008 and 2011) points out by the Muslim refugees from the Balkan wars. Consider the symbolism of this act: the Balkan wars were, as pointed out before, extremely traumatizing for the CUP. By confiscating property from Armenians, who we considered "internal" enemies, and giving them to the Muslim refugees, the defeat



of the Balkan wars was symbolically “neutralized.”

In his article *The Psychology of Bystanders, Perpetrators and Heroic Helpers* Staub (2008), emphasizes the importance of bystanders in the genocidal process. If bystanders intervene the continuum of destruction can actually be halted or changed³. If they do not intervene this leads to psychological changes that make more extreme forms of violence acceptable. We see from this point onward how the violence increases.

Three weeks later without warning, about ten o'clock in the morning, three gendarmes entered the Protestant Church before we were taken out to pillage for the day. Without a word they promptly started to separate boys according to their physical size and age (...) as it turned out, the older boys were separated from the group because they were designated to be killed on that day. The Turks knew the older boys were not going to convert and become Turk and therefore would continue to be a threat (Idem:104).

What makes this eyewitness statement so significant is that the individuals who couldn't convert, or who were too old to convert, were considered a “threat” to the Turkish identity. Here

we see how the imagined threat of the self-concept is expressed in physical action.

The violence itself also started to have symbolic meanings:

[the corpses] were laid in such a position as to expose their persons to the ridicule of passers by, and on the abdomen of each was cast a large stone. They had evidently been murdered there at the noon hour and then the brutal guards had stopped to leave behind them the signs not only of violence but of mockery and insult (Riggs 1997: 57,58—bold emphasis by author).

Why the signs of mockery and insults? Why cast a large stone on the abdomen of the victims? It seems that the violence itself is here used as a (cultural) language for the bystanders, accidental witnesses but also for the victimized group.

The violence was also in discriminatory. Everyone was murdered: males, females, elderly, babies, the sick or handicapped. The only dominator of importance was that you had to be Armenian, Assyrian, Greek etc.:

Hundreds of Armenian bodies were slaughtered, disfigured in all possible heinous ways—men, women old and young—children and babies. No one was spared. Their bodies were scattered and

strewn about or piled upon each other. The ravine and both banks of the Perri River were totally covered. The limbs of babies were sticking out here and there. Gradually, I became aware of the putrid odor of the decaying bodies (Chitjian 2003:111).

Torture, as we will see in the two following eyewitness accounts, was a common practice:

For a whole month [during the summer of 1915] corpses were observed floating down the river Euphrates nearly every day, often in batches of two to six corpses bound together. The male corpses are in many cases hideously mutilated (**sexual organs cut off, and so on**), the female corpses are ripped open (Bryce and Toynbee: 2000—bold emphasis by author).

Or:

In Dilman there is also the same amount of murdered Armenians, whose martyrdom was carried out in the most horrific manner. They cut off the feet of living people with saws, they cut their wrists in the same way, **they cut noses, cheeks, and lips off with scissors**. They burned those parts of the body which are more sensitive. Both the elderly and the young were killed by frightful tortures, without regard to gender. We saw the traces of boundless brutality, **glowing skewers were run through genitals of both women and men**, and they were put to death this way (Danielyan: 2005—bold emphasis by author).

The sexualization of violence is a reoccurring theme in warfare, some of this violence is considered opportunistic

and other strategic (Wood 2006:330), meaning that sexual violence occurs when “an armed group believes it to be an effective form of terror against or punishment of a targeted group” (idem:331). Even though sexual violence is the ultimate symbolic power of aggressor over victim, I do believe that if we approach this act of violence as a cultural expression in genocide, and compare it to other acts of violence within the same continuum of destruction, sexual violence serves here yet another purpose; it is the deprivation of the *gender* identity of the victimized group and thereby enhancing the masculinity of the aggressors. It is also symbolically taking control over the “reproduction” of a specific ethnic group.

Let's us now take a look at a few other eyewitness accounts:

There were parties of exiles arriving from time to time throughout the summer of 1915, some of them numbering several thousand. The first one, who arrived in July, camped in a large open field on the outskirts of the town, where they were exposed to the burning sun. All of them were in rags and many of them were almost naked. They were emaciated, sick, diseased, filthy, covered with dirt and vermin, **resembling animals** far more than human beings. They had been driven along for many weeks **like herds of cattle**, with little to eat, and most of them had nothing except the rags on their backs (Sarafian:2001—bold emphasis by author).

3. Campbell (2010) explains why some individuals commit violence, others are bystanders and yet others commit heroic acts. He is especially interested in the contradictory behavior of individuals themselves; those who are heroic in one instances and in other occasions bystanders or even perpetrators. He explains the contradictory behavior through theories of pure sociology. The social proximity of the bystander and the victim is hereby of extreme importance (Campbell 2010:303-304).



Or:

We were the first caravan to leave with much tears and anguish since it meant separation for so many. They assigned a few soldiers to us and thus we began. We used to travel by day, and in the evenings we stopped to eat and rest. In five to six days we reached Palu. There while we were washing up, I will never, never forget, they took my father away, along with all the men down to twelve years of age. The next day our camp was filled with the Turks and Kurds of Palu, looting, dragging away whatever they could, both possessions and young women. They knocked the mules down to kill them. I was grabbing onto my six-year-old brother; my sister was holding her baby, and my two young sisters were grabbing her skirt; my mother was holding the basket of bread. There was so much confusion, and the noise of bullets shooting by us. Some people were getting shot, and the rest of us were running in the field, not knowing where to go...Then I saw with my own eyes the Turks beating a fellow named Sahag, who had hid under his wife's dress. They were beating him with hammers, axes right in front of me and his wife. He yelled to her to run away, that we are all going to die a **"donkey death"**. [Expression meaning, 'to die worthlessly, slaughtered like an animal'] (Adalian:1997—bold emphasis by author).

In both of these eyewitness accounts we see that the Armenian population, in the structure of the violence is dehumanized. In the first eyewitness account the victims were covered in dirt and resembled "animals". In the second eyewitness account a survivor links the act of killing itself with slaughter;

the Armenians died a "donkey death". "They were slaughtered like animals". The metaphor that Armenians were treated and killed as "animals" is actually the most used metaphor in all eyewitness accounts.

This is of great symbolic importance. By killing the Armenians as animals, almost ritually, they were regressed as non-human beings.

We see the same symbolism in the following eyewitness account, even though indirectly, where Armenians are not only animals, but are also commoditized, almost in the same way that Jews were a commoditized during the Holocaust when the hair of the victims was used (and imagine the symbolism of this!) for the blankets and socks of German soldiers:

During that same time, other American soldiers were hiring Turkish boys to canvas the area to collect Armenian bones that were strewn throughout the vicinity. Some bones were still in the exact spot, where the Armenians saw their fate. Other bones were stacked in mounds several feet high. For each gunnysack that Turkish rogues gleefully filled with Armenian bones, they were paid one American dollar (Chitjian 2003:191).

If we summarize the symbolism and compare it to the mechanisms of baby-grammar and of what I consider "positive" mirroring, we come to an interesting observation. During each step in the continuum of destruction the violence increases and a layer of identity is stripped from the victimized group.

First primary identity markers, like names (kinship), language, (collective) history and religion are destroyed. Then comes the physical destruction and also within these acts of violence, which are quite rational and symbolic in the *delusional rational*; the victims are concentrated, overpowered, degenerated, dehumanized, slaughtered like animals and even commoditized. This violence, as a cultural expression, carries implicit and symbolic meaning. Through the act of "positive mirroring" the identity layer that is stripped, at the same time "confirms" and solidifies the same "identity layer" of the in-group. Or in other words: by destroying the names (kinship) of the victimized group, the perpetrators are confirming and solidifying their own kinship. By destroying the language of the out-group, the perpetrators are confirming the superiority of their own language. By making the collective history of the out-group subordinated to the nationalistic tale, the perpetrators are actually confirming their own history. By destroying the religion, the perpetrators are confirming the superiority of their own religion. Within each step of the violence, the pathological fixation on identity for the in-group, is symbolically "resolved", ending with the most gruesome acts by which the in-group confirms its masculinity and humanity over the out-group.

In his article *Individual and Large-Group Identity* (1999) Volkan describes

the development of individual identity to a group identity. His approach is psycho-analytical. He describes how an individual first separates a subject from object and establishes his "ego", which Volkan describes as an "inner sense of sameness" (idem:459). When this ego is constructed, and the individual ages, more layers of identity are absorbed. An individual becomes aware of his gender, his family and eventually his group identity and includes these, into his self-representation (idem:460). Although it would be too early to hypothesize, it is interesting and thought provoking that within the acts of violence we see a similar process, but then in reverse. First the obvious identity makers (language, names and kinship) are destroyed, until the more abstract identities like gender and humanity, which are to a child more primary, are deprived from the victimized group. By stripping away each layer of identity from the out-group, the in-group solidifies and establishes its own identity and more subconsciously, its own "existence". The conflict with the "self concept" is symbolically resolved.

This is, in my opinion, where genocidal violence differs from other acts of collective violence. Where warfare is used to meet a political end, political actions are used to repress a population and revolutions are used to overthrow the current hegemony and power, genocidal violence is aimed at



destroying an identity. This destruction, from the point of view of the perpetrator at least, has to be complete whether it is aimed at an ethnic identity, a national identity, a cultural identity or even a political identity. This is the reason why genocide is indiscriminately and aimed at citizens and generally includes cultural genocide and ethnic cleansing. The goal of the violence is pure annihilation. Genocide is successful when a specific group no longer exists, or even more than that, if not only the nation-state but also the national history is "cleansed" from this "foreign element".

This sense of loss, this enormity of symbolism in the violence, is felt by the victims. And I do not mean this in a metaphorical way, but in the most literal way. *The feeling of loss is lived.* The survivors, even third and fourth generation, are overtly occupied with their identity, as I will show below, and are, at the core (so I believe), afraid to lose this identity again.

C. DIMENSION II: THE TRANSGENERATIONAL CONSEQUENCES OF GENOCIDE

If we study the consequences of genocide we can distinguish visible consequences and invisible consequences. By visible consequence I mean the number of deaths, the disappearance of families and possessions (see also Üngör:2011). I also mean more abstract

consequences like the Great Diaspora, the enormous pull of refugees to new and often foreign territories, the destruction of political and religious institutions and for many Armenian refugees living in the Netherlands today, also the loss of the Armenian language. These are consequences that can be measured, numbered, and are visible in day-to-day discourse.

When a group with its own cultural identity is destroyed, its survivors lose their cultural heritage and may even lose their intergenerational connections (...) they may become "socially dead" and their descendants "nationally alienated", no longer able to pass along and build upon the traditions, cultural developments (including languages), and projects of earlier generations (Card 2003:73; see also Patterson 1982: 5-9).

Social death is from my point of view not the goal of the aggressor, but an indirect outcome of the destruction of institutions and the destruction of an identity. This destruction is of extreme importance for it is a continuous reminder of that which is lost. Or to put it differently: the narration of violence never stopped. The victimized group is reminded of the violence in their day-to-day dealings.

The visible consequences, what is measurable, therefore perpetuates what I consider the invisible consequences—the feelings of alienation that violence brings and the pre-occupation with identity in modern Diaspora

communities. To understand the invisible consequences it is important that we look at the nature of violence itself.

Harding (2000) claims in her study on conversions and uprising of the Christian Fundamentalists in the United States, the importance of language as a narrative: the speaker draws the listener in and creates an interpretative gap, where the listener is faced with a choice; accept the voice of the narrator (and with this his tale) or ignore the voice of the narrator and dismiss the tale. If you decide to accept the voice of the narrator, you indirectly also accept the symbolism within the narration.

Even though violence can be seen as a narrative and/or cultural expression, it has one important distinction; as a victim you don't have a choice. Violence is the ultimate intrusion. The victim has to abide to the reality of the aggressor:

I am reality, war says....Experiences obtained in the terrible reality of the war, in which these confrontations with the most brutal violations of the integrity of the human body—violations of what is perhaps the ultimate story we have to tell about ourselves: the story that says that we are more than just skin, bones, blood and brains—seem to bring about an utter alienation (Van de Port 1998).

The experience of violence changes an individual and demands psychological defense mechanisms:

...any excitations from outside which are powerful enough to break through the

protective shield Such an event as an external trauma is bound to provoke a disturbance on a large scale in the functioning of the organism's energy and set in motion every possible defense measure" (Freud 1923).

The bitter irony is, that where the threat of the self-concept for the Ottomans was imaginary, the threat of existence for the Armenians was real. Those who survived the genocidal violence did not only had to manage the trauma and memories, which are by themselves already inconceivable, but they also had to place this collective experience in a cultural framework. The feelings of alienation and destruction had to be explained, meaning had to be derived, new traditions had to be built (Hobsbawm 1983: 4,5) and new discourses about the "self" and "identity" had to be made.

To make an comparison: in case of the Hutu's, in the aftermath of what some consider the "silent genocide" in Burundi in 1972, the experience of violence itself and the status of refugee gave the survivors, according to Malkki (2002) a sense of "imaginary empowerment". The violence "cleansed" the Hutu's, so they could return "strong" and "purified" (or so they thought) to their homeland.

This symbolic re-empowerment is not uncommon especially during moments where the social fabric disintegrates and the survivors are forced to create new discourses:



The range of these modes of symbolic re-empowerment is infinite—from “imagined communities” that provide a quasi-familial, fantasized sense of collective belonging, through forms of madness in which one imagines that external reality is susceptible to the processes of one’s own thinking, to “techniques of the self” in which consciousness and the body are subject to all manner of symbolic manipulations (Jackson 2002:35).

Even though I do not claim that the Armenians I interviewed had a “quasi-familial, fantasized sense of collective belonging”, I do think that they attached specific symbolic meaning to their genocidal experiences. The Armenians I spoke to felt the weight of their past literally on their shoulders. It was something they had to bear, but which also gave them strength:

The genocide is the symbolism of our entire history! It shows what has been done to us for centuries, and what is still being done to us. We still have lost everything. We are still being suppressed. The genocide is the ultimate injustice. *Informant*

Or:

What do you think, Tony? That I will not tell my children about their history? That I will not teach them the Armenian language? How can I not? It is our history. We feel it. It is for us to carry this weight. *Informant*.

This “weight” is real and is culturally placed within the body:

I can’t explain it, but when I am waiting at the tram stop and see another person,

I know whether he or she is Armenian, even though I have never met this person in my life. I can’t explain it. You have to feel it. The same blood attracts each other. *Informant*

When I grilled my informant about the importance of this “blood”, he explained to me: “It is the *sadness* that we feel.”

It is my belief that in the aftermath of the genocide, the *experience of genocide* became by itself an identity maker: it became a part of the cultural narrative and discourse. Even third and fourth generation Armenians I spoke to felt this “pain”. But it was more than that. It was not just *feeling* the pain, but also *carrying* the pain that had significance:

I was standing there in front of the mountain Ararat and I had to cry. It is difficult to describe what I felt; I had never seen the mountain before. While I was standing there, I felt the past flowing through me. Noah came from that place And I realized the mountain was still there. Do you understand what I mean? The mountain is made of stone. It is powerful. It stays there. Just as the Armenian people: nobody helped us, but we are still here. *Informant*

Carrying this cultural pain makes, within the cultural discourse, the Armenian identity strong and this “strength”, just like the pain, is also carried within the body:

I knew a girl once who had an Armenian father and an English mother. The father was “strong”, the mother was weak, so

when he died and the daughter married, she was giving her children an Armenian upbringing; to pass the strength along... It was in her blood, you see... *Informant*

We have to keep in mind here that most identity markers were destroyed during the genocide. Armenians had to rebuild themselves. The collective experience—the genocide—became one of the most significant building blocks; however, this is not without struggle. Some Armenians in the Dutch community believe (especially those Armenians who came to the Netherlands from Iran, Iraq and Armenia) that Armenians should speak the mother tongue in order to be a “true Armenian” (the political discourse). Armenians from Turkey emphasize the current persecution of Armenians in Turkey (and which they also themselves have experienced), and the suffering they felt because of these persecutions; their discourse is a cultural one. This difference in discourse often collided and resulted in fights, schisms and quibbles during my fieldwork.

The Armenian identity is therefore not “finished”. It is an identity in the making, an identity in creation, especially in the Diaspora communities where the sheer existence of a dominant (and sometimes hostile) culture, makes the question of the Armenian identity more urgent.

Using the genocide as a building block within the cultural narrative of

“identity” and “self”, also has drawbacks. It implies a pre-occupation with identity, but even more importantly, also a fear to lose this identity again to external forces. This was best translated in the word *Jermag Chart*—also known as “white genocide”⁴.

Just when I thought the world was really mine, in the prime of my life when I was in my fifties, I was confronted with the one misfortune I never allowed to cross my mind. The one misfortune I would not wish upon my worst enemy! This occurred when my son married an *odar* (a non-Armenian) in April 1954 (Chitjian 2003:331).

This “threat” is considered as something real and not metaphorical. If “identity” is in the blood, then marrying an *odar* is a direct threat to the Armenian self-concept.

He writes further:

There was total assimilation into the *odar* world within one generation. We had managed to escape the bloody barbaric chartt of 1915. Now we were both left wounded emotionally by the “White Chartt” – assimilation! There is no escape from the “White Chartt”. If allowed, the “White Chartt” will finally achieve the aspirations of the vicious barbaric Turk – **our youth must understand this!** (idem:331—bold emphasis by original author).

From an anthropological point of view it is not important if this fear is valid, what is important is that this fear exists

4. I have seen this word spelled in several different. I use the spelling here that was common during my fieldwork in the Netherlands.



and is directly linked to the genocide. In this quote, we see how identity is connected with the loss of identity and that genocide, physical or white, is a tool by which this loss can occur. Here we see, more blatantly than in other quotes, how the cultural expression of violence by the aggressor is internalized in the cultural identity of the survivor. The Armenian identity may be strong, it may have to carry a weight that no other ethnic identity can carry, but at the same time this identity is under continuous threat and has to be protected. The pathological fixation on identity of the original perpetrator became, in a watered down and less aggressive version, a fixation on identity among the survivors.

And here is where condemnation of genocide, one of the titles of this conference, gains importance in eliminating the consequences. Recognizing the genocide is also recognizing the Armenian history. It gives the Armenians the official right for remembrance. Or as Friedlander (1993) emphasizes: "Thus, if we make allowance for some ritualized form of commemoration, already in place, we may foresee, in the public domain, a tendency toward closure without resolution, but closure nonetheless" (Idem:133).

Yet there is a warning. I started this paper discussing the complexity of

eliminating the consequences of genocide. More often than not it is presumed that if there is international and legal recognition all other consequences will be resolved. Even though I agree that international recognition is of importance, I do believe that this is only the starting point. The consequences are much more complex, much more embedded in the cultural frameworks, much more invisible than we may first presume. The consequences cut into the core of identities and self-concepts. Recognizing the history of the Armenians is not, as some of my respondents presume, immediate recognition of the Armenian identity. These things are separate. In order to eliminate the cultural pain more steps than condemnation and elimination has to be taken. There has to be an acceptance, but first of all a true understanding what genocidal violence truly means: a devastating machinery with only one goal: complete and utter destruction of an identity. We have to understand this. We have to understand that this violence is cultural, rational in its own pathology, symbolic and that survivors derive meanings from these experiences and symbolisms. Violence should not be objectified as a statistic or as a mere fact or outcome of a political crisis, because by doing so we will never understand the pain and burden this violence causes for future generations of survivors.

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THE MASSACRES OF ADANA; APRIL 1909 AND ITS IMPACTS IN EGYPT

ABSTRACT

The Armenian crisis in the Ottoman State didn't come to an end after the change of governing order on the hand of young Turks party in 1908. On the contrary, a new page of persecution and massacres began and became a main episode in the genocide program in order to make the Armenians vanish. In the region of Cilicia especially in Adana a series of violent acts and massacres were committed against the Armenians beginning 14th of April till the 27th of April 1909. The victims were around 28103 people of both sex and destroying 34 churches and 19 schools and 6460 houses and 595 shops and 265 ranch and 43 hotels and factories. And about 7903 Armenian shields were deported.

There are disagreements about the identities of this massacres managers; some assume that they were managed by the Itihadists, others assume that

they were managed by the partisans of the hamidits in order to have revenge from the Armenians and embarrass the new regime.

Those massacres had an impact in Egypt through the following reactions:

- The El Azhar el Sharif - the most important religion association in the Islamic world at that time - issued a Fatwa forbidding the spelling of Armenians innocent Christian blood.
- The Egyptian public opinion was very upset from the murdering of the Armenians in Adana under the name of "Mam against Christianity"
- The Egyptian newspapers had published a number of articles and inquiries condemning the murderers of the innocent Armenians.

MUHAMMAD REFAAT AL-IMAM

- An essay was published in Egypt by the "Croissant and the Cross" foundation defending Islam and declare it innocent of the Armenians blood.

A book was published in Alexandria by the end of 1909, first book in Armenian language about the massacres of Adana, written by Yegheya, the archbishop of Adana.

DR. MUHAMMAD REFAAT AL-IMAM WAS AWARDED THE MEDAL OF THE MINISTRY OF FOREIGN AFFAIRS OF ARMENIA

By the decree of Armenian Foreign Minister, H.E. Dr. Edward Nalbandyan, Egyptian historian, Armenologist and genocide expert, Professor of the University of Alexandria, Dr. Muhammad Refaat Al-Imam was awarded the Medal of the Ministry of Foreign Affairs of the Republic of Armenia for his notable contribution to presenting Armenian culture and history in the Arab World.

The handing of the medal was held during a reception organized at the Embassy of Armenia in Egypt on July 17, 2011 and attended by prominent Egyptian intellectuals, scientists, professors, public figures, journalists, representatives of the Armenian Studies Center at Cairo University and students, as well as numerous Egyptian-Armenians.

The award was handed to Muhammad Refaat by the Ambassador of Armenia to Egypt, H.E. Dr. Armen Melkonian. In his speech Ambassador expressed

gratitude to the Egyptian scientist for his notable merit in the investigation into the history of the Armenian Cause and the Egyptian-Armenian community, and his objectivity and neutrality vision of the historical reality. Besides, the ambassador highlighted his ongoing support to the activities of the Armenian Studies Center at Cairo University and for heading the editorial office of the «AREG» Arab-language Armenological journal.

Muhammad Refaat is the author of «History of Armenian Community in Egypt» (1999), «The Armenian Cause in the Ottoman State: 1878-1923» (2002), «Armenians in Egypt: 1896-1961» (2003), «Destruction of the Human Race: Study on the Valid Documents in Preparation for the Genocide Convention: 1946-1948» (2007), «Last Denial: Crime of the 20th Century» (2010) and a number of other valuable works in Arabic.





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EDUCATION AS A DETERRENT TO THE CRIME OF GENOCIDE

The title is no credit to the author. Who but a hopeless dreamer completely detached from reality believes that monsters on the ready to wipe out whole communities and races, can be deprogrammed, reformed and recycled as citizens in the service of the social order simply by taking up an intensive course on human rights? The title is deceiving and does not do justice to my reading of human nature. I concede that retribution is a more reliable deterrent. Education, though far behind as a restraint, is not an unworthy effort.

Education is not outside the parameter of human rights. The Universal Declaration of Human Rights (UDHR) refers to education twice within the body of the text; first as a tool to disseminate human rights and freedoms, and later on the UDHR prescribes a highly appreciated liberal concept of education. "The General Assembly proclaims the Universal Declaration of Human Rights as a common standard

of achievement for all peoples and all nations to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms..."

Article 26 paragraph 2 states:

"Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace."(1)

There is no cynicism in my claiming education was taken seriously by those who voted in favor of the UDHR. In the process of drafting a slow but steady attempt to water down the binding nature of the document started to surface.

State representatives, especially those of super powers, did not wish to install a mechanism, not even a moral one, to judge their actions or abstentions. Relegating human rights to the safe realm of education and nothing more was what they strove to achieve. The statements of understanding of both the USA and the USSR are revealing. Despite the Cold War that set them apart, the two super powers agreed on the non-binding nature of the UDHR and the US representative restricted it to just education. The USA's statement of understanding goes as follows: "In giving our approval to the Declaration today, it is of primary importance that we keep clearly in mind the basic character of the document. It is not a treaty, it is not an international agreement. It is not and does not purport to be a statement of law or legal obligation. It is a declaration of basic principles of human rights and freedoms, to be stamped with the approval of the General Assembly by a formal vote of its members and to serve as a common standard of achievement for all peoples of all nations." (2)

The nonbinding nature of the UDHR became crystal clear in the declaration of understanding of the USSR: "Regarding the proposals on measures for implementing the Declaration of Human Rights and the Covenant, the Government of the Soviet Socialist Republics considers that the implementation of the Declaration of Human Rights and the Covenant is a matter

which solely concerns the domestic jurisdiction of the State, and accordingly sees no need for any international agreement on the subject." (3)

An impressive sign of hope was the miserable failure of the attempt to reduce human rights to just education. Later developments turned human rights into something far more than a timid ideal for the future. Human rights, by sharpening modes of immediate action, proved to be the most formidable force of change in our modern age.

Now that this necessary introduction is done, I propose to cover education and human rights along the following sections:

Definition of Education

Synoptic History of education

The inflated trust in education and a wake-up call. And finally, Lessons from human rights education in Lebanon.

What is Education?

The Webster Encyclopedic Dictionary - Educational Book of Essential Knowledge -1964- defines education by going back to the Latin origin of the word "educatio, educatum, which the dictionary points out to be composed of the prefix e: out, and duco: to lead. Webster elaborates: to conform and enlighten the understanding of; to cultivate and train the mental power of; to qualify for the business and duties of life; to teach; to instruct; to train; to rear."



"Education," the source goes on to say, "is the act of educating, teaching or training; the act or art of developing and cultivating the various physical, intellectual, aesthetic, and moral faculties; instruction and discipline."(4)

Synoptic History of Education:

"Horses are born. Human beings are formed," goes an ancient proverb. This formation of the human being by way of education is as old as humanity. Passing skills, myths, collective memories –accurate or drummed up– go back to the first human society of hunters and gatherers. However, more developed methods of education were inscribed in some Egyptian temples dating back over 3000 years B.C.

Institutional secular learning came much later and is widely acknowledged as a Greek contribution, which the whole of humanity emulated. The emergence of democracy in Athens in the 5th century B.C and the trial by jury, offered the need to train the citizens in the art of rhetoric, as a necessary tool to achieve prominence in political and legal pursuits. Itinerant teachers streamed into Athens from the various parts of Magna Graecia. The Sophists rejected what they regarded as fruitless philosophical speculation. Their skeptical approach was based on the opinion that although answers to philosophical questions may exist, the human being cannot know

the truth about the riddles of nature and the universe. Furthermore, their reputation was tarnished by charging fees, often enormous for their services. Socrates differed from the Sophists not just in the humble life he led but, more importantly, in his ontology. He maintained that absolute norms exist and are universally valid and knowable. Socrates rejected the ethical implications of Protagoras that "man is the measure of everything; what he judges right is right, and what he judges wrong is wrong." Superficially, he granted, moral standards might seem conflicting and relative with no hint to universal validity and authority beneath their hopeless variance and antagonism. But applying a patient method composed of sufficient comparing, analyzing and redefining of different standards of different individuals, one observes that these standards converge towards points of agreement and would eventually produce a definition of virtue.

By founding the Academy Plato institutionalized the Socratic Method, the principles of universalism, and the innate knowledge in every human being. Aristotle shifted the focus of education from Plato's World of Ideas into more inductive and practical aspects of subjects taught without losing sight of theory. One of education's primary missions for Aristotle was to produce good and virtuous citizens for the polis. "All who have meditated on the art of governing mankind have been convinced

that the fate of empires depends on the education of the youth," he wrote in Book III of Nicomachean Ethics. "Education should aim at teaching the citizen how to rule and how to obey," he counseled in his book *On Education*. (5)

These two understandings of education, the Platonic and the Aristotelian, dominated all centers of education for the following 2000 years. The Christian and the Islamic worlds throughout the Middle Ages applied one of the two methods. The Muslim civilization introduced two levels of instruction; the Katatib and the Madrasa. Two prominent figures, Ibn Sina and Ibn Tufail, stretched out the Aristotelian induction and introduced a notion not entirely within the fold of the Greek philosophers which captured the attention of some educators of later ages. Both Islamic thinkers considered the human being to be a *tabula rasa*. The pupil starts as a blank page where knowledge is acquired through sensory organs. Around that period the Scholastics were slowly building up within the confines of the scriptoria of the monasteries what later developed into universities.

An important watershed for education is the contribution of the Age of Enlightenment. Though maintaining an inflated trust in education as a guaranteed prescription to build a utopia, the cornerstone of secular public education would be traced to

these thinkers who influenced our modern age.

The philosophical center of gravity in Europe in the eighteenth century was in England in the first half, in France in the middle and in Germany towards the end. England, by its more attractive liberal political system to emulate and thinkers to follow, such as David Hume and John Locke, influenced the French, who contributed most to that stage of human thought in the persons, to state a few; Voltaire, Rousseau and Montesquieu. The flame broke through the French borders northward to Germany where Kant and Hegel had a share in enriching education.

I'll introduce some broad outline of these thinkers on education before passing to describe the main tenets of the French Enlightenment.

The Rationalist believed in reason as the primary source of knowledge. They also maintained that the human being has certain innate ideas that exist in the mind prior to all experience. In the eighteenth century a number of philosophers, foremost among them was John Locke, David Hume and George Berkeley, all three British, held that we have absolutely nothing in the mind that we have not experienced through the senses. "We have no innate ideas or conceptions about the world we are brought into before we have seen it. If we do have a conception or an idea that cannot be related to experienced facts, then it will be a false conception," wrote



Locke in his *Some Thoughts Concerning Education*. This Empiricist school of thought had a mighty influence on the French Enlightenment.(6)

Locke's *Some Thoughts Concerning Education* is an outline on how to educate the mind. Locke, along the line of the Enlightenment thinkers, belongs to the *Tabula Rasa* approach to education. He expresses his belief that education "maketh the man." The mind, according to him, is an "empty cabinet." And observes; "I think I may say that of all men we meet with, nine parts of ten are what they are, good or evil, useful or not, by their education."(7)

The French Enlightenment, in its more complete French form, consists of the following

1. Opposition to authority
2. Rationalism
3. The enlightenment movement
4. Cultural optimism
5. The return to nature
6. Natural religion
7. Human Rights

All seven characteristics fit within the parameter of our conference, admittedly some more directly than others..

1- The Opposition to Authority. Many of the French Enlightenment philosophers visited England, which was in many ways more liberal than their home country. They were intrigued by the English natural sciences, especially Newton and his universal physics. But

they were also inspired by Locke and his political philosophy. Once back in France, they were increasingly opposed to the Old authority. They thought it was essential to remain skeptical of all inherited truths, the idea being not that the individual must find his own answer to every question. The tradition of Descartes was very inspiring in this respect because of his building everything up from the ground. The opposition to authority was not least directed against the power of the clergy, the king, and the nobility. During the eighteenth century, these institutions had far more power in France than they had in England.

The exchange said to have taken place between Alexander the Great and a pirate was reproduced in the cynical style of Voltaire "It is forbidden to kill; therefore all murderers are punished unless they kill in large quantities and to the sound of trumpets." (8)

When a correspondent argued that monarchy is the best form of government, Voltaire replied: "Provided Marcus Aurelius is monarch, for otherwise, what difference does it make to a poor man whether he is devoured by a lion or by a hundred rats?"(9)

Fabricating charges against Jean Calase, a Protestant of Toulouse, and his execution, enraged Voltaire. It stimulated the French thinker to adopt his famous motto: "Ecrasez l'infame" (10)

2- Rationalism: The next key word is rationalism. A rationalist believes in reason as the primary source of knowledge

Of course rationalism goes way back before the Enlightenment. It is a mainstay of Greek philosophy with Parmenides (c. 540-480 B.C.) as a main hallmark. From about 500 B.C. there was a group of philosophers in the Greek colony of Elea in Southern Italy, among whom figures Parmenides. Parmenides thought that everything that exists had always existed. Nothing can come out of nothing and nothing that exists can become nothing. He developed this basic Greek principle further. He thought that there was no such thing as actual change. Nothing could become anything other than what it was. Parmenides realized, of course, that nature is in a constant state of flux. He perceived with his senses that things changed. But he could not accept this with what his reason told him. When forced to choose between relying either on his senses or his reason, he chose reason.

Socrates developed the idea further. He felt it was necessary to establish a solid foundation for our knowledge. He believed that reason is a primary source of knowledge, and he also believed that man has certain innate ideas that exist in the mind prior to all experience. This foundation lay in man's reason.

Like the humanists of antiquity most of the Enlightenment Philosophers had an

unshakable faith in human reason. This was so characteristic that the French Enlightenment is often called the Age of Reason. The new natural sciences had revealed that nature was subject to reason. Now the Enlightenment philosophers saw it as their duty to lay the foundation for morals, religion, and ethics in accordance with man's immutable reason. This led to the Enlightenment Movement

3- The Enlightenment Movement.

Now was the time to start 'enlightening' the masses. This was to be the basis of a better society. People thought that poverty and oppression were the fault of ignorance and superstition. Great attention was therefore focused on the education of children and of the people. It is no accident that the science of pedagogy was founded during the Enlightenment.

4- Cultural Optimism. The Enlightenment philosophers thought that once reason and knowledge become widespread, humanity would make great progress. It could only be a question of time before irrationalism and ignorance would give way to an "enlightened" humanity. "Let reason be freed and it would in a few generations build Utopia," Paine described the mood of Enlightenment. This cult of progress, the basis of Positivism, dominated the Western European through all the way down to the mid-twentieth century. (11)



5- The return to nature. For some during the Enlightenment the catchphrase was Return to Nature. But 'nature' to them meant almost the same as 'reason' since human reason was a gift of nature rather than of religion or of 'civilization'. It was observed that the so-called 'primitive peoples' were frequently healthier and happier than Europeans, and this because they were "less civilized." Rousseau proposed the catch phrase "*We should return to nature for nature is good and man is, by nature, good; it is civilization which ruins him.*"

Rousseau's arguments against civilizations failed to impress the bulk of the Enlightenment thinkers. The most cynical, though not the most profound, comment was formulated by Voltaire. "*I have received, sir, your new book against human species, and I thank you for it...No one has ever been so witty as you are in trying to turn us into brutes, to read your book makes one long to go on all fours. As, however, it is now some sixty years since I gave up the practice, I feel that it is unfortunately impossible for me to resume it.*"(12)

6- Natural Religion: Religion should be brought back in harmony with natural reason. Many fought for what they termed a "natural religion." At the time there were a lot of confirmed materialists who did not believe in a God, and who professed atheism. But most of the Enlightenment philosophers thought it was irrational to

imagine a world without God. The world was far too rational for that. It was also considered rational to believe in the immortality of the soul. Just like Descartes they related the immortality of the soul to reason and not faith. According to them what religion needed was to be stripped of all the irrational dogmas that had got attached to the simple teaching of Jesus during the course of ecclesiastical history. They professed what is known as Deism holding a belief that God created the world ages and ages ago but has not revealed himself since. Thus God is reduced to the "*Supreme Being*" who only reveals himself to mankind through nature and natural laws, never in any "supernatural" way.

7- Human Rights: The French Enlightenment Philosophers did not content themselves with theoretical views on man's place in society. They fought actively for what they called the "natural rights" of the citizen. At first this took the form of a campaign against censorship- for the freedom of the press. But also in matters of religion, morals, and politics, the individual's rights to freedom of thought and utterance had to be secured. They also fought for the abolition of slavery and for a more humane treatment of criminals. They, in short, wanted to establish that everybody was entitled to this set of rights and freedoms simply by being born. That is what they meant by natural rights.

The unfounded inflated trust in education and its rectification

The Enlightenment trust in human reason and education as forces of change proved flawed. Sigmund Freud and the psychiatrists questioned the validity of the Rationalist as well as the Empiricist schools of education. Drilling in the deep recesses of the human psyche established that the human being is not really such a rational creature. Irrational impulses often determine what we think, what we dream and what we do. Such irrational impulses can be an expression of basic drives and needs.

Arthur Koestler in *The Yogi and the Commissar* addressed the schizophrenia in every normal human being. "There are indications that this dualism is correlated to specific neural processes. Recent progress in neurology established the thalamus (the phylogenetically older center organ of the mid-brain) as the seat of feeling an emotion, and the pallial cortex (the rind of the relatively new brain-hemispheres) as the seat of discriminate (logical) thought. Animal experiments and the study of certain brain injuries during the last war (e.g. head's thalamic syndrome) disclosed two mutually inhibitive tendencies of reaction to a given situation the 'thalamic' and the 'cortical' type of behavior. Thalamic behavior is dominated by emotions, cortical behavior by formal reasoning. Irrational beliefs are rooted in emotions;

they are felt to be true. Believing may be defined as 'knowing with one's viscerae.' Behavior under thalamic domination is accompanied by effective, that is, wishful or fearful thinking; the type of thinking we find in monkeys, savages and infants; and in every twenty three out of twenty-four hours in ourselves. Cortical, i.e. detached rational thought, is a new and fragile acquisition which breaks down at the slightest irritation of the viscerae, reported by the autonomous system of the thalamus, which, once aroused, dominates the scene. Both anthropology and psychology have during the last fifty years led convergent results. Levy-Bruel proved that the mentality of the primitive is pre-logical; the Kantian categories of (homogenous) space, time and causality do not exist in the primitive mind. It is controlled not by formal reasoning but by ready-made beliefs (pre-liaisons collectives.) Freud demonstrated the affective roots of thought and followed them down to Totem and Taboo. Jung showed that certain archaic or archetypal images and beliefs are the collective property of our race. Even modern philosophy came more or less independently to the same results; Ogden and Richards proved the emotional fetish-character of words and tautological statements. Science has at last reached a stage sufficiently rational to be able to see the irrationality of the mind's normal functioning.(13)



This brings me to the following part of my paper.

The abstract theories covered above must keep in focus the individual, the concrete reality addressed by all these theories of education. The centrality of the individual was, to my mind, best expressed, not by pedagogues, but by the prosecutor of the Nuremberg Trials of 1946, who detected individuals behind the ultimate evil; the heinous crime of the annihilation of entire communities. The indictment highlighted in an impressive statement that *"crimes against international law are committed by men, not by abstract entities, and only by punishing individuals who commit such crimes can provisions of international law be enforced."* (14)

It is the individual that is addressed in the human rights course developed by the Foundation for Human and Humanitarian Rights (Lebanon)-FHHRL- and is being offered in the leading universities and the main seminaries of Lebanon. Credit goes to the Armenians of Lebanon, specifically to Dean Wilma Sholakian of the Haigazian University, who was the forerunner of human rights education by placing the course on the requirement list for the political science students as early as 1992.

The FHHRL, which took charge of the course, is proud of its achievement

but is even jubilant that the course failed.

What are the components of the course, the source of pride? And why is its failure a reason for jubilation?

The basic course is composed of three parts; the worth of the human being. What are the rights of each and every person of this unique human being? And how to defend this set of rights and freedoms. As an introduction to the practical part, the syllabus includes six basic dichotomies with a seventh concept added, to stimulate discussion and help entrench the concept of human rights. It is appropriate to highlight the Matrix where all seven are listed.

The Matrix (15)

The aim of human rights training is to qualify the candidate in the technicalities of filing cases of violation of human rights to the local and international bodies soliciting their alleviating injustice. How to act is pretty simple and almost mechanical. Why to act is the more philosophical and complicated part of the work. In a bid to promote the faith of the human rights activists in the inherent rights of every human being, some of the related and basic tenets of philosophy are placed before them for discussion and appreciation.

These are six dichotomies followed by the principle of slippery slope.

1. The Natural Right vs. the Positive Law

All societies from utter primitiveness to the most advanced are run on the basis of a set of rules and traditions the more advanced form of which are the laws. But laws, while formally legal, might be substantially unjust. Would they in the latter case be binding?

Humanity wrestled with this dilemma of obedience to unjust laws. This did not seem to have raised any problem for Thomas Hobbes who did not transcend the form. *"Unjust law is a contradiction in terms,"* the English philosopher, haunted by the anarchy of the civil war, wrote. A dramatically opposed view is suggested by St. Thomas Aquinas. *"Unjust law is no law at all,"* and, therefore, lacks a binding quality. Aquinas was reiterating Antigone's argument defending her discarding Creon's edict that violated the *"law of the gods."* Obedience to the concept of natural right, as advanced by Sophocles, and the denial of legitimacy of a contradictory man-made law, should be the appropriate option of a human rights activist.

2. The Essence vs. the Accident.

An important contribution of the Greeks is the distinction between the Essence and what is Accidental. Granted the content of

both concepts are somehow modified in the mid twentieth century to be in conformity with the inherent worth of all human beings. Common humanity is highlighted as the essence with all the remaining attributes as accidents. The 'essence' being superior in value to 'accident', it will be wrong to ditch the 'essence' and favor the 'accident'. It is therefore a violation of human rights that the 'essence', common humanity, should be surrendered to the 'accident' of color, creed, race, ethnicity, nationality, gender, political persuasion, intellectual capacity, deficiencies and the rest of what sets a human being apart from the others.

3. The Person vs. the Individual

Jacque Maritain came up with a subtle distinction between the human being as an *'individual'* and the human being as a *'person.'* These two qualities are imbued in every one of us. The 'individual' determines what joins every human being to the other and makes him a member of the human race. Human beings are 'individuals' who are related to a common social order of which they are part. But they are also *'persons'*. A person is a *'whole; is an object of dignity and 'must be treated as an end.'* A *'person' has a transcendent destiny. It is by virtue of their individuality that*



human beings are obliged to the social order, but it is by virtue of their personality that they cannot be subordinate to that order. As 'persons' we are perfectly entitled to reject all public measures that transgress our basic rights and diminish our qualities as 'persons,' such as curbing our freedom of thought, expression, beliefs and remaining rights and freedoms listed in the Universal Declaration of Human Rights."

Nikolai Berdiaev highlights the preeminence of the human person. *"The society, the nation, the state are not personalities; man as a person has a higher value than they. Hence it is man's right and duty to defend his spiritual freedom against the state and society. In the life of the state, the nation and society, we often find a dark, demonical force which seeks to subordinate man's personality and make it merely a tool for its own ends."* (Solitude and Society.)

4. The I-Thou vs. the I-It

Not completely unrelated to Maritain's distinction comes Martin Buber's philosophy of dialogue in which two types of relationships are underlined; the I-It and the I-Thou.

The following synopsis, admittedly an amputated recast of the whole construct, discloses the basic tenets of Buber's doctrine.

"A classroom, a table, a book, a pen etc. are things. We deal with them, but they do not enter our personality. They are for us nothing more than an It. With them we have a so-called an It relationship. As long as I am dealing with things (with Its,) I remain closed and, to some extent, I myself remain an It. But when I really get to know another person and open myself to the other, when I say you to the other with all its depth of meaning (Thou,) a change takes place in me. It is as if I enter a new world. It changes me into a real I, into myself. It is only in as far as another person exists for me, do I become myself. At the moment when I display respect of the other, an I-Thou encounter, I live the fullness of my personality. I experience the full intensity of being me. When I share myself with another person in close friendship and loving intimacy, myself reaches a peak."

5. Human Existence vs. Human Role.

All existing beings have a quality of existence. A cow in the meadows, a tree on the side walk, a book on the shelf and a living human being all exist as long as they last. A more complicated question is whether their different existences are of a same or of a radically different nature?

With the exception of the human being existence is a function of a role the being performs the absence or the termination of which renders existence unjustifiable. A tree is kept by the farmer as long as it yields, so is the case of an animal or a machine. Human existence, by contrast, is inherent and not a derivative of a function or yield. In the course of the minority groups, religious, ethnic what have you, struggle for their rights, evoked services, often inflated, rendered to those in power. There is a flaw in this traditional attempt that the advent of the principle of the universal worth of human rights helped alter. The traditional way dehumanizes the supplicants as it equates them with the non-human beings. The universality of human rights introduced a radical change. All human beings, individuals and collectivities, have the right to exist simply because they exist.

This change of attitude is best illustrated when the platform of Martin Luther King's Civil Rights Movement is contrasted with Harriet Beecher Stowe's Uncle Tome's cabin.

6. Biological Life vs. Quality of Life

Could human life be defined, just like any other animate being, on the basis of the functioning of the

vital organs, or should a quality of life be factored in to highlight human worth? The biological definition of human life fails to integrate what distinguishes this unique being from the rest; his inherent dignity. The more complex definition, which takes into account the quality of life, conforms better to the supremacy of the human being. Yet again, this definition is not free of defects. Should human life integrate quality, how would we handle cases where the quality of life is unattainable whether by retardation, accidents, Alzheimer and the rest of the long list of infirmities? Would life in these cases remain commensurate with the entitlements of human life? If not, would the absence of quality justify abortion and euthanasia?

7. The Slippery Slope

Some measures in extreme cases could be tolerated even defended. However, when the principle of slippery slope is applied and the case is set in motion, the process will inevitably and gradually gravitate in the direction of the opposite values. Consider a case of terror. A man in the course of casual interrogation admits planting a bomb in a school bus and is timed to go off in one hour. The interrogator has to decide on the spot whether he should lean heavily on the detainee to extract the



necessary information to save the life of dozens of children or to stick to the rules banning torture and, thus, aborting a chance to save the innocent lives. The problem with the first option is the slippery slope risk. Once a precedent is set, the outcome bursts out of all restraints and ultimately justifies torture across the board with the number of ultimate victims far exceeding those of the school bus.

Ludwig Wittgenstein's logical atomism illustrates the Slippery Slope theory in what he terms 'the game.' Supposing (ABC) is a set of positive integrals and (XYZ) represent its negative antipode.

(ABC) would gravitate toward (XYZ) with each development reducing the positive attributes until they disappear and ultimately the negative ones would surface; (BCD), (CDE)... (XYZ).

What about the Slippery Slope, itself, slipping into a slippery slope in its own right? This usually triggers a stimulating discussion.

The FHHRL is not disappointed, it is even jubilant, that in the course of years of education it managed to convert the believers and non else. Two reasons, both rooted in human freedom, are the source of content; the historic record and human ontology.

On the matter-of-fact side lie the countless attempts over and over again in history of all authoritarian regimes, religious and secular, to reshape the human mind in a fitting form. All these attempts ended in failure that allows just one conclusion; to be free is to be human. No authority proved capable of stripping a human being of this basic natural endowment. The Soviet experience, history's longest, most sophisticated, and the most doggedly determined attempt to mold the human being into a specific cast, proved a failure. The Homo Sovieticus, rather than bolstering the Soviet Union, was at the core of the USSR's undoing thus proving that no force no matter how powerful and how long it tries, can strip the human being of his innate freedom. The philosophic consideration is even more important. If a device manages to permanently deny a human being his freedom and shape him to match a designed mental form, then we would be justified in questioning whether freedom is an inherent endowment or, by contrast, freedom is a tangential human attribute. Crucial outcome flows from the answer; should freedom prove circumstantial, external and a disposable veneer and not an Archimedean base of human existence and dignity, would life, in that case, be worth living?

The bottom line of freedom is choice. There will be no freedom if choice is restricted to just one option. The longer the list to choose from, and the more

varied, the more freedom we have. Evil shall remain among what a human being, by applying his freedom, would settle on. Only an irredeemable dreamer would believe a day would arrive when evil shall be eliminated. St. Augustine in his *City of God*, provided what to me is the most convincing argument and a way out of the human dilemma. There are two cities; the City

of Man based on the love of self, and the City of God based on the love of God. At no point in time can the City of Man be turned into the City of God. Shall we then surrender to despair and resignation? That's not the Augustinian choice. Augustine demands we push the City of Man in the direction of the City of God while always aware we can never in this life reach our destination.

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“GENOS – THE HUMAN GROUP”: HOW THE CONCEPT OF “CULTURE” UNDERSCORES RAPHAEL LEMKIN’S NOTION OF “GENOCIDE”¹

Culture is not only what we live by. It is also, in great measure, what we live for. Affection, relationship, memory, kinship, place, community, emotional fulfillment, intellectual enjoyment, a sense of ultimate meaning: these are closer to most of us than charters of human rights or trade treaties.²

One of the most celebrated aspects of Raphael Lemkin’s personal traits is his unflinching, and assiduous determination to help educate the world about the concept of genocide, why it is differentiated from other crimes such as war, and at the time, crimes against humanity and why it is an international human and humanitarian concern. Some could argue that he succeeded; his partially lone effort to convince the United Nations and countless nation-states to ratify the Genocide Convention was triumphant. However, he died unable to convince his

adopted homeland, the United States, to endorse the treaty. His “child” as he called the Genocide Convention, was incapable of preventing the events in Srebrenica, Rwanda and Darfur, and despite its ratification of the Convention in 1950, Turkey still runs an incorrigible campaign of denying the Armenian genocide, one of the most convincing and nuanced examples of genocide that formed Lemkin’s conceptual understanding of the crime throughout his life. To blame these perceived malfunctions of the Convention on Lemkin is unfair and

1. Small portions of this paper published in July 2011 in *New Directions in Genocide Research*, (Adam Jones ed.), Routledge.

2. Terry Eagleton, *The Idea of Culture*, Blackwell Manifestos (Malden, MA: Blackwell, 2000), p. 131.

arguably fallacious, but Lemkin also failed to publish his “History of Genocide” and his autobiography. This was not for lack of trying – by the 1950s, the world, or more precisely the publishing world and hence popular imagination, suffered from “genocide fatigue”. Despite the general loss of interest in group rights, and the Convention’s failure to prevent genocides, Lemkin continued to define and refine his conceptual notions of genocide and thus his archival writings warrant investigation. The journey into Lemkin’s archival writings reveals that the idea of cultural destruction, in particular as it related to the Armenian Genocide as a continuous and historically embedded notion of genocide never left his conceptual understandings of genocide.

Although Lemkin does not always explain how he understands the notion of cultural destruction in genocide, I have identified two ways to navigate paths that explain his ideas: first, cultural destruction as a precursor to genocidal physical or biological destruction. In other words, this notion can be identified as a sign to intentionally destroy a specific human entity and thus, can be linked to prevention. The second concept is the embedded concept of culture within genocide – the “genos” – and formulates Lemkin’s modernist ideas of

civilization. Lemkin’s understanding of culture and the human group is identified in the above quotation from Terry Eagleton. As I will state later, the quote identifies both what culture means to victim groups in the aftermath of genocide and the purpose of perpetrators’ destruction. He learned this primarily through his lifelong understanding of the Armenian Genocide

In 2001 the International Criminal Tribunal for the former Yugoslavia noted that:

The Trial Chamber...points out that where there is physical or biological destruction there are often simultaneous attacks on the cultural and religious property and symbols of the targeted group as well, attacks which may legitimately be considered as evidence of intent to physically destroy the group.³

Long before this legal revelation, Lemkin continued to argue that cultural destruction might demonstrate an intention to physically destroy a group.

Although arising from an undated portion of his unpublished archives, Lemkin wrote that that “cultural genocide is the most important part of the Convention,”⁴ because it underpinned the intentionality dimensions of serious bodily, mental or biological harm to a group outlawed in Article II of

3. International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991, “Prosecutor v. Radislav Krstic – Judgment,” Case no. IT-98-33-T, United Nations, 02 August 2001.

4. Raphael Lemkin, “Explanatory Note on Cultural Genocide,” American Jewish Historical Society, *Raphael Lemkin Collection*, Call P 154, Box 6, Folder 5, “Notes and Drafts, Misc. n.d.”



the Genocide Convention. From the Armenian genocide, Lemkin understood that intentional and forceful religious conversions, as well as the transfer of children banned by Article II(e) of the Convention, in particular, amounts to genocide of group culture.⁵ He wrote: “cultural genocide need not necessarily involve the substitution of new culture traits...but may maliciously undermine the victim group to render its members more defenseless in the face of physical destruction.”⁶ Note how Lemkin inserts the word “maliciously” to underscore the purposeful nature of the crime.

In the lead-up to the adoption of the Convention by the United Nations, Lemkin frantically attempted to convince delegates that the cultural component of genocide had a preventative aspect to it. In a September 1948 letter to the chairman of the Genocide Committee, James Rosenberg, Lemkin pointed to the Venezuelan delegate’s argument that cultural destruction could be a precursor of intended physical destruction. Lemkin highlighted the examples of the “mass destruction of synagogues by Hitler in 1938...and the mass destruction of the Christian

Armenian Churches prior to the extermination of a million Armenians.” He wrote that “burning books is not the same as burning bodies, but when one intervenes in time against mass destruction of churches and books one arrives just in time to prevent the burning of bodies.”⁷ By October 1948 the delegates had voted and voiced their final opinions on the exclusion of cultural destruction in a Convention on genocide. Lemkin’s anticipation and conviction were thus unrealized, but his understanding of the correlation between cultural destruction and intended physical and biological destruction remains pertinent. And here we can see how the Armenian genocide infused Lemkin’s conceptual understanding of intended group destruction.

Lemkin’s writings are peppered with notes on the destruction of culture in genocide, which he often connects to the intended destruction of national groups in particular. He argues that tangible cultural destruction is not the only sign of imminent genocidal acts. Often, the first stage of genocide, writes Lemkin, is to render the people “headless and brainless” by liquidating the intelligentsia then forcing the

remainder to hard physical labor; “by destroying selected spiritual leaders of the group such as philosophers, writers, clergymen, national figures and the religious and cultural institutions in which the spiritual life is embodied.”⁸ This attack of the intangible cultural heritage “would mean the death of the nation in a spiritual and cultural sense.”⁹ The removal of the cultural, religious and intellectual leaders of a group is a way to rupture the social and cultural cohesiveness of a group and clear the path to commit physical and biological genocide.

However, I concur with Lemkin that not all instances of cultural destruction can or should be considered genocidal. In the case of the Catholic University in Belgium in 1914, for example, the Germans were not perpetrating physical or biological genocide against Belgian Catholics. To take another example, the fire that caused the destruction of the Bucharest University Library during the revolution of December 1989¹⁰ was not genocidal because it was not linked to a campaign of intentional destruction of a designated group. It is this aspect – whether

the act of cultural destruction bears a genocidal intent; whether it serves as a warning for future physical or biological genocide – that must be decisive in rendering a verdict of genocidal cultural destruction.

For this reason, I use this term “genocidal cultural destruction” rather than “cultural genocide” which, today, rather than in Lemkin’s era, denotes something other than “*bona fide*” genocide, a term that suggests the destruction of culture alone. In order to render an act of cultural destruction genocidal, argues Lemkin, a distinction between genocidal cultural destruction and cultural assimilation must be observed and specified. I am proposing that genocidal cultural destruction is conceptually disparate from what Lemkin terms the *diffusion* or the assimilation of culture which is *not* genocidal. Cultural diffusion is gradual, spontaneous and it is the “continuous and slow adaption of the culture.”¹¹ He argues there are three main ways diffusion may occur: through physical change, through the “creative energies within

5. Article II (e) reads: “Forcibly transferring children of the group to another group.” See United Nations, Convention on the Prevention and Punishment of the Crime of Genocide. Adopted by the General Assembly of the United Nations on 9 December 1948, <http://treaties.un.org/doc/Publication/UNTS/Volume%2078/volume-78-I-1021-English.pdf>.

6. Raphael Lemkin, “Diffusion Versus Cultural Genocide”, New York Public Library, *Raphael Lemkin Papers*, Reel 3, Box 2, Folder 3, “Writings – Genocide. Genocide as Soc./Psycho/Anthro/Econ. Impact on Culture. Genocide as Sexually Approved Behavior”.

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10. James Raven, “Introduction: The Resonances of Loss,” in James Raven, ed. *Lost Libraries: The Destruction of Great Book Collections since Antiquity*, (Hampshire: Palgrave Macmillan, 2004) p. 5

11. Raphael Lemkin. N.D. “Genocide In Soc./Psycho./Anthro./Econ. Impact On Culture Genocide As Socially Approved Behaviour: The Concept of Genocide in Anthropology”, New York Public Library, *Raphael Lemkin Papers*, Reel 3, Box 2, Folder 3, p. 3.



the group [and the] impact of outside energies."¹²

However, genocidal cultural destruction is singular argues Lemkin as it is not only *an* act of genocide, distinct from intentional physical or biological destruction, but is embedded in these acts. Indeed, he insists that "there will certainly be no difficulty in distinguishing [the intended destruction of culture in a genocidal sense] from diffusion."¹³ This is due to the overall aim, intent or goal of the oppressor; cultural genocidal destruction is violent, abrupt and it is complete.¹⁴ It may, Lemkin states, "maliciously undermine the victim group to render its members more defenseless in the face of physical genocide."¹⁵ For Lemkin then, genocidal cultural destruction is distinctive because the aim, intent and plan of genocide is to destroy the group.

How do we differentiate between episodes in history that are genocidal and events that represent cultural diffusion? Lemkin answers this unequivocally. He writes:

Basic changes have occurred in societies through the gradual disintegration of culture and through the cultural exhaustion of various societies. Because the changes were gradual they were hardly noticeable within one or two generations. However, surgical operations on cultures and deliberate assassination of civilizations, which are genocide, have caused such drastic changes that they can be noticed.¹⁶

As the concept of cultural genocidal destruction can be an element of intent to physically destroy a group, the loss of cultural ties in the aftermath of genocide is devastating. And like tangible institutions, rituals in intangible cultural heritage are allied to the territory where the group resides and often cannot be recreated, or at least, may take many years to re-build, in post genocidal diasporic communities. As Mohammed Abed argues:

If the cultural inheritance that members of each generation are supposed to pass on to their successors is inseparably bound up with the possession of a particular territory, then exile can also deprive individuals of the collective identity that makes them who they are...the

stories and legends that add substance to cultural practices often dramatize specific aspects of a group's territory.¹⁷

We know how entwined intangible cultural heritage and the land is for many indigenous people around the world. Abed argues that genocidal cultural destruction results in "social death," but Lemkin argues such loss results in the spiritual death of a group.

In just one of many examples from Lemkin's archives that explore the importance on focusing on the impact of aftermath of genocide on culture, he writes vividly about the Mongol invasion of Russia and how this 200 year invasion, Lemkin believed, infiltrated the tone of Russian culture. He notes this on his exiled trip from Sweden in 1941: "This long period of suffering and sorrow is perhaps the basic source of Russian fatalism and certainly helps to explain the melancholy of Russian folklore and literature since that time."¹⁸ But genocide does not only change the tone of culture, it forces us to think about the consequences of genocide, what Lemkin calls the "cultural stagnation" of a group and its effect on the "genos."¹⁹

Apart from distinguishing certain cultural destruction as a sign to commit physical genocide, Lemkin often used the term in a broader sense, to refer to civilization, or humanity, words he used interchangeably. Because genocide is a crime committed against individuals because of their membership to a particular group, Lemkin also understood the importance of collective memory to a cultural genos: "I understood, that the function of memory is not only to register past events, but to stimulate human conscience."²⁰ Thus, as Jeffry Olick states, "collective memory ... should be seen as an active process of sense-making through time," and it is "activity" which is destroyed through monuments and communal places, because the places of worship, or places of education no longer function as a gathering of minds and spirits.²¹ And it is why we are all here tonight, not only in the fight against denial but also to continue in this active process of sense-making – a community of memory.

In a handwritten note held at Lemkin's archives in New York, Lemkin illuminates the embedded notion of culture in the conceptual understanding of

12. *ibid.*

13. Raphael Lemkin. N.D. "Genocide In Soc./Pscho./Anthro./Econ. Impact On Culture Genocide As Socially Approved Behaviour: The Concept of Genocide in Anthropology", New York Public Library, Raphael Lemkin Papers, Reel 3, Box 2, Folder 3, p. 4.

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20. Raphael Lemkin, "Autobiography: Chapters 1-4," New York Public Library, *Raphael Lemkin Papers*, Reel 2, Box 1, Folder 36.

21. J. Olick and D. Levy, "Collective Memory and Cultural Constraint," *American Sociological Review*, 62:6, (December 1997), p. 922.



genocide, by asserting that the notion of the human group is captured in the term “genos” and in turn, is the foundation of civilization, on which all culture is produced. Here, Lemkin writes that the “human group – is the producer of original culture.” Cultural diversity, which this cosmopolitan thinker contended, “can be a form of hope rather than despair”²² forms civilization. Extreme nationalism, as we have seen in regard to the Armenians, produces by its very own ideological underpinning a repudiation of cultural diversity and for Lemkin, a violent interruption of civilization.

Even though culture, it may be argued, is a *product* of civilization, Lemkin could not divide the two, that is civilization and culture are embedded within each other. For Lemkin, civilization is not a product of culture; it is indeed its foundation. However, without falling into presentism, arguably, Lemkin had a rather blinkered notion of civilization. As the British scholar Terry Eagleton states,

If Europe is indeed the cradle of so much civilization, then it might at least have the decency to apologize for it. For it is of course a history of slavery, genocide and fanaticism, quite as much as it is the narrative of Dante, Goethe and Chateaubriand, and this grimmer subtext is not wholly separable from its cultural splendors.²³

Despite Eagleton’s sober thesis, Lemkin’s archival writings reveal that he had an impassioned love of the aesthetic, and it is clear that Lemkin wanted to preserve the artistry within culture and to eliminate its barbarity. However, Lemkin also understood that the “genos” – the foundation of the aesthetic nature of humans, seeks to destroy “what we live for.” We must not forget that most often, it is likewise the genocidal perpetrators’ purpose to uphold notions of “relationship, memory, kinship, place [and] community.” Weren’t the Ottoman Turks trying to do this within their warped sense of nationalism? All these notions of community and culture are equally important to the genocidal perpetrator and were for the perpetrators of the Armenian genocide – not for assimilation but the zealous desire to *absorb* these qualities from the “out” group into their own culture. Genocide of course is about intended group destruction, but often, it is concerned with absorption, which of course, is another but less explicit form of genocide. Both forms of genocide were enacted in the Armenian genocide – even Hitler didn’t go this far.

The “messenger boy”²⁴ as Lemkin called himself, for the outlawing of

genocide, was not only obsessed with the crime, but he was passionate about literature and poetry and fascinated by the customs of cultures and religions. He came to see the lessons from Aesop and Lafontaine as morals for all humankind, lessons that led Lemkin to think later in life about the differences and meanings between cultural diversity, group rights and universal cultural and ethical behaviors.²⁵ Lemkin understood that perpetrators of genocide know all too well the spiritual, aesthetic and social value of culture to a group.

In conclusion, I want to share with you a newspaper article that was found when I was academic advisor for a six month exhibition for the Center for Jewish History in New York. Writing about an Armenian genocide memoir, Lemkin writes: “In terms of the larger issues involved, the losses in culture through the genocide of the Armenian people in Turkey were staggering. The Armenians, as the intellectual core of Turkey, were in possession of valuable personal libraries, archives, and historical manuscripts, which were dispersed and lost. Churches, convents, and monuments of artistic

and historical value were destroyed.” You’ll notice by the date that Lemkin wrote this 6 months before he died. The concept of the genos to acts of genocide never left him.

Perpetrators know that an effective way to incapacitate a group is through its cohesive ties – through its monuments, languages, and through those intangible and tangible elements of a national, religious or ethnic group, which unite, bond and weld the group and give it meaning. Indeed, the attempt to destroy the group is aimed at the group’s defining characteristics and qualities – its “genos”. Every national, religious and ethnic group is anchored by its cultural expressions. It makes *sense* that when these groups or part of these groups are destroyed by physical destruction or biological and cultural absorption, the cultural hinges that meld the groups are defaced and in many cases extinguished. And thus, I argue that Lemkin’s emphasis on concepts of cultural genocidal destruction *deepens* rather than *expands* the legal definition of genocide.

22. Raphael Lemkin, “Diffusion Versus Cultural Genocide,” New York Public Library, *Raphael Lemkin Papers*, Reel 3, Box 2, Folder 3, “Writings – Genocide. Genocide as Soc./Psycho/Anthro/Ecom. Impact on Culture. Genocide as Sexually Approved Behavior”.

23. Terry Eagleton, *The Idea of Culture*, p. 131

24. Raphael Lemkin, “Autobiography: Chapters 1-4,” New York Public Library, *Raphael Lemkin Papers*, Reel 2, Box 1, Folder 36.

25. Ibid.





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TOWARD A MODEL OF ENGAGING GOVERNMENTS IN A NETWORK OF GENOCIDE PREVENTION

THE NEED OF THE NETWORK

Genocide is a highly political act and therefore genocide prevention cannot be but a political response. Genocide cannot happen without the willful neglect of states that could otherwise counter or prevent it. It is hardly a matter of debate that the prevention of genocide and mass atrocities requires the international community's concerted efforts and cooperation. Preventing genocide is not a task of a single state, but that of a network of the collectivity. The task must constitute a purposive element of state performance and a fundamental orientation of state structure. Genocide prevention therefore requires more than a group of non-genocidal states for whom genocidal massacre of a population seems to be a distant reality; it requires a network of anti-genocidal states that are proactively and collectively engaged in carrying out the mandate of sovereign

states to serve their citizenry. An effective model of a trans-national cooperative network of genocide prevention is still far from being operational, but we see today some hopeful signs of development.

Past experiences of genocide and mass atrocities clearly indicate that a period of gradually intensifying polarization and animosity between the groups, over a span of years or even decades, usually precedes the rapid escalation into mass killing. For genocide to transpire, it takes an awfully long time of incubation. This suggests that we have a window of opportunity to detect warning signs early enough for governments and organizations which are positioned to take effective actions to prevent further escalation. A plethora of literatures and datasets have emerged over the past decades, and there is no doubt that they have provided us with better understandings of processes and models of assessing the risks of mass

violence. However, the troubling gap exists between knowing and doing genocide prevention.

In this light, Engaging Governments on Genocide Prevention (EGGP), one of the programs at the School for Conflict Analysis and Resolution at George Mason University, has intentionally focused on the role of states, trying to cultivate states' politically willful attention to processes of human interaction at all the different levels – individual, group, and state – over time and space. In addition, what we see today is the burgeoning growth of regional efforts for preventing genocide at the interstate level, especially in the first decade of the 21st century, as a direct result of an expanding network of genocide prevention actors. Genocide prevention cannot happen unless states and organizations work in a network. We are witnessing a historical juncture at which states are more proactively taking actions to make trans-national efforts of making the prevention of genocide and other mass atrocities possible.

INITIATIVE OF THE PREVENTION NETWORK

The EGGP program, conceptualized and presented by Prof. Andrea Bartoli at the 2004 International Conference

on Genocide Prevention in Stockholm, has been running since 2007. This has been a joint venture of George Mason University and Columbia University. It is the training workshop designed for state officials, using highly interactive pedagogy in its weeklong sessions held in New York City. 13-14 government representatives nominated by their ministries participate in each session. The background of these participants range from diplomats, military officers, intelligence officers, to human rights lawyers. The objectives of EGGP are concerned with: (1) to involve states in critical thinking about genocide and raise their awareness and capacities of how to prevent genocide through the training workshop; (2) to collaborate with local centers, institutions, and the alumni and other regionally based organizations, such as in Latin America, Europe, and Africa, in order to foster the emergence of regional networks; and (3) to build a network of diplomats dedicated to exchanging genocide-related information and exploring ways to engage their governments in the prevention of genocide.

The network of the trained professionals has grown to 81 people from 77 countries.¹ It is important to stress that we do not believe in focusing on the

1. Each of the EGGP sessions was conducted either at Columbia University or George Mason University. The inaugural session, initially called the Advanced Training on Genocide Prevention (ATGP), was conducted in January 2007 and received 13 government officials: Bangladesh, Burundi, Canada, Chile, China, Germany, Haiti, Republic of Korea, Mozambique, Nigeria, Poland, Sweden and Uganda. The 2nd session of EGGP took place in October 2007. The participants came from 14



last end of the prevention spectrum, as if doing crisis management, when signs of mass killing already exist and the potential of escalating violence is imminent. We do not focus only on 'high risk,' 'dangerous,' or 'failed' cases. On the contrary, we extend the invitation to all the governments, with the assumption that every state can do more in the area of genocide prevention and that vigorous collective action will be possible only when most, if not all, countries are involved in the emergence of the genocide prevention system.

EGGP as a platform of training workshops has been successful for the three reasons. First, it has been a successful experiment in engaging governments in a difficult conversation around genocide. The importance of using academic institutions cannot be underestimated in this regard. The academic environment has afforded a safe environment and made it possible for state officials to convene and engage on a delicate topic in the workshop. Indeed, even by sending letters of invitation to embassies in

Washington, D.C., EGGP served the role of getting states involved with the topic. Ensuing process of recruiting the participants often entailed countless follow-ups, but this insistence eventually led to securing nominations of the candidates even after the initial round of rejection from the home ministries. Second, our pedagogy has been effective to encourage the participants' participation. The seminars given by top scholars and experts in the field provided the most politically relevant knowledge on genocide prevention. Our interactive curriculum then augmented the richness of the content, enabling the state officials to stay engaged throughout the week. This success is attested to by the participants' positive feedback in the program evaluations.

Third, we have developed strategic partnerships with the key actors in the field. A number of other initiatives have developed concurrently since the beginning of EGGP, as evinced by the appointment of Francis Deng as the Special Advisor on the Prevention

and Genocide in 2007 and the launch of the Genocide Prevention Task Force (GPTF) in 2007. We have been intentional in connecting the participants with the Special Adviser Francis Deng who has joined EGGP as a special speaker since the third session, and with Lawrence Woocher of GPTF who has been a co-facilitator of EGGP since the first session. In other words, we have intentionally placed EGGP as a gateway for the participants to be connected with the ongoing, real-time activities of genocide prevention. Our ongoing conversations with these speakers help our activities remain politically relevant and will continue to strengthen our network in the field. EGGP is therefore not an isolated event, but an ongoing commitment, which is fundamentally connected to this larger network of key actors involved in genocide prevention.

A MODEL OF EXPANDING COOPERATIVE NETWORK OF GENOCIDE PREVENTION

There has been a series of other emerging initiatives especially in the recent years. Remarkably, these multilateral developments also involve a network of interlinked actors. For instance, the US administration instituted a new position within the President's National Security Council in 2010 by appointing David Pressman as Director for War Crimes, Atrocities, and Civilian Protection. It is

the first governmental position in the US, serving as a focal point in linking relevant agencies and institutions. The US Army Peacekeeping and Stability Operations Institute and Harvard's Carr Center for Human Rights Policy jointly released a military planning handbook in 2010, the Mass Atrocity Response Operation (MARO), exploring the protective and preventive role of military in halting genocide and mass atrocities. Furthermore, the US Holocaust Memorial Museum and the Mémorial de la Shoah in Paris convened the International Symposium on Preventing Genocide and Mass Atrocities in November 2010, aiming towards the creation of the transatlantic atrocity prevention network.

As such, along with these important actors, EGGP is one of many hubs in the quickly expanding networks of genocide prevention. It is our hope that we will continue to contribute to the emerging genocide prevention systems locally, nationally and regionally. It is also our hope that our activities will contribute to the next informal interactive dialogue of the UN General Assembly that will focus on regional and sub-regional organizations. We are delighted to see Armenia taking the lead in this important area – through the International Conference – sending the message that we need to learn from our past, from our suffering, from our memories.

countries: Armenia, Colombia, Cyprus, Egypt, Indonesia, Mexico, Nepal, Nigeria, Pakistan, South Africa, Tanzania, Thailand, the United Kingdom and Uruguay. The 3rd session was in May 2008, with the participation from 14 countries: Algeria, Brazil, Croatia, Democratic Republic of the Congo, Ethiopia, France, Ghana, Guatemala, Italy, Japan, Norway, Portugal, San Marino and Senegal. The 4th session was conducted for the first time in Washington, D.C. in January 2009. The 13 participants came from Argentina, Belgium, Bolivia, Botswana, Côte d'Ivoire, Iraq, Latvia, Malaysia, Malta, Mongolia, Nicaragua, Sierra Leone and Timor-Leste. The 5th session was concluded in May 2009, with 14 state representatives: Angola, Barbados, Belize, Burkina Faso, Cote d'Ivoire, Hungary, Malta, Morocco, Papua New Guinea, Peru, Serbia, Spain, Turkey and Zambia. Finally, the latest 6th session took place in March 2010, with 13 participants from Costa Rica, Dominican Republic, Ecuador, Estonia, Greece, the Netherlands, Niger, Philippines, Russia, Sierra Leone, Somalia, Switzerland, Yemen.



FUNCTION OF THE NETWORK

There are a few observations we can make, based on EGGP's experiences, with respect to how to approach and maintain the emergent network of genocide prevention actors. First and foremost, mutual recognition is a key factor. This is in fact the fundamental orientation of our approach to creating the genocide prevention network. We believe it is applicable to others in this field as well. It starts from recognizing the focal point individuals; it starts from the invitation of the focal points to a network; those focal points are sustained when they are mutually recognized by others in the network.

Secondly, by recognition, we mean not just acknowledging who the other side of people are, not just collaboration, not just partnership; by recognition, we mean, besides all of the above, serving the needs of the focal points. It is not simply give-and-take; it is give-and-give. Mutual recognition of the network is most effective when the needs of the focal points are shared and fulfilled in collaboration.

This is why we continue to transform EGGP from a place of an intense workshop where the state officials gather together in New York to a lively network of focal points devoted to creating an organic network of institutional and academic partners who take genocide prevention seriously. This network of EGGP is now growing, while involving

other key organizations such as the United Nations Office of the Special Advisor on the Prevention of Genocide; the Genocide Prevention Task Force convened by the US Holocaust Memorial Museum and the US Institute of Peace; and the Genocide Prevention Advisory Network (GPANet).

We also work closely with each participant of EGGP as a focal point. Armenia participated in the second session and has been supporting the network through Vahe Gevorgyan who is now in Geneva. We also work with Hungary through Dr. István Lakatos, Hungarian Ambassador-at-large for Human Rights, who came to the 5th session. Together with Enzo Le Favre, we are now preparing the joint activities for the establishment of the Budapest Centre for the International Prevention of Genocide and Mass Atrocities. We also work with Switzerland through Mò Bleeker, who came to our 6th session and who is leading the efforts to organize a series of the Regional Fora organized jointly by the Swiss, Argentinean and Tanzanian governments. The next 3rd Regional Forum will be held in Bern, Switzerland, in April of 2011.

And this network is now expanding not only through EGGP as a workshop, but also through EGGP as a network of focal points. It was in the 2nd Regional Forum in Arusha organized by the Swiss, Argentinean and Tanzanian governments in March 2010, where the International Conference on the Great

Lakes Region (ICGLR) presented an idea of launching a regional body on genocide prevention. In September 2010, we were together with Prof. Bill Schabas and Prof. Frank Chalk in Kampala, Uganda, participating in a historical moment, when ICGLR established the Regional Committee for the Prevention and Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and All forms of Discrimination. It was the establishment of the first inter-governmental body mandated by the 11 member states of ICGLR to fully dedicate to genocide prevention.² The movement to make the Africa Great Lakes from genocide-prone to genocide-free zone has begun, and EGGP is proud of sustaining this effort. While we speak, my colleague Ashad Sentongo is in Lusaka, Zambia, to attend ICGLR Summit, where the ministers and heads of states of the ICGLR countries come together and move the genocide prevention

agenda forward, by signing off the official launch of the Regional Committee on December 15.

EGGP is aware of the value of those who have been working on genocide prevention for a lifetime. Many are here and we are very grateful. Some like Prof. Gregory Stanton, the Founder of Genocide Watch, have joined us at George Mason. We most certainly encourage state focal points to be aware of the literature and experiences developed over the years. In particular, we have secured the link between the EGGP network and the Regional Fora, GPANet, the Budapest Centre, and ICGLR, among others. All of us are now in the process of identifying focal points and their needs. The network that EGGP is creating is to serve them through the flow of complementary interaction. I look forward to working with you in this endeavor.

2. 11 member states of ICGLR are: Angola, Burundi, Central African Republic, Congo Brazzaville, Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda, and Zambia.





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THE CRIME AGAINST CULTURAL HERITAGE AND HISTORICAL MEMORY: THE QUESTION OF ABANDONED PROPERTY

I. INTRODUCTION

Nearly a century after the inception of the Armenian genocide, the survivors and their progeny still wait for acknowledgement of the act by its perpetrators. The Armenian homeland is now called by another name and inhabited by people who negate the historical existence of Armenians on these territories. The Turkish Republic deprived Armenians of their past by obliterating the words Armenia and Armenians from its school manuals, history books, and geography. With time, Armenians must try harder and harder to associate changed names of towns and villages with the birthplaces of their forbearers. New generations of Turks, purposely kept ignorant about the past of their country, remain indifferent toward events that occurred less than a decade before the founding

of their Republic. If the genocide of slaughter and ethnic annihilation was accomplished as the prelude to the foundation of the Turkish Republic, the other genocide, the crime against Armenian culture and historic memory, continues.

The Armenian Genocide is unacknowledged, unpunished, little known, and still denied by its instigators. It began in April 1915, in Istanbul, after the Turks entered World War I on the side of the Axis Powers. It was preceded by widespread massacres in 1894-1896 and again in 1909. During the first year more than a million Armenians were killed or died during forced marches toward the Syrian deserts.¹

Already by 1916, the British Parliament published *The Treatment of the Armenians in the Ottoman Empire*, a

1. There are many recent studies on the history of the Armenian genocide, some written by participants of this conference, among them is the massive *Le génocide des Arméniens*, Raymond Kévorkian, Paris: Odile Jacob, 2006. See also Taner Akçam, *A Shameful Act. The Armenian Genocide and the Question of Turkish Responsibility*, New York: Metropolitan Books, 2006.

massive collection of detailed eyewitness accounts of the annihilation compiled by the young Arnold Toynbee.² The historical Armenian homeland was cleansed of its indigenous population. Today, no Armenians live there.³

Did then the Armenian Genocide end with cessation of hostilities in 1918 or the Peace Treaties of Sèvres of 1920 or Lausanne of 1923? Unfortunately, no, because the perpetrators refused to acknowledge what was then called a "crime against humanity," while successive Turkish governments continued the genocidal process against its own citizenry through A) discriminatory practices, B) a policy of neglect, even willful destruction, of Armenian monuments, and C) an official government position of denial of both the genocide and even the historical existence of an Armenian presence in what has always been called the Armenian plateau.

II. THE SEIZURE OF SO-CALLED "ABANDONED" ARMENIAN PROPERTY.

Though from the beginning it was quite apparent that the term "Abandoned Property" was a euphemism for "Stolen Property," the expression was employed as a legal term for a decade and a half after the first seizure of Armenian possessions. In May 1915, hardly a month into the planned extermination, the Ottoman Minister of the Interior, Talaat Pasha, one of the triumvirate leading the Young Turk government, issued an elaborate decree against his own Armenian citizens entitled "Administrative Instructions Regarding Moveable and Immovable Property "Abandoned" by Armenians Deported as a Result of the War and the Unusual Political Circumstances."⁴ The law called for special committees to inventory all such property, which was to be placed in safe custody in the names of the deportees.

2. Recently republished with additions: James Bryce and Arnold Toynbee, *The Treatment of Armenians in the Ottoman Empire, 1915-1916: Documents Presented to Viscount Grey of Fallodon by Viscount Bryce [Uncensored Edition]*, edited and with an introduction by Ara Sarafian, London: Gomidas Institute, 2nd ed. 2005.

3. There are concealed, secret, dissimulated Armenians living as Islamicized (real or superficial) Turks or Kurds, estimated from to be from hundreds of thousands to more than two million. Many have been slowly revealing their identity. There have been many articles and books in recently and many more projects to investigate more profoundly this population.

4. Shavarsh Toriguian, *The Armenian Question and International Law*, Beirut: Hamaskaine, 1973, p. 118 ff.; 2nd revised edition, La Verne, CA, 1988, p. 85. The law on abandoned properties, called the *Talimat-nameh*, of 28 May 1915 is published as an appendix in the new English translation of Kevork Kévork Baghdjian, *The Confiscation of Armenian Prosperities by the Turkish Government Said to Be Abandoned*, trans. and ed., A. B. Gureghian, Antelias: Armenian Catholicosate of Cilicia, 2010, pp. 480-487. Baghdjian important original book was published as *La confiscation, par le gouvernement turc, des biens arméniens...dits «abandonnés»*, Montreal, 1987 a reworking of his doctoral thesis of 1968-9, Montpellier, Faculté de Droit et des Sciences Economiques.



Such list-receipts were in fact given to Armenians.⁵ The law further stipulated that Turkish refugees from the Balkan Wars were to be resettled in the homes and on the lands of these Armenians. Clearly, as much as the perpetrators or their present day defenders refer to the arrests and deportations as simply the moving of Armenians away from the war zone, the authorities knew there would be no Armenians returning.⁶ The question of "abandoned" property was discussed in numerous treaties between Turkey, Armenia, and the Allied Powers from 1918 to 1922, including the Treaty of Sèvres,⁷ which cancelled the law of confiscation of 1915, guaranteed the rights of the original owners, and the return of their property. But in 1923, just before the signing of the revised Peace Treaty of Lausanne, a new Law of Abandoned Properties called for the seizure of all possessions of Armenians no longer living in Turkey

whatever the circumstances of their departure.⁸

The Lausanne Treaty provided and still provides for the protection of minorities on the condition that they are citizens of Turkey. However, the Turkish government, in the wake of its successes at Lausanne, promulgated still another law, which forbade Armenians from returning to Turkey. In August 1926, Atatürk's government publicly declared it would "keep all property confiscated before the entry in force of the Treaty of Lausanne in August 1924." In May 1927 yet another law revoked Turkish nationality of anyone who had not taken part in the 'war of independence' or who had remained abroad between 1923 and 1927, thus virtually burying the Armenian Question.⁹

I have discussed in detail elsewhere the extent and value of this

confiscated property.¹⁰ It consisted of liquid assets (bank deposits, stocks, bonds, insurance policies, gold, paintings, and other valuables) and immovable property (homes, shops, factories, community centers, farms, stables, barns, mills, cultivated and uncultivated lands, livestock and so forth). It included the most visible symbols of the Armenian community: some 2500 churches, 450 monasteries, and 2000 schools of which only a few dozen survive today. Experts have calculated the combined value of this booty at well over 100 billion present day dollars.¹¹ Thus the Turkish Republic finished the work started by the Ottoman Government of the Young Turks, adding to the horror of the first genocide of the last century, one of the greatest thefts of wealth and land in our time.

III. RELATIONSHIP OF PROPERTY/MONUMENTS TO THE CRIME OF GENOCIDE

As I pointed out in my testimony before the 1984 Permanent Peoples' Tribunal in Paris considering the Armenian

genocide, the destruction of historical, religious, or cultural monuments is an integral part of modern genocides, an effort to annihilated the memory of the people who created them and for whom they are the major symbols of their culture.¹² Seventeen years later in an article in *The Times* of London on January 1, 2001, Alexander Stillie commenting on the Armenian Genocide, the Holocaust, and the recent action of the Serbian belligerents during the war in Bosnia, remarked: "First, they intentionally destroyed mosques and monuments and libraries, understanding that destroying someone's culture is a way of destroying the will to resist. Perhaps even more insidious, they destroyed archives with birth and residency records, so that scattered refugees could not even prove that they had been born or lived in their homes."¹³ Three months later, activist Prof. Michael Sells reinforced this notion: "I often discussed the efforts to exterminate not only as many people as possible, but the objects that represent cultural memory, so that any survivors... would no longer be part of... the community of memory they were..."

5. Baghdjian, *The Confiscation of Armenian Properties*, pp. 83-88; the author goes through most of the articles of the law one by one and asks whether the Turkish government respected each of its provisions regarding the inventories and the receipts and wonders where they are kept now?

6. For more details see Dickran Kouymjian, "La confiscation des biens et la destruction des monuments historiques comme manifestations du processus génocidaire," *L'actualité du Génocide des Arméniens*, Paris, 1999, pp. 223-224. However, land and property not wanted by Turkish refugees were to be sold at public auction and the sums deposited in the names of the Armenian owners.

7. The texts of the Treaty and most other treaties signed by the Armenian Republic in the period can be found in the annexes to the books of Toriguian, *The Armenian Question and International Law*, (1973), pp. 169 ff, and Baghdjian, *The Confiscation of Armenian Properties*, trans., Appendix I, pp. 343-387.

8. Gilbert Gidel, Albert de Lapradelle, Louis Le Fur et André N. Mandelstam, *Confiscation des biens des réfugiés arméniens par le Gouvernement turc*, Paris: Imprimerie Massis, 1929, pp. 87-90; cf., Toriguian, *The Armenian Question*, 2nd ed., p. 88 and Appendix 3, pp. 233-320 for virtually the entire text of the Gidel, de Lapradelle, Le Fur, Mandelstam booklet.

9. *Ibid.* This essentially sealed the fate of Armenian claims for confiscated property. Protests to the League of Nations by the Central Committee for Armenian Refugees, from 1925 to 1928, were never acted on and were rejected by Turkey.

10. Dickran Kouymjian, "Confiscation and Destruction: A Manifestation of the Genocidal Process," *Armenian Forum*, vol. 1, no. 3 (Autumn, 1998), pp. 3-4, see also Kouymjian, "La confiscation," p. 222.

11. Details in Kouymjian, "La confiscation," pp. 221-223.

12. Dickran Kouymjian, "Destruction des monuments historiques arméniens, poursuite de la politique de génocide," *Le Crime de Silence*, Paris: Flammarion, 1984, pp. 295-310; English trans., "The Destruction of Armenian Historical Monuments as a Continuation of the Turkish Policy of Genocide," *The Crime of Silence, Permanent Peoples' Tribunal*, London: Zed, 1985, pp. 173-185.

13. Alexander Stillie, "Don't Let the Past Turn into History," *The Times*, London, 1 January 2001. In his discussion of the intentional process of destroying memory, Stillie cites Hitler's quote, "Who remembers the fate of the Armenians?"



I often had people object: 'Why should we care about objects instead of human beings?' I said: 'The effort to destroy a monument is an effort to annihilate the memory of the people who created it and who still find it at the center of their cultural lives.'¹⁴ Thanks to this very conference and the paper of Prof. Donna-Lee Frieze on Raphael Lemkin's unpublished autobiography it has become evident that Lemkin already clearly understood the essential role of cultural annihilation or assimilation to any systematic attempt at Genocide.¹⁵

In those same years, perhaps because of sensitivity to the Muslim populations under threat in Bosnia, there was a cautious but clear awakening on the part of certain Turkish intellectuals and politicians toward the Armenians. An article in the *Los Angeles Times* by a Turkish journalist in December 2002 addressed the genesis of the project to restore the tenth-century Armenian Church on the island of Aght'amar in Lake Van, clearly an attempt by the newly elected Justice and Development Party to demonstrate both its religious tolerance and its respect for minority rights at a time when Turkey was aggressively campaigning to

join the European Union. Spearheading the restoration was Huseyin Celik, the Minister of Culture and a member of the ruling Islamicist party of Recep Tayyip Erdoğan. His surprisingly candid remarks reveal much about the clear understanding of the past tragedy and the dilemma of a Turkish government confronted by the success of 70 years of its own historical revisionism. "What we are up against is an undeclared policy by certain narrow-minded individuals, within the state, of discrimination against Armenian monuments in Turkey." He continued, "The fear of these policymakers is that if Christian sites are restored, this will prove that Armenians once lived here and revive Armenian claims on our land."¹⁶

IV. THE PRESENT SITUATION

The highly publicized celebration of an Armenian mass in the church of Aght'amar, sanctioned and encouraged by the government on September 19, 2010, and the earlier million dollar restoration of it are considered by many as another propaganda ploy, like the signing of the Armenian-Turkish Protocols

14. Prof. Michael Sells in a long email entitled "Why annihilation of monuments matters," posted on the GENOCIDE-AND-HOLOCAUST discussion group on March 13, 2001; the general discussion was on the destruction of the Buddha statues by the Taliban and the mosques, shrines, and burial complexes in Bosnia-Herzegovina.

15. Donna-Lee Frieze, "'Genos – the Human Group': How the Concept of 'Culture' Underscores Raphael Lemkin's Notion of 'Genocide,'" *The Crime of Genocide: Prevention, Condemnation and Elimination of Consequences*, Erevan, 14-15 December 2010, published elsewhere in this volume.

16. Amberin Zaman, "Armenian Church Caught Up in Ethnic Enmity," *Los Angeles Times*, December 25, 2002, p. 12; Ms. Zaman is a regular reporter with the Turkish paper *Taraf*.

in October 2009, to show the world, especially the European Union, that Turkey is respectful of its minorities and their property. Other symbolic gestures toward the Greek Orthodox Church, repairs at the medieval Armenian city of Ani,¹⁷ and the projects to renovate additional Armenian churches give the appearance of officials scrambling to present an enlightened Turkish attitude towards minorities. It ought to be noted that as of this writing, January 26, 2011, the Turkish Foreign Ministry has made a statement that it is ready to recruit minorities, by which is meant the legal minorities under the Lausanne Treaty, namely, Greeks, Armenians, and Jews, adding that members from these minorities simply do not apply for Foreign Service jobs.¹⁸

In the past decade diasporan Armenians have succeeded with class action suits against international insurers to obtain payment with damages of policies taken out by Armenians before the Genocide but never claimed for lack of surviving beneficiaries.¹⁹ The pioneer in these efforts was attorney Vartkes Yeghiayan, who also published a number of works related to the Armenian Genocide; along with Brian Kabateck and Mark Geragos, he brought to Federal Courts in California a number of cases against insurance and other entities involved in the events of the Armenian Genocide.²⁰ Class action suits were brought and won against New York Life in 2004 (\$20,000,000)²¹ and AXA insurers of France in 2005–2007 (\$17,500,000); a third suit against

17. However, much of this effort was undermined, perhaps intentionally for electoral reasons, by the *namaz*, Islamic pray, conducted by the leader of the ultra conservative party MHP, Devlet Bahçeli on October 1, 2010 in the ruins of the Armenian Cathedral of Ani, a desecration for many, and then the photo shoot with Polish fashion models for the December 2010 issue of *Elle Turkey* in and around the monuments of the medieval city of Ani. Both acts caused international indignation.

18. Sevil Küçükkoum, "An Open Door in Turkey with No One Knocking," *Hurriyet Daily News*, January 26, 2011. The article also interviewed Rober Kopta, editor of the Turkish-Armenian weekly *Agos*, who said that until now Turkey has shown no real interest in recruiting minorities, thus there was no encouragement or incentive for young minority students to seek this career path. The article suggested a quota for minority applications might help reverse the situation.

19. Hrayr S. Karagueuzian and Yair Auron, *A Perfect Injustice. Genocide and Theft of Armenian Wealth*, New Brunswick & London: Transaction, 2009; for an earlier version with more documents see Hrayr S. Karagueuzian, *Genocide and Life Insurance. The Armenian Case*, La Verne, CA: University of La Verne Press, 2006.

20. The history of this legal campaign to gain justice and compensation for survivors of the genocide and their descendants is nicely summarized in a very carefully reasoned article by legal scholar and lawyer Michael J. Bazzyler, "Genocide Restitution Civil Litigation in the United States: Comparative Analysis of Armenian Genocide Victims and Other Victim Groups," forthcoming; Part III is devoted to the history of Armenian insurance cases.

21. The details of the work of Yeghiayan on this case can be found in Michael Bobelian, "Vartkes's List," *Legal Affairs* (March/April 2006), online http://www.legalaffairs.org/issues/March-April-2006/feature_bobelian_marapr06.msp. See also Michael Bobelian, *Children of Armenia. A Forgotten Genocide and the Century Long Struggle for Justice*, New York: Simon & Schuster, 2009, pp. 134-138, 207-234.



the German insurer Victoria is now in appeal.²² It should be pointed out that in nearly all these Armenian cases, legal procedures and precedents established through Holocaust litigation, were closely followed.

Similar cases brought against the Turkish government by Armenian, Cypriot, and Greek individuals before the European Court of Human Rights have culminated in the recent class action suit filed on behalf of the victims of the Genocide and their descendents in Federal Court in California against the Turkish Government and two of Turkey's leading banks, seeking billions in compensation for property seized as a result of the massacres.²³ And just recently, Vartkes Yeghiayan has filed a case for Alex Bakalian, et al, against the Turkish Government, which is accused of seizing lands of the family of the plaintiffs during the Genocide that are now part of the Incirlik Air Base leased to the U. S. Government.²⁴

This fight of a diasporan David against the Turkish Goliath, represents a long-term legal process not waiting for nor dependent on Turkey's recognition of

the Genocide, but rather assuming its historical validity through official acts of the United Nations, the European Parliament, twenty governments, 42 of the United States, and virtually all genocide and holocaust scholars. This activist policy is also nurtured by a more open Turkish attitude induced by the requirements of EU membership and accelerated by the brutal assassination four years ago of Armenian-Turkish journalist Hrant Dink, founder and editor of *Agos* as well as a participant of the Erevan Genocide conference of 2005.

Some Turkish intellectuals and journalists are openly speaking out about the circumstances of the genocide as well as its role in the establishment of a Turkish middleclass through the acquired wealth of martyred fellow citizens. The facsimile publication in 2005 by the Turkish journalist Murat Bardakçi of *Talaat Pasha's Black Book*,²⁵ written in the Minister's own hand during the forced exiles and killings, recording the number of Armenian deaths village by village and day by day (a total of nearly a million), has been followed by regular comments on the more secret and suppressed aspects of the mass slaughter.

In the same year the Turkish Land Registry Office, charged with providing copies of ledgers recording property deeds and land transfers, requested permission from the Turkish National Security Council to duplicate them. Murat Belge, who five years ago also participated in the Genocide Conference in Erevan, reported on the quick response of the National Security Council: "[I]t is more desirable that those ledgers stay in the Land Registry Offices with limited access," because contents of the registers from Ottoman times "are liable to ethnic and political manipulations (like the unfounded genocide, the Ottoman [Charitable] Foundations, property claims, etc.)."²⁶ When Ankara Prof. Baskin Oran, an astute political analyst and another participant in the 90th anniversary Genocide Conference in Armenia, was asked what the National Security Council is trying to hide, he replied: "Obviously, this secret note tries to conceal what happened in 1915, but deep down, it [also] tries especially to dissimulate the origin of (Turkish) capital [or wealth] accumulation." To hide it from whom? he was asked. "From Turkish citizens of course; the rest of the world knows the story by heart." Why? "Because if we start to reflect on 1915, the entire matter

unravels. ... This is why the National Security Council continues to sweep it all under the carpet."²⁷

The most explicit remarks on the Land Registry question were by Prof. Cemil Koçak of Sabanci University in a November 2006 interview. "The mentality of the Young Turk rulers responsible for the Ottoman annihilation of the Armenians continues into the Republican government of Ataturk. There is no regime change, but rather a change of rule. ... The Union and Progress Party changes its name and the Unionists become the Republican People's Party. The Unionists destroy the Ottoman Empire, but they also found the Republic. ... There was no rupture . . . and this is why the Armenian massacre cannot be [publicly] discussed." When asked how he as an historian defines the events of 1915, Koçak responded, "The deed registers contain the ... knowledge about ... this matter because 1915 is not only limited to the murder of large numbers of Armenians. There is also the transfer of a huge amount of wealth... to the Muslims [from the Armenians]. This could only be known through the property deeds. Approximately one million Armenians are removed from their places and they never return. Someone else possesses those vineyards, gardens, stores, and businesses. ... From the deeds between [the years] 1915-1918 one can easily see the amount of total property

22. Details in Bazyler, "Genocide Restitution Civil Litigation in the United States."

23. "Events in Turkey From 1915 Find Way to Los Angeles Federal Court," *Wall Street Journal*, July 30, 2010. The class action suit was filed on behalf of Garbis Davouyan of Los Angeles and Hrayr Turabian of Queens, NY, and seeks compensation for property allegedly seized by Turks, along with bank deposits.

24. *Armenian Weekly*, December 20, 2010; Yeghiayan is joined by colleagues Michael Bazyler, Kathryn Lee Boyd, and David Schwarcz in demanding hundreds of millions of dollars in potential damages.

25. Originally in *Hürriyet*, April 27, 2005, but fully edited the next year: Murat Bardakçi, *Talaat Paşa'nın Evrak-ı Metrukesi*, Istanbul, 2006.

26. Murat Belge, "Before Challenging, Check It," *Radikal*, November 7, 2006.

27. Baskin Oran, *Radikal*, September 25, 2006.

28. Interview with Cemil Koçak, *Radikal*, November 13, 2006, trans. by Muge Fatma Göcek.



Armenians had [then] and who this property was transferred to. This is what the resistance [of the Turkish state] is all about...."²⁸

The sensitivity of this issue to the Turkish government was reconfirmed eighteen months later in March 2008 by Dr. Hilmar Kaiser in an interview with Khachig Mouradian, editor of the *Armenian Weekly*. When asked what in the past couple of years has changed in the Ottoman archives, Kaiser replied. "The Directorate for Demography in the Ministry of the Interior was reopened. ... The opening of other files is rapid, tremendous.... However, there are still files — ... like the files of the so-called abandoned property commissions — that are not made available."²⁹ When these deed-records become public, along with the receipts given to Armenians as their property and possessions were sequestered during the genocide, they will further stimulate legal action on both national and international levels, while helping to restore the cultural memory of the Armenians.

CONCLUSION

The question of Armenian monuments and property may prove to be the key to breaking Turkish recalcitrance toward the events of 1915, until now essentially absent from Turkish discourse.³⁰ One year ago Prof. Henry Theriault remarked: "What is striking about the persistence of historical efforts like the civil rights movement in the United States or Gandhi's struggle for Indian independence is that these ... demands came from great material, political, and military weakness and yet still succeeded because of the moral strength of the position of the "weak" vis-à-vis the "strong" Moral legitimacy is a great force in geopolitics and is the reliable ally of the weak, oppressed, and marginalized. It is (because of this) force that those committed to power politics... ridicule those who believe in [moral legitimacy] in the hope that they will stop believing and thus be tricked into giving up the most powerful tool of change. It is Armenia's one advantage today."³¹

29. Khachig Muradian, *Armenian Weekly*, March 8, 2008. Available at <http://khatchigmouradian.blogspot.com/2008/03/interview-with-hilmar-kaiser.html>.

30. In this context during the fourth anniversary commemorations of the assassination of Hrant Dink, Turkish and Kurdish parties of the left issued a declaration in English, Armenian, and Turkish from Ankara on January 19, 2011 in which among other things they mention Armenian property during the Genocide: "[Hrant Dink] had deciphered the genocidal face in the foundational constituents of this state. He had deciphered the active roles of the collaborators of the genocide, known as "Malta Exiles", in the capital, policy and state management in the formation process of this state. He was questioning the fate of the Armenian properties which were seized in the genocide."

31. Henry Theriault, "The Final Stage of Genocide: Consolidation," *Armenian Weekly*, October 11, 2009.



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THE SIGNIFICANCE OF THE DESTRUCTION OF CULTURE AND CULTURAL PROPERTY IN GENOCIDE AND HUMAN RIGHTS VIOLATIONS: SOME REFLECTIONS

The ruins of cultural destruction, and its material embodiment, cultural property, in the modern era evoke scenes out of Cormack McCarthy novels. Scenes of burnt over districts, ruined land, razed cultural monuments and the artifacts of knowledge and learning; the destruction of the continuity and tradition of thinking and discourse: art, monasteries, temples, libraries, museums, churches, architecture. The gouged planet, the embodiments of human identity and endeavor erased, as the cultures that built them are erased. In recent decades, in Bosnia, Iraq, Tibet, Kosovo, Cambodia, Timor, Afghanistan, Kashmir, Northern Cyprus, the eradication of Armenian cultural monuments of Nakhichevan, the list is long and goes on. What's at stake in the loss of culture and why is culture so essential to the definition of ethnic, religious, or group?

1. I wish first to note Raphael Lemkin's conviction that cultural destruction is a component of genocide. This is essential to establishing a foundation for the relationship between cultural destruction and genocide. Let me note in passing that Lemkin's own intellectual development was shaped by the genocide of the Armenians by the Ottoman Turks in 1915.

As he wrote in his unpublished autobiography, "Totally Unofficial," his decision to try to find a solution to the mass killing of ethnic groups emerged, in good part, from his moral indignation about the lack of justice delivered upon the Ottoman Turkish leadership after WWI.

After the end of the war, some 150 Turkish war criminals were arrested and interned by the British government on the island of Malta. The Armenians sent a delegation to the



peace conference at Versailles and demanded justice. Then one day, I read in the newspaper that all Turkish war criminals were to be released. I was shocked. A nation that killed and the guilty persons were set free. Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual? I didn't know all the answers, but felt that a law against this type of racial or religious murder must be adopted by the world.¹

His anger about the subsequent British release, in 1920, of the Turkish war criminals—most of whom were organizers and perpetrators of the Armenian genocide—compelled him to raise the issue with one of his law professors at the University of Lvov, who told him that the notion of “the sovereignty of states,” superceded everything and that nations could do as they pleased with their citizens. The young Lemkin argued against the “realist” grain in asserting that “sovereignty cannot be conceived as the right to kill millions of innocent people.” From here Lemkin would go on to build on his radical notion that states should be held accountable for mistreating their citizens.

By 1933, in his essay “Acts of Barbarity and Vandalism,” Lemkin articulated notions of mass killing and the destruction of culture that would lead him to his conception of genocide. He defined barbarism as “acts of extermination directed against ethnic, religious, or social collectivities,” and he focused on

Acts of Vandalism as “the destruction of culture and works of art.”

In writing about vandalism he addressed culture:

An attack targeting a collectivity can also take the form of systematic and organized destruction of the art and cultural heritage in which the unique genius and achievement of a collectivity are revealed in fields of science, arts and literature. The contribution of any particular collectivity to world culture as a whole, forms the wealth of all of humanity, even while exhibiting unique characteristics.²

Lemkin's insights and his feelings about the significance of cultural forms and artistic expression led him to a trans-ethnic meaning of culture. Cultural production is artistically and anthropologically significant, and thus acts of vandalism are crimes “against world culture.” In a universalist sense, Lemkin notes that “all humanity experiences a loss” when acts of vandalism destroy culture. Although the cultural definitions of genocide would be lost in the political parsing and compromise that took place during the formulation of the 1948 UN Genocide Convention, Lemkin's concern and focus on cultural destruction remain important to his thinking about genocide. As he put it in “Totally Unofficial”:

When a nation is destroyed, it is not the cargo of the vessel that is lost, but a substantial part of humanity with a spiritual heritage, in which the whole world partakes. These people are being destroyed for no other reason than they embrace a specific religion, or because they belong to a specific race. They are destroyed not in their individual capacity, but as members of a particular collectivity of which the oppressor does not approve. The victims are the most innocent human beings of the world.³

2. What's at stake in the destruction of culture? Why is the destruction of culture essential to understanding genocide and crimes against humanity? While the killing of people is one dimension of genocide, and the confiscation of property and wealth usually accompanies it, the destruction of culture forces us to evaluate not only the acts of destruction but the relationship between culture, cultural property, and cultural producers to the destruction of an ethnic group or collectivity.

I would like to suggest several ways of thinking about larger meanings of culture that might be useful in thinking about genocide, and, I would suggest, might help advance the implementation of existing laws concerning the destruction of cultural property.

The anthropologist Clifford Geertz has asserted that culture involves the creation of a system of symbols, the making of webs and structures of

signification, and the creation of social action that emanates from such systems and webs.⁴ Geertz's notion of culture suggests both forms of social action and aesthetic forms of imagination and intellectual discourse. In the making of culture and its systems of symbols and webs of signification there are many forms: buildings and edifices, both sacred and secular, including synagogues and churches, vanks (monastery complexes), schools, monuments, memorials, museums; texts: sacred and secular: scripture and literary forms including poetry, fiction, drama, scholarly writing, journalism; visual texts: paintings, fresco, mosaics, sculpture. All of these are essential to the systems of symbols and webs of signification. And Lemkin's acute awareness of the significance of the cultural dimension of a collectivity's identity remains vital to his understanding of each collectivity's contribution to civilization.

Naturally, the belief value systems that embody, articulate, and encompass these systems of symbols and webs of signification are essential dimensions of culture, and so religious beliefs and values, which are inseparable from the symbols that embody them, are at stake in genocide. Buddhism, Christianity, Islam, Judaism, for example, all encompass world-views, which if confiscated, attacked or violated contribute significantly to the destruction of the culture of the respective collectivity.



Furthermore, the literary critic Kenneth Burke has suggested that literature, and by extrapolation we can say works of art, can be called “equipments for living,” in that they give us “strategies . . . for socializing losses, for warding off the evil eye, for purification, propitiation and desanctification, consolation and vengeance, admonition and exhortation, implicit commands or instructions of one sort or another.”⁵ And, to push the notion of consciousness and symbolic process further, the psychiatrist and historian Robert Jay Lifton has suggested that the symbolizing process defines an essential dimension of human behavior and psychological development, and that this symbolizing process involves the “continuous creation and transformation of psychic structures on behalf of many-sided life of the self.”⁶ “We live on images,” Lifton asserts, and we negotiate meaning through their forms. Individuals and cultures perpetuate themselves in this on-going process, and thus “symbolization” is essential for “life continuity.”⁷ As the human mind is so significantly shaped by the symbolizing process so then is culture and cultural identity, and so the acts of obliterating the symbolizing process reveal the genocidal project’s goal of extreme human and cultural annihilation. What is at stake in the destruction of culture from these psychological, literary, and anthropological perspectives is at the center of human development

and collective, group, ethnic, cultural identity. The creation of myth, symbolic-structure-making, and social ritual is embedded in cultural production and is at stake in cultural destruction, and of course in cases of genocide and human rights crimes.

And what about the intersection between genocide as the killing of a culture group and genocide as the killing of cultural property and its producers? The makers of culture are the bridge between the two dimensions of human endeavor and identity, and so we must note how and why they are targeted, arrested, and killed by the state. This is often early in the genocidal process because the perpetrator knows that in killing the culture makers and producers: the writers, artists, clergy, journalists, professoriate, educators and others, the perpetrator can pull out the tongue of the targeted culture, can silence its voice, expunge the culture’s sense of identity.

Because the makers of culture are irreplaceable factors of any collectivity, their annihilation is an obliteration of artistic and intellectual life and individual and collective identity. Their deaths embody the perpetrator’s targeted focus on cultural production—its meaning and legacy, and this continues to emphasize how important writers, intellectuals, artists, teachers, clergy, and cultural leaders are to their respective cultures. There can be no web

of signification or system of symbols without them. In silencing them, the perpetrator seeks to silence the consciousness of a culture.

Lemkin noted the significance of this in a review he wrote of an Armenian genocide survivor memoir in 1959, “the first ominous sign came with the deportation from Constantinople of 270 Armenian intellectuals, writers, editors, teachers—into the interior where most of them were immediately massacred.”⁸ The Armenian genocide inaugurated a modern era of the mass killing of a victim group’s intellectuals and cultural producers. In 1915, the arrest and murder of most of the 250 Armenian cultural leaders in Constantinople was replicated in Armenian cities throughout the Ottoman Empire. The Nazis would target and kill Jewish, German, and Polish intellectuals; Pol Pot would do the same, as would Stalin and Mao, with the culture producers of their societies, as would many other perpetrator regimes.

3. Given the significance of cultural destruction as a dimension of genocide, what are the possibilities for prevention of the destruction of cultural property and what are avenues of restitution and reparation in the wake of the destruction of cultural property?

The questions I am asking of the legal and international human rights community is, what is now possible for restitution to be achieved given the

current legal and humanitarian infrastructures and laws, given the maze of protocols and accords, declarations and charters that currently exist? My rumination today is a question and exploration of some of these issues.

The problem that needs to be solved is clearly part of a bigger problem that needs to be solved. I am also asking: what is the situation for minority groups and cultures living who have been subjected to genocide and human rights crimes by the states that govern them?

In the wake of the Napoleonic Wars, we find the first allocations of funds for the preservation of historic monuments.⁹ In England in 1845 there was the Act for the Better Protection of Works of Art; the American Civil War prompted the Lieber Code; The Brussels Declaration and the Hague Conventions of 1899 and 1907 the Geneva Conventions of 1949, and its Additional Protocols of ‘54, 1977, and 1999. Furthermore, The Roerich Pact of 1935, the Treaty on Protection of Artistic and Scientific Institutions and Historic Monuments— which was ratified by the Organization of American States, including the United States, in 1935— was focused clearly and dramatically on the protection of monuments, museums, cultural institutions of all kinds, and provided a continuity between the nineteenth century accords and conventions and the post World War I era. It would have also an



impact on the formation of UNESCO in the next decade.

After World War II and in the wake of the genocide of the Jews of Europe, there has been an evolving consideration of the significance of the importance of protecting cultural property in international humanitarian law and human rights thinking. In addition to the formation of UNESCO and the increased engagement of the ICRC, the Additional Protocols (as they are formally called) to the Geneva Conventions of 1954, [77], and 99 represent landmark thinking about cultural property. Protocol I of 1954—Protocol for the Protection of Cultural Property in the Event of Armed Conflict—set new rubrics and guidelines for: preventing the exportation and theft of cultural property; providing for indemnity, return, and recompense for stolen or destroyed cultural property; creating protection of valuable cultural property during armed conflict; establishing criminal responsibility.

The Additional Protocol II of '77 shored up and amplified the '54 Protocol, especially by noting that cultural objects and places of worship be included in the definition. The term "safeguarding the heritage of mankind" echoed Lemkin's earlier statements on cultural destruction. Furthermore, the '77 Protocol stipulated preventing theft, pillage, misappropriation and vandalism; it also

noted the need to protect "cultural objects and places of worship," "historic monuments and works of art." If these were steps forward, issues about the protection of civilian populations, the notion of what "armed conflict" meant, and the possibility of prosecution for crimes of cultural destruction remained unclear and undefined.

One interesting piece of international thinking and a piece that may help push forward efforts to more broadly protect cultural property emerged in the early '90s after the collapse of communism, when European democracies began to take up the issue of minority rights in a more focused way, and—in some narrower and more oblique ways—minority cultural rights. European democracies began to think about how to protect "national minorities," as they were referred to, and minority rights.

In 1990 The Copenhagen Conference of the CSCE on Security and Co-operation in Europe—significantly called the Conference on the Human Dimension of the CSCE—put forth in points 32-34 of the Conference Document concerns with the promotion and protection of human rights and fundamental freedoms; the protection of culture; their affirmation of pluralistic democracy and the rule of law.

The Copenhagen Conference Document also emphasized the protection of minority rights, and in particular,

the rights of those belonging to a "national minority" —"the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects." In affirming the rights of national minorities to establish their own "educational, cultural and religious institutions, organizations or associations, to practice their religion and acquire and possess religious materials and to teach their history and culture," the Copenhagen Document implies that cultural property is part of these rights. Because the establishment of the cultural rights of organization, expression, and association is not possible without the material culture (from buildings to texts to artifacts) in which the group's identity is embodied and acted out, cultural property remains inextricable from such notions of human and minority rights.

In 1993, the OSCE (Organization for Security and Cooperation in Europe) and the (COE) Council of Europe, in its 1995 Framework Convention for the Protection of National Minorities developed norms that greatly expanded Article 27 of the UN's 1966 International Covenant on Civil and Political Rights that codified universal cultural rights."¹⁰

The COE and OSCE norms broadened the perspective by focusing on minority rights to schools in the indigenous language, self-governance,

and remained grounded in the notion that minority culture groups had the right to enjoy their culture, which continues to amplify issues surrounding the importance of cultural property, thus bringing forward the UN 1966 International Covenant."

The development of coherent ideas of minority rights in post-communist Europe appears to be an ongoing process and one in which flaws and gray areas seem to be many and the problems concerning the protection of cultural property and minority group identity continue to present challenges.

4. Norms, Declarations, and Conferences are policy guidelines, recommendations, oratory, and ideals, but they can be crystallized into harder rule—and this is what I would argue for in the wake of the mid '90s minority declarations. I would like to suggest that some of the notions advanced in the 1990s by European democracies might begin to open the door to a more full consideration of minority rights and minority access to culture, and hence the protection of cultural property. As these concepts are dug deeper and clarified, a necessary bridge will be built between the protocols that protect cultural property and the protection of cultural freedoms, and thereby the cultural property of minority groups. We can then push forward with the problem of making cultural property an essential part of the concept of human rights.



The questions remain: is reparation possible given the current legal and political climate? How much responsibility for protection and restitution can states be given? There are so many salient examples of violation—one need only look to the Serbian Bosnian-Muslim conflicts in the former Yugoslavia in the 1990s.

The attempts to define internal armed conflict in common article 3 of the '49 Geneva Conventions and later Additional Protocol II of 1977 remain murky and ambiguous and therefore difficult to apprehend by law. Notions of insurgencies and insurgents are often framed by the governing state. And Additional Protocol II doesn't apply to situations that are not armed conflicts, and state-driven killing of unarmed members of minority groups has been a salient dimension of genocide and other human rights crimes. The absence of precise definitions of internal armed conflict and for mechanisms of monitoring and enforcing violations during internal armed conflict enable states to duck and evade regularly.¹² This cuts into the heart of the failure to protect cultural property of minority groups. As the definitions remain inadequate, they also lump together national, ethnic, religious, and linguistic minorities, accentuating the need for more clarity and well-conceptualized notions of culture.

Let me close with one case of how the destruction of a group's culture

demonstrates how essential cultural property is to ethnic identity, history and their relationships to genocide and human rights violations. Between 1998 and 2005 Azeri squads destroyed thousands of khachgars—finely carved, Armenian stone crosses—in the Armenian cemetery near Julfa in the historic Armenian enclave of Nakichevan, now an enclave of Azerbaijan.

Today Nakhichevan has no Armenian population, yet in the wake of the Karabagh War of 1992-94, Azeri nationalists deemed it important enough to eradicate the presence of Armenian material culture there (in this case, aesthetically rich and historically important monuments and artifacts that embody Armenian identity), in order to eradicate any Armenian presence in the region. Ironically, the repetitive acts of Azeri's hammering and bludgeoning the khachgars was caught on video camera and viewed by a global community on their computers. Such focused and fetishized acts of cultural destruction dramatize Lemkin's belief in the defining significance of culture and the anthropological, artistic, and psychological meanings of culture articulated by Geertz, Burke, and Lifton. In Nakhichevan, the Azeri destruction of cultural property allows us to see that even without a population, the existence of historic artifacts in the landscape threaten the occupiers and their identity of their culture. In short, the khachgars maintained an Armenian

presence in the region despite the absence of human beings because the symbolic realities they embodied were powerful, complex and rooted in history.

I would like to close by suggesting that in future deliberations concerning international law and cultural destruction, humanists should be made an

important part of the legal and legislative process. Art historians, literary scholars, anthropologists, psychologists, for example, would bring deeper understandings to deliberations about cultural property and an even greater sense of urgency that may very well result in more forceful laws.

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THE MORAL IMPERATIVE TO REMEMBER, ACKNOWLEDGE AND REPAIR THE CRIME OF GENOCIDE

“By leaving history to the historians, we can together look to the future. I still believe this is possible. A segment of the Armenian Diaspora does not share this vision, and therefore it is a significant hurdle. I am not convinced that this particular segment of the diaspora is doing Armenia any favors this way.” Spoken by Turkish Prime Minister Recep Tayyip Erdogan during an interview for the newspaper *Jamanak* on November 9, 2010.¹

I begin with these words of Turkish Prime Minister Erdogan because it is precisely this claim that I refute in this essay. By leaving history to the historians we condemn ourselves to repeating the horrors of the past. As the philosopher George Santayana wrote in 1905, “Those who cannot remember the past are condemned to repeat it.”² Given the title of my talk, one might rightly ask what role

moral argument can play in achieving reparative justice in the case of the Armenian Genocide. I am not naïve in thinking that a moral argument will persuade someone who is actively engaged in wrongdoing to cease such behavior. At the same time, I don’t fully rule out the possibility that it might persuade him. Moral arguments might reanimate moral sentiments that have long lain dormant. Ultranationalist Turks and their denialist supporters are not my intended audience. My argument is directed to those potentially thoughtful and morally sensitive people who are skeptical of the need for restorative justice and the moral repair that it may entail. These moral skeptics are individuals who see no need to remember the past and who when questioned will argue that their community’s past has little or nothing to do with their present life, let alone their moral character or responsibilities. Pressed further, such individuals

often give a series of responses that are all too familiar:

- If a genocide or some injustice took place ninety-five years ago, what does that have to do with me, a citizen of the Republic of Turkey in the year 2010?
- If harm was done, the perpetrators have long been dead. *They* were the responsible parties, not me.
- I am only responsible for my own actions and omissions, or at most the actions and omissions of my dependent children. I am not responsible for the actions of members of my community, ethnic group, or nation-state, especially a nation-state, Ottoman Turkey, that is not my nation-state, the Republic of Turkey.

Given these responses, how does one establish the claim that members of a particular community, in our case the citizens of the nation-state of Turkey, have a moral obligation to take responsibility for a historical injustice committed by their ancestors? One approach would be to attack the factually false claim that there is a radical break or discontinuity between the Ottoman government under the Committee of Union and Progress (CUP) and the government of the subsequent Republic of Turkey under Atatürk. Historical research, greatly enhanced by the pioneering work of Taner Akçam, has

come a long way toward establishing the falsity of this claim.³ Further, the genocidal forces that were set in play in the spring of 1915 did not abate with the end of the CUP government but continued well into the early years of the rise of Kemalism. Such historical arguments are not ones I will make here. I also suspect that they do not get to the heart of the hurdle I am trying to overcome.

Other approaches would be through the avenues of political action and legal sanction. I’m not in a position to judge the efficacy of these approaches. Others are better qualified to make such judgments. Whether or not these approaches will bear fruit, they do highlight a distinction I would like to make. This is the distinction between *accepting responsibility* and *taking responsibility*.⁴ The unlikely event of some future Turkish government *accepting responsibility* for the Armenian Genocide should be distinguished from acts by which individual Turkish citizens *take responsibility* for the Genocide. I liken the former scenario to that of a criminal defendant reluctantly accepting a plea bargain under heavy pressure from both the prosecutors and his or her defense team in order to avoid a stiffer penalty. I do not believe that there is much moral work going on here. Political expediency is not equivalent to moral rectitude. Accepting responsibility by issuing a



government statement acknowledging the 1915 Great Crime or Great Calamity, (*Medz Yeghern*), followed by token gestures of reconciliation, is not morally equivalent to the stronger and more difficult act of *taking responsibility* for the wrongdoing of genocide. The difference between *accepting responsibility* and *taking responsibility* may sound like simply a verbal difference, but the passive and active connotations of these words do highlight a significant moral difference. Accepting responsibility in order to get back to business as usual is a far cry from the hard moral work of actively engaging in repairing the multidimensional harms that the Genocide has caused. When a community *takes collective responsibility* for an event in its past that it professes to repudiate, the expectation is that various sorts of reparative actions, both real and symbolic, will follow. I will come back to this notion of *taking responsibility* at the end of my essay.

Let us now return to the objections of the moral skeptics that I enumerated earlier. The objections all have an underlying common assumption: they reduce the sphere of morality to individuals and their actions or omissions. While this assumption may seem to make some intuitive sense, a cursory reflection upon how human beings live their lives in communities proves it to be false. The false assumption that only individuals can be morally culpable leads to two questionable inferences:

(1) that moral responsibility ends with the death of the perpetrator, and (2) that collective or group moral culpability is a fiction. The latter inference sometimes takes the form of the denial of collective guilt. There is a large body of literature dating back to Karl Jaspers's 1946 book, *The Question of German Guilt*, that attempts to sort through this issue of collective guilt and shame, but I can't deal with it here. What I will argue for is the claim that there is a strong case to be made for intergenerational collective moral responsibility. By the simple fact that we live in communities – no matter how diverse – we inherit a group identity and character. These identities have a history. We align ourselves with them to varying degrees. Social institutions sustain these identities across generations, and the moral trustworthiness of these institutions becomes our responsibility.

I argue for my position and against the moral skeptic by drawing an analogy to the arguments put forward by those who oppose reparations for slavery in the United States. The moral skeptic in the Armenian Genocide case and the U.S. slavery case hold similar positions. The philosopher Bernard Boxill summarizes this situation: "Since present day U.S. citizens were not complicit in the crime of slavery [the] claim [that the U. S. government owes reparations to present-day African Americans] can only be based on the morally repugnant idea

that individuals can be burdened with the duties that other people incurred."⁵ The assumption here is that the only way one can be burdened with moral responsibilities is by one's own actions or the actions that one has directly authorized (i.e., the actions of one's present government). Since we are not citizens of the antebellum South and our present government is not the same collective that existed prior to the Emancipation Proclamation, we therefore have no moral obligation to pay reparations to our African American citizens. We did not authorize our founding fathers to institutionalize slavery in our society. By extension, the post-World War II government of Germany is not the Third Reich, and the current government of the Republic of Turkey is not the Ottoman Young Turk government of World War I. Only highly organized hierarchical organizations such as business corporations can act as moral agents and thus engender moral obligations, obligations that extend only to individuals in their corporate management and not to all their employees. The founding of the Federal Republic of Germany or the Republic of Turkey is the equivalent of the establishment of a new corporation, albeit one in which the assets of the bankrupt old regimes were assumed. These assets come with no moral baggage, according to this argument.

I argue, to the contrary, that this argument presents a very weak analogy

and reflects a very naïve view of history. The historical evidence for the claims in support of the argument, especially those with regard to slavery and the Armenian Genocide, are not very strong, but as I've already stated, a historical critique is not my purpose here. On a conceptual level, what the line of reasoning fails to acknowledge is that collectivities have identities across time. A person's ethnic identity is one such identity. In more ethnically diverse societies, there are institutional forms of identity. The ethnic and institutional identities sometimes merge. Ethnic communities are collectivities, collectivities that frequently transcend national borders. The philosopher Karen Kovach has argued that mere biological membership in one's ethnic community is not sufficient to confer collective moral obligations. But if one chooses, whether explicitly or implicitly, to identify oneself with one's ethnic community, then one assumes certain moral obligations with that choice.⁶ One's shared ancestry opens up a space in which one acts in concert, whether intentionally or not, with the "idea of the group." One acts and responds "emotionally as a member of the group," and thus one's actions have moral implications. The particularities of this alignment can vary greatly, from the relatively trivial to the profound—from one's tastes in cuisine to one's deeply felt religious beliefs. Through such an alignment one shares in the collective agency of the ethnic



group and in so doing shares its history both of moral achievements and of moral failures. Again this is not simply a matter of assuming some moral obligation because of an event in the distant past but is part of being who you are today, be it a German, a Turk, or an American.

Moral failures and their associated obligations may be inherited, but, as is the case with a defective gene, what counts are the consequences of this inheritance. While it is not true for all genetically inherited disorders, one can think of the analogy of the individual who has inherited the gene for alcoholism but whose behavior is not that of an alcoholic. Blissful ignorance of one's inheritance is not what I have in mind here; rather, it is the constant struggle to accept one's inheritance while at the same time remodeling oneself as a sober—that is, a moral—self. The philosopher Marina A. L. Oshana calls this sense of responsibility “*authenticity with respect to one's self-conception*.” “Authenticity consists in truthfulness toward oneself and about oneself in word and in deed.” Someone who is authentic “meets head on his or her faults, or those of one's fellow community members, and regards oneself as at least partially responsible for them. . . . Inauthenticity marks a kind of dishonesty with respect to one's self-conception.”⁷

My own concern here is with those aspects of this “idea of the group” that fueled aggression and genocidal

violence in the past and that continue to be actively present in the ethnic identities of today. We have seen much evidence of this in many of the ethnic conflicts that have culminated in genocides in the past hundred years, one recent example of which was the wars in the former Yugoslavia. A necessary condition for genuine reconciliation between the descendants of the perpetrators and the descendants of the victims is sincere moral assessment, on both sides, of the alignment of oneself with one's ethnic identity group. This self-assessment, often aided by others, is crucial to moral authenticity.⁸

My second argument against those who would reject intergenerational collective moral responsibility takes a slightly different focus. This argument is based on the following premise: The political, social, cultural, religious, and educational institutions that mark all large collectivities such as nations provide a degree of moral reliability that is necessary for individuals to carry out their legitimate interests. We count on such institutions to exemplify the values that allow individuals to flourish in their life activities. In the words of the philosopher Janna Thompson, such collective institutions ought to value “the long-term and lifetime-transcending interests and projects” of individuals. Thompson puts it this way:

People care about how they will fare in old age, the outcome of their lifetime projects, the future well-being

of their children, the fate of their community or culture, the disposal of their property, and their posthumous reputations. Their present activities, their ability to live a meaningful life, are often predicated on their ability to make plans for the more distant future, including the future beyond their lifetime, and on the presumption that institutions and practices of certain kinds will continue to exist. . . . [They] make moral demands of citizens young and not yet born.⁹

If these interests are morally legitimate, then it follows that we ought to develop and maintain institutions that enable these interests to be met. There are limits to what kinds of institutions or practices I am discussing here. My claim here is restricted to what I call “morally legitimate interests.” Some of these interests are fairly obvious. An important human interest is the institutional confidence that one's personal property, both movable and immovable, be protected. The conveyance of such property to one's descendants, while not unlimited, is a legitimate intergenerational interest. Institutions that promote the flourishing of important life activities are by their very nature intergenerational. They do not abruptly end with a change in government, whether or not that change is constitutionally legitimate. Our current government has inherited the moral obligation to provide the

effective maintenance that these institutions demand. As individual citizens who are part of a collective, we have also inherited obligations under these institutions. If the institutions were corrupted in the past, whether by the U.S. Constitution's legitimization of slavery or by the Nuremberg Laws of 1935, we have moral obligations to remedy such abuses. Repairing the past failures of these institutions can only serve to strengthen them in the future. Our present relationship with these institutions is what obligates us, not our complicity in some historic event in the past, be it slavery or genocide. When genocidal crimes were committed in the name of one's nation, whether Germany, Turkey, Serbia, or the United States, moral responsibility needs to be acknowledged and repair instituted. This was the path chosen in the post-World War II years by the government of Conrad Adenauer in the Federal Republic of Germany.¹⁰ Reparations played a significant role in relegitimizing the institutions of the new Germany. No such relegitimizing has taken place in the Turkish Republic. The precarious status of property ownership, especially for minorities, continues to this day. Evidence the current case of Sevan Nisanyan with regard to the properties he has restored in Sirince.¹¹ I needn't mention the Turkish government's expropriation of properties of Greeks, Jews, and Armenians during World War II as a result of the 1942 wealth or capital tax (*Varlik Vergisi*).



By way of conclusion I would like to return to the point I made earlier about the active sense of *taking responsibility* for historical injustices of one's community. Simply put: Taking responsibility for something does not presuppose being causally responsible for it, in the sense of being open to blameworthiness (or creditworthiness) for it. On my understanding of *taking responsibility*, there is no conceptual bar to taking responsibility for something for which one is not causally responsible. Often it is the case that moral praise is given to individuals who take responsibility for something for which another person should be responsible. They do so in order to prevent a greater harm. Most humanitarian interventions are of this nature. Under normal circumstances—that is, barring any ignorance—one ought to *take responsibility* for all acts and omissions for which one is responsible. Often there is a considerable

overlap between the active *taking of responsibility* and the state of *being responsible*. But the former, taking responsibility, should not be limited by the latter, being responsible. The two arguments I have presented here for intergenerational collective moral responsibility, the argument from moral obligations that are entailed in ethnic group identity and the argument from moral long-term trustworthiness or reliability of social institutions, highlight the fact that there can be moral obligations that extend well beyond those acts for which one is directly responsible. In essence I am saying to the moral skeptic: Yes, you are indeed *not* responsible for what happened in your nation's past. But now go and take responsibility for the current injustices in your nation, especially for those injustices whose origins lie in its past. You have ample reasons for doing so.

1. Staff Writer, "Erdogan to 'Jamanak': Diaspora Doesn't Share My Vision," *Armenian Weekly*, 12 November 2010. (Available online: www.armenianweekly.com/2010/11/12/erdogan-to-jamanak/)

2. George Santayana, *The Life of Reason or The Phases of Human Progress: Reason in Common Sense*, 2nd ed. (New York: Charles Scribner's Sons, 1924), 284 (originally published 1905 Charles Scribner's Sons; appears in chapter XII, "Flux and Constancy in Human Nature").

3. See Taner Akçam, *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* (London: Zed Books, 2004).

4. I am indebted to the work of Jeffrey Blustein for the distinction between the concepts "accepting responsibility" and "taking responsibility." See especially *The Moral Demands of Memory* (Cambridge: Cambridge University Press, 2008).

5. Bernard R. Boxill, "A Lockean Argument for Black Reparations," *Journal of Ethics* 7 (2003): 63-91, at 71.

6. For an extended analysis of an ethnic identity group in the context of assigning collective moral responsibility see Karen Kovach, "Genocide and the Moral Agency of Ethnic Groups," in *Genocide's Aftermath: Responsibility and Repair*, ed. Claudia Card and Armen T. Marsoobian, 50-70 (Oxford: Blackwell, 2007). In my analysis I have adopted Kovach's notion of ethnic identity.

7. Marina A. L. Oshana, "Moral Taint," in *Genocide's Aftermath: Responsibility and Repair*, ed. Claudia Card and Armen T. Marsoobian, 71-93 (Oxford: Blackwell, 2007), 86.

8. See also Larry May, "Metaphysical Guilt and Moral Taint," in *Collective Responsibility: Five Decades of Debate in Theoretical and Applied Ethics*, ed. Larry May and Stacey Hoffman, 239-54 (Savage, Md.: Rowman and Littlefield, 1991).

9. Janna Thompson, "Collective Responsibility for Historic Injustices," in *Shared Intentions and Collective Responsibility*, ed. Peter A. French and Howard K. Wettstein, *Midwest Studies in Philosophy* 30 (2006): 154-67, at 165.

10. See Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W.W. Norton, 2000), especially chapter 1, "The Faustian Predicament: German Reparation to Jews," 3-29.

11. For a description of the controversy see Nanore Barsoumian, "'Mad Vandalism': Turkey to Demolish Hotels of Outspoken Armenian Entrepreneur-Scholar," 1 September 2010. (Available online: www.armenianweekly.com/2010/09/01/mad-vandalism/)





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OTTOMAN EMPIRE: PROGRAM OF GENOCIDE (1915)

Genocide is the gravest crime against humanity. That's why even the mentioning of the word genocide arouses negative feelings in a simple person. For us, Armenians, dealing with that phenomenon is much more difficult because we fell victim to a most brutal genocide in the history of mankind. We lost one and a half million innocent human lives. But unlike other peoples who faced genocides, we were deprived of a great part of our homeland. Besides, unlike other genocides, the Armenian genocide has not been recognized by most of the peoples and countries of the world.

No matter how hard it is from the humane point of view we must study the phenomenon of genocide. It is our duty to the scientific truth and to millions of people that fell victim to genocides at different times. But it is also our duty to future generations. We must study the genocides of the past in order to discover the danger of future

genocides as soon as possible and to try to prevent them. It is our generation's duty to give future generations a world without genocides and other crimes against humanity.

Now let me pass on to the main theme of my paper. One of the tasks of the modern Genocide Studies is elaboration of a concept of genesis of genocidal phenomenon. This concept will not only allow specialists to more exactly look into the *genocidal worlds* (J. N. Porter) of the past and the present, but also will have a practical importance greatly contributing to exposure and prevention of future genocides.

In the given paper, our approach is based on application of the *intent* notion, which is one of the most important components of genocide. We think the *intent* usually comes out in the policy as a state program of some functions and acts of genocide nature. Thus, if the existence of such program

RUBEN SAFRASTYAN

is proved, it will testify to the existence of the most important component of genocide.

We have chosen the Ottoman Empire as an example of a specific historical reality. This choice is accounted for by the fact that in the late 19th and early 20th century, Ottoman Turkey carried out the first large-scale genocide of new times, annihilating the Armenian population in Western Armenia and other territories of the Empire for some twenty years. This crime was programmed and implemented by the Turkish state, in particular by its central and territorial bodies and departments of different levels, as well as by structures established especially for this purpose. The whole process of genocide was headed by a united center functioning inside the top government circle. At first, it was the special secret office of Sultan Abdülhamid II and his palace, then the ruling body of Young Turks party headed by Talât.

In our understanding, the Abdülhamid massacre is possible to consider the first stage of policy of Armenian genocide. The policy of Armenian genocide of this stage from the point of *Absolute Genocide* was not comprehensive nor in terms of space, nor in terms of time. The potential of Ottoman statehood during Abdülhamid era for organizing such complicated and multilevel crime as it is large-scale genocide and for

producing adequate program of genocide was insufficient. The force, which was able to do it, came to power as Party of Young Turks, known also as Committee of Union and Progress.

The Committee of Union and Progress was founded in 1889 and in just two decades, the Young Turk Party was able to create a leadership that would lay the groundwork, ethically and ideologically, for a genocide. The intensity and commitment with which the Party leadership moved made the Armenian Genocide an inevitable eventuality. As a result of activities of small group party leaders in the first half of 1915 came the program of Armenian genocide. The program comprised three documents. In all three, both the intent to commit genocide and the means to commit it are present.

The first of these documents is the record of the resolutions, passed at the secret meeting of a group of leading figures of the Ottoman Empire, headed by Talât, during World War One. It became known to general public in 1919 from the Armenian newspapers of Constantinople, where the Armenian translation of the document was printed¹. The outstanding Armenian-born American specialist in Genocide Studies Vahagn Dadrian at the end of the last century scrutinized thoroughly the British archives and discovered a

1. The print of "Tchakatamart" [Battle] see: M. Hovsepyan, HYD K.Polsi parberakan mamuly [ARF periodical press in Constantinople] (1909-1924), Yerevan, 2009, p. 69.



number of important facts, related with the origination of said document and the circumstances of finding it². In particular, it became known that at the meeting present were Foreign Minister and member of the Central Committee of the Young Turk party Talât; members of the Central Committee, leaders of the "Special Organization" Behaeddin Şakir and Nazim; head of the Internal Affairs Administration for Social Security İsmail Janpolad, and Chief of the Political Administration of General Headquarters of the Ottoman army, Colonel Seyfi. Chief of the Intelligence Service of the Ministry of Internal Affairs Colonel Esad, the secretary of the meeting, documented the resolutions.

The document is not dated. The English officer, to whom Esad had handed it, set an approximate date between December 1914 – January 1915³. In the light of the facts, known today, these dates are acceptable, since in February, signs of implementation of some points of the program were already observed. Thus, well-informed German Lieutenant-Colonel Stange⁴ reported

that on February 10, deputy director of the Ottoman Bank of Armenian origin was killed for "political reasons"; and a few days before or after – the Armenian bishop of Erzincan⁵. Then dismissals of Armenian-born officials from public service began, then – disarmament of Armenian-born private soldiers of the Ottoman army, then – arrests of officers⁶... All these actions were included in the document under consideration.

Some scholars assert that the final decision about mass killings of Armenians was made by the Young Turk Central Committee in the middle of the same month of 1915⁷. This is indirectly confirmed by the published by Aram Antonyan letter from the Central Committee of the Young Turk party to the responsible representative of the Central Committee in the vilayet of Adana Kemal, written on February 18, where it said that a decision had already been made to ruthlessly extirpate all Armenians, and that requisite orders from the government would be shortly sent to governor-generals and army commanders⁸. So we may infer

that in the frame of preparatory work for making the final decision on the Armenian Genocide, the abovementioned document represent the phase when an integrated and coordinated program of acts and measures towards fulfilling concrete tasks was completed.

The guilt of Talât, Behaeddin Şakir and Nazim in organizing and perpetrating the Armenian Genocide has long been known and documented, and there is no need to refer to it yet again. Canbolat's anti-Armenian activity is also well-known. In particular, he was the chief responsible figure for arrests and exiles of the Armenian intelligentsia and the representatives of other social strata in Constantinople. He was noted for his inhuman cruelty and bloodthirsty inclinations even among his own party members, and thus had earned the epithet "murderous soldier"⁹. English officer Andrew Ryan, who interrogated the arrested Young Turk leaders, admitted that he felt the least empathy for him compared with the others¹⁰. Mustafa Kemal, instead, not only sympathized

with the "murderous soldier", but spoke highly of him as a "statesman"...¹¹

The fifth member of that criminal group – Colonel Seyfi of General Headquarters, also belonged among those who were responsible for the Armenian Genocide. His role has not been fully disclosed yet. The facts bespeak that he headed the detachments of murderers, the so-called *fidayis*, who acted within the scope of the "Special Organization". (This was confirmed by German Colonel von Lossoff¹².) Yet, due to his vast experience in secret operations, that murderer managed to avoid appearing at the postwar Ottoman military tribunal. After the war, Seyfi initiated a zealous and often invisible activity at various fronts of the Kemalist movement. Thus, he was among the leaders of the secret "Hamza" group, active at the Western front, which goal was to ensure succession of the Young Turks and the Kemalists¹³; thereupon, he commanded one of the Kemalist army divisions, stationed in Trabzon¹⁴.

Of all the members of that criminal group, only Seyfi died a natural death. Talât and

2. V. N. Dadrian, The secret Young - Turk Ittihadist conference and the decision for the World War I Genocide of the Armenians. – Holocaust and genocide studies, 1993, Volume 7, No. 2, p. 173–201.

3. Ibid., p. 174.

4. He was one of the leaders of the "Special organization". See: V. N. Dadrian, Documentation of the Armenian genocide in German and Austrian sources. New Brunswick, 1994, p. 110. The military rank of Stange is mistaken here for colonel.

5. Der deutsche Oberstleutnant Stange an die deutsche Militärmission in Konstantinopel, Erserum, den 23. August 1915, Geheim. – DE/PA-AA/BoKon/170, www.armenocide.net-1915-08-23-DE-013Geheim!

6. Ch. J. Walker, Armenia: the survival of a nation. London, 1983, p. 200.

7. Ibid.

8. See in the text of the letter: A. Antonyan, Metz Votchiry [The great crime]. Yerevan, 1990, p. 130.

9. O. S. Kocahanoglu, İttihat-Terraki'nin sorgulanması ve yargılanması: Meclis-i Mebusan tahkikati, Teşkilat-i Mahsusa, Ermeni Tehcirinin içyüzü, Divan-i Harb-i Örfi muhakemesi. İstanbul, 1998, s. 629.

10. British Foreign Office dossiers on Turkish war criminals. By Vartkes Yeghiayan. La Verne, 1991, p. 52.

11. O. S. Kocahanoglu, İttihat -Terraki'nin sorgulanması ve yargılanması: Meclis-i Mebusan tahkikati, Teşkilat-i Mahsusa, Ermeni Tehcirinin içyüzü, Divan-i Harb-i Örfi muhakemesi. İstanbul, 1998, s. 630 – 631.

12. V. N. Dadrian, The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus. Oxford, 1995, p. 220.

13. E. Şimşek, İ. Bahar, Türkiye'de istihbaratçılık ve MİT. İstanbul, 2004, s. 186-187.

14. E. J. Zürcher, The Unionist factor: the role of the Committee of Union and Progress in the Turkish National movement, 1905 – 1926. Leiden, 1984, p. 128.



Behaeddin Şakir were shot by avengers; Nazim and Canpolat were convicted of preparing an attempt on Mustafa Kemal's life and hung in 1926 along with a number of other former Ittihadists.

Criminals normally try to conceal the traces of their crime. Such was the case with the developers of the Armenian Genocide. In May of 1915 the Ottoman authorities passed a Law that was to serve as a "legal" disguise for the premeditated mass extermination of the Armenian people, or genocide. They failed to realize that said Law was nothing but one more proof of their felonious programs. Indeed, it appeared to be one of the bloodiest and most brutal laws in human history. In special literature, devoted to the history of the Armenian Genocide, it is often referred to as "Law on Deportation"¹⁵.

The prehistory of passing that law is brought below.

On May 24, 1915¹⁶, the three powers of the Entente – Russia, Great Britain

and France – came forth with a joint note, in which the mass slaughters of Armenians were severely condemned and qualified as "a new crime... of Turkey against humanity and civilization". They underscored that the members of the Ottoman government would be recognized as personally amenable to law for that crime¹⁷. On the same day, the French text was submitted to the "Hava" telegraph agency on behalf of the Foreign Ministry of France, and was immediately dispatched to Constantinople and Berlin.

The official presentation of the note to the Ottoman government took place not long after, via a third party, as between the Entente countries and Turkey diplomatic relations did not exist. The published documents allow us to retrace the entangled progress of that procedure. At first, the copy of the note was handed via US Ambassador to Paris W. Sharp to State Secretary W. Bryan in Washington, at the request of French Foreign Minister Delcassé¹⁸. It happened on May 28.

A day later, on May 29, the latter telegraphed it to US Ambassador to Constantinople H. Morgenthau¹⁹, who eventually submitted the note to sadrazam Said Halim Paşa.

The response of the members of the Ottoman government to the note was quite hot. Ambassador of Austria-Hungary Johann Pallavicini reported to Vienna that it drove sadrazam Said Halim Paşa furious²⁰. US Ambassador H. Morgenthau described in his diary Said Halim Paşa's state after he had familiarized with the note as "very much annoyed"²¹.

Turkish historians in their turn gave the name of Internal Minister Talât Bey, one of those threatened with the note, as by his orders deportations and massacres had started and were in progress. The latter obviously feared lest the whole burden of guilt should be laid onto his and only his shoulders. In an attempt to avoid it, he initiated a process aimed to disperse the guilt for the crime among the government

members, making it a matter of collective amenability, rather than his personal²². Worth noticing is that the criminal realized very well the measure of his responsibility. Talât's unique confession on that subject has been preserved in the memoirs of his close friend Halil, a leading figure in the Ottoman Empire and in the "Committee of Union and Progress". According to him, Talât once acknowledged that he was the one to make the decision about the deportation of Armenians²³.

Following Talât's initiative, the Turkish leadership hastily passed a series of resolutions, which in the course of a week ended in publication of the "Law on Deportation".

The documents, published in Turkey, show that after the declaration came out on May 26, Chief Commandment of the army addressed the Internal Ministry, proposing to begin the deportation of Armenians from the "eastern vilayets, Zeytun, and other places

15. Turk historians call it either "Tehcir kanunu" ("Law on Deportation"), or "Sevkiyat kanunu" ("Law on banishment").

16. Here and hereunder, all the dates in the article, except those specially noted, are in the Gregorian calendar.

17. See in the text of the declaration: Notification of the Department to the "Hava" agency, Urgent, Paris, May 24, 1915. – Great Powers, Ottoman Empire and Armenians in French archives. Volume I. Owing to Arthur Beylerians' assiduity. Foreword by Jean Baptiste Duroselle. Translated from French by Varuzhan Poghosyan. Yerevan, 2005, p. 99.

18. Sharp – to Secretary of State, Paris, May 28, 1915. – Documents: The State Department File. – A. Hayrapetyan, «Race Problems» and the Armenian Genocide: The State Department file. – Armenian Review, Spring 1984, Volume 37, No. 1, p. 64; US Ambassador in Paris Mr. W. Sharp to Foreign Minister Mr. Delcassé, Paris, May 28, 1915. – Great Powers, Ottoman Empire and Armenians in French archives. Volume I. Owing to Arthur Beylerians' assiduity. Foreword by Jean Baptiste Duroselle. Translated from French by Varuzhan Poghosyan. Yerevan, 2005, p. 101.

19. Bryan – to Amembassy, Constantinople, Washington, May 29, 1915. – Documents: The State Department file. – A. Hayrapetyan, «Race Problems» and the Armenian Genocide: The State Department file. – Armenian Review, Spring 1984, Volume 37, No. 1, p. 65.

20. Pallavicini – an Baron Burian, Constantinople, an 18. Juni 1915. – K. u K. – Dokumente: Armenien in Österreichischen Archiven (Fotokopien). Band II: 1915 – 1917. Herausgeber: Artem Ohandjanian. S. 884.

21. June 7, Monday. – [Henry Morgenthau], United States Diplomacy on the Bosphorus: The Diaries of Ambassador Morgenthau 1913 – 1916. Compiled with an Introduction by Ara Sarafian. Princeton and London, 2004, p. 249.

22. Y. H. Bayur, Türk İnkilâbı tarihi. Cilt: III: 1914 -1918: Genel Savaşı, Kısım III: 1915 – 1917 vuruşmaları ve bunların siyasal tepkileri. Ankara, 1983, s. 39; Y. Halaçoğlu, Die Armenierfrage. Klagenfurt, 2006, S. 66.

23. [Halil Menteşe], Osmanlı Mebusan Meclisi Reisi Halil Menteşe'nin anıları. Giriş: İsmail Arar. İstanbul, 1986, s. 216.



with overwhelming Armenian population”²⁴. Turkish historians prefer not to publish the photocopy of that important document, neither do they disclose the full text in Osmanlı; its obviously distorted version appeared in the monograph by the late ex-ambassador *Kamuran Gürün*, one of the pillars of the official Turkish historiography, inclined to falsify the real facts of the Armenian Genocide²⁵. It seemed that the publication of said document would convincingly reassert the official Turkish version that the deportation of Armenians was an operation arising from merely military necessity. This makes us think that *Gürün* published not only the abridged, but the falsified document. The latter surmise is confirmed by that the document suggested to begin the deportation of Armenians of Zeytun, while by the orders of Talât it began back at the end of March, was underway all through the month of April, and besides, the regular Turkish troops were already deployed in Zeytun. This proves that the abovementioned document, authored

by Chief Command, had been written much earlier than *Gürün* wanted to present it – most likely, in the period between April – early May. The reason for that falsification might be that the document contained a reference to a “verbal decision” about deportation²⁶. In our opinion, this was a deliberate “oversight” by Enver, since it enabled the War Ministry to avoid the responsibility for initiating the deportation.

In response to that note, Talât addressed the government on behalf of the Internal Ministry with a secret report, demanding that the Armenian population of the war regions be deported²⁷. This document, despite the series of falsifications and lies it contains, at the same time reasserts the genocidal intent of the Turkish authorities. In H. Ghazaryan’s translation it is formulated as follows, “This concern²⁸ is an important component of the state’s vital efforts towards its radical solution, putting an end to it and getting rid of it²⁹. We have taken care

about the means and the preparedness for it, and we keep it under control”³⁰. This last sentence may be interpreted as a reference to the first document, already familiar to us.

The authorities were in such a panic that even violated the regular procedure of passing a law. Without convening a session of the government, without discussing Talât’s report and without the requisite resolution of the government, it was hastily passed on the next day, May 27; on June 1 it was published and enforced immediately under the title “Temporary Law on Measures to Be Taken from Military Point of View Against Those Who Act in Opposition to the Government’s Activity in Wartime”. It was signed by the sultan and Minister of War Enver³¹. It is also known as “Law on Deportation”.

On May 30, prior to the promulgation of the “Law on Deportation”, a session of the government was convened. It discussed Talât’s report and adopted a resolution to begin the deportation. The text of the resolution is published³². It

is entitled “Protocol on Discussions of the Council of Ministers” and consists of two parts: “Brief Description”³³ and “Resolution”. The document is signed by several members of the Ottoman government. We were able to decipher Grand Vizier Said Halim Paşa’s, Enver’s, Talât’s and Nasmi’s signatures. The segment “Resolution” also contains a statement which reveals the genocidal intent of the Ottoman government – the “necessity to completely destroy and put an end” to the Armenian movement (“imhâ ve izâlesi kat’iyyen muktezî”)³⁴.

Let’s turn to the “Law on Deportation”.

Up to date, many aspects, related with the content and the specifics of publication, remain unclear in Armenia and abroad, which entails contradictory approaches.

One of the controversial issues, for instance, is the date of passing and publishing the Law. These dates are misrepresented by some Turkish historians. Mehmet Hocaoglu mistakenly wrote that the Law was put into practice on May 14, 1331 (according to the Rumi

24. See the text of the document, published by the Turkish historian K. Gürün: K. Gürün, *Ermeni dosyası. İkinci Baskı*. Ankara, 1983, s. 213.

25. See for example: Y. Halaçoğlu, *Die Armenierfrage*. Klagenfurt, 2006, S. 65, or: Y. Ercan, *Ermeniler ve Ermeni Sorunu*. – *Yeni Türkiye*, 2001, ocak-şubat, yıl 7, sayı 37: *Ermeni Sorunu özel sayısı* I, s. 48 – 49.

26. K. Gürün, *Ermeni dosyası. İkinci Baskı*. Ankara, 1983, s. 213.

27. The text of that secret report in Armenian translation was first published by the Genocide survivor and ardent researcher Haykazn Ghazaryan. See: H. G. Ghazaryan, *A Turk – perpetrator of genocide*, Beirut, 1968, p. 324-328.

28. As it follows from the context of the document, Talât’s “concern” was the striving of the Armenian people to effect reforms in Western Armenia.

29. The translator, considering the significance of this paragraph, cites the Turkish expression in Armenian letters: *külliyen izalesi*.

30. H. G. Ghazaryan, *Tseghaspan turqy* [A Turk – perpetrator of genocide], Beirut, 1968, p. 325.

31. See the text: *Vakt-i seferde icraat-i Hükûmete karşı gelenler için cihet-i askeriyece ittihaz olunacak tedabir hakkında kanun-i muvakkat*. – *Takvîm-i Vekâyî*, 18 Receb 1333 / 19 Mayıs 1331, 7. sene, nr. 2189.

32. *Meclis-i Vükelâ Müzâkerâtına Mahsûs Zabıtname: Hülâsâ-i me’âlî*, 17 Mayıs 1331. – BOA. *Meclis-i Vükelâ Mazbatası*, 198/163. – <http://www.devletarsivleri.gov.tr/kitap/pdf/2/17.pdf>

33. Obviously, it should have been “Concise description of the discussion of the problem”.

34. *Meclis-i Vükelâ Müzâkerâtına Mahsûs Zabıtname: Hülâsâ-i me’âlî*, 17 Mayıs 1331. – BOA. *Meclis-i Vükelâ Mazbatası*, 198/163. – <http://www.devletarsivleri.gov.tr/kitap/pdf/2/17.pdf>



calendar system used in the Ottoman Empire's official paperwork)³⁵, which coincides with May 27 of 1915, whereas the Law was officially put into effect as of the date of printing in the press, which was June 1, 1915.

The Turkish historian Ismail Hami Danişmend also mistook the dates of adopting the Law and publishing it. His four-volume "Explanatory Chronicle of Ottoman History" has been a table-top book for researchers of Ottoman history for decades now. In volume 4, the author wrote that the "Law on Deportation" was published on May 27, 1915, confusing that date with the date of passing the Law³⁶.

In the meantime, the Turkish official documents evidence that the May 26 of 1915 refers to Internal Minister Talât's mentioned secret report, whereas the May 27 of 1915 is the date of passing the Law, and not appearing in the press, which happened 5 days later. On June 1 of 1915 it was placed on the first page of the official "Takvim-i vakâyi" newspaper. This clarification is important because, according to Article 3 of

the Law, it was to be enforced as of the date of publishing.

The very content of the Law, in particular, the number of Articles, needs to be clarified, as in historiography there is some discord about it too. Very few are the monographs, giving the correct number of Articles of the Law, which is four. Here belongs the interesting book by Armenian-born American Gricor³⁷ – one of those few authors, who may have been familiar with the version of the "Law on Deportation", printed in the official "Takvim-i vaqayi", which explains his correct assessment of the content of the Law, the dates of passing and publishing it³⁸. The same may be said about the renowned Turkish historian Tarik Zafer Tunaya³⁹.

Most of the Turkish scholars prefer to underline that the "Law on Deportation" contained three Articles. They also do not mention whose signatures were put under the Law. Such was the approach of Esat Uras⁴⁰ and Kâmuran Gürün⁴¹, the pillars of the Turkish official negationist concept as to the Armenian Genocide.

35. M. Hocaoglu, *Tarihte Ermeni mezalimi ve Ermeniler*. İstanbul, 1976, s. 645.

36. İ. H. Danişmend, *İzahli osmanlı tarihi kronolojisi*. Cilt: 4. M. 1703 – 1924 H. 1115 – 1342. İstanbul, 1955, s. 428.

37. Yeozghati hayaspanutean vaveragrakan patmutiuny [Documental history of Armenocide in Yozgat]. Prepared by Griker. New York, 1980.

38. Ibid., p. 37-38.

39. T. Z. Tunaya, *Türkiye'de siyasal partiler*. Cilt I: İkinci Meşrutiyet dönemi, 1908 - 1918. Genişletilmiş ikinci baskı. İstanbul, 1988, s. 580.

40. E. Uras, *Tarihte Ermeniler ve Ermeni Meselsi*. Yeniden gözden geçirilmiş ve genişletilmiş 2. Baskı. İstanbul, 1987, s. 605.

41. K. Gürün, *Ermeni dosyası*. İkinci baskı. Ankara, 1983, s. 214.

Subsequently, the distorted version of these popular in Turkey historians was put into circulation and accepted unreservedly by quite a few Turkish scholars, who referred to it in their research work⁴² and political essays⁴³. Even the experienced historian Bilal Şimşir, who has attained renown of one of the best "researchers" of the Armenian Question in today's Turkey, when printing the text of the "Law on Deportation", neglects the fact that the officially published text of the Law contained four Articles, and confines himself to quoting only three⁴⁴.

Following their spiritual fathers, the younger generation of Turkish historians keeps on disguising the true content of the "Law on Deportation". For instance, Hasan Babacan, professor at Süleyman Demirel University, employing tricks of "scientific" jugglery, in his reference to the text of the Law, printed in the "Takvim-i vaqayi" on June 1 of 1915, cites only two Articles, having incorporated the content of Article 4 into Article 2 and left totally unnoticed Article 3⁴⁵. When doing so, he must have been positive that the issue of the "Takvim-i Vekâyi", dated June 1, 1915,

would never be available to non-Turkish scholars...

Investigation of the Turkish materials enabled us to find out the source of the "tradition" of falsification, adopted by contemporary Turkish historians. It began back in 1916, at the time when the Armenian Genocide was still in progress. The Ottoman government, seeking to mislead the world community and avoid the potential responsibility, at first in Turkish, then in the European languages published a massive reference book, in which the reality is impertinently falsified and an attempt is made to shift the responsibility for the Armenian Genocide onto Armenians. The distorted text of the "Law on Deportation" with only three Articles is brought there; Article 4 is missing, as well as the last paragraph. The names of those who signed the Law are not brought either⁴⁶. And this was done when all the aforementioned information was available from the text, published in the official governmental newspaper the previous year.

It should be noted that the Ottoman government did attain its goal. Many of the contemporary and future historians

42. See for instance: Y. Ercan, *Ermeniler ve Ermeni Sorunu*. – Yeni Türkiye, 2001, ocak-şubat, yıl 7, sayı 37: Ermeni Sorunu özel sayısı I, s. 49.

43. See for instance: S. Kaplan, 1915'teki trajedi işte bu tehcir kanunuyla başladı. – Hürriyet, mart 3, 2005.

44. B. N. Şimşir, *Ermeni Meselesi: 1774 – 2005*. Üçüncü basım. Ankara, 2006, s. 299.

45. H. Babacan, *Ermeni Tehciri hakkında bir değerlendirme*. – Yeni Türkiye, 2001, ocak-şubat, yıl 7, sayı 37: Ermeni Sorunu özel sayısı I, s. 410.

46. *Ermeni komitelerinin âmâl-i ve harekât-i ihtilâliyesi ilân-i meşrutiyetten evvel ve sonra*. İstanbul, 1332, s. 237-238.



based their works on the version of the "Law on Deportation", placed in the governmental reference book, not the one in the official newspaper. Johannes Lepsius, eyewitness and researcher of the Armenian Genocide, was one of those who did so: in the compiled by him German diplomatic documents, he included the version of the Law from the French edition of the governmental reference book⁴⁷.

A question arises, what was such approach of the authorities of the Ottoman Empire conditioned by? The Ottoman official documents, presently in circulation, do not give a clear answer. We may only presume that it is because the then ruling Turkish elite, namely Enver Paşa, strived to shake off the responsibility for the deportation of Armenians, cost what it might.

As was mentioned, the mass deportation of the Armenian people had started long before passing and publishing the Law, and it was carried out by the initiative and under the guidance of Internal Minister and the factual leader of the Young Turk party Talât. Interestingly, Talât, in his desire

to evade responsibility, wrote in his memoirs that the army leadership considered the Armenian population as representing a danger from the military point of view and demanded to begin the deportation, while he personally was against it; for that, he was accused of disloyalty to homeland by his colleagues⁴⁸. As he presented it, since the situation was getting worse and worse, and the army was able to take "necessary measures" even without a requisite law, there was "no use" in delaying the adoption of the law on deportation⁴⁹.

Talât maintained that the text of the "Law on Deportation" was drawn up by the General Staff and sent to the government⁵⁰. His narration, however, does not make clear to what extent the draft served as a basis for the final version of the Law. Neither do the recently published in Turkey official Ottoman documents shed light on the issue.

Noteworthy is the fact that not a single governmental official document, related to the Law in question, has come out to date. Turkish historians have only put into circulation the photocopy of the first page of the

"Takvîm-i Vekâyi", dated June 1, 1915, where the Law is printed. It is hard to say how it complies with the final version, adopted by the government. Whatever the case, Haykazn Ghazaryan wrote that in reality, the Law contained eight articles, five of which were kept secret⁵¹. The issue needs further investigation.

The best way to put an end to the misrepresentations and confusions, brought above, was to publish the translated version of the official text of the "Law on Deportation". It only proved feasible after the photocopy of the official "Takvîm-i Vekâyi", dated June 1, 1915, became available. The official version of the "Law on Deportation" documents that the Law consists of four Articles, was passed on May 27, 1915, enacted on June 1, 1915, and Enver was personally made responsible for the enactment. The Law is signed by Sultan Mehmet Reşad V, Grand Vizier Mehmet Said Halim Paşa, and Deputy Commander in Chief, War Minister Enver.

The translation of the text of the Law is given below:

Article 1. In the wartime, army, troop and division commanders and their deputies, commanders of individual

positions, upon seeing any manifestation of opposition by the population against the governmental orders, actions and measures towards ensuring the defense and calm in the country, as well as any attempt of armed assault and resistance, are authorized and obligated to immediately, by force of arms and most rigorously, bring them back to mind and destroy the assault and the resistance.

Article 2. Commanders of armies and individual troops and divisions, based on special military laws, at suspecting espionage or betrayal, may send the residents of villages or townships, singly or massively, to other settlements and resettle them.

Article 3. The Law is enacted as of the date of publishing.

Article 4. The responsible person for implementation of the provisions of this Law is Deputy Commander in Chief, War Minister⁵².

I deemed to order that, in order to ensure lawfulness, the text of this Law be presented at the session of the General Assembly⁵³, be enacted temporarily and added to the laws of the state power.

13 Recep 1333, May 14, 1331⁵⁴
Reşad⁵⁵,

47. Deutschland und Armenien 1914 - 1918: Sammlung diplomatischer Aktenstücke. Herausgegeben und eingeleitet von Dr. Johannes Lepsius. Potsdam, 1919, S. 78.

48. [Talât Paşa], Talât Paşa'nın hatıraları: Sadırazam Talât Paşa'nın tarihin bir çok gizli taraflarını aydınlatan şimdiki kadar neşredilmemiş şahsi notları. İstanbul, 1946, s.63 - 65. It is necessary to take into account that Talât's memoirs were published altered and edited, which fact was admitted even by Yusuf Hikmet Bayur. See: Y. H. Bayur, Ermeni Meselesi, kaynaklar, II: hatıralar. - Cumhuriyet, Sali / Cuma Kitabı, 26 haziran 1998.

49. [Talât Paşa], Talât Paşa'nın hatıraları: Sadırazam Talât Paşa'nın tarihin bir çok gizli taraflarını aydınlatan şimdiki kadar neşredilmemiş şahsi notları. İstanbul, 1946, s. 65.

50. Ibid., p. 63-64.

47. Deutschland und Armenien 1914 - 1918: Sammlung diplomatischer Aktenstücke. Herausg. H. G. Ghazaryan, Tsheghaspan turqy [A Turk - Perpetrator of Genocide], Beirut, 1968, p. 328:

52. These posts were occupied by Enver Paşa.

53. The joint session of the upper and lower houses of the Ottoman Parliament is meant.

54. Corresponds to May 27, 1915.

55. Sultan Mehmet Reşad V.



Sadrazam Mehmet Said⁵⁶,
Deputy Commander in Chief, War
Minister Enver.⁵⁷

As has already been mentioned, the Law, according to its authors, was to disguise the genocide. Yet the following provision: "Commanders of armies and individual troops and divisions, based on special military laws, at suspecting espionage or betrayal, may send the residents of villages or townships, singly or massively, to other settlements and resettle them," reveals their striving to

employ the army in committing genocide against Armenians. This Article is consistent with the fact of large-scale involvement of the Turkish military in the genocide.

Having analyzed aforementioned documents, we may emphasize that, in essence, they are nothing but a program for committing Armenian Genocide – a program, adopted by the Ottoman government and ratified by the sultan, thus appearing a law.

56. Grand Vizier Mehmet Said Halim Paşa.

57. Takvîm-i Vekâyi, 18 Receb 1333 / 19 Mayıs 1331, 7. sene, nr. 2189.



SEDA PARSAMYAN
Deputy Director, The Armenian
Genocide Museum - Institute

THE CULTURAL GENOCIDE AS A STATE POLICY AND THE QUESTION OF ITS RESPONSIBILITY

This report is dedicated to the characteristics of the destruction of the Armenian cultural heritage (particularly the material culture) in Turkey during the various regimes and the question of its responsibility.

The destruction of the Armenian cultural inheritance in Turkey has had a systematic character; it is a unique link between the Sultan's and Young Turks' regimes as well as between the Kemalists (Mustafa Kemal) and Republicans in the development of the policy directed to the settlement of the Armenian question.

The destruction of the Armenian cultural values in the Ottoman Empire has begun since the 16th and 17th centuries and continues up till now. But if in the beginning the destruction of those values was not widespread and massive, then since the 19th century and especially during the entire 20th century premeditated and massive destruction

of the Armenian cultural inheritance was recorded. It was undoubtedly a part of the genocidal policy implemented against the Armenians, and with all its manifestations it corresponded with the definitions characterizing the Cultural Genocide which was a component of the UN Convention's initial version on the "Prevention and Punishment of the Crime of Genocide" adopted in 1948.

Although the above mentioned definitions describing and condemning the Cultural Genocide were not included in the final version of the document, yet they were established in the modern international law as international legal obligations which refer to the protection of the cultural monuments and to the liability for the destruction of those values.

Observing the Armenian Cultural Genocide in the entity of the genocidal policy, it becomes obvious that in the Turkish regimes' the intended actions alongside the similarities had also



certain differences. For the Hamidian (Sultan Abdul Hamid II) and Young Turks' regimes the extermination of the Armenians was of primary importance and the Cultural Genocide was left for the second plan. The Kemalists republicans were aimed to complete the destruction of every vestige verifying the Armenians' identity in their historical land, thus completing the consequence of the Genocide.

In the Ottoman Empire and also in the Republic of Turkey the continuity of the destruction of the Armenian cultural heritage conditionally can be divided into three phrases: the first phase starts from the 16th century and lasts till the end of the 19th century when not massive but spontaneous devastations of culture took place. The emphasized mechanism of the destruction characterizing this phase was the transformation of a church into a mosque, which was also stated by the Turks. The 17th century Turkish historiographer and geographer Kyatib Chelebi while describing Bitlis city in his "Jeahan Numa" notes down that the Islamic rulers had built many charity organizations including four big gamis (mosques), one of which was initially an Armenian church, yet after the seizure of the city it was changed into a mosque and is known under the name of "Kizil Mescit". There are similar references also in the 17th century Turkish traveler Elvira Chelebi's "Travelling notes". The author while describing the mosques of the city Van in one of his

notes writes "In the upper castle there is a monastery-cami, which is an ancient temple built in the century of David the Great. Later, when Abubeqir the Great came here, it was made a mosque... in 940 Sultan Suleyman renovated, enlarged and renamed it "Sultan Suleyman's Gami".

The second phase of the destruction of the Armenian cultural heritage was from 1894 to 1920, which was carried out alongside the extermination of the Armenians. Perhaps during this phase, the mass killings of the Armenian intellectuals should be seen as a separate manifestation of the planned Cultural Genocide.

Till 1920s the destruction of the cultural values was implemented by the regular army, the Kurdish and Turkish regiments as well as by the large masses that were eager to plunder as quickly as possible both the cultural wealth and the whole property of the Armenians. Both the hatred sowed by the governors towards the Christians and especially towards the Armenians and the sheer freedom and the impunity of the actions made the masses more fanatic.

Particularly, from 1915 to 1923 the Turkish policy and the certain actions towards the Armenian cultural monuments obviously had ritual, ceremonial elements that were aimed to commit sacrilege using the religious buildings as targets. It was often accompanied by the concrete symbolic actions; removal of

the cross, re-anointment of the church into a mosque by a Muslim clergyman, frustration of the cross and bell, the call of azan from the belfry, killings, rapes done on the stage of the church, which had an intend to hurt the religious feelings of the victims. In the same way the killings or the immolations of the people inside the church were seen as a symbolic scarification aimed to assault and battery the ethnic groups' spiritual feelings and traditions. The immolations of people were widespread especially during the Hamidian massacres and the pogroms of Adana in 1909. In 1895 at the main temple of Urfa almost 3000 Armenians were immolated by the Turks, later in 1909 similar attempts were implemented almost in all the places inhabited by the Armenians. Only in Adana city six churches were burnt; in two of them – St. Stephan and St. Virgin- 3 500 Armenians were immolated. By the way, these immolations brought about the usage of the term "Holocaust" as a description of the mass pogroms of the new era.

In fact the Armenian spiritual-cultural buildings were used by the Turks as appropriate places for the implementation of the genocidal actions. Particularly, the monasteries were used as military and police foothold to implement punitive actions against the Armenians in the neighboring areas. Monasteries or churches were also changed into assembly places either to commit mass killings or immolations or to imprison

the Armenian emigrants and especially women there. Later, the Armenians' holy places were made warehouses to accumulate the Armenians' property there, for a later plunder.

The third phase of the destruction of the Armenian cultural heritage started from the 1920ss and up till now, when the remained part of the cultural inheritance was subjected to the deliberate genocide.

After the Genocide, a concern over the provinces previously inhabited by the Armenians arose: there was a necessity to make them repopulated areas, which was settled by the implementation of the state policy of resettlement of the Muslims from the Balkans, Mesopotamia and other Muslim-populated places. This policy directly faced with the presence of the Armenian ancient monuments, which confirmed the fact that Armenians were locals there. Thus, the Kemalist regime embarked on the state policy of the destruction of any evidence of the Armenian culture. With the accomplishment of this plan, the Young Turks' policy of the Armenian Genocide was completed.

A letter written by Mustafa Kemal's advisor Riza Nuri on May 25, 1921 to Kyazim Karabekir, the Commander of the Eastern front, concerning the premeditated and consistent destructions of the Armenian ancient monuments by the Turkish government says "The



remains and the traces of the monuments of Ani city must be razed to the ground. You would do a big service to Turkey by realizing that objective”.

The state policy directed to the destruction of the Armenian cultural monuments carried out since 1920s became more complete and organized in 1940-60s, when the number of the monuments being destroyed in the regions previously inhabited by the Armenians, and particularly in Western Armenia, was in the extreme. Even the methods used for destroying the monuments testify that the policy was implemented at a state level; bombardment and demolition were conducted, monuments were even used as a target for military trainings. In a similar way by using military forces until the 1960s the early medieval and medieval Armenian monuments such as Tekor's Holy Trinity of the 5th century church, Bagrevand's St. Hovhann church (631), Khedzkonq's monastic complex (the 9th-11th centuries) and the ten of other churches were destroyed. Moreover, even tourists' entrance into Turkey's "Eastern provinces" was forbidden at that time. A French art critic Jan Michel Teary testifies about the destruction of 1950s. His recurrent studies state that the big constructional works caused new destructions "We witnessed Kaputakogh's St. Jakob monastery (the 11th century) with its wonderful murals being destroyed by the bulldozer in order to enlarge the road."

The studies have shown that in 1970-80s in the territory of Western Armenia the policy of the demolition of the Armenian cultural monuments was constantly going on yet not as diligently as in 1940-60s. The only difference was that the destructive force was not the state by implementing the military forces but the Kurdish and Turkish people encouraged by the state propaganda and by the impunity of their actions. In that period the Armenian monuments were destroyed by using the following methods: 1. the polished stones of the Western Armenian monasteries and churches (such as Varagavank, Narekavank, St. Karapet of Mush), and even cross stones, records and ornaments were used as decoration for the outer walls. 2. The Armenian religious buildings were changed into mosques after a proper reconstruction. 3. They were used for different public and domestic purposes- cattle sheds, haylofts, farms, prisons, sporting halls, dancing halls, brothels, in the best case as museums. 4. The records and the icons testifying the identity of the churches and monasteries were demolished.

Although in the same period Turkey had assumed obligations concerning the protection of the cultural monuments of the national minorities not only by the Constitution but also by signing international treaties on the protection and care of monuments, the deliberate destruction of the Armenian still standing or tumbledown monuments was going on.

Thus, the third part of Article 42 of the Lozano treaty signed on July 24, 1923 confirms "The Turkish government is obliged to take under its complete protection the churches, synagogues, cemeteries and other religious buildings belonging to the national minorities". According to the 5th part of Article 50 of the Constitution of July 9, 1961 Turkey is obliged "to realize the protection of the monuments and compositions presenting historical and cultural value". In 1965 Turkey joined the Hague Convention of 1954 (which has an emphasis on the importance of the protection of cultures in spite of the origins) and was obliged to protect cultural property in the event of armed conflict. On October 3, 1985 in Grenada Turkey also joined the "Convention for the protection of European architectural heritage" established by the European Union. According to Article 3 and 4, the sides were obliged to assume measures to prevent the damage, erosion and destruction of the monuments, buildings, complexes and the sights in the region that are under the protection. The mentioned obligations are only a small part of a number of obligations that Turkey has assumed but does not implement in fact.

Hence, the Turkish actions directed to the destruction of the Armenian culture have been and are as premeditated as the Genocide committed against the

Armenian population; to destroy any evidence of the culture by annihilating the people, which would result in the disappearance from the memory of humanity, and the denial or refusal of the existence of the particular group would be easier for those committed Cultural Genocide.

Nowadays, the infringements upon the cultural heritage have a constant nature and are accomplished by the new genocidal acts and crimes committed in wars. Encroachments against Bosnia's Muslim and Orthodox spiritual buildings and other cultural centers, the demolition of Buda's statue by the Talibans as well as the barbaric demolition of the Armenian cemetery of Old Jugha city in Nakhijevan implemented at a state level, testify that cultural genocides are still implemented and very often are coordinated by the authorities of the state. That is why there is a concern over the establishment of a new international convention which would consider the destruction of the cultural values as a crime against humanity.

Perhaps the current impunity in the case of Turkey is a hint that for the destruction of the cultural monuments there must be established a special criminal court and the international community should make Ankara realize the obligations assumed by the international laws.





Dr. ALFRED de ZAYAS

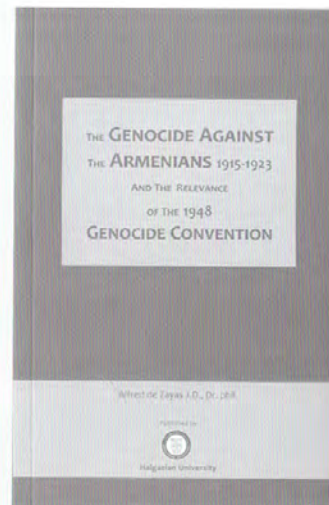
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Dr. de Zayas kindly gave permission to include his book in the Conference publications

*De Zayas Book on Legal Aspects of Genocide,
Published by Haigazian University*

The Genocide Against the Armenians 1915-23 and the Relevance of the 1948 Genocide Convention

*With a preface by the International Commission
of Jurists, Geneva. (On the Occasion of the 95th
Anniversary of the Armenian Genocide)*



Dr. Alfred de Zayas is a renowned legal expert and professor of international law at the Geneva School of Diplomacy in Switzerland. He has served as a senior lawyer in the Office of the UN High Commissioner for Human Rights and as secretary of the Human Rights Committee.

In this concise, 106-page book, de Zayas argues that the Genocide Convention did not create the rights of the Armenians to reparation, nor the obligation of Turkey to assume its erga omnes responsibilities to the Armenians and the world. These rights and obligations existed from the outset

and were recognized in Articles 144 and 230 of the Treaty of Sevres. The non-implementation of the provisions of this treaty by Turkey does not affect the rights and obligations derived from the historical fact of the genocide, argues De Zayas.

De Zayas shows how the Genocide Convention strengthened the pre-existing rights of the Armenians—rights that have not diminished because of a lapse of time. He further outlines the issues of state succession and the continuing Turkish obligation to make reparations to the descendants of the victims.

Beyond restitution and compensation, the book focuses on the right of the Armenian people to their cultural heritage, including their churches and monasteries in what is now Turkey, as the human right to one's cultural heritage is stipulated in international law and relevant UNESCO resolutions.

Finally, the problem of denial is addressed from the human rights perspective as a violation of human dignity, because all human beings, including the Armenians have, the right to truth, to their identity, and to their history.





By the order of the President of Armenia Serzh Sargsyan Dr. Leandro Despouy (Argentina) was awarded with the "Mkhitar Gosh" Medal for his contribution to the international recognition of the Armenian Genocide



From left to right:

Mr. Hayk Demoyan, Director of Armenian Genocide Museum & Institute, Mr. Edward Nalbandian, Minister of Foreign Affairs of Armenia, Mr. Arman Kirakossian, Deputy Minister of Foreign Affairs of Armenia





MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF ARMENIA. INTERNATIONAL CONFERENCE IN THE
LIGHT OF THE UN CONVENTION ON THE PREVENTION AND PUNISHMENT OF THE CRIME OF GENOCIDE.
14-15 DECEMBER 2010, YEREVAN

THE CRIME OF GENOCIDE:

Prevention, Condemnation and
Elimination of Consequences

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