

THE POWER OF “GENOCIDE”: INTERNATIONAL LAW AS A DIALECTICAL
PROGRESSION OF HARD POWER THROUGH SOFT POWER
TOWARD LEGAL POWER

by

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ABSTRACT

In the existing academic literature on “genocide” there is an emphasis on moralistic arguments toward public acceptance of using the term *genocide* popularly in relation to specific events. This practice is unaccompanied by a recognition that the created genocide discourse is the product of a biased process, and that it is empowered to affect international law without being legally sanctioned to do so. Since the currently available scholarly information on “genocide” is grounded in self-assured presentations that the works of the genocide scholarship are social-scientific and reflective of the conscience of humanity, there is a lack of significant knowledge regarding the political use of the term *genocide* in the governing of global affairs. By employing a power-based theory, this study offers an interpretive analysis of available historical data to understand how “genocide” has been used as a tool for the advancement of international law. It shows that the term *genocide* has functioned as soft power through which hard power has been particularized toward legal power. Meaning, “genocide” has been used to bring governance closer to international law by appealing to group identity. Such a view of a dialectical progress identifies the power of “genocide” in the context of international law and invites new considerations of how the idea of international law may yet attain the combined qualities of authority and legitimacy in the quest for unified standards of governance worldwide.

I Am the Lord Thy God. Why were the Ten Commandments not said at the beginning of the Torah? They give a parable. To what may this be compared? To the following: A king who entered a province said to the people: May I be your king? But the people said to him: Have you done anything good for us that you should rule over us? What did he do then? He built the city wall for them, he brought in the water supply for them, and he fought their battles. Then when he said to them: May I be your king? They said to him: Yes, yes. Likewise, God. He brought the Israelites out of Egypt, divided the sea for them, sent down the manna for them, brought up the well for them, brought the quails for them. He fought for them the battle with Amalek. Then He said to them: I am to be your king. And they said to Him: Yes, yes.

—*Mekhilta De-Rabbi Ishmael*

Extravagant claims as to the role which the American Government has had in relation to the development of international law are to be avoided.

—Robert Renbert Wilson, *International Law in Treaties*

TABLE OF CONTENTS

ABSTRACT.....	iii
LIST OF ABBREVIATIONS.....	vii
Chapters	
1. INTRODUCTION.....	1
Power.....	5
International Law.....	13
Meeting “Genocide”.....	21
Methodology.....	30
Conceptual Framework.....	37
Outline.....	41
2. A LITERARY REVIEW OF THE GENOCIDE SCHOLARSHIP.....	48
The Genocide Scholarship’s Narration of Its History and Purpose.....	50
The Holocaust Made Comparable.....	61
The Armenian Focus.....	72
Controlled Information.....	88
Moralizing an American Agenda.....	104
Tension with the Legal Definition.....	118
Raphael Lemkin’s Centrality in the Origination of the Term.....	130
Conclusion.....	141
3. A POWER-BASED APPROACH TO “GENOCIDE”.....	143
Power and Political Science.....	147
Hard Power and Law.....	160
Soft Power and the Genocide Scholarship.....	169
Legal Power and International Law.....	179
Conclusion.....	185
4. THE INITIATION OF INTERNATIONAL LAW, 1870s-1944.....	187
The Balancing of Power in Europe.....	188
The Unification of Germany.....	192

International Arbitration.....	196
The Civilizational Criterion.....	202
The Eastern Question.....	209
The Armenian Question.....	217
The Macedonian Question.....	234
Before Victory.....	241
The League of Nations.....	248
“Genocide”.....	253
Conclusion.....	265
 5. THE DEVELOPMENT OF “GENOCIDE,” 1945-1988.....	 268
The Reeducation of Germany	269
Lemkin’s Intellectual Property.....	282
American Display of Dissociation.....	293
Popularity by Vilification of Communism.....	315
The Armenian Issue.....	328
Civil Wars.....	345
The Scholarly Discourse.....	360
Conclusion.....	380
 6. TOWARD LEGAL POWER, 1989-2010s.....	 385
“Genocide” against the Turkic People.....	386
The Advent of “Ethnic Cleansing”.....	399
Intervention for Genocide Prevention.....	417
The House that “Genocide” Built.....	430
Misleading the Masses.....	450
American Soft Power as International Criminal Law	471
The Abuse of International Law.....	486
Genocide Labels vs. Human Rights.....	505
Conclusion.....	517
 7. CONCLUSION.....	 521
The “Genocide” Story.....	522
Hard Power at the Core of International Order.....	528
“Genocide” as Soft Power.....	533
The Legal Power of International Law.....	539
Crimes against Humanity and Crimes against Government.....	547
The Ottoman Key.....	554
China’s Voice.....	561
An International Discourse of Law.....	567
The Power of “Genocide”.....	577
 BIBLIOGRAPHY.....	 583

LIST OF ABBREVIATIONS

ABA	American Bar Association
ACAR	American Committee for Armenian Rights
ADT	Atrocities Documentation Team
AGS	Association of Genocide Scholars
<i>AJIL</i>	<i>American Journal of International Law</i>
ANCA	Armenian National Council of America
ASIL	American Society of International Law
CEIP	Carnegie Endowment for International Peace
CPU	Church Peace Union
CUP	Committee of Union and Progress
ECCC	Extraordinary Chambers in the Courts of Cambodia
<i>GSI</i>	<i>Genocide Studies International</i>
<i>GSP</i>	<i>Genocide Studies and Prevention</i>
<i>HGS</i>	<i>Holocaust and Genocide Studies</i>
IAGS	International Association of Genocide Scholars
ICC	International Criminal Court
ICJ	International Court of Justice
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia

INoGS	International Network of Genocide Scholars
IR	International Relations
IWCT	International War Crimes Tribunal
<i>JGR</i>	<i>Journal of Genocide Research</i>
NAASR	National Association for Armenian Studies and Research
NATO	North Atlantic Treaty Organization
NDN	National Diffusion Network
<i>NYT</i>	<i>New York Times</i>
PBS	Public Broadcasting Service
RPF	Rwandan Patriotic Front
UDHR	Universal Declaration of Human Rights
UNSC	United Nations Security Council
USHMM	United States Holocaust Memorial Museum
WWI	World War I
WWII	World War II

CHAPTER 1

INTRODUCTION

God revealed great power before giving the divine commandments to the Israelites, and the story of God's relationship with the Israelites precedes the listing of the commandments. According to the ancient rabbinic interpretation in *Mekhilta De-Rabbi Ishmael*, the giving of the commandments was preceded by a demonstration of God's power so that the people may know to accept God's authority as a lawgiver. The knowledge by the law recipient that the lawgiver has great power is seen as significant in the process of accepting the law. Furthermore, it was suggested that a willing acceptance of rule is advanced by the quality of guardianship that is associated with the exhibition of great power. Meaning, authority becomes legitimate when the law recipient witnesses how that authority's power sustains the existence of the society. In this story, the spectacular ways in which God displayed an ability to nourish the people were foundational in their transition into a united society under God's law.

The story of international law is a different one. As reflected in the statement by Robert R. Wilson, a legal expert who was involved in the American endeavor to construct law among nation-states, the American preference was to discourage public opinion from imagining the United States government as the authority behind international law. The belief in the legitimacy of international law was expected to be based on the

persuasiveness of it as a concept. This meant that instead of highlighting an authority that presents the law directly to the intended law recipients as in the biblical story, in the case of international law it has been preferred that power would only be used indirectly to cause the intended law recipients to believe that the law itself is needed for order in the international society. Thus, international law was not to be seen as given from above, but as constructed by the necessity to improve the conditions of international relations.

Unlike the law-giving process in the biblical story, in international law there is no notion of a lawgiver's transcendence in relation to the law recipients. Moreover, international law was not simply given as was the divine law in the narrative, but is still under construction. Since international law is situated differently, the authority over it has been kept out of clear sight and the production of it has not been instantaneous.

However, the juxtaposition of the divine law and international law shows that the two have a basic point of commonality, which is that the acceptance of law is preceded by the processing of information toward that effect. Put differently, the legal content is preceded by a story. In the case of the divine law, the acceptance of the law was based on knowledge that connects between God's power and the commandments, be it through experience as the biblical narrative suggests or through instruction about the claimed experience in the form of a narration. Similarly, for international law to be accepted, first there had to be knowledge that would direct minds into considering the idea of the law as being in accord with accepted standards of behavior. While the knowledge on the divine law professes that the acceptance of the law is reasoned by the authority of the lawgiver, the knowledge on international law has sought to find acceptance that is reasoned by the function of the law. In both, the power to inform is a prerequisite for the expectation that

the law would be accepted.

This study is designed to focus on power as a way of showing how the term *genocide* has been used to promote the acceptance of a criminal code in international law. It considers “genocide” as a tool for the inducement of a favorable reaction to the idea that international law ought to include rules of conduct regarding the internal affairs of nation-states as part of an effort to regulate the standards of governance around the world. “Genocide” is here examined as a phenomenon that has political utility because of its quality as a carrier of information regarding the governance of global affairs through international criminal law. Unlike that information, in which “genocide” is used to label certain events as particularly evil, this work concentrates on “genocide” as a tool for the construction of law. Hence, the following question presents the main inquiry of this work from a power-based approach: What has been the function of “genocide” within the progression of international law?

Guided by such a question, this dissertation has academic significance that is readily observable because the existing literature on “genocide” in academia is typically devoted to generating information about it as an occurrence rather than consider the purpose it serves as a term in international law. The contribution that this study may offer the current academic research on “genocide” is not from within genocide studies but from a perspective that is foreign to it. By distinguishing itself from the genocide scholarship, this work is able to study the existing literature as part of the phenomenon. The information that is created through the genocide scholarship is seen as part of the power to affect public opinion on international law through the term *genocide*. In line with a strategy to promote the acceptance of international law without calling attention to the

authority behind it, the genocide scholarship is characterized by a moralistic approach that spreads the sense among the public that genocide is rampant and that international criminal law is necessary. This work's power-based approach presents a view of the genocide scholarship as moralism in the guise of science that is in the service of power. By applying Joseph Nye's theory of power to the use of the term *genocide*, this study is able to identify the dominant "genocide" usage as a manifestation of soft power.

Therefore, the main argument of this dissertation is that "genocide" is a tool of soft power that has a nuanced role in the dialectical progress of international law. Nye's distinction between hard power and soft power is here developed in order to articulate the function of "genocide" in international law. The term *legal power* is offered in this work as descriptive of the ability that law has to regulate behavior as legitimate authority, which means that the exercise of control is regularly recognized as acceptable by all who are involved.¹ Legal power represents the synthesis of authority and legitimacy, and the understanding of it contextualizes the function of "genocide" as a moment in the dialectical movement of international law.² In this context, "genocide" is seen as having been used to establish legitimacy for international law and is reflective of the antithetical

¹ Over a century ago, the term *legal power* was emphasized in a work of legal scholarship as "the opposite of legal disability, and the correlative of legal liability." See: Wesley Newcomb Hohfeld, "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning," *Yale Law Journal* 23, no. 1 (November 1913): 44. "Legal power" was used by Hohfeld within an effort to enhance the precision of the language on the rights of individuals. See: *Ibid.*, 30. Unlike the usage of the term in his work, this dissertation presents "legal power" as descriptive of a heightened form of power from the standpoint of governance.

² In a famous work, law was identified as the ultimate destination in "the progress of civilization" as it moves "from force to diplomacy" and then "from diplomacy to law." See: Louis Henkin, *How Nations Behave: Law and Foreign Policy*, 2nd ed. (New York: Columbia University Press, 1979), 1. Henkin's sense of a progression in international relations toward law is developed in this dissertation through a power-based focus, which explores group identity in a manner that does not take for granted the meaning of groups as nations. As this dissertation sets out to show, the current terminology on power enables a conceptualization that articulates the process differently, and inspires a consideration that this progression has a dialectical quality.

capacity of soft power in relation to hard power. Ultimately, for legal power to be attained, the negation of hard power by soft power must give way to the heightened state of authority, which is the legitimate authority that is known as law. Within this terminology, the place of “genocide” may be located in relation to the promotion of international law and the practice of it. This power-based theoretical premise guides the dissertation’s interpretive analysis of the relevant historical data. History is here examined to understand how “genocide” came to acquire its power in international politics.

Power

Power is the essence of politics for it pertains to the ability to govern affairs. This work considers the definitions of power and the development of it as a concept in political science. It is instructive to introduce the exploration of power through its etymological premise. The word *power* is rooted in the Latin word *posse*, which in relation to the English noun *potency* suggests an emphasis on an ability to have an effect. In German, the word *macht* is used to describe power, which indicates a relation to the German verb *machen* and the English verb *to make*. In other words, discussions of power in German have a mental focus on making something happen whereas in English the focus is on the potential of it. While in German the meaning evokes actualized properties as the starting point of the conversation about power, in English the word can be much more abstract because of its orientation to point at the capability to influence. If put in simple terms, then it is seen that one concept of power involves a consideration of what one *can have* happen while the other directs attention to what one *makes* happen. The

former includes the possibility of indirect power; the latter is a communication about direct power.

The etymological distinction reflects the clash between the American and German philosophies of power as derived from the American and German conflict of interests in the late nineteenth century. Their power struggle is held by this dissertation to be the main force of history that defined the particularization of power through international law. In the 1870s, both were primed for power growth following their nearly simultaneous campaigns of unifying critical territories under a central government. The difference in the philosophies of power was largely shaped by the arena of competition between them—Europe—and their relation to it. As the United States secured its dominion in America, its potential to *have an effect* on the governance of other regions increased. As Germany displayed its might in the defeat of France, it began to *make* Europe come under its governance. The United States enhanced its potential to affect Europe and the rest of the world; Germany was making Europe German. Had it remained unopposed by a united effort against it, Germany would have stayed on course to govern the affairs of Europe and expand its sphere of influence to the colonial outposts of other great powers.

To prevent Germany's domination of the continent, a balance of power had to be struck and sustained. While the containment of Germany necessitated the use of power to motivate Europeans to mind its growth and oppose it, the growth of German power required the making of Europe into one centrally governed entity without opposition. In Germany, the language about power directed minds toward a realization that Europeans were to unite under the direct rule of a federal government. Thus, group identity became

the battlefield long before World War I (WWI) began. It was in Germany's interest to promote the worship of human power under which old European identities could fade into a unified blend, but those who wanted to stop Germany were motivated to use their power to stress the existence of non-German group identities in Europe. Germany was inclined to unite Europe under its power, and the United States was inclined to divide Europe by empowering group identities before uniting them under international rather than German law. To this day, the American way of power is better characterized by the orchestration of international norms than by the assumption of authority, even when law requires the accountability that comes with clear and direct authority.

Aside from the interest of keeping Europe free from the dominance of one government, the American way of power took shape by two political ingenuities that were unique to the development of the United States. One is libertarianism. The generations that established the basis of the American political system reflected a largely shared belief among the colonists: a disdain for an intrusive government of the kind that they experienced in the Old World. Thus, since its formative years, American political leadership had to master the skill of achieving order while respecting the sense of personal freedom among members of the public. This necessity rewarded the leadership's ability to exert indirect influence on its people. To respect the wishes of the people while maintaining an orderly society, the American political leadership had to devise ways to mobilize the population without it seeming like direct acts of government. Such political practice meant that the idea of democracy—rule by the people—became an American political commodity, and the ability to affect what people think without the appearance of exercised authority became a matter of American expertise.

The other ingenious characteristic of American political power is constitutionalism. Its novelty lies in the idea of *metlaw*: rules about ruling. This does not only promote effective and less abusive governance by grounding a government in the people's permanent expectations of rule quality, but it also introduces a distinction between different sensibilities: governing laws and laws of governance. While governing laws may follow different cultural traits in different cultural environments, laws of governance offer a generic formula that can have a favorable impact on politics worldwide. In other words, the rule of law's promise of checks and balances has a civic applicability that goes beyond the culturally bound laws of the land, which are reliant on local societal guidelines. The rule of law gives governance a civic character that offers a broader common denominator than an ethnic one. The supreme status of rule of law in lawmaking has the capacity to develop internationalism—or *anationalism*—in the governing of affairs. Hence, even before German power prompted American activity toward international law, these two characteristics—libertarianism and constitutionalism—were already ingrained in the American political vision and equipped the brain trust of governance in the United States with an exceptional power path. One offers an explanation of the American adeptness at soft power; the other carries the essence of the American potential to inspire global governance.

Germany's philosophy of power at the time is articulated in Friedrich Nietzsche's collection of writings from the 1880s, *The Will to Power*. He promoted the admiration of power as a replacement to the old values, which to him were simply "designed to maintain and increase human constructs of domination."³ In Nietzsche's view, morality is

³ Friedrich Nietzsche, *The Will to Power*, trans. Walter Kaufmann and R. J. Hollingdale, ed. Walter Kaufmann (New York: Vintage Books, 1968), 13.

the weapon of the oppressed against their oppressors: the “will to power” is despised because the contempt for it gives those who do not have power a sense of “higher rank.”⁴ Accordingly, Nietzsche declared that if one were to internalize “that life itself is the will to power,” then “There is nothing to life that has value except the degree of power.”⁵ Moreover, Nietzsche claimed that “Christianity is a herd religion” and “Christians are easier to rule than non-Christians.”⁶ He invited his readers to “combat” Christianity because “it wants to break the strong,”⁷ but in effect he was encouraging the dismissal of the distinct group identities that were intertwined with the long history of rivaling Christian traditions in Europe. Meaning, a power-based analysis of Nietzsche’s philosophy of power suggests that by philosophizing the abandonment of Christian values, Nietzsche was promoting an ideology that advanced the prospects of German rule in Europe because it devaluated the religious group identities that distinguished Europeans such as the French and the Poles from the Germans.

The impact of group identity on governance is at the heart of the philosophical split between the American way of power and the German way of power during that historical juncture. For this reason, the power struggle between the Americans and the Germans is seen as the historiographical premise upon which the modern-day character of political power in world governance is to be understood. German power sought to marginalize the religious-based group identity of Europeans, but American power was

⁴ Ibid., 36-37.

⁵ Ibid., 37.

⁶ Ibid., 127.

⁷ Ibid., 146.

employed to strengthen the relationship between group identities and self-rule within an international system of law. Hence, this study shows that while Nietzsche conveyed that “Bismarck realizes that Protestantism simply doesn’t exist any more,”⁸ American missionaries utilized Protestantism to direct the Christians of the Ottoman Empire toward national beliefs and political organizations that were based on the grain of a separate religious group identity.

Nietzsche’s association of power with the identity of race rather than religion seems to have had much to do with the power consideration that the latter represented old divisions in Europe whereas the former represented a new unifying concept for most Europeans. In line with the rise of German power following its military triumphs, he stated that “the possibility has been established for the production of international racial unions whose task will be to rear a master race, the future ‘masters of the earth’,”⁹ which according to its vision of unprecedented political union would guide Europe toward the belief in a racial common denominator. The glorification of power is announced by Nietzsche in a straightforward manner: “Not ‘mankind’ but *overman* is the goal.”¹⁰ In Germany, power was boasted and the appeal of strength was used to persuade people into accepting the German-based government throughout Europe. In contrast, German power was to be countered by the power to raise national units in Europe and through their agency vocalize a moral opposition to German rule.

In the intensified European environment post-WWI, the German way of power,

⁸ Ibid., 54. Nietzsche argued that Protestantism represented decadence. See: Ibid.

⁹ Ibid., 504.

¹⁰ Ibid., 519.

upon its brand of direct authority and racial ideology, challenged the influence of the League of Nations, which sought by its very existence to contain German power and negate the German interest to govern Europe. The League of Nations was an organization that turned the division of Europe by non-German groups into a documented fact in Germany's relations with other governments. In other words, the stifling of Germany's political growth was international law. To rally Europeans to support the defiance of Europe's division into nation-states, there was German incentive to make the argument about an all-European racial union more tangible and thereby more compelling. In the 1930s, the German National Socialist party executed a scheme to attract Germans and other Europeans to its power by using law against the symbol of the "other" in the Europeans' midst: the Jewish people. Germany began to use domestic law to counter the international law that was imposed on it through its defeat in WWI, and presented a racial-based picture of a unified Europe under German rule as an alternative to the post-WWI status quo that was based on the legal sanctioning of identity groups into nation-states. Thus, the German way of power forced itself on certain groups in Europe. In World War II (WWII), the Nazi German policy of group-based extermination resulted in the travesty that is commonly known as the Holocaust, in which Jews, along with others who were deemed unfitting for the progeny of a "master race" such as the Gypsies, the handicapped, and the homosexuals were removed from society and deliberately exterminated. Eventually, the German way of power ended with defeat in the two world wars, which—as their titles suggest—were about the direction of world governance. Ultimately, the American way of power prevailed.

Put in this context, the introduction of "genocide" as a crime is how American

power intended to stop German power through international law. It was the ultimate defense of the identity groups that could be the basis for a publicized and consensus-building moral opposition to imperial growth. One innovation of the term *genocide* was that it featured the national group in addition to other types of group identity that had already been considered as indicators of a minority group in the post-WWI language of international law. Specifically, the protection of the national group established a legal argument against Germany's annexation of internationally recognized nation-states during WWII. The association of "genocide" with the Holocaust has suggested that the purpose of the term is to defend certain groups from the state, but the initial design of "genocide" was also, if not mainly, to protect nation-states from more powerful governments.

As the international community later clarified in the post-WWII treaty that is known as the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention), there was wide support for the idea that existing nation-states would be protected by international law. The national groups, which were subject for protection, are related to members of existing nation-states, and are not to be confused with political groups that challenge the sovereignty of an existing state from within it in the name of a separate national aspiration. However, since the drafting of the Genocide Convention, the gradual realization of the magnitude of the Holocaust swallowed up the memory of the national emphasis in the origination of "genocide" as a crime and the distinction therein between the protection of the nation-state and the facilitation of national-based rebellion. This study finds that the tremendous shock value of the Holocaust was utilized for the association of the term *genocide* with a consensus-building

memory of an event. By using the memory of the Holocaust in this way, the discourse on crime in international law was able to suggest a moral foundation for the law while disregarding the connection between the advent of “genocide” and the power considerations that led to it.

International Law

Before there could be international law, there had to be that which is “national.” In the nineteenth century, the world did not have nearly two hundred recognized or even self-recognized nation-states. This change in the governance of world affairs had a confining effect on the designs of German power to centralize the governance of Europe, or on the aspiration of any government to achieve global dominance through direct rule. The German way of adjusting the identity of people to match the power that governs them was resisted by the American advent of power that adjusts governance according to existing identities. To achieve a Europe that was balanced in power between governing entities, power was invested in persuading groups that their collective identities had a political meaning. This entailed highlighting whatever it was about their identity as a group that made them unique, or more specifically not amenable to German or other governance that would be considered foreign to their identity, as well as motivating them to believe that the survival of their group identity was important and would be best advanced by organizing toward self-rule. From this perspective, nationalism is seen as the sentiment that a certain group identity is connected to an expectation that the group ought to be governing itself. For many around the world, this connection did not preexist Germany’s unification and the reaction to it.

In a manner, the prevalence of nationalism functioned as an antidote to German power. The German drive to govern Europe was impeded by the long history of wars and division whose memory was informed by traditional identities. As Nietzsche's text indicates, power and race were constructed to have a combined meaning that would attract people into accepting a central government in Europe, and lead people away from the old identities that separated Europeans. To prevent a Europe that was to be united by an ideology of race and governed by German power, it was advantageous to nourish cultural differences among Europeans, and crystallize them in the form of nation-states. For German rule to be denied, other people had to care about ruling themselves. Meaning, Germany's power rival benefited from the creation of nation-states. From this view, if these group identities did not exist then they may have had to be invented. It is shown here that American power was involved in leading groups to reimagine their identity toward political organization.

Nationalism presented an emphasis on group identities that meant a rejection of German rule. Germany was morally restricted by the other great powers' promotion of a discourse that called for group identities to be respected politically. The sovereignty of nation-states was the ground rule in the law among nations. A symbiotic relationship then formed between certain group identities and international law: once a group identity became the basis for an active nation-state, then its participation in, and protection by, international law placed the group identity and international law in a situation of mutual perpetuation. Hence, international law's existence depended on the existence of nation-states, and vice versa. It created an environment of no dominant European government. Just as domestic law protects individuals from encroachments on their possessions, so

was international law arranged to treat nation-states as individual units that were expected to keep what was recognized as theirs. International law meant that nation-states would be treated as rightful owners of territory, and the government that disregards the ownership would be considered a culprit in the international society.

Another prerequisite for international law was to establish the “inter” component of it, which means the ability to establish a dialogue between these nation-states. For international law to be set in motion, there had to be both division between units and cohesion among them. Identity groups had to be distinct enough to insist on existing politically as separate units, but as separate units they had also to exist on a level of inter-unit unity to have a moral discussion as the basis for a law. While the “national” prerequisite of international law was advanced by the promotion of unique cultural traits such as those involving language and relationship to land, the “inter” part of international law was to be achieved by a more general cultural affinity that was shared by the units, and this feeling of kinship was made to seem natural by presenting Christianity as having a civilizational quality. The same religion that Nietzsche described as antiquated was elsewhere empowered into providing the moral fiber and societal glue for a body of rules among nations.

Since the “inter” in international law assumed that the language of interaction between nation-states was to be based on Christian heritage, governments that were unaffiliated with Christianity, such as those of the Ottoman and Qing empires that ruled over vast territories, could not take part in the conversation without undergoing complex processes of Christianization in the civilizational sense. Their initial exclusion from the union of nations was justified by prejudicial beliefs about the Terrible Turk and the

Yellow Terror, and their eventual inclusion was preconditioned by their acculturation. They were not described as merely different and of a right to have their own civilizational input on governance, but initially depicted as if they were dangerous and disinclined to meet the standards of the Euro-Christian civilization. The adoption of Euro-Christian patterns of conduct in governance was not achieved through a natural transition for these non-Christian governments, but through conflict and violence. To be protected by international law, a government had to be a member in the Euro-Christian civilization's society.

Here lies the contradiction within international law: the soft-power commitment to show it as a beacon of morality unto the nations has been based on a civilizational discrimination that does not allow for legal power to be reflected. There is a blindness regarding the phenomenon of international law that has been preventing its dispensation of justice from being blind. The denial of the power element in the progression of international law is rooted in both the historical conditions in which international law was conceived and the inherent agenda to legitimize it. Specifically, international law carved its moral space in light of Germany's brandishing of power, and as an alternative to the German authoritative style. Generally, international law—as law—must persuade public opinion about its moral soundness. For both historical and jurisprudential reasons, the authority behind international law has been concealed from the time of its conception, and the power that has been used by this authority to advance international law is concealed by moral claims. Morality did not just cover up power; it was what this brand of power produced. This moral language described the German government as forceful and the outercivilizational governments as backward. To this day, the scholarly language

on the history of international law and international relations omits from the discourse knowledge of the power that was used against these governments and consists of moral arguments against them. This in itself is a use of power—soft power—that caters to, and feeds on, bias that is in disharmony with legal power.

Thus, the final and still ongoing effort of international law has been to bring these national units into fully absorbing the idea of “law” among them. Persuading the vast majority of people is not the same as a legally sound execution. The current language on international criminal law might be able to convince most of the world’s public opinion of certain accusations and still be abusive of law. While judgments of law are expected to maintain a harmonious relationship with the public opinion of the international society in which they are issued, the rule of law demands that these judgments of law would not lead public opinion in service of the law’s source of political power. That is why a separation of powers is crucial for governance, and that is why in order for there to be a separation of powers in protection of international law’s legal power, the political power behind it has to be identified. However, this study’s inquiry does not assume that the continued moralistic narration of history and current events as an effective disguise of power is not preferred by the source of power over an arrival at a fully fledged international law. It might be discovered that the American way of power in international affairs is not to have international law reach legal power but to maintain international law as a platform for soft power.

The use of the term *genocide* epitomizes this power to affect international affairs through a convincing moralistic language. In the disseminated narration of the Armenian victimhood as genocide, the use of the term has had an effect on international relations

without ever being applied as an accusation against the Ottoman government in a court of law. This genocide accusation has manifested a greater interest in the bond between narrative and public opinion than that between procedure and law. The Turkophobic narration that was popularized during the American conflict with German power, and as part of the project of springing up Christian nation-states from within the Ottoman territory, has been maintained and even presented as evidence in the current genocide discourse. As a relic of past prejudice, the act of placing the ultimate label of criminality on the Turkish collective head is found to be believable by most in Western society nowadays just as it was readily accepted as true by the public of the Allied Powers during WWI. The vilification of the Turk as an Ottoman ruler effectively inspired support for international law against German interests because of the Turk's otherness in Euro-Christian eyes, and the remaining negativity in the image of the Turk enlivens the accusation of genocide that enables a culture of discussing a matter of international law without having to enter a courtroom. In addition, China—another “other” in Euro-Christian terms—has been popularly portrayed as the sponsor of genocide in Sudan through nonlegal sources of information.

As such, the “genocide” usage is here found to be located between the legal and the popular. “Genocide” has been utilized for the popularization of the legal. It has promoted a discourse of international law but has also facilitated the usurpation of legal procedure. If the persuasion of public opinion about history and current world affairs—rather than the regulation of orderly governance worldwide—is the goal of American power, then a court decision about genocide can be a mere formality when the public is already informed by articles, books, encyclopedias, films, news items, reviews, and

television shows, that an event was or is genocide. Once the public consumes this information and adopts the label of “genocide” as part of its own use of language, it then becomes unlikely and unexpected that a court judge would go against this expression of public opinion. The effect of the popular discourse on “genocide” has been to invite a debate on international criminal law that is entrenched in group identity, and within which the concept of reaching a civic identity among nation-states through law remains undeveloped.

Through tracking the development of international criminal law, it is observed that there is a subtle difference between why law is necessary for a society and how the society becomes convinced that law is necessary. Although law starts with an authority that has an interest in regulating the conduct of a society, it does not mean that the benefit of law is limited to whatever reason the authority had for wanting it established. Law has a proven ability to mold a society and free members of a given environment from the paralyzing shackles of fearing each other. The interest for the authority might be in fulfilling the law’s power to define a society and its units, but, once defined, these units are enabled by law to function cooperatively for the enhancement of what the societal existence may offer the lives of its members. Greater safety from threat is a basic quality of what law may provide units of a society.

In international law, the units are comprised of nation-states but also of the people who populate these states, and if the same power holder that introduced international law is better positioned than the government of a nation-state to affect the collective opinion of that nation-state’s own population, then public opinion becomes a source of tension in the rule of law. This is why the continued service of one government’s narrow interests

through law at the expense of other governments cannot have legal power. It remains effective soft power as long as public opinion is convinced that certain information reflects the public's own moral position rather than the power to narrate its beliefs. While the public might follow the dictates of soft power on international criminal law, governments might balk at the popular usage of legal labels such as "genocide" to solidify soft-power projects against them in accordance with the interests of a government with which they are supposed to share an equality before the law. This kind of disparity could be greater than those concerning biases regarding class, gender, race, or religion, in domestic law. It would prove to be more debilitating than the domestic aspects of inequality when the disbelief of governments in the system of international law is higher than that of the average citizen of a state, especially with the lack of regulated enforcement.

Therefore, as a tool of soft power, "genocide" has a way of pushing humanity forward toward international law yet pulling international law away from legal viability. The popular narrations of "genocide" successfully build up an acceptance of international criminal law in public opinion, but governments might be wary that the power behind international law is the same power that is behind the information that claims to be the moral voice of these governments' own people. It would then be within reason for governments to become convinced that their security as such is not reliably protected by this system of law. The state of international law is that the public at large has become increasingly receptive to the moral discourse whereas governments in general have become exceedingly skeptical that international law generates enough accountability for them to be protected from power abuse.

The treatment of the Holocaust's memory and meaning by the genocide discourse was a foundational part of the attempt to show international law as aligned with morality rather than power. By harnessing the moral consensus on the Nazi German policies in WWII for the development of knowledge about "genocide" as a crime, the genocide scholars have been able to carry themselves as conveyors of humanity's conscience without being seen as cultural agents of power. In this study, the power-based approach to international law brings into view a new perspective of the genocide discourse. Here, the genocide scholarship is not assumed to be an outgrowth of morality but rather it is interpreted as a construct of power consideration and power particularization.

Meeting "Genocide"

I had my first substantial encounter with the genocide discourse through its treatment of the Holocaust. Although my research had not been conducted within the field of Holocaust studies, my upbringing in Israel involved a heavy consciousness of the event, and, later, my academic focus on Jewish thought included an engagement with the theological meaning of the Holocaust. My initial reaction to the existing efforts to liken the Ottoman Armenian experience to the Holocaust in genocidal terms was an impression that they were based on weak arguments and could easily be criticized. There was a dearth of critiques in this context, and it gave me reason to believe that I could fill a vacuum in the academic space. Hence, my first contribution to the academic literature on "genocide" was a critical endeavor. Being trained in philosophical discourse to give voice to a missing perspective through conceptualization, I was inclined to illuminate the elementary difference between the two events by presenting a contrast to "genocide" with

the creation of the term *genovive*.¹¹

“Genovive” instructs that when a nation sets out to protect its existence as a sovereign, its intent is not to destroy in the genocidal sense. The emphasis of “genovive” is on the intent to survive as a group rather than to destroy one. When there is a total war against a nation-state, and a group from within its own territory acts toward the state’s destruction, either independently or under the sponsorship of foreign power, then whatever the leaders of that state decide to do in support of the state in the face of a direct threat to its existence can be said to be ill-advised, harsh, and perhaps criminal in some way that corresponds with existing international law, but it cannot be seen as genocidal in its legal meaning. Survival in this instance is a construction that is based on an assumption of national existence, but it nonetheless presents a lucid conceptual break from the realm of “genocide” in intergroup violence.

It may be argued that the claim of “genovive” allows state leaders to avoid the guilt of “genocide” by feigning the perception of a threat against the state, but the determination of whether a threat was substantive or not is part of what international court procedures are expected to produce. “Genovive” offers a guide for the perplexed on how to distinguish one intent from another. The notion that in WWI the Turks were defending the Ottoman government as their nation-state requires a nuanced analysis, but at any rate the commitment of the Turkish leadership to defend that state from attacks on its borders and from inside it is significantly different from the expansionist aim of the Nazi Germany. The Ottoman state was under threat of conquest; the Nazis conquered.

¹¹ Tal Buenos, “*Genovive*: Hobbes and a Nation’s Natural Right to Survive,” *Middle East Critique* 20, no. 3 (Fall 2011): 317-340.

Many Armenians were perceived as a wartime threat due to their leadership's commitment to a political agenda in cooperation with the war efforts of the Entente on Ottoman land against the Ottoman government; the Jews were persecuted in Nazi-occupied areas. While the Armenian leadership cooperated with those who sought to destroy the Ottoman state, the Jewish victims were designated for destruction as part of the Nazi ambition to expand the German state through the concept of European racial unity.

However, when the term *genocide* itself became the centerpiece of my research as a scholar of the Turkish Studies Project at the University of Utah, the persistence of the feeble comparisons between the Holocaust and the Ottoman Armenian experience started to appear as an oddity: if the arguments are so plainly lacking in strength, then why are they so prevalent in the scholarly literature? My focus shifted from criticizing the discourse to examining why it is designed in this way. I found that the meaning of power in the study of politics enabled me to understand my sense that the genocide discourse was based on forced information. In retrospect, it occurs to me that my article on "genovive" was never going to simply set straight some inaccuracies, but rather it was bound to be taken as more material for the thickening of an existing discourse. The discourse is what "genocide" does: it attracts minds to absorb the language of international law. What gets lost in a debate over the comparability of the Holocaust and the Ottoman Armenian experience is that these events were never established as legal cases of "genocide" and their popular characterization as "genocide" is not legally warranted, but that is immaterial if it turns out that the debate itself is how "genocide" works. In the process of my inquiry for this dissertation, it dawned upon me that I too

was drawn into the world of international law through the question of how the term *genocide* is used.

Comparing group-based suffering through the narrow framework of “genocide” can be misleading for analysts of mass violence, and hurtful for those who are emotionally invested in the memory of the events. International law might be promoted by the popularization of the term *genocide*, but it would advance in substantive terms if historical events are studied openly and closely in search of exact details without prejudice or prior commitment to the genocide label. The demand to genocidize the Ottoman Armenian experience has discouraged scholarly knowledge of what happened. Similarly, the treatment of the Holocaust as a prototypical genocide has turned scholars away from looking into the role of Zionist leaders such as Chaim Weizmann and Ze’ev (Vladimir) Jabotinsky, who were empowered to speak against the German government on behalf of Jews as a nation.¹² What could they have done differently to avoid aggravating the situation of German Jews, and other Jews who later came under the control of the Nazi government? How does international law protect civilians from being targeted by a government in relation to actions taken by leaders of civilians as members of an identity group and by those who empower such leaders? What could the German government had done amicably and effectively under international law when witnessing the emergence of organized identity groups in Europe and sensing that these groups are being mobilized by great powers toward limiting the government’s power? In the case of the Ottoman state

¹² For Weizmann’s declared position as the leader of both the Jewish Agency and the World Zionist Organization, see: “Zionists Back Britain,” *New York Times*, September 6, 1939; Israel Cohen, *Britain’s Nameless Ally*, 2nd ed. (London: W. H. Allen, 1942), 7-9, 39. For Jabotinsky’s statement about the function of the Jews “as an Allied nation” when WWII broke out and while he was the leader of Brit Yosef Trumpeldor (also known by its acronym as Betar or Beitar) and the New Zionist Organization, see: Vladimir Jabotinsky, *The War and the Jew* (New York: Dial Press, 1942), 25.

during WWI, the government was not pursuing an aggressive policy to negate encirclement but engaged in a war over its destruction as a state.¹³ The circumstances in which the Ottoman state was destroyed can provide significant information for the understanding of crime in international law, and much progress can be made in the discourse about relations between governments and their civilians if both the Armenian and the Turkish governments become advocates in leading this historical case toward greater articulation.

From my familiarity with both Armenian and Turkish perspectives, which are arguably the two most involved national perspectives in the genocide discourse, I have become convinced that both international law and the general well-being of Armenians and Turks are detrimentally affected by this controversial usage of the term *genocide*. I have been able to complement my research with international travel in relation to the issue, and on occasions such as participating in a conference or giving a lecture I managed to collect a wealth of knowledge from conversations with those who are involved in the debate. My impression is that both sides of this disagreement, along with international law, are in a bind because of it. There is the Armenian predicament of clutching to “genocide” as an anti-Turkic symbol of collective identity or otherwise risk the loss of national fervor. Also, there is the Turkish predicament of being given a miserable choice between having to deny a popular “genocide” claim and agreeing to genocidize the history of their ancestors against their knowledge of what happened. This

¹³ After WWI, a French publication by a commandant emphasized how that war centered on the fate of the Ottoman Empire and was essentially a war over Turkey. See: Maurice Larcher, *La guerre turque dans la guerre mondiale* (Paris: Etienne Chiron; Berger-Levrault, 1926), 3. This report by Larcher, which was endorsed in a preface by Marshal of France Franchet d’Esperey, describes the Ottoman government’s treatment of Armenian civilians as a failed attempt to resettle them in Mesopotamia in an effort to prevent Armenian takeovers such as the one in Van, and it estimates that 500,000 Ottoman Armenians died in the catastrophe. See: *Ibid.*, 395-396.

work produces knowledge that may convince both Armenians and Turks that it is sensible to formulate a way to recognize the profound suffering of the Ottoman Armenians without genociding the memory of it. Relieving the historical engagement from the preconditional stress on the genocide label would create an environment in which a culture of detailed study may flourish. Finding a precise way to express what happened could be a significant source of advancement for the conversation about crimes in international law.

For the progression of international law, its criminal code cannot acquire legal power as long as it is mired in such controversy. The genocide discourse about the Armenian victimhood has popularized the idea of international criminal law, but at the same time it has called into question the legal accountability of international law. An effort to resolve the Armenian-Turkish conflict on how to characterize the Ottoman Armenian experience can be a process that inspires the retooling of international criminal law toward greater workability. When it comes into view that the Ottoman Armenian past was affected by the quest for international law, then it will become symbolic and perhaps even inevitable that the future of international law will be affected by the precise understanding of the Ottoman Armenian experience. Until then, the label of “genocide” in the Armenian case is the symbol of the tension between the popular and legal meanings of the term *genocide*.

“Genocide” has a popular meaning that is different from its legal meaning, but both the popular narrations and the legal definition are functions of power. Its legal definition centers on the wording in Article 2 of the Genocide Convention, which states that the listed acts mean genocide when they are “committed with intent to destroy, in

whole or in part, a national, ethnical, racial, or religious group, as such,” but, as considered in this dissertation’s analysis of the term’s usage, its legal applicability is conditioned by the wording in other articles of the Genocide Convention. Its popular usage is shown here as having been a characteristic of the Cold War period that has received an added dimension of influence in the public discourse since scholarly attempts to redefine the term *genocide* have been promoted by the genocide scholarship. Hence, “genocide” has a meaning that is documented in an international treaty, and another meaning that is molded by the power to dominate information around the world. The employment of “genocide” by power presents a choice between soft power and legal power, but this choice does not have to be made. There can be popular usages of the soft-power variety, and a rare application of the term through a procedure of legal power.

However, the confusion of the popular usage with the legal definition creates difficulties for the legal procedure. When one government has an advantage over others in the ability to influence public opinion around the world about how and when “genocide” is used, it means that the court decisions are likely to reflect that government’s preferences on matters that are related to genocide accusations. Even if the judges are not conscientious of it, their adjudications administer an indirect inequality before the law between nation-states. As long as the popular usage usurps the legal design of the term *genocide*, the legitimacy of international law would be limited to persuasion without reaching regulation. To regulate international law, governments must be able to trust its system, but when the system is shaped by the bypassing or hoodwinking of legal procedure through the ability to affect public opinion then the distrust is expected to fester.

In this dissertation, “genocide” is understood according to its function of power. When it is used in the popular sense, it has the power to promote awareness of international law, but an adherence to its legal meaning is required for the power to actually process international law. As this work shows, the progress of international law through modern history is interlaced with the ability to affect public opinion. It is claimed here that international law’s arrival at legal power goes through soft power, but also that the effectiveness of soft power is not to be confused with legal power. Success in leading public opinion to use the term *genocide* in certain ways does not mean that a rule of law is being respected; rather, it means that the law might be manipulated. Soft power thrives on the assumption that public opinion is free from control, but legal power demands verification that bias does not pass as justice. This is the essence of the contradiction between them that makes the progress of international law dialectical: the tension between attracting to the law and enacting it.

As it considers the relationship between the popular and legal usages of “genocide,” this work not only associates “legal” with “power” but also sees the meaning of “popular” from a power-based perspective. “Popular” might mean a representation of the vast majority of the people, but here it is regarded as a concept that is also subjected to the influence of power. By calling attention to soft power in this context of how the term *genocide* is used, it is suggested that the genocide discourse is not simply a pure reflection of preexisting common beliefs but rather it is the product of an ability to lead the general public to adopt beliefs as if they were common. For instance, one distinction is that the reference to “genocide” regarding the Ottoman Armenians is a popular usage as opposed to a legal usage that would involve a genocide conviction in keeping with the

wording of the Genocide Convention; another distinction is between “popular” in the sense that the belief is an authentic communication from people to power and “popular” in the sense that the belief is the consequence of the power to convince people of it. Put differently, it is not assumed that “popular” claims necessarily surface without the guided activity of the power to co-opt opinion effectively. The general public did not hold any particular belief about the Armenian experience and the genocide label prior to the decades in which influential information has constructed it as a common belief and presented the Turkish government as the power that goes against it. Soft power is defined by the ability to make an item of knowledge achieve a popular status while making it appear like a bottom-up process rather than a top-down one. The references to the “popular” genocide discourse throughout this work carry with them an awareness of this soft-power achievement, and they most certainly do not mean that the currently popular discourse is seen as indicative of a genuine moral consensus about what happened to the Ottoman Armenians in 1915. This is why the Ottoman Armenian case is a strong example of the tension between soft power and legal power in international law: the popular view of what is just, which in this case is a construct of soft power, robs a member state of equality before the law, and promotes disorder.

Since this study presents legal power as the destination of international law, the legal definition of genocide, which is stated in the Genocide Convention, is here treated as the pivot in the meaning of the term *genocide*. The distance between soft power and legal power becomes measurable through the manifestation of separation between the popular usages of “genocide” and its legal definition. By pointing at the gaps between the popular and the legal throughout the history of the term *genocide*, this dissertation carries

a statement about the current quality of international law. It sees the dominance of the popular usages over the legal meaning as a sign that international law suffers from a shortage in accountability, and, possibly, that the long road to legal power—rather than an arrival at it—is all that is foreseeable at this time.

Methodology

There is no methodological choice for a dissertation whose theory is power-based, and whose subject matter—“genocide”—is an item of knowledge about international law that has been dominated by disinformation and misinformation. This study does not simply engage in an effort to fill a void in the existing research but to define and redefine the existing research. Its challenge is to inquire into the history of the term *genocide*, and present a more convincing story than the one that has been told. Both inquiry and presentation are guided by the introduction of power as a prism through which existing information may be gazed. Accordingly, the method of the work is best characterized as interpretive.

In his illuminating work on the foundations of public-administration research, Jay D. White highlights inquiry and presentation as the two fundamental standards of the interpretive method.¹⁴ The inquiry involves the study of “beliefs, meanings, feelings, and attitudes of actors in social situations” as phenomena,¹⁵ and the presentation “is like good storytelling.”¹⁶ In accordance with the postpositivist philosophy of science, the

¹⁴ Jay D. White, *Taking Language Seriously: The Narrative Foundations of Public Administration Research* (Washington: Georgetown University Press, 1999), 53.

¹⁵ *Ibid.*, 48.

¹⁶ *Ibid.*, 52.

interpretive method is considered to be one of three modes that are related to qualitative research design in the social sciences.¹⁷ White posits that the dominance of the explanatory research among the social sciences in comparison to the interpretive and critical researches is partly due to “the lack of understanding of the philosophical foundations of these modes of research.”¹⁸ To White, a causal explanation of behavior cannot be formulated without an interpretation of “its nature and the conditions under which it might take place.”¹⁹ The inventiveness that White considers to be conducive to the research of public administration also carries the potential of conceptualizing new options for the governing value of international law.

Still, it is not expected that those who lead the presentation of the study of politics as a social science would support an overall recognition that the interpretive mode of research is as equally representative of research in political science as the explanatory one. The nature of politics as a subject of study is such that its legitimacy as a social science requires persistent attempts at persuasion by its practitioners, and might even invite a zealous attitude in defense of its status as a social science. In its explanatory mode of qualitative analysis, political science is the art of employing social sciences toward the production of information about or toward governance. Since the credibility of social sciences allows for the information that political science generates about governance to be presented as a product of science rather than power, political scientists are expected to maintain such an image for the sake of effectiveness. Without describing

¹⁷ Ibid., 43.

¹⁸ Ibid., 39.

¹⁹ Ibid., 183.

their findings as causal, the objectivity of political scientists would become less apparent. Yet, interpretivism is constructed by human nuance and does not project an image of white coats and laboratories. Therefore, it is common for political scientists who are identified as positivists to equate the interpretive method “to history, or even fiction,”²⁰ while neglecting to recognize that “Knowledge is theoretically or discursively laden” and that there is an inherently subjective quality to the academic discourse or tradition within which they operate.²¹

The literature on methods of research in political science has tended to conflate the interpretive approach in the study of International Relations (IR) with constructivism.²² However, the works that have been produced in IR as constructivist projects have largely ignored the tremendous disparity between the influence of American-controlled scholarship and scholarship that is not promoted by American power. This insensitivity is detectable in Nicholas Onuf’s foundational work, in which he makes the basic claim that “this world” is “of our making,” and that “scholarship is social construction.”²³ By using the pronoun *our* so prominently, without indicating that he means to refer only to his fellow Americans, Onuf glosses over the inequality among nation-states in the ability to produce scholarship that constructs knowledge in the

²⁰ Paul Furlong and David Marsh, “A Skin Not a Sweater: Ontology and Epistemology in Political Science,” in *Theory and Methods in Political Science*, ed. David Marsh and Gerry Stoker, 3rd ed. (Basingstoke, UK: Palgrave Macmillan, 2010), 200-201.

²¹ *Ibid.*, 199.

²² For instance, see: Craig Parsons, “Constructivism and Interpretive Theory,” in *Theory and Methods*, Marsh and Stoker, 80-98.

²³ Nicholas Greenwood Onuf, *World of Our Making: Rules and Rule in Social Theory and International Relations* (Columbia: University of South Carolina Press, 1989), xi.

international society. This is emblematic of how American power manages to conceal its dominance in the production of globally consumed information in texts that are presented as progressive. Onuf declares that “The reconstruction of International Relations requires that the discipline be stripped of its current pretensions,”²⁴ but he promotes a new pretension about the nature of the relations between nation-states.

Guided by a focus on how the American control of information has affected international law through the use of the term *genocide*, this dissertation does not embrace the constructivist label. In IR, works of constructivism typically divert attention away from knowledge that the superiority of American power is a decisive factor in how information, be it scholarly or not, has shaped society’s view of the world. IR itself is an American product that has had this effect. Constructivist works in IR are commonly unaccompanied by the recognition of their function as American soft power. The main constructivist argument in IR that the global society is socially constructed has directed attention away from the consideration of how international information is affected by American power. This study stands opposed to such a discourse. Thus, the interpretivist method that is used here in a study of international politics is not associated with the mission of constructivism in IR.

In addition to employing the less popular mode of research among political scientists, this study confronts beliefs that are foundational to the research of existing fields of study. As a work of international politics, this dissertation is in disagreement with the belief that IR theory is a social scientific venture that may be considered as removed from American interests. Similarly, as a study of the term *genocide*, this

²⁴ Ibid., 27.

dissertation is in tension with the belief that the comparative work of genocide scholars would be seen as meeting the criteria of social sciences if not for its empowerment by American-controlled information. As part of the attempt to put “genocide” in the historical context of international law, this work questions the common historiographical practice, which comes from within international law as a field of study, of concealing the American roots of international law. The conflict with these existing discourses relates to the sense of an American preference to avoid being seen as an authority in matters of world affairs. This avoidance reflects an ongoing commitment to indirect influence, and this study of “genocide” shows how the progression of legal procedure at a certain point of legitimacy requires an authority to establish an accountability regarding the information. The clash with existing scholarly information not only requires that this work would be interpretive, but might give rise to a misinterpretation by observers that this is a methodologically inadequate work of IR, genocide studies, or international law. This work is not of these academic fields, but rather it offers an interpretation of their roles as sets of information. Due to the focus on the use of the term *genocide*, the work of the genocide scholarship is the feature of the literary review in this dissertation.

Even though this interpretive study has an interdisciplinary quality, it is first and foremost a study of politics. It is conducted in continuation of advanced studies in political science, and is informed by the language of political scientists. As a work of political science, it studies the use of “genocide” in a manner that contributes to the discourse on the relationship between power and governance. Furthermore, it generates information that has the capacity to influence international relations and create new possibilities for international law. The work incorporates sensibilities from different

disciplines of study such as jurisprudence, psychology, and sociology but remains dedicated to understanding its subject matter as a political element. This work's inquiry is historiographical, and its presentation is conceptual. Since "genocide" is a post-WWII phenomenon, its history crosses paths with the rise of postcolonialism, but the historical context of international law precedes WWI and sheds light on the path of colonialism during that time.

In this work, a conceptualization of political power elucidates an approach to history, which in turn may inspire further historical research for a greater understanding of the work's claim about international politics. The research of historical material involved archival work in surveying the James Bryce collection in Oxford, and the two Raphael Lemkin collections in New York. These collections were not archived in a transparent process, and it cannot be assumed that considerations of reputations and policies were not a factor in the decisions about what would be included in these collections. It is recognized that the available historical data that were researched for interpretation in this work are not exhaustive. Nonetheless, this dissertation draws on a sufficient amount of existing data to have the capacity to open up avenues for the development of more historical research through its conceptual innovation. The commitment to cohesiveness in the interpretation of this history inspires a philosophical configuration that is representative of the relationship between power and governance as reflected in the function of "genocide" within the development of international law. This dissertation sketches a new outline for researching "genocide" as information and for understanding international law.

To a great extent, the historical inquiry for this dissertation was complemented by

research through the ProQuest database of the *New York Times* (*NYT*). The *NYT* is treated throughout the dissertation as representative of the popular discourse on “genocide.” This reliance on the information in the *NYT* is based on the prominence with which the newspaper features items of international affairs, and the influence it has on the popular discourse as a narrator of them. The choice of this newspaper as a substantial source for analysis constitutes a selective act due to research constraints, but, as seen in this work, the volume alone of the narration in the *NYT* of matters pertaining to the usage of “genocide” is unrivaled by any other newspaper. From its beginning as the *New York Daily Times* in 1851, the newspaper distinguished itself among the existing daily news publications in New York by making an effort to establish a language about the existence of foreign national identities. This language on the pages of the *NYT* was being constructed ahead of Germany’s unification. During its first year of operation, the newspaper expressed a particular interest in promoting the public standing of Lajos Kossuth as the leader of a Hungarian movement for political independence.²⁵ In line with the theoretical basis of this dissertation, the *NYT* is seen as a significant conveyor of soft power. It is the quintessential source of information that connects power with the popular usage of language.

²⁵ According to the results of a ProQuest search, “Kossuth” was mentioned in 913 different items during the newspaper’s first year (September 18, 1851 – September 18, 1852). The newspaper reported on Kossuth in its first issue. See: “The News from Europe,” *New York Daily Times*, September 18, 1851. A later report focused on “Kossuth’s movements” in a manner that presented his leadership as a matter of importance to the public, and this news item was also the first context in which the newspaper used “human rights” as a phrase. See: “The Movements of Kossuth,” *New York Daily Times*, October 29, 1851. In the principal speech at a banquet that was held in honor of Kossuth in New York on December 15, 1851, Henry J. Raymond, who was the *New York Daily Times*’ editor spoke of “the right of the people of Hungary to exercise over their own dominions exclusive and sovereign legislation.” See: Augustus Maverick, *Henry J. Raymond and the New York Press for Thirty Years: Progress of American Journalism from 1840 to 1870* (Hartford, CT: A. S. Hale and Company, 1870), 115. This points at how *NYT*’s history is marked by an agenda regarding national identities and human rights, which are close to the issue of “genocide.”

The study of “genocide” as information requires an interpretive mode of research in order for it to enter the discourse of political science. Soft power is information that is effective when it cannot be directly linked to its governing objective, and as such it is designed to be immeasurable and unverifiable. Hence, to account for the possibility that power uses information for governance the research does not seek to prove causality but to narrate the context of the relationship. Not only is proof of soft power hard to produce, but an expectation of proof would suggest a failure to grasp the purpose of soft power. The inquiry that concerns itself with soft-power projects is sustained by a focus on the connection between sources of information, use of language, and their effects. It carries an assumption that there are power holders who can and do affect human affairs deliberately. The endeavor to draw a coherent historical analysis of the relationship between the interests of power holders and the use of “genocide” is an interpretive project, and necessitates the advent of a conceptual framework as part of its research design.

Conceptual Framework

While the academic language on power in politics provides the theoretical basis of this dissertation, the conceptual framework is designed in the fashion of the Hegelian dialectical movement. This dissertation does not present a study of Georg Wilhelm Friedrich Hegel’s work. Neither is it necessary for this dissertation to show that its subject matter is a perfect example of the Hegelian dialectical logic. Rather, an interpretation of his work is utilized here for the purpose of understanding the subject matter of this dissertation, which is the function of “genocide” in international law from a

power-based theoretical approach. To understand the philosophical structure of this dissertation, it is not necessary to offer a close analysis of the Hegelian dialectical movement, but only to articulate its service in the context of the dissertation.

Hegel's philosophical instruction was found to be a fitting instrument for the presentation of this dissertation following the process of inquiry. By using the Hegelian logic as the underlying structure of the dissertation, this work becomes aligned with a system of thought that is highly recognizable and has been tested time and again for its effectiveness as a conveyor of interpretation. The theoretical basis was largely informed by Nye's distinction between hard power and soft power, and from this perspective the relevant historical data about the origination and development of "genocide" within the project of international law point at a theoretical language that mirrors the Hegelian dialectical movement. In the context of international law as a product of power, hard power and soft power appear to have a dialectical relationship in which the latter negates the quality of the former toward an eventual synthesis. That heightened stage of power is here defined as legal power. The progression of power from material advantage to a particularized level that enables effective governance is the story of law, and it is observable in the case of international law. The function of "genocide" is seen as having the capacity to illustrate how the movement from hard power to legal power is achieved through soft power.

According to the Hegelian dialectical reasoning, the progression of knowledge is not simply an accumulation of information but rather it is motioned "by negation and

absorption of the premises.”²⁶ For example, faith arrives at knowledge through doubt.²⁷ In other words, confidence that something is true only becomes verified information once it is negated by the realization that the confidence is lacking in some way. This example elucidates that there are three points and two transitional acts in a single frame of the dialectical movement. It may be described as a general pattern in the following manner: the negation of *A* by *B*, leads to the absorption of *B* by *C*, and means that *C* is an advanced form of *A*. The experience of *B* particularizes *A* into becoming *C*.

Essence is considered a “simple identity with itself” prior to becoming identified through negation.²⁸ *A* becomes known as such only once it is seen in relation to *B*. Similarly, power began to be seen as hard power in Nye’s work because of how soft power is distinguished from it. To distinguish is to detect identity. The negation through *B* is a distinction that facilitates *A*’s self-relation.²⁹ *A* does not just become distinguished from another “but of itself from itself.”³⁰ This negation is also described as an antithesis, and it signals a “particularized reflection.”³¹ The particularized quality of hard power in relation to soft power means that there is a movement toward a nuanced understanding of the essence and the compartmentalization of it according to specific aspects of identity. In

²⁶ Georg Wilhelm Friedrich Hegel, *The Logic of Hegel: Translated from the Encyclopaedia of the Philosophical Sciences*, trans. and ed. William Wallace (Oxford: Clarendon Press, 1874), xcvi.

²⁷ Ibid.

²⁸ Georg Wilhelm Friedrich Hegel, *Hegel’s Doctrine of Reflection: Being a Paraphrase and a Commentary Interpolated into the Text of the Second Volume of Hegel’s Larger Logic Treating of ‘Essence’*, trans. and ed. William T. Harris (New York: D. Appleton and Company, 1881), 30.

²⁹ Ibid., 38.

³⁰ Ibid.

³¹ Ibid., 52.

short, it is thought that “Distinction is always contradiction, at least implicitly.”³²

Negation has “the look of a destructive agent,”³³ but it allows the essence to be better defined by realizing that *A* does not have the identity of *B*. This realization is what distinguishes *C* from *A*. Put differently, *C* is *A* with the added quality of knowing *B* and knowing itself through *B*. *C* signifies an identity that is unlike *A* or *B* because it represents the combination of their separate qualities. Thus, *C* negates *B*’s negation of *A* by coming into being as a synthesis of the two. Within the essence of power, hard power’s directness and soft power’s indirectness are synthesized into the combined value of authority and legitimacy in legal power.

Absorption has to follow negation in order for the dialectical progress to be manifested, and in the context of international law it is the study of “genocide” that enables an evaluation of the dialectical status in the movement from hard power through soft power toward legal power. As the subtitle of the dissertation indicates, this work is conceptually structured to present international law as a story of a dialectical progress from hard power through soft power toward legal power. The narration of the historical data gives expression to this structure. From the vantage point of the inquiry, this dissertation presents the hard power that prompted the advent of the term *genocide* in the context of international law; the soft power that has directed the use of “genocide” in international law; and the legal power that is conditioned by the ability of international law to process the absorption of soft power as the negation of hard power. By narrating the function of “genocide” within this conceptual framework, it becomes possible to

³² Ibid., 63.

³³ Hegel, *Logic*, xcix.

observe how soft power is a particularization of power, but also how the negation of soft power is indispensable for international law.

This absorption of soft power by hard power as legal power is a complex matter. The antithetical relationship between hard power and soft power is in quality rather than in purpose, but the quality of legal power is to evolve into a purpose that is different or perhaps heightened from the perspective of governance. Eventually, the leading question in this dissertation becomes the following: What is the distinction between information *toward* international law and information *of* international law? In other words, this study of “genocide” points at the significance of setting apart efforts to popularize notions of international law from the actual work of legal procedure. The usage of the term *genocide* is such that it lacks a distinction between soft power that complements and sustains law and soft power that dominates and disrupts law.

Outline

This introduction, which is listed as the first chapter of the dissertation, is followed by five chapters and the concluding chapter. In keeping with the conceptual framework, the chapters of this dissertation are arranged to narrate the function of “genocide” within a dialectical progression of power. Following a review of the existing literature on “genocide,” and an exploration of power as a theoretical basis, the historical inquiry is presented in the form of three periods. The first period (1870s-1944) lays out the hard-power considerations that preceded the advent of the term *genocide* and provided the ground for it through efforts of soft power. In the study of the second period (1945-1988), the soft-power use of “genocide” comes into view. The final period (1989-

2010s), which leads to the present time, is characterized by the tension between soft power and legal power. Hence, the conclusion of this work is generally devoted to weighing the conditions that may adjust the function of the term *genocide* toward an attainment of legal power in international law. The literary review and the theoretical orientation involve a dialogue with the current scholarly literature and are mainly written in the present tense, whereas the three chapters on the history of “genocide” in relation to power treat existing literature as historical items and are mostly regarded in the past tense.

Chapter 2 identifies the work of the genocide scholarship as the academic literature that is at the core of the inquiry into the relevant scholarly discourse, and offers a critical analysis of it. The interpretation of these existing studies on “genocide” as a discursive whole was essential in shaping this dissertation’s development from inquiry to presentation. This chapter addresses the major themes in the genocide scholarship. It describes the state of the scholarly field as found in this dissertation’s process of inquiry. Specifically, the review of the material pays close attention to the genocide scholarship’s depiction of itself; its foundational reliance on making the Holocaust comparable to other events; its labeling of Armenian victimhood as “genocide” and the Turkish position about it as “denial”; its usurpation of the information about “genocide”; its moralization of politics in accordance with American interests; its effrontery of the Genocide Convention; and its claims about Raphael Lemkin’s function in the creation of the term *genocide*. By addressing these aspects of the genocide scholarship and their meaning, the dissertation work locates its potential for contribution in relation to the currently dominant discourse on “genocide.” The overall characteristic of the literature is that in its

moralistic format the genocide scholarship does not express a recognition of its own power or the power of “genocide” as a tool for the popularization of international law.

Chapter 3 examines the theoretical language on power in the study of politics, and develops a nuanced understanding of it in the context of law. This chapter is dedicated to explicating how a power-based theoretical approach matches the conceptual framework that is inspired by the Hegelian dialectical logic. It clarifies what is meant by the key terms that are used in the dissertation to narrate the function of “genocide” in international law. Moreover, it gives a theoretical orientation that is enmeshed with political philosophy, and, thereby, cements the location of this dissertation as a study of politics. In this chapter, the theoretical ground is prepared for understanding how the analysis of the available historical data points at the internationally significant developments in hard-power relations, the utility of “genocide” as soft power, and the yearning of international law for legal power.

Chapter 4 relates the initiation of international law to events in the 1870s, and ascribes the advent of “genocide” to a long American-led process to globalize its political vision and to halt the growth of Germany’s spheres of influence. It establishes knowledge of the American authority behind the modern construction of international law. By bringing into view the American role in the design of international law, this chapter sets the dissertation apart from the literary works of the genocide scholarship that refrain from recognizing the American origination of international law, and produces information that enables the placement of “genocide” in the context of power. The chapter considers how the traditional strategy of maintaining material advantages by the facilitation of a balanced division of hard power in Europe was challenged by the unification of Germany

and what it signaled for the future of Europe and global affairs. It shows how Germany's conflict with the status quo in Europe was met by an American effort to promote international arbitration and rules of conduct among nations. Also, it offers a view of the historical connection in international politics between power, identity, and governance, which puts into context the later role of "genocide" in international law. The effort to block German expansion, even prior to the advent of the term *genocide*, is related to the formation of identity groups toward political independence in territories that otherwise would have been left open for German influence. Through this chapter, one can see how the propping of identity groups as political entities—a prerequisite to their protection as such—was both essential in the development of international law and disruptive of German growth.

Chapter 5 surveys the function of "genocide" as a legal term that existed for over four decades without legal application, and illustrates how the term was developed by a popular discourse prior to receiving any input by competent legal procedure. It pins the origination of "genocide" in the considerations of post-WWII international order, and especially the project of Germany's reeducation. In this chapter, Lemkin's agency is considered in depth, and the common beliefs regarding him are questioned by exposing the unreliability of the information about him and by pointing at a context that is much greater than his biographical background. The emphasis on Lemkin in the genocide discourse is seen as reflective of the denial that there has been a dominant American influence on the use of "genocide" in particular, and the direction of international law in general. Throughout this chapter, it is shown that the use of "genocide" was acted out on the stage of the Cold War, which served as an informational vehicle for the advancement

of international-law awareness among the nation-states. Chief among such uses of “genocide” was the carefully developed scholarly discourse about the Armenian suffering during WWI, and the chapter connects between the genocidized Armenian issue and the post-Vietnam War agenda to associate “genocide” with civil wars. In this chapter, it is considered how the soft-power effect of the genocide discourse on public opinion preceded and preconditioned the term’s coming into legal force in the United States.

Chapter 6 focuses on the penetration of soft power into the legal procedure of international law through “genocide,” and demonstrates that the international adjudications of “genocide” are lacking in legal power as long as they are greatly affected by biased information. As shown in this chapter, the American ratification of the Genocide Convention marked the opening of an era in international criminal law that witnessed the incorporation of “genocide” into judgments of competent tribunals with the support of the United Nations. However, instead of negating the use of “genocide” as a form of soft power, the ratification amplified the impact that the term’s usage has on events and their narration. The ability to shape international criminal law by the use of “genocide” gave impetus to a new language that intensifies innerstate political conflict. In this chapter it is shown how soft power continues to dominate the information about, and by, international criminal law. The examples of Nagorno-Karabakh, Bosnia, Rwanda, Sudan, and the case of *Perinçek v. Switzerland*, indicate that the tension between soft power and legal power is defining the unstable condition of international law. This lack of fixity is connected to the tug-of-war between the narrow interests that are served through the abuse of international law and the broader interests that would be served by the successful institutionalization of governing standards through a credible system of

international law. It is also considered how the use of “genocide” was a factor in the establishment of the International Criminal Court (ICC) through the Rome Statute of the International Court (Rome Statute) in the midst of these developments, and how the introduction of “crimes against humanity” to the international criminal code affects the future of international law.

The conclusion, which is listed as the seventh chapter of this dissertation, summarizes the function that genocide has had as an instrument of power, and suggests how—in accordance with the work’s interpretive analysis—international law may advance toward legal power. Since international law is still in the process of acquiring legal power, it is proposed that it would focus on the attainment of unified standards of governance among governments, and refrain from letting the disequilibrium in soft power determine what is just between governments. In order for international judgments to perform this feat, there will have to be a concerted effort to enhance the ability of international law to process and deliver information. The soft-power emphasis regarding international law can no longer be to persuade the public of other governments’ criminality but rather to persuade governments that the information is thoroughly international and professional. To this end, the conclusion also contains ideas on how to reform the mechanism of international judgments. The openness of the information by international law is to be preceded by an American willingness to reexamine the history of activities toward bringing governments closer to international law. A significant breakthrough in the stabilization of the criminal code and the negotiation of human rights can be made by recognizing how efforts to particularize power through international law have affected entities that did not originally meet the American-led civilizational criterion

of governance. The legitimacy of international law depends on how power builds up the law's authority without interfering with its interpretation.

This dissertation's concluding chapter seeks to express what it means to see the use of "genocide" as soft power. Its discussion of meaning regards the effect of "genocide" usage and the ability to use the term. The first aspect considers the genociding language as a politicization of history, a popularization of law, and an ethnocization of governance. In this manner, it is a timely addition to the public debate about tension between ethnonationalism and civic nationalism. While the former enlivens the interest in governance, it is the latter that allows governance to reach unified standards globally. To genocidize events that are not cases of genocide is not an act of protecting the weak but rather it is an act of choosing a language of popular intergroup division. The second aspect is about the control over the information in which the language about "genocide" is used. Much more can be done to lead the use of "genocide" to its initial goal to protect nation-states along with their civilians, and reduce the space in international criminal law for the promotion of narrow great-power interests. International law has been popularized by ethnic strife and a didactic discourse, but its legal power requires a civic common denominator and an authentically independent judiciary.

CHAPTER 2

A LITERARY REVIEW OF THE GENOCIDE SCHOLARSHIP

Genocide scholarship is a manifestation of American policy, whose initiation was expressed in 1979 in the official *Report to the President: President's Commission on the Holocaust* (President's Commission).¹ While the popular usage of “genocide” preexisted the establishment of the genocide scholarship, the creation and operation of a scholarly discourse on “genocide” added a dimension of influence through which the legal meaning of the term may be affected. It is shown in this chapter how the genocide scholarship has produced information that—with the assigned credibility of expertise—is able to steer the popular usage toward having an effect on the legal application of the term *genocide*.

There are three academic journals that have provided three main avenues of information for the genocide scholarship, all of which have originated in the United States as the utilization of the term *genocide* developed following the President's Commission. They are: *Holocaust and Genocide Studies* (HGS), since 1986; *Journal of Genocide Research* (JGR), since 1999; and *Genocide Studies and Prevention* (GSP), since 2006, which was known as *Genocide Studies International* (GSI) between 2014 and 2016 but is now back

¹ Elie Wiesel (chairman), *Report to the President: President's Commission on the Holocaust* (Washington: United States Government Printing Office, 1979). While one is able to glean points of policy from this document, it does not mean that core policy ideas about the use of the term *genocide* did not precede the assembly of the President's Commission and the issuing of the document nor that the document offers an exhaustive representation of how the United States government sought to use the term *genocide*.

to being called *GSP*.²

This chapter proceeds by way of focus on the literature that has been produced by these three journals. For the sake of the data being reflective of controlled themes, the chapter concentrates on the trends that are detected in the works that have been published in these journals since their respective first issue to the time of this study as well as the editorial directions that guided them.³ The chapter consists of sections, each of which represents an element that is found to be recurrent within the literature.⁴ These elements represent characteristics that are seen as descriptive of the genocide scholarship as a whole.⁵ The aim of this chapter is to show a bird's-eye view of the content that has been produced by the genocide scholarship toward an ability to illuminate its patterns, starting with the scholarship's narrative on its own history and purpose. By omitting a genuine account of its own power, the genocide scholarship's view of itself sets the tone for its core assumptions, which are addressed in the sections throughout this chapter. These

² *HGS* is published by Oxford University Press; *JGR* is published by Taylor & Francis Group; *GSP* used to be published by University of Toronto Press, even as *GSI*, but has been sustained by University of South Florida Libraries since reverting to the original journal title.

³ An analysis of the influential monographs that have either centered on "genocide" as a main feature or are seen as offering a poignant contribution to the understanding of how the term *genocide* has been used, as well as relevant articles in journals that are not of the genocide scholarship, will be incorporated into Chapters 5 and 6, as part of the effort to put "genocide" in its historical context. Since there are many published works on "genocide" or regarding genocide, it would have given the task of this chapter an unnecessary sense of selectivity in choosing which works are more representative than others of the genocide scholarship. By carving out the data's territory in line with the three academic journals, the pool of data is given the semblance of a more precise shape. Also, since these journals are held to be academic, this literary review may treat the literature with the expectation that it would meet scholarly standards.

⁴ The cross-section circularity of references to certain elements is not avoided. For instance, the ideas of comparative theory or genocide prevention are mentioned in more than one section.

⁵ "Genocide scholarship" is used here as a term of reference to describe the produced works in these journals. The idea is not to make generalizations that a single statement in one work is necessarily representative of other works within the genocide scholarship, but rather to treat any statement that has been published in one of the genocide journals as being literally part of the genocide scholarship.

assumptions are the following: the Holocaust is a comparable case of genocide; the Ottoman Armenians suffered a genocide and Turkish governments have been in denial of it; the widely consumed information about “genocide” is to be produced by a source that was not empowered by the member states of the United Nations; determinations about what is right and wrong in the policies of nation-states are to be issued by an American-based scholarship; the legal meaning of “genocide” as specified in the Genocide Convention is not the only definition of the term, and other definitions might be preferred over it in the discourse; and the term *genocide* was coined by Raphael Lemkin in an effort to give voice to the consciousness of humanity. The sections are followed by a conclusion that sets the agenda for the next chapters toward the explication of the term *genocide* in ways that the genocide scholarship itself has not administered.

The Genocide Scholarship’s Narration of Its History and Purpose

It is instructive to grasp how the genocide scholarship views itself before attempting to understand what the scholarship produces about “genocide”; what it does not see or show; and why. The essence of the scholarship’s expressed sense of self is captured in the following emblematic sentence by Robert Melson, who is considered to be among the prominent early definers of genocide scholarship: “Raphael Lemkin initiated the field of genocide studies in large part as a response to the Armenian Genocide of the First World War and the Holocaust of the Second World War.”⁶ This one

⁶ Robert Melson, “Critique of Current Genocide Studies,” *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 279. Similarly, Lemkin is described as “our field’s founder” in another article of the same issue. See: Adam Jones, “Diffusing Genocide Studies, Defusing Genocides,” *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 275. In the next issue of the same journal, *GSP*, there is an article in which Lemkin is titled “the founding scholar of genocide studies.” See: Henry C. Theriault, “Against the Grain: Critical Reflections on the State and Future of Genocide Scholarship,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 125. In that same issue, Lemkin is described as “clearly the parent of

sentence invites readers to suppose that the origin of the term *genocide* is to be associated with one individual, namely Lemkin; that genocide as a field of study was started by Lemkin; that Lemkin's personal reaction to the Ottoman Armenian experience, before the Holocaust ever occurred, inspired genocide studies; that the Holocaust and the Armenian experience are to be considered on an equal footing; that the Armenian experience is to be regarded as "the Armenian Genocide"; and, generally, that the advent of the term *genocide* was a moral project rather than a political one.

The visible movement toward "genocide" as a field of study did not start until after the recommendations of the President's Commission gave voice to ongoing changes in how the term *genocide* was being used and will be used. Yet, the genocide scholarship's version of its own history ignores its empowerment by the United States government,⁷ and presents a narrative in which scholars, led by Lemkin and followed by

genocide studies." See: Israel W. Charny, "Requiem for the Prevention of Genocide in Our Time: Working toward an Improbable Possibility but Not Giving Up," *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 110.

⁷ The single reference to the President's Commission in the entire body of literature that has been produced by the genocide scholarship thus far is short and decontextualized. It oddly fails to recognize the connection between the President's Commission and the start of genocide studies. See: Samuel Totten, "Paying Lip Service to R2P and Genocide Prevention: The Muted Response of the US Atrocities Prevention Board and the USHMM's Committee on Conscience to the Crisis in the Nuba Mountains," *Genocide Studies International* 8, no. 1 (Spring 2014): 48.

others who are seen as “pioneers” of the field,⁸ are said to have “helped forge the field”⁹ that is “an autonomous intellectual field,”¹⁰ as if a field that began with the “seminal works” of these pioneers independent of governmental power and interests,¹¹ or as if “rediscovered” along with Lemkin’s notes by way of some natural maturation of historical perspective rather than by governmental prodding.¹² The emphasis on the role played by the honored scholars who solidified the new usage of “genocide” on academic platforms is categorized superficially and actually hinders the advancement of knowledge on the field of study’s development.¹³ A connection is not drawn between the scholars

⁸ Steven L. Jacobs, “The Papers of Raphael Lemkin: A First Look,” *Journal of Genocide Research* 1, no. 1 (March 1999): 111; Thomas Cushman, “Is Genocide Preventable? Some Theoretical Considerations,” *Journal of Genocide Research* 5, no. 4 (December 2003): 529; Michael A. McDonnell and A. Dirk Moses, “Raphael Lemkin as Historian of Genocide in the Americas,” *Journal of Genocide Research* 7, no. 4 (December 2005): 501; Jürgen Zimmerer, “Genocide Studies for the Twenty-First Century: A Departing Editor’s Perspective,” *Journal of Genocide Research* 13, no. 3 (September 2011): 205; Samuel Totten, “The State and Future of Genocide Studies and Prevention: An Overview and Analysis of Some Key Issues,” *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 212; Dominik J. Schaller, “From Lemkin to Clooney: The Development and State of Genocide Studies,” *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 246; Hannibal Travis, “On the Original Understanding of the Crime of Genocide,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 30-31; Ernesto Verdeja, “On Situating the Study of Genocide within Political Violence,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 81; Charny, “Requiem,” 110. The use of the word *pioneer* has the effect of leading readers to perceive scholars as explorers who have themselves opened up new ways of studying genocide. It strongly associates the scholars with notions of initiative, as if they are strictly self-empowered.

⁹ Alexander Laban Hinton, “Critical Genocide Studies,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 7.

¹⁰ Cushman, “Is,” 523.

¹¹ Evelyne Finkel and Scott Straus, “Macro, Meso, and Micro Research on Genocide: Gains, Shortcomings, and Future Areas of Inquiry,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 56.

¹² Dominik J. Schaller and Jürgen Zimmerer, “From the Guest Editors: Raphael Lemkin: The ‘Founder of the United Nation’s Genocide Convention’ as a Historian of Mass Violence,” *Journal of Genocide Research* 7, no. 4 (December 2005): 449; Thomas Kühne, “Colonialism and the Holocaust: Continuities, Causations, and Complexities,” *Journal of Genocide Research* 15, no. 3 (September 2013): 344; Schaller, “Lemkin,” 246; Uğur Ümit Üngör, “Studying Mass Violence: Pitfalls, Problems, and Promises,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 68-69.

¹³ For instance, a work categorizes both Vahakn Dadrian and Richard Hovannisian in one group as if there is no distinction between their roles in the development of what is labeled “the Armenian Genocide” as a subject of study. See: Totten, “State,” 213. However, a close examination, which is reserved here for Chapter 5, will show that this arrangement of groups glosses over significant differences. While

and the United States government, but rather between the early scholars and their perceived identity as either Jewish or Armenian,¹⁴ in a manner which insinuates that the genocide scholarship took shape according to these scholars' commitment to their separate group rather than in keeping with a political agenda. On numerous occasions, conjugated forms of the verbs *to emerge* and *to evolve* are used to present the development of the field of study as a whole, thereby suggesting that the field's maturation was a result of self-growth, as if it has been growing independently or naturally.¹⁵

The references to the time when genocide studies began are inconsistent and

Hovannisian avoided using the term *genocide* in his written publications until the late 1970s even in works of history that cover the year 1915. Dadrian had already characterized the Armenian experience as genocide in the 1960s. A careful distinction between the works of Dadrian and Hovannisian in the context of genocide usage sheds light on the differences between the utilization of sociology and history as two separate academic fields.

¹⁴ A. Dirk Moses, "Revisiting a Founding Assumption of Genocide Studies," *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 294. In addition, Moses calls his readers' attention to the field's "founders' biographies" rather than the American system of education, and to "the intellectual and cultural context of the 1970s" rather than the political context of American power.

¹⁵ For descriptions of an emerging field of study and discourse, see: Steven L. Jacobs, review of *Holocaust and Genocide Bibliographic Database*, edited by Marc I. Sherman and Israel W. Charny, *Holocaust and Genocide Studies* 9, no. 2 (Fall 1995): 267; Steven L. Jacobs, review of *The Widening Circle of Genocide*, edited by Israel W. Charny, *Holocaust and Genocide Studies* 9, no. 3 (Winter 1995): 389; Cushman, "Is," 528; Mark Levene, "A Dissenting Voice: Or How Current Assumptions of Deterring and Preventing Genocide May Be Looking at the Problem through the Wrong End of the Telescope, Part I," *Journal of Genocide Research* 6, no. 2 (June 2004): 155; Daniel Feierstein, "Leaving the Parental Home: An Overview of the Current State of Genocide Studies," trans. Douglas Andrew Town, *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 257, 266; Hinton, "Critical," 4, 6-7; Herbert Hirsch, "Preventing Genocide and Protecting Human Rights: A Failure of Policy," *Genocide Studies International* 8, no. 1 (Spring 2014): 1; Laase Heerten and A. Dirk Moses, "The Nigeria-Biafra War: Postcolonial Conflict and the Question of Genocide," *Journal of Genocide Research* 16, no. 2-3 (July 2014): 181; Elisa Novic, "Physical-Biological or Socio-Cultural 'Destruction' in Genocide? Unravelling the Legal Underpinnings of Conflicting Interpretations," *Journal of Genocide Research* 17, no. 1 (March 2015): 63; Thomas James Rogers and Stephen Bain, "Genocide and Frontier Violence in Australia," *Journal of Genocide Research* 18, no. 1 (March 2016): 91. For descriptions of an evolving field of study and discourse, see: Totten, "State," 224; Schaller, "Lemkin," 248; Sheri P. Rosenberg, "Genocide is a Process, Not an Event," *Genocide Studies and Prevention* 7, no. 1 (Spring 2007): 21; Theriault, "Grain," 124; Cushman, "Is," 523; Novic, "Physical-Biological," 63. In one article it is stated that some of the "early genocide scholars" simply began "to appear on the scene." See: Charny, "Requiem," 111.

without detailed relation to the context of power relations and historical developments.

Some accounts relate the beginning of genocide studies to the aftermath of WWII directly,¹⁶ while others relate it to the late 1970s and early 1980s,¹⁷ and one scholar makes both claims in one article.¹⁸ There are no attempts to point at the relevant set of circumstances in the realm of politics and “genocide” that surrounded the advent of the three journals.¹⁹ Even though the history of genocide studies has involved calls for action outside the realm of academia, there is great obscurity regarding the intertwining

¹⁶ Cushman “Is,” 523, 528; Melson, “Critique,” 279. These references to WWII do not merely identify the origin of “genocide” with the war, but go as far as suggesting that genocide studies started following the war. It is unclear whether this is the result of the authors’ inability to discern between the origin of the term and the origin of the field of study or the authors’ expectation that readers would be unable to make the discernment.

¹⁷ Totten, “State,” 212; Hinton, “Critical,” 6; Finkel and Straus, “Macro,” 56; Heerten and Moses, “Nigeria-Biafra,” 181. In one work there is reference to the “rise of interest in the Holocaust” during this time, without mentioning the United States government or the President’s Commission. See: Richard Leibowitz, review of *The History and Sociology of Genocide*, by Frank Chalk and Kurt Jonassohn, *Holocaust and Genocide Studies* 6, no. 4 (1991): 428. Moreover, there appears to be a measure of revisionism: Israel Charny claims that he began his engagement with the “studies of genocide in 1963,” and cites an article by him from 1968 to support that claim. However, the article that he mentions contains no reference to “genocide.” See: Charny, “Requiem,” 121 (note 32); Israel W. Charny, “Teaching the Violence of the Holocaust: A Challenge to Educating Potential Oppressors and Victims for Nonviolence,” *Jewish Education* 38 (1968): 15-24. It is inaccurate and misleading to present a work that focuses on the Jewish experience regarding the Holocaust without any recognition of the term *genocide* as a work of genocide studies. A survey of Charny’s works shows that there is no detectable focus on “genocide” in them before the President’s Commission was organized in the late 1970s.

¹⁸ Feierstein, “Leaving,” 257, 266.

¹⁹ For example, an article in *JGR* informs its readers about the hundreds of millions of dollars that have been committed in 1999 to establish a court in which those who were members of the Khmer Rouge government in 1975-1979 may be tried in Cambodia, but there is no consideration of the possibility that the founding of the journal in 1999 is related to this development. See: George Chigas, “The Politics of Defining Justice after the Cambodian Genocide,” *Journal of Genocide Research* 2, no. 2 (June 2000): 254. In the same vein, the editors of *GSP* do not announce that the journal’s origin in 2006 is designed to create another platform for American efforts to persuade the public to support the government’s claims that genocide is being committed in Darfur, but rather is explicit about the journal’s association with the Zoryan Institute, which is dedicated to Armenian studies. See: Israel W. Charny and Roger W. Smith, “Why GSP?” *Genocide Studies and Prevention* 1, no. 1 (July 2006): i. It is also noteworthy that the United States government-affiliated “Genocide Prevention Task Force was officially launched in November 2007” with *GSP* ready to function as a source of narration that carries the idea of prevention as its banner. For example, see: Herb Hirsch, “Editor’s Introduction,” *Genocide Studies and Prevention* 4, no. 2 (2009): 147.

between the scholars' ideas for intervention in the affairs of other governments and American interests to do so.²⁰ Not only does the genocide scholarship refrain from computing American power into the origin of the term *genocide*, it does not recognize the developments in the use of "genocide" internationally since the 1990s as being related to the ratification of the Genocide Convention in the United States in the late 1980s.²¹ The genocide scholarship controls the information on its own history and purpose under the rubric of self-critique,²² or through self-congratulation,²³ and uses this control to steer the content that it produces about its own origins away from its American sources.

The hard-power root of the genocide scholarship has become exceedingly

²⁰ The field of genocide studies is said to have originated as a "preventative project of modernity and as a form of human rights practice." See: Cushman, "Is," 540. In one article there is vague reference to the "Genocide Early Warning System (GEWS)," which is said to have been "devised" in the "1970s" by Israel Charny and Chanan Rapaport, without there being any mention of GEWS' relation to the Committee of Conscience that was suggested as a matter of policy in the report by the President's Commission for the same purpose of publicizing early reports on alleged genocides. See: Michael J. Bazylar, "In the Footsteps of Raphael Lemkin," *Genocide Studies and Prevention* 2, no. 1 (Spring 2007): 52; Wiesel, *Report*, 13-14. Israel Charny's own account of GEWS does not place it in the context of the President's Commission and its policy suggestion to establish a Committee on Conscience. See: Charny, "Requiem," 111.

²¹ Jeffrey S. Morton and Neil Vijay Singh, "The International Legal Regime on Genocide," *Journal of Genocide Research* 5, no. 1 (March 2003): 63; William A. Schabas, "The 'Odious Scourge': Evolving Interpretations of the Crime of Genocide," *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 97; Saul Ben, "From the Guest Editor: Building on the Law on Genocide," *Journal of Genocide Research* 9, no. 2 (June 2007): 173. These texts mention the first administration of competent tribunals for the charge of genocide without addressing the possible relationship between the American ratification and the unprecedented organization of courts within the following decade.

²² Totten, "State," 211-230; Schaller, "Lemkin," 245-256; Feierstein, "Leaving," 257-269; Melson, "Critique," 279-286; Moses, "Revisiting," 287-300; Hinton, "Critical," 4-15; Theriault, "Grain," 123-144.

²³ One scholar states that "The growth of our field is impressive," and what he finds impressive is the expansive use of the term *genocide*: "Scholarship spans the alphabet, from the Armenian and Bangladesh genocides to those perpetrated in the former Yugoslavia and in Zimbabwe." See: Colin Tatz, "Genocide Studies: An Australian Perspective," *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 231. Another scholar claims that "The triumph of the term 'genocide' is reflected in the development of a productive and vibrant scholarly community," making genocide studies "a pure success story." See: Schaller, "Lemkin," 247-248. Schaller attributes the popular usage of "genocide"—"Over 5.2 million books scanned by Google" at the time of his writing—to the work of scholars rather than the structure that invites, enables, and sustains the production of this literature. See: *Ibid.*, 246. The genocide scholarship even contains one scholar's congratulation of another's critique of the field. See: Hinton, "Critical," 4.

concealed throughout the accumulating years of genocide studies largely because the field's development has been aligned with its internationalization, which not only makes the field's identity seem less American but also enhances its effectiveness in discourse control. The promotion of two separate organizations of genocide scholars, the International Association of Genocide Scholars (IAGS) and the International Network of Genocide Scholars (INoGS),²⁴ has facilitated content that would not by itself orient readers to know that the organizations have a unified history and purpose. The latter organization is said to have been founded in Berlin in January 2005,²⁵ but *JGR*, which serves as its literary platform, is actually an American project.²⁶ The history of their mutual empowerment is defied by a proclivity to emphasize their differences,²⁷ and the

²⁴ The names of both organizations advertise an international quality. IAGS used to be without the international marker in its name, originally known as the Association of Genocide Scholars (AGS) when it was established in 1994. See: International Association of Genocide Scholars, "About Us: History," <http://www.genocidescholars.org/about-us/history> (accessed, 1/23/2017). INoGS was conceived to function as a European network, and it was introduced as the European Network of Genocide Scholars before adopting its current name. See: Charny, "Requiem," 120.

²⁵ International Network of Genocide Scholars, "About Us," <http://inogs.com/about-us/> (accessed, 1/23/2017).

²⁶ According to the American original editor of *JGR*, an agreement was already signed between the journal and the new organization in September 2004. See: Henry R. Huttenbach, "From the Editor: *JGR* Finds a Home!" *Journal of Genocide Research* 6, no. 4 (December 2004): 485. INoGS' website does not specify the deliberations and decisions that were made prior to January 2005 or September 2004—possibly in locations other than Berlin—toward the establishment of a second organization of genocide scholars. At any rate, in the post-WWII international scene, the mention of Berlin as an origination point of an organization might show it as international in the public eye but does not actually preclude an Anglo-American design. Interestingly, Taylor & Francis Group remained the publisher of the journal. See: *Ibid.* The journal's predecessor, *The Genocide Forum*, first appeared in September 1994 and was operated by the same person, Huttenbach. See: Henry R. Huttenbach, "From the Editor: *Apologia Rationalis*," *Journal of Genocide Research* 1, no. 1 (March 1999): 7. Previously, Huttenbach contributed to the first American journal on genocide, *HGS*, which carried out the United States government's plan, as indicated by the President's Commission, to stabilize a discourse on "genocide" through relatability to the Holocaust. See: Henry R. Huttenbach, "Locating the Holocaust on the Genocide Spectrum: Towards a Methodology of Definition and Categorization," *Holocaust and Genocide Studies* 3, no. 3 (1988): 289-303. In his article, Huttenbach states: "Once the Holocaust is classified as a case of genocide, one can begin the process of ranking it alongside others which qualified according to the definition." See: *Ibid.*, 300.

²⁷ Jürgen Zimmerer, INoGS' first president, professes that the organization stands out for its "global and decolonial approach." See: Jürgen Zimmerer, "Genocide," 206. Dominik Schaller, who became Huttenbach's co-editor of *JGR* along with Zimmerer in 2005 and remained in that position until 2010,

effect of their pronounced disagreements is an enlarged scope of the genocide scholarship's total spread of information regarding the term *genocide*.²⁸

Another major trend that makes it difficult for readers to trace the history of genocide studies going by the literature in *HGS*, *GSP/GSI*, and *JGR* regards the treatment of the Holocaust. In an evasion of its own history as a government-sanctioned field of study that was nursed by the public consensus about Holocaust memory,²⁹ the genocide scholarship is conditioned to see Holocaust studies as a shadow that is cast on its continued growth rather than acknowledge that Holocaust studies had been the fertile ground on which it originally grew.³⁰ The modification of Holocaust studies under the authority of the United States government was the genocide scholarship's historical

claims—while writing for *GSP*, the opposite organization's journal, in 2011—that the two organizations “compete with each other.” See: Schaller, “Lemkin,” 247. Israel Charny, a cofounder and former president of IAGS, claims that he and other genocide scholars were insulted by the appearance of certain controversial articles by members of INoGS, such as those on “Zionism and Israel,” and maintains that the two organizations take a different approach to the profession. See: Charny, “Requiem,” 120. More recently, *GSP* published an article that calls more attention to Charny's feud with *JGR* about its treatment of the Holocaust and the State of Israel. See: Amos Goldberg et al., “Israel Charny's Attack on the *Journal of Genocide Research* and its Authors: A Response,” *Genocide Studies and Prevention* 10, no. 2 (2016): 3-22. However, both sides of this debate are agents of information whose empowerment is American-based. Jewish history and the State of Israel might seem to be defended by Charny, but in actuality the effect is that they are used as a springboard for the genocide discourse. The enhancement of the genocide discourse is a goal that is shared and promoted by Charny and the genocide scholars who are associated with *JGR*. There used to be less written material to conceal this common aim. For instance, before the posture became accentuated the conference of AGS (IAGS' original name) was announced on *JGR*, which is now linked with INoGS. See: “Conference Announcement,” *Journal of Genocide Research* 3, no. 1 (March 2001): 171. In addition, a work presented at an IAGS conference was published by *JGR*. See: Levene, “Dissenting,” 163 (note 1). Perhaps, the commonality in editorial purpose that is shared by all three journals is best reflected by the fact that Vahakn Dadrian has had at least one article under his name published in each of the genocide journals.

²⁸ A source of information can produce more volume, reach wider audiences, and control what counts as variety, by multiplying its instruments of representation and generating points of contention between them.

²⁹ According to the President's Commission, genocide prevention is seen as a component of the Holocaust's living memorial. See: Wiesel, *Report*, 9.

³⁰ Hinton, “Critical,” 4. Without getting into details, Hinton only offers a limited remark about genocide studies' origins being “closely tied” to Holocaust studies. See: *Ibid.*, 7.

breath of life. However, for it to exist effectively as a scholarly endeavor, the genocide scholarship has distanced itself from its most basic point of origin, and has taken on a self-proclaimed social-scientific identity that is based on comparative theory and boasts an interdisciplinarity to boost academic credibility.³¹

Chief and first among the topics of comparison was the Armenian experience.³²

Significantly, the genocide scholarship's account of its own history on the Armenian issue looks away from preexisting developments that prepared minds for a genocide

³¹ For examples of references to the field's social-scientific self-image, see: Vahakn N. Dadrian, "Essay: Comments on Robert Melson's *Revolution and Genocide*," *Holocaust and Genocide Studies* 8, no. 3 (Winter 1994): 411; Taner Akçam, "Guenter Lewy's *The Armenian Massacres in Ottoman Turkey*," *Genocide Studies and Prevention* 3, no. 1 (Spring 2008): 119; Maureen S. Hiebert, "Theorizing Destruction: Reflections on the State of Comparative Genocide Theory," *Genocide Studies and Prevention* 3, no. 3 (Winter 2008): 335; Schaller, "Lemkin," 246, 251; Scott Straus, "Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide," *Journal of Genocide Research* 3, no. 3 (November 2001): 370; Jacques Semelin, "Toward a Vocabulary of Massacre and Genocide," *Journal of Genocide Research* 5, no. 2 (June 2003): 209; Henry R. Huttenbach, "Editor's Note: A Caveat. Towards a Theory of Genocide? Not Yet," *Journal of Genocide Research* 6, no. 1 (March 2004): 5. For examples of references to the field's interdisciplinarity, see: Vahakn N. Dadrian, "Towards a Theory of Genocide Incorporating the Instance of Holocaust: Comments, Criticisms and Suggestions," *Holocaust and Genocide Studies* 5, no. 2 (1990): 129; Cushman, "Is," 523; Levene, "Dissenting," 155; Uğur Ümit Üngör, "Team America: Genocide Prevention?" *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 32; "A Plea from International Scholars of Genocide and Human Rights Studies," *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 301; Hinton, "Critical," 6; Rosenberg, "Genocide," 21. The idea that the interdisciplinarity of the field originates in Lemkin's own teaching of genocide is conveyed in two articles. See: Tanya Elder, "What You See Before Your Eyes: Documenting Raphael Lemkin's Life by Exploring His Archival Papers, 1900-1959," *Journal of Genocide Research* 7, no. 4 (December 2005): 490; Donna-Lee Frieze, "New Approaches to Raphael Lemkin," *Journal of Genocide Research* 15, no. 3 (September 2013): 249. The overall view of genocide studies as interdisciplinary from its inception leads away from examining how sociological studies in particular presented a platform for unprecedented usage of the term *genocide* before it became the norm among other disciplines and before the establishment of genocide studies.

³² In the introduction to *HGS* as a new journal, the only case that is labeled as genocide and said to be the subject of future articles and contributions is the Armenian one. See: Yehuda Bauer, "Editor's Introduction," *Holocaust and Genocide Studies* 1, no. 1 (1986): 1. Bauer also mentions "problems concerning the Native Indian populations of the Americas," but without relating the term *genocide*, and while the two words "Armenian" and "genocide" are coupled together into a phrase dozens of times in the articles that have been published by this journal over the years, a phrase such as "Native American genocide" does not appear at all nor was the case of the Native Americans addressed even remotely as many times as the Armenian. Furthermore, the "first comparative genocide studies conference," which was held in Tel Aviv in 1982, featured a focus on Armenian victimhood—freely labeled as genocide—alongside the Holocaust. See: Heerten and Moses, "Nigeria-Biafra," 184.

discourse that features the Armenians as victims. The genocide scholarship does not recognize the administrative processes that established Armenian studies in the 1950s and the publicized references to genocide regarding the status of Armenians as victims in WWI since the 1960s as an interest and policy of the American government to increase its influence in a Soviet region; rather, the genocide scholarship instilled a notion that the world was somehow waking up from a “collective amnesia” about the Armenian suffering,³³ thus conflating the use of “genocide” with Armenian memory. This conflation promotes the view of Turkey as a denier state, but there is no Turkish opposition to the historical study of the events or an understanding of the Armenian suffering inherent in the Turkish disagreement with the popular usage of the legal term *genocide*. The unscholarly supposition that “genocide” and memory are inseparable in the Armenian past has gone unchallenged in effect because the main voice of objection to the use of genocide in this context in general has been associated with the Turkish

³³ Samuel Totten, review of *Survivors: An Oral History of the Armenian Genocide*, by Donald E. Miller and Lorna Touryan Miller, *Holocaust and Genocide Studies* 9, no. 2 (Fall 1995): 255. The phrase “collective amnesia” is used by another genocide scholar, but in reference only to Turkish society as opposed to the whole world. See: Roger W. Smith, “How Does One Address the 100th Anniversary of the Armenian Genocide and Modern Denial?” *Genocide Studies International* 10, no. 1 (Spring 2016): 104. The phrase “collective amnesia” is related to the function of “forgotten genocide” as a phrase, which is also used by Totten. See: Totten, review of *Survivors*, 254. The idea of forgetting or not remembering in this context was first made popular in the 1960s. See: Marjorie Housepian, “The Unremembered Genocide,” *Commentary*, September 1966, 55-61. As a rhetorical tactic, “forgotten genocide” is a phrase that carries in it a presupposition that what happened to the Armenians was genocide, and it embodies the conflation of Armenian memory and the use of genocide by falsely suggesting that leaving out the term *genocide* from this aspect of Armenian history is akin to forgetting this history. More recently, Dominik Schaller is associated with references to the phrase, first by stating that it “had been one of the forgotten genocides for a long time,” then in a call for papers in the journal that he co-edited the Armenian case is said to be “still labelled as a ‘forgotten genocide,’” and later he promotes the claim that it is no longer a “forgotten genocide.” See: Dominik J. Schaller, “From the Editor(s): Genocide Research, Preventionism and Politics of Memory—A Personal Note,” *Journal of Genocide Research* 8, no. 3 (September 2006): 246; “Announcement: Call for Papers,” *Journal of Genocide Research* 9, no. 2 (June 2007): 347; Dominik J. Schaller and Jürgen Zimmerer, “Late Ottoman Genocides: The Dissolution of the Ottoman Empire and Young Turkish Population and Extermination Policies—Introduction,” *Journal of Genocide Research* 10, no. 1 (March 2008): 10; Schaller, “Lemkin,” 253. Either way, the effect is to connect the term *genocide* with the Armenian experience.

government,³⁴ thereby depicting the genocide scholarship as a valiant entity that is caught up in a history of adversity coming from a political power. This idea of a fight against powerful denialism is a substantive factor in the projected history of genocide studies,³⁵ and has relieved the genocide scholarship from having to express a denial that it is an extension of a policy by the United States government.³⁶

In consideration of the genocide scholarship's presentation of its own history and purpose, the following research questions, which are not asked by the genocide scholarship itself, are pertinent for better understanding genocide studies: Why does the

³⁴ Vigen Guroian, "Post-Holocaust Political Morality: The Litmus of Bitburg and the Armenian Genocide Resolution," *Holocaust and Genocide Studies* 3, no. 3 (1988): 318; Roger W. Smith, Eric Markusen, and Robert Jay Lifton, "Professional Ethics and the Denial of Armenian Genocide," *Holocaust and Genocide* 9, no. 1 (Spring 1995): 4; Hank Theriault, "Universal Social Theory and the Denial of Genocide: Norman Itzkowitz Revisited," *Journal of Genocide Research* 3, no. 2 (June 2001): 242; Henry R. Huttenbach, review of *Armenien und der Völkermord: Die Istanbul Prozesse und die türkische Nationalbewegung*, by Taner Akçam, *Journal of Genocide Research* 5, no. 2 (June 2003): 325; Stephen Feinstein, review of *Ambassador Morgenthau's Story*, by Henry Morgenthau, *Journal of Genocide Research* 7, no. 2 (June 2005): 294; Paul Boghossian, "The Concept of Genocide," *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 69, 71; Vahagn Avedian, "The Armenian Genocide of 1915 from a Neutral Small State's Perspective: Sweden," *Genocide Studies and Prevention* 5, no. 3 (Winter 2010): 323.

³⁵ What is seen as genocide studies' formative conference in Tel Aviv in 1982 is largely characterized by claims that the Turkish government was trying to impose its opposition to the use of "genocide" regarding the Armenian suffering in WWI. The publicized conflict between the Turkish government and the organizers of the event has been marked as an important moment in the history of genocide studies. It is presented as exemplary of "attempts by the Turkish government to disrupt academic conferences and public discussions of genocide." See: Smith, Markusen, and Lifton, "Professional," 4; Vartkes S. Dolabjian, "The Armenian Genocide as Portrayed in the *Encyclopaedia Britannica* [sic]," *Journal of Genocide Research* 5, no. 1 (March 2003): 103; Roger W. Smith, "Genocide Denial and Prevention," *Genocide Studies International* 8, no. 1 (Spring 2014): 107. The genocide journals contain no works that examine the connection between the American government—or specifically the Americans who took part in the President's Commission in 1979—and the organization of the conference in Tel Aviv.

³⁶ A scholar such as Daniel Feierstein whose work in the genocide scholarship presents him as a credible critique of American foreign policy then functions as a believable narrator when he produces information about the history of genocide studies as if the field was established independently of American power. Compare: Daniel Feierstein, "Getting Things into Perspective," *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 155; Feierstein, "Leaving," 257. The abundance of references that describe the genocide scholarship as if in a disadvantaged position against the Turkish government helps the believability of the historical account that omits the empowerment of genocide studies by the United States government. By pointing away from the dominance over discourse that the genocide scholarship has, its link with the great power of the United States government becomes less noticeable.

genocide scholarship hesitate to offer a clear distinction between the history of the term *genocide* and the history of genocide studies? Why is Lemkin said to be the founder of genocide studies even though “genocide” was not a field of study for many years after he died? Why is the discourse on the history of genocide studies based on accounts about the personal motivations and accomplishments of individual scholars rather than the political function of the information that is produced by genocide studies and the infrastructure that accommodates it? Who had the political power to promote genocide studies as an academic field? In what context did the idea of genocide studies first become the subject of planning by those who have the power to establish academic fields of study? How can the genocide scholarship negotiate between recognizing that it is empowered by the United States government and maintaining credibility as a scholarly endeavor? What made sociological studies the chosen platform for the advancement of works that aggressively labeled the Armenian victimhood as genocide in the late 1960s prior to the gradual incorporation of the label in works of history and the establishment of genocide studies in the late 1970s and early 1980s? What considerations of international law preceded the decision to establish the President’s Commission? What tactics of soft power were used through the first international conference of genocide studies in Tel Aviv in 1982 to advance the popular usage of genocide?

The Holocaust Made Comparable

Since historical context points at the Holocaust as the event that carries the quintessence of “genocide,” the comparison of other events to the Holocaust is the essential theory and practice of a field of study whose purpose it is to generate

information about “genocide” in accordance with the interests of those who empowered it to do so. At the time of the President’s Commission, there had been no cases of genocide charged before a competent tribunal, and the simple recitation of the Genocide Convention on what qualifies as genocide would not have created opportunities for a discourse that would influence knowledge of “genocide.” Therefore, in order for the genocide scholarship to dictate a language on genocide, its first words were of relation to the one prototypical case.³⁷

The term *genocide* had not been commonly used in connection with the Holocaust until the late 1970s, and the report by the President’s Commission displays a purposed usage of the term to describe the Holocaust, in preparation of the genocide scholarship’s need to establish itself by first establishing the Holocaust as a frame of reference to the meaning of “genocide.” In the report of the President’s Commission, the term *genocide* is incorporated four times into a brief discussion of the Holocaust prior to unfolding a narrative about the Armenian experience that includes the term as well.³⁸ This means that the modus operandi of the genocide scholarship was foreshadowed and furnished in an official document of the United States government. The President’s Commission harnessed the gravitas of those who were perceived as the guardians of Holocaust

³⁷ It is here noted that not a single Nazi German under the leadership of Adolf Hitler was ever convicted of genocide by a competent tribunal. The Genocide Convention was adopted in December 1948, over two years after the primary set of the Nuremberg Trials had ended. This is recognized by the genocide scholarship. See: Daniel Marc Segesser and Myriam Gessler, “Raphael Lemkin and the International Debate on the Punishment of War Crimes (1919-1948),” *Journal of Genocide Research* 7, no. 4 (December 2005): 463; David Stannard, “De’ja Vu All Over Again,” *Journal of Genocide Research* 10, no. 1 (March 2008): 131; William A. Schabas, “‘Definitional Traps’ and Misleading Titles,” *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 178; Hilary Earl, “Prosecuting Genocide before the Genocide Convention: Raphael Lemkin and the Nuremberg Trials, 1945-1949,” *Journal of Genocide Research* 15, no. 3 (September 2013): 319.

³⁸ Wiesel, *Report*, 4-5.

memory toward the effect of lending credibility to those whose profession it would be—by the nature of the task to produce a compelling discourse about the prevalence of genocide—to claim that the Holocaust is not unique. In other words, the United States government commissioned a previously nonexistent genocide scholarship to produce knowledge that the Holocaust is monumental but also that—when characterized as a genocide—it is not one of a kind.

Such a maneuver passed effectively via the agency of highly regarded Jewish scholars and recognizable representatives of the American Jewish community, who as members of the President’s Commission and its advisory board facilitated the utilization of Holocaust memory for the spawning of a wide-yet-centralized and a wild-yet-controlled discourse on “genocide.” It is said that there were “strong disagreements among American Jews about institutionalizing Holocaust memory” because of fears that—as it becomes “part of the official legacy of the American experience”—the popularization of Holocaust memory could have an adverse effect on the Jews’ relationship with other ethnic groups or with their own collective past and identity, and that the memory might be trivialized or politicized.³⁹ While these are expressions of sensible concerns that were publicized at the time, the narration of them as an inter-Jewish dilemma seems to be itself aligned with the genocide discourse for it too turns the public away from considering how the institutionalization of Holocaust memory may have been the execution of a soft-power strategy, which provided a foundational orientation for the usage of the term *genocide*. Thus, the mainstream account of this

³⁹ Edward T. Linenthal, *Preserving Memory: The Struggle to Create America’s Holocaust Museum* (New York: Viking, 1995), 12-15.

institutionalization unfolds a story about the back and forth of a White House administration's electoral interests and interest-group lobbying,⁴⁰ and gives no heed to how the ability to control the memory of the Holocaust may have been crucial for the promotion of international law. The narration shows the institutionalization of the Holocaust as a Jewish-processed outcome, but the utilization of Holocaust memory for the management of the term *genocide* suggests the existence of a greater plan for the advancement of international law.⁴¹

In line with the direction that was set by the President's Commission, the genocide scholarship demeans the memory of the Holocaust as an event. Hitler's alleged comment about the Armenians was used by the President's Commission, and then in the memorialization by the United States Holocaust Memorial Museum (USHMM), in a manner that imposed a connection between the Ottoman Armenian experience and the Holocaust in the historical narrative.⁴² This sudden lack of source criticism in the

⁴⁰ For instance, Linenthal writes that United States President Jimmy Carter's decision to assemble a commission for the recommendation of "an appropriate national Holocaust memorial" had "everything to do with the domestic political priority of appeasing Jewish interests." See: *Ibid.*, 17. Furthermore, he points at "troubles" that Carter had with the Jewish community just prior to the advent of the President's Commission. See: *Ibid.*, 18.

⁴¹ For example, in April 1978—just a few months before the President's Commission was established—a miniseries about the Holocaust was televised by the American national network, NBC, but Linenthal's mention of this broadcast focuses on the critical reaction to the quality of it as a narration of memory without expanding on how its timing in relation to the President's Commission could be an indicator of a strategy regarding the usage of Holocaust memory. Linenthal relays that the *The Holocaust* had "an estimated audience of approximately 120 million," but does not express how this act of creating a massive wave of public awareness about the Holocaust might be connected to the President's Commission as part of designed information toward a political goal. See: *Ibid.*, 12. In Linenthal's text there is a quote of a film historian who in a discussion of the miniseries referred to the Holocaust as "the Nazi genocide," but Linenthal does not consider that the popularization of this phrase—Nazi genocide—may have been a primary objective in an informational campaign that sought to establish a discourse about genocide through the memory of the Holocaust. See: *Ibid.*

⁴² The so-called Hitler quote, which questions on the eve of WWII if anybody still spoke of what happened to the Armenians, functions as a magnifier of Armenian victimhood and a decontextualized suggestion that what Hitler intended to accomplish in WWII was somehow encouraged by the failure of the international community to remember the Armenian suffering in WWI. Aside from the selectivity in which this quote

treatment of the Holocaust's memory is made more conspicuously odd when paired with the genocide scholarship's claim that the effort to compare the Holocaust to other events is warranted by a "scientific method."⁴³ In the first editorial of the first genocide journal, *HGS*, Yehuda Bauer, a scholar of the Holocaust who acted as the journal's editor, poses as foundational the question "whether 'Holocaust' and 'genocide' are interchangeable terms."⁴⁴ Thereby, the seeds were planted for a genocide discourse that bases itself on a

has been emphasized, its authenticity is doubted, especially when considering that the report of the President's Commission used a later version of the "alleged" quote. See: Wiesel, *Report*, 5. Despite being an unproven comment, the quote's supposed words in English are on display at the USHMM. This is a break of the promise made by the director of the USHMM during its planning and early days of operation, who in a co-authored book states that "The slightest doubt about the accuracy of the caption of a photograph, or about the provenance of an artifact led to its disqualification," because "The quest for truthfulness and proven authenticity helped give the exhibition a very high degree of credibility." See: Jeshajahu Weinberg and Rina Elieli, *The Holocaust Museum in Washington* (New York: Rizzoli International Publications in collaboration with the United States Holocaust Memorial Museum, 1995), 153. Despite this assurance, the credibility of the USHMM was used to lend believability to a controversial comment that has never been confirmed as historically true. Furthermore, the book expresses a clear opposition to turning the USHMM into "a museum of genocide" for fear that it would unmark the "very delicate demarcation line" that "separates the appropriate use" of the Holocaust's "metaphoric universality" from "its abuse." See: *Ibid.*, 19. Franklin Littell was the first to refer to Hitler in a genocide journal as part of the attempt to make the Holocaust comparable to the Armenian experience. Even though the quote suffered from an unproven status, Littell nonetheless expresses in an academic journal without qualification that "Hitler was well aware of the Armenian massacres," and does not hesitate to speculate that "Hitler's Holocaust was launched in awareness of the failure of 'world opinion' in respect to the Armenians." See: Franklin H. Littell, "Holocaust and Genocide: The Essential Dialectic," *Holocaust and Genocide Studies* 2, no. 1 (1987): 98. Before contributing to the first genocide journal, *HGS*, Littell was on the advisory board of the President's Commission and on the organizing committee of the first international conference on genocide. See: Wiesel, *Report*, 38; Israel W. Charny and Shama Davidson, eds., *The Book of the International Conference on the Holocaust and Genocide: The Conference Program and Crisis* (Tel Aviv: Institute of the International Conference on the Holocaust and Genocide, 1983), 7. Littell's involvement in both government policy and academic production provides one straight line that connects between the report of the President's Commission and the genocide scholarship that later executed its recommendations. In a review of a book on Hitler and the Armenians, a scholar tries to support the believability of the quote by pointing out that the American journalist who produced the quote, Louis P. Lochner, "had excellent contacts with German officials during the war," but he does not address Lochner's affiliation with the Associated Press whose general mission is an effort to connect between American-sourced information and global knowledge. See: David Myers, review of *Hitler and the Armenian Genocide*, by Kevork Bardakjian, *Holocaust and Genocide Studies* 2, no. 1 (1987): 176. The genocide scholarship does not shy away from conjecture to promote the Armenian experience as a case of genocide, such as stating confidently that Hitler "knew quite a lot about the Armenian Genocide." See: Smith, "How," 102. For a discussion of Hitler's alleged quote in the context of international law, see: Chapter 5, section titled "The Scholarly Discourse."

⁴³ Littell, "Holocaust," 99.

⁴⁴ Bauer, "Editor's," 1. Years later, the genocide scholarship states that "Fortunately, some Holocaust

genericized view of the Holocaust.⁴⁵ Following its repeated insistence on presenting the Holocaust as a genocide among genocides,⁴⁶ there was momentum for degrading the

scholars, such as Omer Bartov and Yehuda Bauer, have developed a different point of view and have demonstrated that they are open to comparative analysis with other cases of genocide.” See: Jacques Semelin, “Around the ‘G’ Word: From Raphael Lemkin’s Definition to Current Memorial and Academic Controversies,” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 26. Not only is the comparability of the Holocaust viewed favorably from this perspective, it also gives the impression of the comparative approach being the result of research decisions made by certain key individual scholars of the Holocaust rather than recognize the connection between the President’s Commission and the editorial direction that is expressed by Bauer in *HGS*’ first issue.

⁴⁵ To make the generic view of the Holocaust as a genocide appear as if academically legitimate rather than politically decreed, scholars such as Vigen Guroian are given platform to state that “In recent years prominent writers on the Holocaust have established a comparability of the Armenian Genocide with the Holocaust.” See: Guroian, “Post-Holocaust,” 305. Later, Bauer himself comments that “The Armenian Genocide at the hands of the Young Turkish regime in World War I has been receiving more and more attention in recent years,” and uses the passive “has been receiving” as if not by design, and as if he did not have a part in the discourse’s design. See: Yehuda Bauer, review of *The History of the Armenian Genocide*, by Vahakn N. Dadrian, *Holocaust and Genocide Studies* 10, no. 3 (Winter 1996): 331. This has the effect of presenting the comparability as a bottom-up scholarly endeavor while ignoring the United States government’s involvement in commissioning this comparative literature. Bauer himself played a role in turning the genocide label of the Armenian victimhood into a popular one. For instance, in Linenthal’s account of the debate on using the USHMM to give expression to the genocide discourse about the Armenians, the text of a letter from Bauer to Ben Meed is featured and it has the effect of leading readers to assume that the Armenian suffering ought to be characterized as genocide. Moreover, it presents Bauer as morally guided and the Turks as forceful. After putting forth Bauer’s mention in the letter to Meed of Turkish pressure on Jews in Jerusalem, London, Istanbul, and Washington, Linenthal adds that “Bauer cautioned him [Meed] that the ‘denial of other people’s genocides would expose us to a tremendous wave of criticism, and would be morally absolutely contemptible.” Linenthal, *Preserving*, 234-235. In this fashion, Bauer’s cultural agency is used to affect public opinion on the popular labeling of the Armenian victimhood as genocide without even having to engage in a discussion of historical detail. The writing and publishing of a letter in this way can be an effective form of persuasion because readers are more likely to be persuaded by a statement when it seems like the source of information was not written to influence them directly. Thus, this letter is exemplary of indirect influence that is the theoretical marker of soft power. Through this letter, Linenthal’s readers were more likely to be persuaded of the narrative because the author of the information, Bauer, was presented as highly credible on different levels: as an independent expert, a moral actor, and as one who did not even try to influence the opinion of the book’s readers. The publication of Bauer’s letter enabled a discourse about the Holocaust and a credible scholar who has no expertise in the study of Ottoman history to have an effect on public opinion regarding the use of “genocide” in the Ottoman Armenian context, and this amounts to the very politicization of Holocaust memory that was reportedly a vocalized matter of concern for members of the American Jewish community. Linenthal’s book contains references that strengthen assumptions toward the popular usage of “genocide” regarding the Armenian victimhood, be it through the direct use of the genocide label in this context or by presenting the Turks as active blockers of memory. For example, see: *Ibid.*, 229-232. As shown in this chapter, it is a trait of the genocide scholarship to treat the Turkish refutation of the genocide label as a Turkish campaign to interfere with collective memory, as if the popular usage of “genocide” is a necessary element in the memory of the Ottoman Armenian experience.

⁴⁶ Even when it might appear as though Bauer is arguing for the uniqueness of the Holocaust by stating that unlike the Nazi Germans “The Turks never planned the murder of Armenians outside of Turkey,” it has the effect of using the Holocaust memory as a pivot for a discourse that calls attention to what Turks did to Armenians rather than what was done to the Turks, or what was done to the Armenians by others, not to

stature of the Holocaust's memory and its value to society.⁴⁷

Moreover, in accordance with the task that it was commissioned to perform, the genocide scholarship demotes Holocaust studies. The President's Commission signaled what soon manifested itself as the direct politicization of Holocaust studies.⁴⁸ However, in a manner that denies knowledge of the guided process in which "genocide" as a topic of study was initially carried by the achievements of the scholarly work on the Holocaust,

mention a myriad of other events of civilian mass deaths that are not mentioned when the Holocaust is compared to the Armenian experience exclusively. See: Yehuda Bauer, "Essay: On the Place of the Holocaust in History (In Honour of Franklin H. Littell)," *Holocaust and Genocide Studies* 2, no. 2 (1987): 215. This leads to a chain reaction in which scholars who wish to publish are drawn into participating in this debate about the Holocaust's comparability to the Armenian experience, and, whether they agree with the comparison or not, their published work has the effect of thickening the volume of information about it and the top-down forcing of a discourse about the Holocaust as a comparable genocide. To this effect, Bauer maintains that the Holocaust is different while emphasizing that it is a genocide among genocides, and not the only genocide. Thus, Bauer is empowered without specification of a clear authority to claim about the Armenian experience that "Clearly, this is more than genocide." See: *Ibid.*, 217. Over the years, the genocide scholarship would mix the Holocaust together in a sentence with the new legally recognized cases of genocide as well the Armenian experience that has no legal standing as genocide. This has the effect of presenting information on a level that washes away distinction between "genocide" cases. For instances of such lists, see: Stacey Gibson, "The Role of Structure and Institutions in the Genocide of the Rwandan Tutsi and the Armenians of the Ottoman Empire," *Journal of Genocide Research* 5, no. 4 (December 2003): 503; Schabas, "'Odious'," 98; Donald Bloxham, "Organized Mass Murder: Structure, Participation, and Motivation in Comparative Perspective," *Holocaust and Genocide Studies* 22, no. 2 (Fall 2008): 208; Üngör, "Team," 32; Üngör, "Studying," 69. In both cases, Üngör presents the list as the subjects of "much useful research." More recently, even Darfur has been added to such lists of "genocides" alongside the Holocaust. See: Hirsch, "Preventing," 2. The genocide scholarship has even engaged in a provocative—and otherwise randomly selected—comparison between the Holocaust and the Nakba. See: Bashir Bashir and Amos Goldberg, "Deliberating the Holocaust and the Nakba: Disruptive Empathy and Binationalism in Israel/Palestine," *Journal of Genocide Research* 16, no. 1 (January 2014): 77-99.

⁴⁷ One genocide scholar states that "...things like the Holocaust ... are happening all the time." See: David Moshman, "Conceptual Constraints on Thinking about Genocide," *Journal of Genocide Research* 3, 3 (2001): 448. In addition, another genocide scholar emphasizes that the Holocaust is not seen as "the landmark moment in the genealogy of genocide studies." See: Hinton, "Critical," 7. The academic license to subject the Holocaust to comparison paved the way for a claim that the Armenian experience in WWI "comes closer to the concept of holocaust than the Jewish one" because "Tens of thousands of Armenians were burned alive" whereas "in the Jewish case the gas chambers almost always preceded the ovens." See: Vahakn N. Dadrian, "The Convergent Aspects of the Armenian and Jewish Cases of Genocide: A Reinterpretation of the Concept of Holocaust," *Holocaust and Genocide Studies* 3, no. 2 (1988): 165.

⁴⁸ The political use of an academic journal that carries the name of the Holocaust, *HGS*, manifested itself in the journal's first issue. An interview with Elie Wiesel is used as a platform to criticize "The cynical attitude of the world with Cambodia" and to suggest that Pol Pot should not have representation in the United Nations. See: Harry J. Cargas, "An Interview with Elie Wiesel," *Holocaust and Genocide Studies* 1, no. 1 (1986): 5.

the genocide scholarship nowadays describes Holocaust studies as backward in comparison to genocide studies.⁴⁹ Henry R. Huttenbach, who in the 1990s turned his focus from the Holocaust to genocide studies, campaigned as the editor of *JGR* for comparing the Holocaust as genocide to other events and berated the academic worth of Holocaust scholars who do not,⁵⁰ even though his own monograph in 1981 on the Holocaust experience does not describe it as genocide even once, let alone demonstrate an inclination to compare its historical significance with other events.⁵¹ The genocide scholarship has instilled an overall sentiment that the focused study of the Holocaust is used to maintain the prominence of Jewish history in world history, and as if a euphemism for Jewish exceptionalism that is imposed on others.⁵²

⁴⁹ The genocide scholarship claims that “Scholarship on the Holocaust too often treats the subject as if it occurred in a vacuum, as an event to be reckoned with and analyzed on its own.” See: Christopher J. Fettweis, “War as Catalyst: Moving World War II to the Center of Holocaust Scholarship,” *Journal of Genocide Research* 5, no. 2 (June 2003): 225. The study of genocide is said to be social scientific while the study of the Holocaust is “more often linked to the humanities.” See: Hinton, “Critical,” 7. This has the effect of creating further separation between the two while looking down at Holocaust studies as a field that does not conform to methods of science as genocide studies. Heerten and Moses quote the sociologist and genocide scholar, Helen Fein, whose opinion it is that in the first international conference on the Holocaust in 1975 “the dominant position was that the Holocaust was unique, noncomparable and to some, non-explicable as a historical event—viewed as mystifying or transcendent event.” See: Heerten and Moses, “Nigeria-Biafra,” 181. Meaning, by describing her view as “sober,” the later generation of genocide scholarship show one of the first genocide scholars as sensibly criticizing Holocaust studies. However, this attempt to brand Holocaust studies as unscientific is not based on the works that have been produced by Holocaust studies, but rather on the words of a sociologist-turned-genocide scholar whose work was in keeping with the agenda to pave the way for genocide studies as set out by the President’s Commission. Thus, when years later a genocide scholar argues against the “‘disunion’ between Holocaust and genocide studies,” it has the effect of further obliterating the trace of the political and organizational unity that originally set genocide studies on track. See: Tatz, “Genocide,” 232.

⁵⁰ For example, the opposition to subjecting the Holocaust to comparison is described by Huttenbach as “inherent logical fallacy” and “willed ignorance.” See: Huttenbach, “Editor: *Apologia*,” 9; Henry R. Huttenbach, “From the Editor: A Reply to Fackenheim (2). What is Holocaust Uniqueness? Can Other Genocides Be Unique?” *Journal of Genocide Research* 2, no. 1 (March 2000): 7.

⁵¹ The lack of reference to “genocide” in Huttenbach’s book suggests that one of the most vocal proponents in academia of subjecting the Holocaust to comparisons as genocide himself had engaged in an exemplary historical study of the Holocaust before the genocide scholarship took shape. See: Henry R. Huttenbach, *The Destruction of the Jewish Community of Worms, 1933-1945: A Study of the Holocaust Experience in Germany* (New York: Memorial Committee of Jewish Victims of Nazism from Worms, 1981).

⁵² This is reflected in one genocide scholar’s snide remark that “Some Jews will be upset at the notion that

Finally, in connection with its commitment to enable the use of the term *genocide* in its literature, the genocide scholarship denounces claims that the Holocaust is unique. The uniqueness of the Holocaust had not been a feature of the work by Holocaust scholars, but it was highlighted in the report of the President's Commission in anticipation of a new discourse that seeks to consider the Holocaust in relation to other events.⁵³ Meaning, the genocide scholarship has run an agenda to delegitimize claims of the Holocaust's uniqueness as if made by Holocaust studies, even though the insistence on the Holocaust's uniqueness was not explicit in the actual study of the Holocaust but rather it was made implicit by the great attention that was given to its scholarship.⁵⁴ Significantly, this debate is not a feature of Holocaust scholarship; it is sustained by the editorial direction within the genocide scholarship, which persistently reports a "still

the experience of the Australian Aborigines constituted genocide, preferring instead to consider that only the Holocaust can be so described." See: Paul R. Bartrop, "The Holocaust, the Aborigines, and the Bureaucracy of Destruction: An Australian Dimension of Genocide," *Journal of Genocide Research* 3, no. 1 (March 2001): 83. The tone had been set by many editorials that carried claims to the same effect. As part of his incorporation of "genocide" into common language, Huttenbach leads readers to become suspicious of a Jewish agenda as he claims that "though other genocides have taken place, none of the survivors and scholars, other than those engaged in Holocaust research, have found it necessary to make a claim of uniqueness in a comparative, hierarchic sense." See: Huttenbach, "Editor: A Reply," 8.

⁵³ The uniqueness of the Holocaust was listed by the President's Commission as one of two guiding principles, along with "the moral obligation to remember." See: Wiesel, *Report*, 3.

⁵⁴ Therefore, it is questionable practice for the genocide scholarship to direct criticism against Jewish survivors and scholars who focus on the Holocaust rather than against those who determined that Holocaust studies would have a unique place in the education system, such as those who have power in the United States government. However, this other direction is not really an optional course of action, being that it is by commission of the United States government that the genocide scholarship itself was created, and the criticism against Holocaust studies had become ingrained in the field's development of discourse. Accordingly, the genocide scholarship directs attention to implied or professed Jews who believe that the Holocaust is unique, and keeps silent on government policies that had elevated Holocaust studies before promoting genocide studies. For instance, in his quest to "improve the interpretive landscape of genocide," Huttenbach decries that claims regarding the Holocaust's uniqueness by "(ab)users" are a resurfacing "syndrome," and claims that the use of uniqueness as a term in academia had long been discredited. See: Harry R. Huttenbach, "From the Editor: Uniqueness (Redux): Trivialization by Any Name," *Journal of Genocide Research* 3, no. 2 (June 2001): 185-186.

ongoing debate about the uniqueness and incomparability of the Holocaust,”⁵⁵ and by scholars who disagree with how the genocide scholarship has used the Holocaust’s meaning. The Jewish scholars who are drawn into the fray by the genocide scholarship are—by the nature of how the debate is structured—made to seem like poor professionals if not ethnocentric naysayers.⁵⁶ The question of uniqueness is depicted by the genocide

⁵⁵ Schaller, “Editor(s),” 246.

⁵⁶ Early on, the genocide scholarship presented the “Jewish theologian Emil Fackenheim” as one “who denies the plausibility of any comparison.” See: Dadrian, “Convergent,” 159. In a contribution to *HGS* a year later, Steven T. Katz argues that three cases of victimhood from before the twentieth century and three cases of victimhood during WWII are distinguishable from the Holocaust and are not genocidal, and his selection of cases was such that his essay during a formative time for the genocide scholarship’s discourse did not subject to examination the Armenian case of WWI, which he describes as one of the Holocaust’s “many apposite cases.” See: Steven T. Katz, “Essay: Quantity and Interpretation—Issues in the Comparative Historical Analysis of the Holocaust,” *Holocaust and Genocide Studies* 4, no. 2 (1989): 148. This means that while Katz’s work defends the distinguishability of the Holocaust, he took part in advancing the culture of comparative discourse regarding the Holocaust, and, significantly, invited the genocide scholarship to conduct further comparisons. Nonetheless, Katz is described as “The most extreme proponent of limiting the term genocide” for thinking that “the Nazi extermination of European Jews is the only case of genocide in world history.” See: J. Otto Pohl, “Stalin’s Genocide against the ‘Repressed Peoples,’” *Journal of Genocide Research* 2, no. 2 (June 2000): 271. For similar references to Katz, see: Feierstein, “Leaving,” 258; Semelin, “G,” 26. Huttenbach casts doubt about Katz’s scholarship for his role in creating “a hierarchy of massacres over which the Holocaust reigns supreme, incomparable, unique, with its own definition that applies only to itself.” See: Henry R. Huttenbach, “From the Editor: Towards a Conceptual Definition of Genocide,” *Journal of Genocide Research* 4, no. 2 (June 2002): 168. In continuation of this line of argument, Katz’s “methodological basis” is said to have “internal contradictions” and “an inconsistent conceptual system.” See: Daniel Blatman, “Holocaust Scholarship: Towards a Post-Uniqueness Era,” *Journal of Genocide Research* 17, no. 1 (March 2015): 25. Similarly, Guenter Lewy is accused of having a “transparent historical agenda—to define away any genocide that is not the Holocaust” and of setting out “to impose a more limited idea of genocide to fit a more truncated approach to history.” See: Tony Barta, “With Intent to Deny: Colonial Intentions and Genocide Denial,” *Journal of Genocide Research* 10, no. 1 (March 2008): 111. In his reply, Lewy states that he considers the cases of Cambodia and Rwanda to have been genocides. See: Günter Lewy, “Reply to Tony Barta, Norbert Finzsch and David Stannard,” *Journal of Genocide Research* 10, no. 2 (June 2008): 307. Lewy is even associated with failing to adapt to a changing academic environment, as he is called “one of the last of a disappearing breed: the extreme ‘uniqueness’ advocate determined to assert—in the face of contrary and increasingly overwhelming fact and logic—that, of all the mass killings that have ever occurred in the history of the world, only Holocaust, or more precisely the Shoah, rose to the level of true ‘genocide.’” See: Stannard, “De’ja,” 127. Stannard also suggests that Lewy’s work “cannot be taken seriously” if he does not read up on the works by genocide scholars. See: *Ibid.*, 129. A unique “Corrigendum” in *JGR*’s history notes that Lewy misstated Ben Kiernan’s position, and its uniqueness is reflective of an unusual effort to diminish Lewy’s credibility as a scholar. Ironically, the “Corrigendum” misspells Kiernan’s name twice, and one of the two errors is falsely related to a Lewy quote. See: “Corrigendum,” *Journal of Genocide Research* 10, no. 2 (June 2008): 339. The following issue of *JGR* did not feature a corrigendum about the errors in the “Corrigendum.” Katz and Lewy are paired together by the genocide scholarship to stress that these scholars argue “that only Jews were victims of genocide and all Jews were victims of a total genocide in the Holocaust or Hebrew Shoah.” See: Travis, “Original,” 32. Thus, the scholars of the Holocaust—whose Jewish identity is assumed if not confirmed by the genocide scholarship—are made to seem as

scholarship also as an inter-Jewish debate,⁵⁷ but altogether this discursive setting in which Jews are shown to be arguing for their special status among victims has the markings of fodder for anti-Semitism.

The following questions about the role of Holocaust memory and study in the genocide discourse are left unasked by the genocide scholarship, despite their significance toward the understanding of how “genocide” is being used in academia: What was the status of the term *genocide* in public opinion before the President’s Commission promoted a template for erecting a genocide discourse on the basis of genericizing the Holocaust and subjecting it to comparisons, especially with the Armenian experience? What work had been done to prepare the Armenian victimhood in WWI for comparison with the Holocaust prior to the President’s Commission? How did leading Jewish scholars and leaders of the Jewish community agree to take part in making the Holocaust subject to systematic comparison in academic literature? What does the willingness to promote genocide studies suggest about the relationship between the

keepers of an old and unscholarly Jewish favoritism in academia. In contrast, the genocide scholarship—by virtue of its opposition to their practice—is made to seem like a liberating force. The genocide scholarship describes “Holocaust uniqueness” as a “scientifically irrelevant thesis.” See: Dominik J. Schaller, “From the Editors: Judges and Politicians as Historians?” *Journal of Genocide Research* 9, no. 1 (March 2007): 1. However, it is questionable that all scholars who disapprove of the works in which certain events are selectively compared to the Holocaust as genocide are necessarily professing a “thesis” of the Holocaust’s uniqueness by doing so. The argument that the subjection of the Holocaust to selective comparisons is a flawed project does not rely on adopting any claims that the uniqueness of the Holocaust is scientific.

⁵⁷ In a unique publication of a “letter to the editor” in *JGR*, Israel Charny is given a platform to speak as a Jew who rebukes Jews for their “exclusive and exclusionary” view of what counts as genocide and say that “there is no other genocide than the genocide to (us) Jews.” See: Israel W. Charny, “Letter to the Editor,” *Journal of Genocide Research* 4, no. 2 (June 2002): 303. However, Jews do not commonly formulate sentences about the Holocaust by using the term *genocide*. Charny, with the credibility of being a Jew, is relating to Jews a sentiment within a debate that was imposed by the needs of the genocide scholarship. It is the genocide scholarship, not the Holocaust scholarship, that advertises this debate in its specific manifestation between Charny and Katz, as in Feierstein, “Leaving,” 258. To add to the sense of a Jewish debate about uniqueness, Raphael Lemkin, whose Jewishness is pronounced by the genocide scholarship (see: section titled Raphael Lemkin’s Centrality in the Origination of the Term), is said to have opposed limiting the term *genocide* only to the Holocaust. See: Moses, “Revisiting,” 296.

United States government and Holocaust studies? What American interests were served by instituting genocide studies?

The Armenian Focus

Through the imposed subjection of the Holocaust to comparison, the genocide scholarship has focused on the dissemination of a narrative regarding the Armenians as victims of genocide in WWI. In the three genocide journals there is almost no reference to the organization Facing History and Ourselves, despite its service as a preliminary platform for the formulation of the Holocaust's comparison to the Armenian experience in information that passes as education. The single and brief discussion of this organization's work does not conceal its association with, and promotion by, the United States government, but the overall direction of the text is to praise rather than critically evaluate the organization's work.⁵⁸ Accordingly, from the early days of the genocide scholarship in academic journals, the comparison of the Holocaust to the Armenian experience has been conducted self-assuredly,⁵⁹ which is uncharacteristic of scientific research and indicative of undisclosed empowerment. In addition, to make the

⁵⁸ Reference is made to "the Facing History and Ourselves National Foundation" as having been "designed in 1976 with US Department of Education funds" and that "Since 1981, the US Department of Education has cited Facing History and Ourselves as an exemplary model teacher training program," and readers are informed that the organization "has been working diligently" to produce a "widely acclaimed" educational material. See: Samuel Totten, review of *Facing History and Ourselves: Elements of Time, Holocaust and Genocide Studies* 5, no. 4 (1990): 463. Totten does not ask why the organization, under the direct approval and support of the United States government, decided to unprecedentedly produce and incorporate a narrative about the Armenians as victims of genocide into an educational program on the Holocaust. The function of Facing History and Ourselves within the development of the use of "genocide" is put into context here in Chapter 5, section titled "The Scholarly Discourse."

⁵⁹ For instance, the casual reference to them as "the two episodes of genocide." See: Dadrian, "Convergent," 160. Later, other works simply refer to them without distinction as "these two cases of genocide" and "the Jewish and Armenian genocides." See: Schaller, "Lemkin," 253-254; Feierstein, "Leaving," 260.

randomness of the discourse less apparent, the language on the Armenian experience has borrowed key words and phrasing from the historical narrative that had been the work of Holocaust studies.⁶⁰

The most blatant form of mimicry is the genocide scholarship's use of "denial,"⁶¹ which is an accusation that imposes strongly negative connotations on whomever it is made due to its traditional use in relation to those who question the findings of Holocaust research. Significantly, there is a difference between "Holocaust denial" and the denial

⁶⁰ For example, in the second issue of *HGS*, an article features the role of Turkish physicians, and a claim is made that they "displayed inordinate cruelty," though this condemnation is based on the recollection of an Armenian who overheard a Turkish physician express his hatred of Armenians in 1919. See: Vahakn N. Dadrian, "The Role of Turkish Physicians in the World War I Genocide of Ottoman Armenians," *Holocaust and Genocide Studies* 1, no. 2 (1986): 181. Similarly, the idea that in the Holocaust Jews were persecuted for who they were as a group and not for any action or position as a group is copied in the statement that the "Armenians were annihilated—because they were Armenians." See: Huttenbach, "Locating," 290. Also, use of the word *survivor* has been copied to the effect of leading readers to consider Armenian survivors as having an elevated status of victimhood by drawing a rhetorical resemblance to Holocaust survivors. See: Donald E. Miller and Lorna Touryan Miller, "The Armenian and Rwandan Genocides: Some Preliminary Reflections on Two Oral History Projects with Survivors," *Journal of Genocide Research* 6, no. 1 (March 2004): 135-140; Robert Melson, review of *Armenia Golgotha*, by Grigoris Balakian, *Genocide Studies and Prevention* 5, no. 1 (Spring 2010): 123; Katherine Goldsmith, "The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach," *Genocide Studies and Prevention* 5, no. 3 (Winter 2010): 238; Üngör, "Studying," 70; Roger W. Smith, "Introduction: The Ottoman Genocides of Armenians, Assyrians, and Greeks," *Genocide Studies International* 9, no. 1 (Spring 2015): 8; Taner Akçam, "A Short History of the Torossian Debate," *Journal of Genocide Research* 17, no. 3 (September 2015): 357.

⁶¹ Each of the three genocide journals has published dozens of references to "denial" directed at the Turkish government, and recently the accusation of denial was featured in Smith, "How," 100-104. Smith alerts that "there also seems to be a major effort to infiltrate both publishers and graduate programs to promote denial of the Armenian Genocide." See: *Ibid.*, 103. This accusation singles out Turkish Americans for the practice of funding research even though it is common knowledge that academic research requires and receives funding from those who are interested in seeing particular research be carried out. Also, this statement lacks recognition that the publication of Smith's own work and the control of the genocide discourse altogether are the creation of power that is evidently greater than that of the Turkish government. Elsewhere, Smith, Markusen, and Lifton regard scholarly work that is approved by the Turkish government to be "the subversion of scholarship" and the substitution of "a narrative of power for the search for truth." See: Smith, Markusen, and Lifton, "Professional," 2. This is another text that associates Smith with utter disregard for his own source of empowerment as a discourse-shaping scholar while depicting Turkey as the only active political power for its efforts to challenge the discourse. Similarly, a scholar's claim of a subversive "attempt to rewrite the past" by Turkish power is unaccompanied by acknowledgment of the power that has written and rewritten the past prior to the Turkish reaction, and that power's interests. See Guroian, "Post-Holocaust," 309.

that the Armenian victimhood is to be characterized as genocide: “Holocaust” is used as a name for the event, and to deny the Holocaust is to claim that the event did not happen, such as saying that no gas chambers were used by the Nazi Germans against their victims; “genocide” is not a name but a term of legal meaning, and despite the genocide scholarship’s use of the word with an uppercase letter *G* as part of how the Armenian experience is recalled, to say that the Armenian expulsions and massacres in WWI did not amount to genocide is not like saying that the event itself did not happen.⁶² The genocide scholarship might not recognize this difference, but the dissimilarity in quality between the two uses of “denial” is such that the rebuke of Holocaust denial is an effort to shun ideological refusals to acknowledge historical findings, whereas the manipulation of the denial label by the genocide scholarship is an attempt to piggyback on Holocaust terminology to the effect of excluding those who disagree with the assignment of the genocide label.⁶³ The hurling of “denialism” against the Turkish government and scholars

⁶² This distinction was made by the European Court of Human Rights, which found that the contestation of the genocide label in the Ottoman Armenian context is not the same as the denial of “historical facts” in the context of the Holocaust. See: European Court of Human Rights, Case of *Perinçek v. Switzerland*, Judgment, December 17, 2013, par. 117. [http://hudoc.echr.coe.int/eng#{"itemid":\["001-139724"\]}](http://hudoc.echr.coe.int/eng#{) (accessed, 3/12/2017). For a discussion of this case here, see: Chapter 6, section titled “Genocide Labels vs. Human Rights.”

⁶³ The ability to present disagreement as denial is reflective of the power that the genocide scholarship has to control the discourse. For example, the genocide scholarship marginalizes Guenter Lewy’s work by insinuating that he is “lured to power” at the expense of integrity, and branding him as a “researcher attempting to deny the Armenian genocide,” while ascribing to itself the search “for the truth.” See: Joseph A. Kéchichian, “The Armenian Genocide and an Updated Denial Initiative: A Review Essay,” *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 173. Similarly, the Turkish Studies Project at the University of Utah under the supervision of M. Hakan Yavuz is accused of being “a denialist beachhead” that undermines “the historicity of the Armenian Genocide.” See: Marc A. Mamigonian, “Academic Denial of the Armenian Genocide in American Scholarship: Denialism as Manufactured Controversy,” *Genocide Studies International* 9, no. 1 (Spring 2015): 68-69. Yavuz is accused of “efforts to deny that Armenians suffered genocide,” whereas the Turkish Coalition of America, whose funding established the project, is accused of being “an organization that aggressively attacks the truth of the Armenian Genocide.” See: Richard G. Hovannisian, “Denial of the Armenian Genocide 100 Years Later: The New Practitioners and Their Trade,” *Genocide Studies International* 9, no. 2 (Fall 2015): 233. These accusations show the tendency of the genocide scholarship in the Armenian discourse to conflate the intellectually forced use of the term *genocide* with memory, suggesting, falsely, that disagreement over the use of the term *genocide*

who are associated with Turkish funding is consistent with expectations that the public holds Turkophobic notions believable.⁶⁴

In the Armenian context, genocide scholars do not seem to have the ability to articulate what precisely is being denied.⁶⁵ Is someone's conviction for having committed the crime of genocide being denied? There are references that present this as the basis for the genocide-denial accusation,⁶⁶ but not a single member of the Ottoman government has ever been charged with the crime of genocide by a competent tribunal. Is the use of "genocide" as part of an event's name being denied? There are peculiar suggestions that "the Armenian Genocide" is being denied,⁶⁷ as if the phrase itself is a matter of historical

necessarily means the denial of history, suffering, or truth.

⁶⁴ This is accentuated in a suspicion-riddled formulation of "the legacy of genocide," in a platform for echoing Peter Balakian's impression of Turks. See: Rouben Paul Adalian, review of *Black Dog of Fate, A Memoir*, by Peter Balakian, *Holocaust and Genocide Studies* 12, no. 1 (Spring 1998): 185-186.

⁶⁵ For instance, one scholar writes in the late 1980s about "the Turkish denial of 70 years," dating back to the late 1910s, long before the advent of the term *genocide*. See: Guroian, "Post-Holocaust," 310. This indicates that there is a confusion by the genocide scholarship between accusations regarding the "denial" of genocide allegations and accusations regarding the "denial" of historical events. The two are treated like they are the same, but they are not.

⁶⁶ For example, Vahakn Dadrian writes about "a crime still denied by official Turkish statesmen," and that view is later reiterated and affirmed by another scholar in a separate article, saying that "as Vahakn Dadrian has pointed out, an unpunished crime encourages its repetition." See: Dadrian, "Role," 169; Kurt Jonassohn, "Prevention without Prediction," *Holocaust and Genocide Studies* 7, no. 1 (Spring 1993): 6. Later, Dadrian again simply refers to "the crime" as if to suggest genocide. See: Vahakn N. Dadrian, "The Signal Facts Surrounding the Armenian Genocide and the Turkish Denial Syndrome," *Journal of Genocide Research* 5, no. 2 (June 2003): 269.

⁶⁷ For instance, it is said that "Turks, past and present, deny the historical reality of the Armenian genocide." See: Vahakn N. Dadrian, "The Determinants of the Armenian Genocide," *Journal of Genocide Research* 1, no. 1 (March 1999): 66. Previously, it was more common for genocide scholars to use the phrase "Armenian genocide" without an uppercase letter *G*, but the usage of it is more prevalent now and has the effect of making the phrase appear to be more like a name. It is the genocide scholarship that turns into language the idea of denial, as in the phrasings "Turkish denial of the Armenian genocide" or "Denial of the Armenian Genocide," or "the Turkish government's denial of the Armenian Genocide." See: Smith, Markusen, and Lifton, "Professional," title, 3; Theriault, "Universal," 241; Israel W. Charny, "A Classification of Denials of the Holocaust and Other Genocides," *Journal of Genocide Research* 5, no. 1 (March 2003): 11, 15; Robert Melson, "Responses to the Armenian Genocide: America, the Yishuv, Israel," *Holocaust and Genocide Studies* 20, no. 1 (Spring 2006): 103-104, 109-110. Donna-Lee Frieze, "Cycles of Genocide, Stories of Denial: Atom Egoyan's *Ararat*," *Genocide Studies and Prevention* 3, no. 2 (Summer 2008): 250; Henry C. Theriault, "The Albright-Cohen Report: From Realpolitik Fantasy to

truth, but the choice of a name is not an inherent part of what happened, and the disagreement over this choice of a name—for it is a name that is used to falsely imply legal culpability of a particular kind—is a matter of Turkish protest, not denial. Is the memory of history being denied? There is an unexplained belief that deeming the use of the term *genocide* in the Armenian context to be inappropriate for its political motivation and lack of legal backing is the same as being dismissive of recalling the past,⁶⁸ but even the genocide scholarship recognizes—though in a minimal manner—that Turkey has expressed an interest in the establishment of an international committee of historians for

Realist Ethics,” *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 203; Theriault, “Grain,” 134; Peter Balakian, “Raphael Lemkin, Cultural Destruction, and the Armenian Genocide,” *Holocaust and Genocide Studies* 27, no. 1 (Spring 2013): 73-74; Robert Melson, “Recent Developments in the Study of the Armenian Genocide,” *Holocaust and Genocide Studies* 27, no. 2 (Fall 2013): 314; Smith, “Genocide Denial,” 107-108; Mamigonian, “Academic,” 61, 63, 77; Hovannisian, “Denial,” title; Smith, “How,” 101, 103. The title of one article states “The Truth of the Armenian Genocide.” See: Rubina Perroomian, “The Truth of the Armenian Genocide in Edgar Hilsenrath’s Fiction,” *Journal of Genocide Research* 5, no. 2 (June 2003), title. Also, a statement such as “the truth of the Armenian Genocide” is found in Taner Akçam, “Short,” 353. However, it is unclear what exactly is meant by the truth of a phrase such as “Armenian Genocide,” which is separate from the historical event itself. This lack of discernment later manifested itself in a nation-state’s law: “Despite Turkish protests, the French National Assembly enacted a law prohibiting the denial of the Armenian Genocide in October 2006.” See: Schaller, “Editors: Judges,” 1-2.

⁶⁸ An example of how the use of the term *genocide* is imposed on the memory of what happened is found in a statement such as “the Armenian Genocide was relegated to the memory hole.” Melson, “Responses,” 103. Another work adds the idea of “the nation’s martyrdom” to the merger of memory and “genocide.” See: Simon Payaslian, “The Destruction of the Armenian Church during the Genocide,” *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 164. One editorial recognizes “The involvement of genocide researchers in memory politics” as possibly being “problematic,” but deflects the problematic aspect of it to competition among “victim-groups and their lobbies” rather than the role of the genocide scholarship. See: Schaller, “Editor(s),” 246. Even a “Call for Papers” is used to cement the language that fuses together memory and “genocide”: “And although the Turkish state still denies the Armenian Genocide, the event has entered the realm of global collective memory.” See: “Announcement,” 347. The text of the genocide scholarship casually suggests that there is a “memory and memorialization of the genocide.” See: Burcu Münyas, “Genocide in the Minds of Cambodian Youth: Transmitting (Hi)stories of Genocide to Second and Third Generations in Cambodia,” *Journal of Genocide Research* 10, no. 3 (September 2008): 414. In a more recent article, the text makes use of an exclamation mark to mobilize readers in its passionate appeal against “the goal” of Turkish governments “to prevent the recognition of the Armenian Genocide”: “It is time to say ‘Enough! You do not have monopoly over the historical memory of the people of the region!’” See: Seyla Benhabib, “Of Jews, Turks and Armenians: Entangled Memories—A Personal Recollection,” *Journal of Genocide Research* 17, no. 3 (September 2015): 370.

the task of closely examining the catastrophe and the circumstances that led to it.⁶⁹ These three claims of denialism are bundled together by the genocide scholarship, but they present different arguments, and neither of them involves outright rejections of history by those who are accused of denial.

The claim that there is a systematic denial of “the Armenian Genocide” marks the area of the debate around the assumption that the title is a matter of fact, thereby leading attention away from questions regarding the purpose and process behind this dubious use of a legal term. Reference to the Armenian experience as genocide is made dozens of times in each of the genocide journals, but it is an anachronistic and unconventional use of the term *genocide*. It is anachronistic not only in the sense that it makes an allegation of genocide regarding an event that took place before the term *genocide* was invented or made into a crime but also in the way that the genocide scholarship dresses its descriptions of history with the word *genocide* to give a false impression that the term was used at the time that is being described.⁷⁰ The use of the term *genocide* is literally

⁶⁹ The text mentions the agreement between the foreign ministers of Armenia and Turkey in 2009, the result of the “football diplomacy” that was engaged in 2008. The agreement involved setting up “an impartial scientific examination of the historical records and archives,” but the idea was not implemented. See: Khatchik DerGhougassian, “Genocide and Identity (Geo)Politics: Bridging State Reasoning and Diaspora Activism,” *Genocide Studies International* 8, no. 2 (Fall 2014): 193-194.

⁷⁰ For instance, Vahakn Dadrian refers to a text by a member of the anti-Ottoman organization NILI, which comprised of several Jews who cooperated with the British during WWI, as an account that records “the Armenian genocide,” thereby manipulating the simple truth that the operative, Absalom Feinberg, did not use the term *genocide* in his account well ahead of the term’s invention. See: Dadrian, “Convergent,” 156. Other such misuses of the term *genocide* are related to the legal procedures following WWI: “After World War I, Turkey tried and condemned the leading figures that had been responsible for the Armenian genocide.” See: Jonassohn, “Prevention,” 10-11. Also: “...the British had him arrested through the Turkish Court Martial authorities then investigating the Armenian Genocide.” See: Vahakn N. Dadrian, “The Secret Young-Turk Ittihadist Conference and the Decision for the World War I Genocide of the Armenians,” *Holocaust and Genocide Studies* 7, no. 2 (Fall 1993): 175. Similarly, Israel Charny’s language superimposes “genocide” on newspaper reports from 1915: “New York Times reports of the Armenian Genocide in the period from 1915 ... detail the day-to-day progress of the genocide.” See: Charny, “Classification,” 11. Two articles present an example of the anachronistic use of genocide to create a falsehood by tampering with the presentation of a court decision. In one: “...the proceedings of the Turkish Military Tribunal ... demonstrated beyond reasonable doubt that the Ittihad ... had organized and

unconventional because, contrary to Article 6 of the Genocide Convention, which states that the charge of genocide “shall be tried by a competent tribunal,”⁷¹ the genocide scholarship has popularized “the Armenian Genocide” as a phrase without there being a record of a competent tribunal finding that the Armenians were victims of genocide.⁷² Thus, the genocide scholarship has turned the charge of genocide from a legally defined and internationally agreed upon procedure to a matter that is decided by whoever has the power to spread information effectively and control common language.⁷³

implemented its scheme of genocide.” See: Vahakn N. Dadrian, “The Turkish Military Tribunal’s Prosecution of the Authors of the Armenian Genocide: Four Major Court-Martial Series,” *Holocaust and Genocide Studies* 11, no. 1 (Spring 1997): 53. In the other: “The latter include the verdict of the Turkish Military Court which convicted some of the perpetrators of the Armenian Genocide...” See: Richard J. Goldstone, review of *Encyclopedia of Genocide*, edited by Israel W. Charny, *Journal of Genocide Research* 4, no. 2 (June 2002): 261. In an editorial, the readers are asked to “Imagine a scholarly conference on the Armenian genocide convened in April 1943 and making no mention of the Warsaw Ghetto Uprising!” even though it is an absolute anachronism to suggest that the now popular phrase “Armenian genocide” existed at that time. See: Henry R. Huttenbach, “From the Editor: Remembering (the Shoah) and Forgetting (the Itsembambor),” *Journal of Genocide Research* 7, no. 1 (March 2005): 3. Long after such texts have had their effect on readers in establishing the popular usage of “genocide” in relation to the Armenians, one work of the genocide scholarship clarifies that “When the Armenian massacres took place, the term ‘genocide’ did not yet exist.” See: Schabas, “‘Odious,’” 94.

⁷¹ United Nations General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, art. 6. The unconventional quality of the use is not widely considered because the discourse that refers to the Armenian experience as genocide is dominant. Language manipulations make the use of the term appear as if it is conventional. For example, it is said that the Armenian case is “a well-documented genocide,” even though it has never been documented as genocide by a competent tribunal, and what is referred to as “genocide” by the genocide scholarship is merely the genocide scholars’ own interpretation of certain documents. See: Smith, Markusen, and Lifton, “Professional,” 12. Also, debates that are manufactured by the genocide scholarship lead to assumptions that the use of the term *genocide* is unquestioned. For instance, the minidebate in the genocide scholarship about whether or not the Armenian experience is “the first genocide of the twentieth century” is an example of a question whose formulation alone suggests that the use of “genocide” is to be taken as an accepted practice: “The claim that the Armenian Genocide was the first of the twentieth century is open to debate.” See: Jonathan Markovitz, “Ararat and Collective Memories of the Armenian Genocide,” *Holocaust and Genocide Studies* 20, no. 2 (Fall 2006): 250 (note 2). Thus, the question in people’s minds is not why there is a genocide discourse about this event, but rather the genocide label is treated as an established fact in the question about the event’s place among genocides.

⁷² In a list that is ambitiously titled “The genocide studies canon,” the Armenian experience is the only one—out of over twenty cases mentioned—whose name includes “Genocide.” Also, the case that is labeled as “Armenian Genocide” is categorized together with “Rwanda” and the “Holocaust” as “The Triad.” See: Hinton, “Critical,” 13 (Figure 1).

⁷³ This is reflected in how the popular American search sites online, Bing.com and Google.com, direct their searches: by typing “Armenian,” both Bing.com and Google.com automatically suggest “genocide” as the

By its insistence on using the term *genocide*, the genocide scholarship affects the historiographical focus in two main ways. First, it determines what aspects of Armenian and WWI history are emphasized. The study of the relevant history has been defined in terms of a perpetrator-victim dichotomy that portrays the Ottoman government as the main actor and villain.⁷⁴ The use of genocide perpetration as the discourse's main assumption directs the research toward an examination of the Ottoman governing choices, especially during WWI. Genocide scholars are rewarded for speculating about

top option to complete the search, and "cucumber" as the second suggestion from top. The typing of "Jewish" does not yield a suggestion of "genocide" to complete the search, but "calendar" on top in Bing.com, and "holidays 2016" on top in Google.com. By typing "genocide in" in Bing.com, "darfur" (as in, Darfur) is the top option that is suggested, and in Google.com, "darfur" is second from top after "rwanda" (as in, Rwanda), even though no competent tribunal has ever found any member of the Sudanese government guilty of genocide. These searches were made on 8/22/2016.

⁷⁴ For example, see: Bauer, "Editor's Introduction," 2; Dadrian, "Role," 169, 182; Smith, Markusen, and Lifton, "Professional," 12-13; Vahakn N. Dadrian, "The Agency of 'Triggering Mechanisms' as a Factor in the Organization of the Genocide against the Armenians of Kayseri District," *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 107, 122; Daniel Marc Segesser, "Dissolve or Punish? The International Debate amongst Jurists and Publicists on the Consequences of the Armenian Genocide for the Ottoman Empire, 1915-23," *Journal of Genocide Research* 10, no. 1 (March 2008): 97, 101, 106; Bloxham, "Organized," 225; Theriault, "Albright-Cohen," 203; Armen T. Marsoobian, "Acknowledging Intergenerational Moral Responsibility in the Aftermath of Genocide," *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 219; Moses, "Revisiting," 294; Anton Weiss-Wendt and Uğur Ümit Üngör, "Collaboration in Genocide: The Ottoman Empire 1915-1915, the German-Occupied Baltic 1914-1944, and Rwanda 1994," *Holocaust and Genocide Studies* 25, no. 3 (Winter 2011): 425; Wolfgang Gust, "The Question of an Armenian Revolution and the Radicalization of the Committee of Union and Progress toward the Armenian Genocide," *Genocide Studies and Prevention* 7, no. 2-3 (Summer-Winter 2012): 261; Robert Melson, "Contending Interpretations Concerning the Armenian Genocide: Continuity and Conspiracy, Discontinuity and Cumulative Radicalization," *Genocide Studies International* 9, no. 1 (Spring 2015): 13. In some of the references listed above, the notion of a "perpetrator state" might be interpreted as directed against the Turkish government as if a continuation of the Ottoman government. A comment that "a manicheistic divide between purely evil perpetrators and purely good victims is not at all helpful in explaining process of mass violence," is a hyperbolic presentation of the dichotomy that might have the effect of convincing readers of a critical approach, but appears hollow when one considers the dichotomous essence of the body of work that has been produced by the genocide scholarship in general, and this scholar in particular. See: Üngör, "Studying," 70. The perpetrator-victim dichotomy also means that the genocide scholarship is able to regard the Armenians as a victim group that is separate from the powerful Entente, and thus, for example, put forth an argument that "facts" are against the claim "that the Armenians actually posed an existential threat to the Ottoman Empire." See: Mamigonian, "Academic," 81 (note 101). An existential threat might seem unlikely if coming from a victim group, but when the Ottoman Armenians are seen as an extension of a powerful onslaught on the Ottoman government then it is seen that "an existential threat" is an accurate depiction of what the Ottoman government was facing.

the intention of the Ottoman government.⁷⁵ The intensification of relations between the Ottoman government and the Armenian minority are explained by pointing at a Turkish ideological drive against the Armenians that is based on either ethnical, national, racial or religious motives, as if to fit the description in Article 2 of the Genocide Convention.⁷⁶

⁷⁵ For instance, the statement that “In any debate over whether or not the events on [sic] 1915 should be considered genocide, the question requiring an answer is whether there was an intent to exterminate.” See: Akçam, “Gunter,” 119. Also notable is the certainty with which it is stated that “The decision to destroy the Armenians was driven by the intent and ideology of the decision makers and by their adapting their plans to changing circumstance.” See: Melson, “Contending,” 10. Even those who disagree with the veracity of such a statement are expected to address it as part of the discourse. For more references to notions about Ottoman intent, motives, and premeditation, see: Dadrian, “Determinants,” 68-69; Catherine Barnes, “The Functional Utility of Genocide: Towards a Framework for Understanding the Connection between Genocide and Regime Consolidation, Expansion and Maintenance,” *Journal of Genocide Research* 7, no. 3 (September 2005): 309; Hilmar Kaiser, “Regional Resistance to Central Government Policies: Ahmed Djemal Pasha, the Governors of Aleppo, and Armenian Deportees in the Spring and Summer of 1915,” *Journal of Genocide Research* 12, no. 3-4 (September-December 2010): 175.

⁷⁶ For examples of how the focus on “genocide” directs research to characterize the thinking of the Ottoman government, see: Dadrian, “Role,” 184; Marko Milivojević, review of *The Armenian File*, by Kamuran Gürün, *Holocaust and Genocide Studies* 1, no. 2 (1986): 305-306; Robert Melson, “Revolutionary Genocide: On the Causes of the Armenian Genocide of 1915 and the Holocaust,” *Holocaust and Genocide Studies* 4, no. 2 (1989): 172; Bauer, review of *History*, 333; Helen Fein, “Genocide and Gender: The Uses of Women and Group Destiny,” *Journal of Genocide Research* 1, no. 1 (March 1999): 50; Rouben Paul Adalian, “Comparative Policy and Differential Practice in the Treatment of Minorities in Wartime: The United States Archival Evidence on the Armenians and Greeks in the Ottoman Empire,” *Journal of Genocide Research* 3, no. 1 (March 2001): 31; Melson, “Responses,” 103; Bloxham, “Organized,” 225; Melson, “Recent,” 314, 319; Matthias Bjørnlund, “‘When the Cannons Talk, the Diplomats Must Be Silent’: A Danish Diplomat in Constantinople during the Armenian Genocide,” *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 200; Dikran M. Kaligian, “A Prelude to Genocide: CUP Population Policies and Provincial Insecurity, 1908-14,” *Journal of Genocide Research* 10, no. 1 (March 2008): 91; Melson, “Contending,” 10, 17. Specifically, the said ideology in the articles listed above is portrayed as imperial and dangerous through words such as pan- or Pan- “Turanian,” “Turanic,” “Turkic,” “Turkish,” to suggest attempts to impose “Turkification,” even though the Ottoman government fought in WWI on and within its own borders for its survival as a sovereign. It is claimed about the Committee of Union and Progress (CUP) that “the regime’s Pan-Turkic expansionist and unification schemes ... contributed to the Armenian Genocide.” See: Payaslian, “Destruction,” 155. The genocide scholarship also emphasizes a “Muslim fanaticism” and the engagement in a “holy war” also known as “jihad.” See: Vahakn N. Dadrian, “Patterns of Twentieth Century Genocides: The Armenian, Jewish, and Rwandan Cases,” *Journal of Genocide Research* 6, no. 4 (December 2004): 489; Dadrian, “Agency,” 122; Hannibal Travis, “‘Native Christians Massacred’: The Ottoman Genocide of the Assyrians during World War I,” *Genocide Studies and Prevention* 1, no. 3 (Winter 2006): 327. The label of “genocide” invites analysis of the Ottoman government’s thinking process in a manner that is uneven in relation to how the thinking process of other governments is considered, and regarding a time when the Ottoman government was in a total war with other nations and groups. The genocide scholarship also connects between this CUP “ideology” and the national quality of modern Turkey. See: Marsoobian, “Acknowledging,” 218. The use of a language in academia that places ethno-religious division between groups at the root of an alleged genocide and unresolved political dispute has the effect of perpetuating these notions as knowledge.

All of these lead the discourse on a narrow path that shows an interest that is limited to regional symptoms and outcomes.

Second, the genocide scholarship affects the historiography by determining what aspects of Armenian and WWI history go unmentioned. International interests are presented in terms of pressures rather than interferences in the governance of the Ottoman state,⁷⁷ and thus are far removed from considerations of substantial foreign responsibility that cannot be explained within the framework of a genocide label.⁷⁸ Moreover, the great powers that are typically associated with bolstering Armenian defiance of the Ottoman government are the members of the Entente but not the United States.⁷⁹ Accordingly, the timeframe of the genocide discourse primarily discusses 1915

⁷⁷ For example, see: Payaslian, "Destruction," 151; Bjørnlund, "'When'," 200. If these international pressures are related to a group of powers, then the pressures are said to be "European," in a manner that leaves the United States out of the discussion. See: Melson, "Contending," 11.

⁷⁸ The legal definition of genocide considers the intent of the assailant to be relevant and does not consider the intent of a great power that may have deliberately set up a conflict between the eventual perpetrators and victims of massacres, leading both sides on a path of violence. In such a case, the intent of the great power supersedes the intent of the massacre's perpetrator in significance and, therefore, the intent of the massacre's perpetrator could not have been genocidal but toward survival. However, by insisting on "genocide" as the starting point of research, the intent of great powers is structurally left out of consideration.

⁷⁹ References to Russia as the Armenians' sponsor are frequent in the genocide scholarship's discourse on the Armenian experience, mainly because of Imperial Russia's proximity, history of wars with the Ottoman Empire, Armenian population, and the threat it posed as a potential conqueror. For instance, see: Dadrian, "Secret," 189; Bauer, review of *History*, 333; Mark Levene, "Creating a Modern 'Zone of Genocide': The Impact of Nation- and State-Formation on Eastern Anatolia, 1878-1923," *Holocaust and Genocide Studies* 12, no. 3 (Winter 1998): 399, 402, 405, 408; Robert Melson, review of *German Responsibility in the Armenian Genocide*, by Vahakn N. Dadrian, *Holocaust and Genocide Studies* 12, no. 3 (Winter 1998): 485; Semelin, "Vocabulary," 194; Barnes, "Functional," 314; Payaslian, "Destruction," 151-152; Akçam, "Guenter," 119; Frieze, "Cycles," 243; Deborah Mayersen, "On the Timing of Genocide," *Genocide Studies and Prevention* 5, no. 1 (Spring 2010): 26; Avedian, "Armenian," 336; Dikran Kaligian, "Anatomy of Denial: Manipulating Sources and Manufacturing a Rebellion," *Genocide Studies International* 8, no. 2 (Fall 2014): 209, 220; Melson, "Contending," 11; Hans-Lukas Kieser, Mehmet Polatel, and Thomas Schmutz, "Reform or Cataclysm? The Agreement of 8 February 1914 Regarding the Ottoman Eastern Provinces," *Journal of Genocide Research* 17, no. 3 (September 2015): 290-291. However, Russia's position as an apparent political actor does not mean that other great powers did not have substantial interests and means of influence that involved Ottoman territory. Second to Russia in great-power involvement is Britain, and the two are considered by the genocide scholarship as the two main powers to influence the Armenians: "Up to the First World War, Ottoman Armenians looked fruitlessly to Russia or Britain to secure their future within or outside Ottoman rule." See: Donald Bloxham, "The Roots of

and its aftermath,⁸⁰ secondarily the events of 1894-1896,⁸¹ 1908,⁸² or 1912-1913,⁸³ and minimally the 1870s⁸⁴, leaving out the crucial decades of influence by American

American Genocide Denial: Near Eastern Geopolitics and the Interwar Armenian Question,” *Journal of Genocide Research* 8, no. 1 (March 2006): 45. While Britain’s role is underexamined, the American role is nonexistent in the genocide scholarship. In reference to “the role of the great powers,” one text serves as an example of the tendency to list “Russia, Great Britain, France, Germany, and Austria-Hungary,” but not the United States. See: Robert Melson, “Responses,” 103-104, 106.

⁸⁰ There are dozens of references to 1915 in each of the three genocide journals, and the effect of this is to define Armenian-Turkish relations in the decline of the Ottoman Empire according to the wartime atrocities, and with a bias toward labeling the Armenian victimhood as genocide.

⁸¹ There are several references to 1894-1896 in each of the three genocide journals. This period calls attention to riots and massacres in which a great many Armenians died. Interestingly, while this period itself is a symptom of underemphasized developments in the deteriorating relations between Armenians and the Ottoman government, the genocide scholarship positions the period as a precursor of 1915. For example, it is said that the events in the period of 1894-1896 “led the Turks to adopt a mind-set conducive to their later genocidal persecutions.” See: Paul Bartrop, “The Relationship between War and Genocide in the Twentieth Century: A Consideration,” *Journal of Genocide Research* 4, no. 4 (December 2002): 523. Similarly, Dadrian argues that the events in 1894-1896 “dramatically exposed the vulnerability of the Armenians in the Ottoman Empire.” See: Dadrian, “Patterns,” 498. There is a significant difference between estimations of the number of Armenians killed in these events. According to one scholar there were “about 200,000 victims,” whereas according to another scholar the number is “80-100,000 Armenians.” Compare: Dadrian, “Patterns,” 489; Bloxham, “Roots,” 29. The massacres are called the “Hamidian massacres.” For instance, see: Schaller and Zimmerer, “Late,” 9; Kieser, Polatel, and Schmutz, “Reform,” 287. However, the association with the sultan’s name distracts from a learned focus on the agency of Armenians and Kurds in the unrest in addition to the external influence.

⁸² The genocide scholarship makes several references to the year when the Young Turks reached governing power in the Ottoman Empire as CUP, but there is no close examination of the specific foreign influences—cultural and political—that inspired the formulation of the movement in Thessaloniki, especially while the movement was known as the Ottoman Freedom Society.

⁸³ Much like the period of 1894-1896, the genocide scholarship treats the Balkan Wars of 1912-1913 largely as a cause but not an effect. The events in the Balkans are used to explain Turkish animosity toward Christian minorities. For example, it is stated that “The Balkan wars of 1912-1913 finally discredited the idea of a liberal and multinational Ottoman state in the eyes of the majority of the CUP movement, not the least because it provoked the expulsion of hundreds of thousands of Muslims from the Balkans to Anatolia.” See: Segesser, “Dissolve,” 98. If attention is given by the genocide scholarship to the great powers’ interests in the Balkan Wars, the reference is to the “European powers” and their opportunity “to drive the Turks out of Europe.” See: Melson, “Contending,” 11. However, the competition between the two powers of the greatest and most rapid growth at the time, the United States and Germany, is not examined in the context of the Balkan Wars and the Armenian victimhood, despite its tremendous explanatory potential.

⁸⁴ These include references to the Constitution of 1876; the Bulgarian Horrors, or Bulgarian Agitation, of 1876; the Russo-Turkish War of 1877-78; and the San-Stefano and Berlin treaties of 1878. The genocide scholarship does not seem interested in examining the decades of influence by American missionaries on Christian minorities in the Ottoman Empire, especially the Armenians and Bulgarians, in connection with the violence that later followed in eastern Anatolia and the Balkans. Reflective of this disinterest is the marking of the 1870s, rather than an earlier decade, as the beginning of the critical period of European violence. See: Blatman, “Holocaust,” 27. In addition, the title of one article marks the year 1878 as the

Protestants, who began to change the Armenian group identity and organization long before the rise of Armenian claims for political independence and the ensuing tensions with the Ottoman government.⁸⁵

In turn, the historiography that is created by the genocide label in the Armenian case has an effect on politics. While the genocide discourse has had readily observable implications for Turkey's international relations by way of the genocide accusations and the accusations of denial,⁸⁶ its impact on Armenian nationalism is not recognized.

Nonetheless, the genocide scholarship has made politically mobilizing claims about Armenian history,⁸⁷ and it also advances the belief that the persistent demands to have

beginning of the relevant period for examination: "Creating a Modern 'Zone of Genocide': The Impact of Nation- and State- Formation on Eastern Anatolia, 1878-1923." See: Levene, "Creating," title.

⁸⁵ In the genocide scholarship, the missionaries in the Ottoman Empire receive a minimal description without distinction between American and other missionaries in terms of activities and impact. For instance, see: Robert G. Weisbord, "The King, the Cardinal and the Pope: Leopold II's Genocide in the Congo and the Vatican," *Journal of Genocide Research* 5, no. 1 (March 2003): 36; Bjørnlund, "'When'," 200; Travis, "'Native'," 327. Also, the missionaries are typically presented as neutral reporters or advocates of Armenian relief. For example, see: Dadrian, "Role," 192 (note 1); Milivojević, review of *Armenian*, 305-306; Bloxham, "Roots," 30; Melson, "Responses," 104; Shaun O'Dwyer, "John Dewey's 'Turkish Tragedy,'" *Holocaust and Genocide Studies* 25, no. 3 (Winter 2011): 377. O'Dwyer also relates that the American missionaries "played an instrumental role in the circulation" of "anti-Turkish and pro-Armenian propaganda." *Ibid.*, 387. However, even this detail does not convey substantive knowledge of the role played by the American missionaries in the decades that preceded WWI, 1912-1913, 1894-1896, and the 1870s.

⁸⁶ The suggestion is made that by not "acknowledging" massacres of Christians in the history of the Ottoman state and the Turkish republic, Turkey does not share the "moral values" of the European Union. See: Alfred de Zayas, "The Istanbul Pogrom of 6-7 September 1955 in the Light of International Law," *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 146. The use of the verbs *to acknowledge* or *to recognize* is effective in leading the public to perceive Turkey's position as being inadequate, but it is practically vague. It is unclear what exactly the genocide discourse demands to have acknowledged or recognized. For another example of a text that connects between the question of Turkey's admission by the European Union and "the need to acknowledge the Armenian Genocide," see: Marsoobian, "Acknowledging," 218-219. Furthermore, not only is the Turkish protest—commonly said to be denial—of the genocide label used as justification for barring Turkey from entering the European Union as a member, the genocide scholarship expresses a desire to use Turkey's bid to join the European Union as leverage toward compelling it to accept the genocide label. See: Stephen Feinstein, review of *The Banality of Denial*, by Yair Auron, *Journal of Genocide Research* 6, no. 2 (June 2004): 274.

⁸⁷ The genocide scholarship published an old letter that was sent to the United States president at the time, Woodrow Wilson, in which it is stated that "It would be an irremediable mistake if the Armenian districts of Russia were not joined with the Armenian provinces of Anatolia and Cilicia to form one common

Turkey agree to the label of “genocide” are inherently Armenian.⁸⁸ Correspondingly, the United States’ role in the triggering of the Armenian-Turkish conflict in the 1960s is outside the confines of the genocide discourse, and the American role in disrupting Ottoman governance through the Armenians has no place in the genocide-based historiography.

Toward the attainment of political effects, the study of Armenian history in the context of WWI becomes genocided: the preexisting commitment of the genocide scholarship as such to label the Armenian suffering in WWI as genocide has necessitated the construction and popularization of a narrative that is based on a biased selection of sources and the uncritical use of them in a pseudolegal language. Only certain accounts

country entirely liberated from Turkish rule, with an outlet of its own sea.” See: Armin T. Wegner, “An Open Letter to the President of the United States of America, Woodrow Wilson, on the Mass Deportation of the Armenians into the Mesopotamian Desert,” trans. Silvia Samuelli, *Journal of Genocide Research* 2, no. 1 (March 2000): 131. By publishing such a text, the genocide scholarship calls attention to territorial claims regarding land that is under Turkish sovereignty and thereby suggests that this is an integral part of the genocide accusation. Also, the genocide scholarship creates information that popularizes the thought that “The Armenians were destroyed in their historic homeland—their ancestral territories—in ancient Armenia.” See: Dadrian, “Patterns,” 488. This provokes a national sentiment that challenges Turkey’s sovereignty over parts of its territory, and, therefore, invites political action. Accordingly, the genocide scholarship’s narration of Armenian history points at an ancient existence as a political entity. See: Dadrian, “Convergent,” 152.

⁸⁸ The genocide scholarship presents the lobbying of the Armenian diaspora as the force behind the push for “political and scientific recognition of the murder of the Armenians,” thus pointing at interest-group efforts by Armenians rather than greater American interests as the source of activity: “Many genocide researchers have had sympathy for this legitimate concern and joined the campaign led by Armenian lobby organizations as, for example, the well known Zoryan Institute in Cambridge, Massachusetts.” See: Schaller, “Editor(s),” 247. Similarly, it is posited that “Very often, activist or nationalist leaders put moral pressure on historians to recognize their individual cases as genocide.” See: Semelin, “‘G,’” 25. This has the effect of leading readers to believe that the Armenian focus of the genocide scholarship is the pursuit of the Armenian interest group rather than an American strategy. The “Turkish-Armenian conflict” is put forth as an example of the “danger that looms over genocide research” from “Lobbyists, identity politics, activism and advocacy groups” who “often operate with legal and moral agendas.” See: Üngör, “Studying,” 72. This is a denial of the inherently political quality of the genocide scholarship’s use of the term *genocide* regarding the Armenian experience. The genocide scholarship is not at risk of being affected by identity politics; it has been affecting identity politics by its very existence. For example, the genocide scholarship acts as if calls for reparations are part of a movement that originates in victim groups themselves, but it is the genocide scholarship that led the way in describing cases of victimhood as genocide and suggesting that such calls are in the name of justice. For instance, see: Charny, “Requiem,” 141. This leads to conflict when there is no agreement or clear basis for arguments that certain events were genocide.

of what took place are put forth,⁸⁹ and those used documents are presented without analysis of the authors' interests.⁹⁰ Political actors are described as dependable

⁸⁹ The popularization of the issue on a worldwide scale through American means of information has meant that the genocide scholarship has constructed its Armenian narrative by drawing from sources that are conducive to showing the Ottoman government as cruel; that are mostly in English; and that originally functioned as wartime narrations for the public in English speaking countries. Since the genocide discourse was created in the United States, a great wealth of sources has not been used by the genocide scholarship to arrive at an understanding of what happened, and especially lacking are references to Armenian and Ottoman sources.

⁹⁰ The genocide scholarship refers to Arnold Toynbee's wartime literature on the fate of the Ottoman Armenians during WWI as a source on what happened, despite it being known that he generated information about the Ottoman Empire as an employee of the British Foreign Office while the British government was at war with the Ottoman government. See: Dadrian, "Secret," 183, 185; Totten, review of *Survivors*, 255-256; O'Dwyer, "John," 376, 379, 382. While the references do not mention Toynbee's association with the British government, O'Dwyer, oddly enough, first uses Toynbee's material as a source to establish his argument and only later in the article he admits that "until 1917 Toynbee worked for the British government propaganda office Wellington House." See: *Ibid.*, 388. One scholar relates that Toynbee "was a member of the *British Armenia Committee*'s propaganda subcommittee," but does not describe him as a Foreign Office worker. See: Segesser, "Dissolve," 100. Another scholar refers to the Blue Book, which was commissioned by the British government and compiled by Toynbee under the supervision of James Bryce during WWI as "A key source of evidentiary support for the existence of the Armenian and Assyrian genocides." See: Travis, "'Native'," 331. Also, the literature under the name of the United States ambassador to the Ottoman Empire during the start of WWI, Henry Morgenthau, is used as a credible source, without any effort to critically examine the interests behind the Morgenthau literature. See: Dadrian, "Convergent," 164; Eliz Sanasarian, "Gender Distinction in the Genocidal Process: A Preliminary Study of the Armenian Case," *Holocaust and Genocide Studies* 4, no. 4 (1989): 450; Dadrian, "Secret," 181, 185, 187; Dadrian, "Essay," 414; Smith, Markusen, and Lifton, "Professional," 2; Melson, review of *German*, 486; Dadrian, "Determinants," 69; Dolabjian, "Armenian," 111; Vahakn N. Dadrian, "Children as Victims of Genocide: The Armenian Case," *Journal of Genocide Research* 5, no. 3 (September 2003): 423; Dadrian, "Patterns," 489; Feinstein, review of *Ambassador*, 291-294; Melson, "Responses," 109; Dadrian, "Agency," 122; Bjørnlund, "'When'," 200; Schaller and Zimmerer, "Late," 10; O'Dwyer, "John," 376, 382. After using it as a source, O'Dwyer comments that—like the Toynbee material—the Morgenthau literature is not "above suspicion." See: *Ibid.*, 388. Not only does the genocide scholarship build on the American historiographical premise that the United States was neutral until April 1917 and uninvolved in Ottoman affairs prior to WWI and during the war, it also takes part in sustaining it. The belief that an impartial United States government had followed a strict policy of noninterference abroad until it joined the Entente's war efforts is intertwined with the lack of research on the political effects of the American missionaries' work among Ottoman Armenians. Moreover, even the German nationality of a missionary or diplomat does not mean that the account on Armenian victimhood in WWI is a reliable source of information, but the genocide scholarship presents them as sources of information without criticism. See: Dadrian, "Secret," 192; Rooney, "Forgotten," 117; Dolabjian, "Armenian," 111; Bjørnlund, "'When'," 200; Hofmann, "Genocide," 22-60.

observers.⁹¹ The presentation of fatality numbers is fuzzy.⁹² Words such as “evidence,”⁹³

⁹¹ In addition to the assumption that Morgenthau was free from bias, it is significant to note the apolitical language with which the genocide scholarship describes Bryce—who was active in organizing the Armenian national leadership and publicizing the Armenian claim for political independence on Ottoman land from 1876 to the aftermath of WWI—as the most prominent helper of the Armenians, or a “keen observer of Armenian affairs.” See: Segesser, “Dissolve,” 99; Mayersen, “Timing,” 28. Bryce’s role in politicizing the Ottoman Armenian existence and compromising the safety of their communities is not examined by the genocide scholarship, and instead he is portrayed as “something of a ‘champion of the Ottoman Armenians’” without qualification. See: Travis, “Native,” 331. The understatement of Bryce’s function in the Armenian context and the minimal references to him—as a commentator or sympathizer—reflect the genocide scholarship’s disinclination to find that political actors such as Bryce colluded toward the creation of an Armenian-Turkish conflict; such a finding would suggest that the Armenian suffering was a case of imperialist divide-and-rule rather than genocide. For an extended discussion here of Bryce’s involvement, see: Chapter 4, section titled “The Armenian Question.”

⁹² One account states that “the Ittihadist administration massacred around 1,600,000,” whereas another gives the number “1,000,000 Armenian citizens.” Compare: Littell, “Holocaust,” 97; Jacobs, review of *Widening*, 391. The number that has gained the most agreement among the genocide scholars is around 1,500,000 fatalities. See: Theriault, “Universal,” 241; Katharine Derderian, “Common Fate, Different Experience: Gender-Specific Aspects of the Armenian Genocide, 1915-1917,” *Holocaust and Genocide Studies* 19, no. 1 (Spring 2005): 2; Stuart D. Stein, “Conceptions and Terms: Templates for the Analysis of Holocausts and Genocides,” *Journal of Genocide Research* 7, no. 2 (June 2005): 195; Melson, “Contending,” 12. However, no account of the numbers includes a distinction between the number of Armenians who were killed in massacres and the number of Armenians who perished in the poor conditions after being removed from their homes. The genocide scholarship has a tendency to equate the expulsion of the Ottoman Armenians with their massacre. For instance, one account makes it possible to infer, falsely, that more people died in executions than from starvation or sickness during the expulsions: “In that year the ‘Young Turks’ régime ordered, organized and then systematically carried out the extermination of 1.2 million Armenians by mass shootings and forced death marches.” See: Milivojević, review of *Armenian*, 305.

⁹³ For references to “evidence” of “genocide” by the genocide scholarship without legal backing, see: *Ibid.*, 306; Myers, review of *Hitler*, 176; Dadrian, “Secret,” 196; Roger W. Smith, review of *Genocide as a Problem of National and International Law*, by Vahakn N. Dadrian, *Holocaust and Genocide Studies* 7, no. 2 (Fall 1993): 275; Smith, Markusen, and Lifton, “Professional,” 3, 16; Dadrian, “Determinants,” 68; Martin Rooney, “A Forgotten Humanist: Armin T. Wegner,” *Journal of Genocide Research* 2, no. 1 (March 2000): 117; Theriault, “Universal,” 242; Dadrian, “Signal,” 272, 278; Taner Akçam, “The Ottoman Documents and the Genocidal Policies of the Committee for Union and Progress (İttihat ve Terakki) toward the Armenians in 1915,” *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 144; Matthias Bjørnlund, “The 1914 Cleansing of Aegean Greeks as a Case of Violent Turkification,” *Journal of Genocide Research* 10, no. 1 (March 2008): 51; Kaiser, “Regional,” 209; Robert Melson, review of *The Young Turks’ Crime against Humanity*, by Taner Akçam, *Holocaust and Genocide Studies* 28, no. 3 (Winter 2014): 510. These uses of the word *evidence* are made in relation to material that had not been recognized by any competent tribunal as evidence of genocide, yet the genocide scholarship’s language gives it the false appearance of proof. A flagrant example of this misuse is found in a text that conflates evidence regarding the Rwandan case with “evidence” about the Armenian experience, even though the former had undergone the legal procedures of a competent tribunal for the charge of genocide and the latter did not. See: Gibson, “Role,” 518. In a twisted manifestation of the genocide scholarship’s misuse of “evidence,” one text states that the Turkish Historical Society has produced “no new evidence to refute ‘claims’ of genocide.” See: Taner Akçam, “Anatomy of a Crime: The Turkish Historical Society’s Manipulation of Archival Documents,” *Journal of Genocide Research* 7, no. 2 (June 2005): 255. The genocide scholarship’s language promotes the absurd notion that one is burdened with having to produce evidence to prove that an event is not genocide. This is an utter negation of legal sensibilities.

“eyewitness” or “witness,”⁹⁴ and “testimony”⁹⁵ are used to sprinkle legal rhetoric as if to correspond with the legal capacity of the term *genocide*, but this is done in lieu of an authentic legal backing, and without the scrutiny that is provided by a competent legal procedure to secure that sources are reliable, presentable, and representable, proof of what is being claimed.

In view of the genocide scholarship’s focus on the Armenian experience as its flagship case of genocide, the following questions are seen as relevant to understanding the use of “genocide” yet are unpronounced in the genocide journals: What considerations led to the first mention of the Armenian experience in WWI as an example of genocide? What was the context in which the usage of “Armenian Genocide” as a phrase began to be featured prominently and systematically? What historically significant developments may explain the Armenian predicament in WWI but are not addressed by the genocide scholarship? How is the United States government served by genociding Armenian history? How do the popular references to the Armenian experience as genocide affect the legal meaning of the term *genocide* in international law? Since there had been no charge of genocide made in a competent tribunal against any member of the Ottoman government, by what power has the genocide label against Turks regarding the

⁹⁴ For references to “eyewitness” or “witness” of “genocide” by the genocide scholarship without legal backing, see: Dadrian, “Convergent,” 156; Sanasarian, “Gender,” 449; Smith, Markusen, and Lifton, “Professional,” 3; Rooney, “Forgotten,” 117-118; Derderian, “Common,” 2; Melson, “Responses,” 104; Bjørnlund, “‘When’,” 198; Schaller and Zimmerer, “Late,” 7; Dickran Kouymjian, review of *Armenian Golgotha*, by Grigoris Balakian, *Holocaust and Genocide Studies* 24, no. 2 (Fall 2010): 324; O’Dwyer, “John,” 376; Smith, “Introduction,” 8; Tessa Hofmann, “The Genocide against the Ottoman Armenians: German Diplomatic Correspondence and Eyewitness Testimonies,” *Genocide Studies International* 9, no. 1 (Spring 2015), title.

⁹⁵ For references to “testimony” of “genocide” by the genocide scholarship without legal backing, see: Dadrian, “Secret,” 182, 196; Smith, Markusen, and Lifton, “Professional,” 3; Totten, review of *Survivors*, 255-256; Dadrian, “Determinants,” 69; Kouymjian, review of *Armenian*, 324; O’Dwyer, “John,” 376.

Armenian victimhood become a matter of common language?

Controlled Information

Having shown that in its Armenian focus the genocide scholarship exercises a subjective and imprecise use of language and sources to present the Ottoman leaders as perpetrators, the modern-day Turkish leaders as deniers, and the Armenian people as victims, of genocide, it becomes imperative to consider the function of the greater genocide discourse as one that has to generally sustain itself as an academic project despite its unscientific following of a political consciousness. The nature of the material that is being generated by the genocide scholarship—the genociding of history necessarily attaches to the past a legal label that has political implications—begs for the direction of scholarly attention to its process. The genocide scholarship is scientifically undisciplined and politically disciplined.⁹⁶ While its selection of cases and their treatment as genocide is not governed by an objective system, there is nevertheless a method of information creation and delivery that is in accordance with political purpose. It is an observable matter to study what goes into producing, presenting, and promoting this information. The genocide scholarship is arranged through framing, attracting, and persuading.⁹⁷

By framing, the genocide scholarship marks its content. The preliminary and foundational act of framing was accomplished by Bauer's introduction of *HGS*'

⁹⁶ The genocide scholarship's pronounced interdisciplinarity, or multidisciplinary, may also be seen as being of no particular discipline, which means that it has the flexibility to produce knowledge in service of political agenda.

⁹⁷ Nye's analysis of soft power includes a reference to framing, attracting, and persuading. It is cited here in footnote 292, within the theoretical discussion in Chapter 3.

“framework” for genocide studies as surrounding questions about “the universality or uniqueness of the Holocaust.”⁹⁸ Thus, a platform was provided for framing the Armenian experience within a genocide discourse, and for establishing its frame of reference as an assumed genocide.⁹⁹ The framing by the genocide scholarship not only includes influencing what period of time is being examined, but also what periods are left outside its suggested timeframes.¹⁰⁰ Aside from time-period framing, some of the genocide

⁹⁸ Bauer, “Editor’s,” 1.

⁹⁹ For example, in *HGS*’ second issue it is instructed that “the proper frame of reference for the Armenian genocide” is “nationalism.” See: Dadrian, “Role,” 184.

¹⁰⁰ As is shown in the section on the genocide scholarship’s Armenian focus, the 1915 timeframe has invited a concentration of academic interest on Ottoman perpetration, Armenian Victimhood, Russian military strategies, and the ostracizing of the position held by Turkish governments on the use of “genocide” as a label for what happened during that time. By operating within the 1915 timeframe, the genocide scholarship has looked away from the decades in which American involvement has led the Ottoman Armenian group to shift from a peaceful ethnoreligious minority to a nationalistically organized entity whose political ambition was in conflict with the sovereignty of the Ottoman state. Generally, the genocide scholarship seems to have given its discourse on “genocide” a twentieth-century timeframe, and this choice of a timeframe—though itself not self-explanatory—has the effect of highlighting the Armenian experience. See: Milivojević, review of *Armenian*, 305; Levene, “Creating,” 395; Bartrop, “Relationship,” 525; Semelin, “Vocabulary,” 193; Dadrian, “Children,” 421; Gibson, “Role,” 503; Linda M. Woolf and Michael R. Hulsizer, “Psychosocial Roots of Genocide: Risk, Prevention, and Intervention,” *Journal of Genocide Research* 7, no. 1 (March 2005): 102; Henry R. Huttenbach, “From the Editor: New Directions,” *Journal of Genocide Research* 7, no. 2 (June 2005): 169; Barnes, “Functional,” 312; Jacques Semelin, “Announcement: Encyclopedia on Genocides and Massacres,” *Journal of Genocide Research* 7, no. 3 (September 2005): 436; Schabas, “‘Odious,’” 98; Bjørnlund, “‘When,’” 214; Melson, “Responses,” 103; Markovitz, “Ararat,” 250 (note 2); Dominik J. Schaller and Jürgen Zimmerer, “Settlers, Imperialism, Genocide: Seeing the Global without Ignoring the Local—Introduction,” *Journal of Genocide Research* 10, no. 2 (June 2008): 197; Feierstein, “Getting,” 155; Mayersen, “Timing,” 23; Schaller, “Lemkin,” 253-254; Travis, “Original,” 43; Üngör, “Studying,” 68; Charny, “Requiem,” 110; Smith, “Introduction,” 1. This timeframe is stretched back to focus on massacres of Armenians as precursors of the events in 1915. For instance, see: Bedross Der Matossian, “From Bloodless Revolution to Bloody Counterrevolution,” *Genocide Studies and Prevention* 6, no. 2 (Summer 2011): 152-173. In addition to the Armenian focus, the information that the genocide scholarship has produced on the Cambodian experience has consistently designated 1975-1979/1980 as its timeframe in the three genocide journals. This has meant that the preceding period of time, in which the country was bombed by the United States Air Force, is not included as a significant factor in the analysis that is offered by the genocide scholarship. For example, see: Roger W. Smith, review of *The Stones Cry Out*, by Molyda Szymusiak, *Holocaust and Genocide Studies* 3, no. 2 (1988): 225-226; Sorpong Peou, review of *The Pol Pot Regime* by Ben Kiernan; *Brother Number One*, by David Chandler; *Western Responses to Human Rights Abuses in Cambodia, 1975-80*, by Jamie Frederick Metzler, *Holocaust and Genocide Studies* 11, no. 3 (Winter 1997): 413; Fein, “Genocide,” 53; Jörg Menzel, “Justice Delayed or Too Late for Justice? The Khmer Rouge Tribunal and the Cambodian ‘Genocide’ 1975-79,” *Journal of Genocide Research* 9, no. 2 (June 2007): 215; Totten, “State,” 212; James Tyner and Stian Rice, “Cambodia’s Political Economy of Violence: Space, Time, and Genocide under the Khmer Rouge, 1975-79,” *Genocide Studies International* 10, no. 1 (Spring 2016): 84.

scholarship's framing tactics may be characterized as preemptive framing,¹⁰¹ departure-point framing,¹⁰² narrow-view framing,¹⁰³ empty-lingo framing,¹⁰⁴ and information-walls

¹⁰¹ This tactic is employed when a particular phrasing is seen as having the potential to lead the public into considering a new set of information that is possibly unwanted by the genocide scholarship. To prevent the phrase from provoking inquiry that is not controlled, the genocide scholarship might frame the conversation so as to fill it with checked content. For instance, see: Hilene Flanzbaum, "The Americanization of the Holocaust," *Journal of Genocide Research* 1, no. 1 (March 1999): 91-104. The concept of the Holocaust's Americanization might provoke research on how the United States government has taken over the meaning of the Holocaust in service of American interests, but, instead, the concept is used by Flanzbaum to consider some cultural responses to the Holocaust by Americans. Thus, the genocide scholarship can claim that it has covered the issue of the Holocaust's Americanization, without having to generate information about what American interests lie behind the educational purposes that have been assigned to Holocaust memory. As a frame, the Americanization of the Holocaust was filled with content about A, B, C, instead of X, Y, Z.

¹⁰² The genocide scholarship has assumed points of departure in its discourse. This means that by centering the discussion on whether or not the truth of X means that Y is true, the discourse creates assumptions about X as an unquestioned point of departure. For example, when a genocide scholar writes that "the American failure to take a League of Nations mandate for Armenia ... should not be seen as an American 'betrayal' of the values that led to the donation of vast quantities of charitable aide to the Armenians from 1915," readers might focus on whether it is true or not that the lack of political support for Armenians post-WWI suggests that the US had forsaken the core beliefs that guided its early efforts on behalf of Armenians, and thus the readers are not inclined to question the assumed truth that "charitable aide to the Armenians from 1915" covers the relevant history of the American involvement in the lives of Ottoman Armenians. See: Bloxham, "Roots," 28. This false assumption is crucial, for not only does Bloxham's text keep the readers uninformed about significant occurrences that took place between Americans and Armenians in Anatolia over the course of decades prior to 1915, his text also leads them away from even considering the existence of these occurrences. Another form of this tactic is created when one scholar agrees with another scholar's conclusion that "it is unnecessary to use a single word to frame the debate about the persecution of the Armenian people by the Ottoman Turks in 1915." In relation to other works by genocide scholars, it might seem that this text is exceptionally lenient about the use of "genocide" regarding 1915, but as the departure point of stating that the debate about 1915 does not need to center on the term *genocide*, there is a solidified framing assumption that the discourse is naturally about 1915 and Ottoman perpetration. See: William A. Schabas, "Commentary on Paul Boghossian, 'The Concept of Genocide'," *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 91. Therefore, even when questioning the use of "genocide" and appearing to entertain neutrality, the historiographical focus of the genocide scholarship stays on 1915.

¹⁰³ A narrow view of history allows the genocide scholarship to present half-truths that lead readers away from discovering a greater historical reasoning. For example, it is claimed that in 1913 "the USA reverted to non-interventionism, non-favouritism in the promotion of business concerns, and the protection of missionary interests," thus leading readers to see noninterventionism as helpful for missionary interests. See: Bloxham, "Roots," 30. This framing keeps readers two mental steps away from considering that the missionaries' activities were a manifestation of an American involvement in the affairs of another country.

¹⁰⁴ A tactic that is integral to the genocide scholarship's practice of assigning the genocide label to cases without legal backing involves the use of a language that helps to frame the discourse around "genocide." This does not just mean the borrowing of legal terms, but also the use of self-assured phrasing that the subject matter is genocidal. For instance, the claim regarding Darfur that certain information "confirms" that the "Arab *Janjaweed* militias have a clear intent to destroy the Fur, Massaalit and Zaghawa ethnic groups in whole or in part, in accordance with Article II of the Convention on the Prevention and Punishment of the Crime of Genocide" frames the discussion around "genocide" by using words from the Genocide Convention as the skeleton of the rhetoric even though the content about the Darfur case itself

framing.¹⁰⁵ Put together in a constructed discourse, such tactics are set to manage what is considered public knowledge on the meaning of the term *genocide*.¹⁰⁶

By attracting, the genocide scholarship draws the public to come across its content. This aspect of control also involves making the information prominent and dominant. Therefore, the genocide scholarship endeavors to maintain a mechanically centralized and academically authoritative sourcing, whereas it is the influence of public figures and popular media that helps to make the genocide scholarship's language common. The research of the genocide scholarship becomes fixed by way of promoting database tools through which knowledge is gathered and offered systematically such as a

does not fit into it: ethnic groups were not persecuted as such, but as part of a political conflict. Thus, the readers are led to consider Darfur in genocidal terms despite the scholar's complacent use of lingo that might not match the particulars.

¹⁰⁵ This tactic uses publicized disagreement between two sides to enclose the information within a certain frame of focus, without it seeming like a guided effort, and thus also create an idea of a middle ground between the two walls of opinion. Put another way, if the information presents a debate between *X* and *Z*, then the public is led to think in terms of the space between *X* and *Z*, and believe that *Y* might present a consensus. Accordingly, the public is not expected to question the focus of the discourse on *X-Z* or consider the existence of views *A-W* as relevant. For example, an argument creates one wall of information by stating that "the 4th Army cannot be taken as being representative for other Ottoman armies" and that the "notion of an empire-wide genocide of Ottoman Armenians perpetrated by a unified CUP is untenable." See: Kaiser, "Regional," 209. Then, the supposed counterargument presents the other wall of information by saying that Kaiser's argument "conceals severe atrocities committed by the Ottoman perpetrators" and that "It will still take a long time before we are fully clear on all the details of the Armenian Genocide after so much effort has been spent on manipulating it to make it disappear." See: Gust, "Question," 261, 263. In this manner, the debate is the frame of information that draws the public, and the agreed element within this information as a whole, which is then internalized by the consumers of the information, is the reference to "genocide" as if a matter of fact. Under this influence, the public is removed from being able to imagine a completely different discourse on the meaning of "genocide," or consider the unscientific quality of choosing the Armenian experience as the subject-matter of a debate about "genocide."

¹⁰⁶ Being treated as public knowledge, references to "the Armenian Genocide" in the genocide scholarship are ingrained in the language without any added explanatory notes to show on what the phrasing is based, as if the labeling of the Armenian experience as genocide is on the same level of public knowledge as stating that George Washington was the first president of the United States.

“Bibliographic Software,”¹⁰⁷ “a who’s who and what’s what” guide,¹⁰⁸ an “Encyclopedia of Genocide,”¹⁰⁹ “The Dictionary” of genocide,¹¹⁰ “The Oxford Handbook of Genocide Studies,”¹¹¹ and recommended websites that serve as search engines.¹¹² Also, book reviews have served as opportunities for the genocide scholarship to direct readers to particular sources of information by use of praise.¹¹³ As a result, an air of ascendancy is given to the information, which is then passed on as specialized knowledge in tandem

¹⁰⁷ The review that describes this bibliographic software has the quality of an ad: it specifies the software’s features and varied costs, promises that “Installation instructions are clear and simple,” and assures readers that “the ease of access of this comprehensive database will, indeed, prove to be a boon to scholars and those seriously interested in this emerging field of important work.” See: Jacobs, review of *Holocaust*, 267. The review also states that the bibliographic software was “Funded primarily by the United States Institute of Peace.” See: *Ibid.*, 266. The United States Institute of Peace is a federal institute whose board of directors is said to “consist of fifteen voting members,” twelve of whom are appointed by the President of the United States, and—unless otherwise designated “with the advice and consent of the Senate”—the other three are the Secretary of State, the Secretary of Defense, and the president of the National Defense University. See: “United States Institute of Peace Act,” 5, http://www.usip.org/sites/default/files/file/usip_act.pdf (accessed, 1/23/2017).

¹⁰⁸ A literary product is presented as “*the essential starting-point* for serious investigation,” and described as “a veritable ‘gold mine’ of who’s who and what’s what in the newly-emerging field of genocide studies.” See: Jacobs, review of *Widening*, 389-390.

¹⁰⁹ A genocide encyclopedia was the subject of two reviews in one issue of *JGR*, in which it was recommended as an “invaluable resource for anyone interested in the origins and details of the genocides, the war crimes and human rights violations committed in recent history,” and as “the culmination of the 30-year development of genocide studies.” See: Goldstone, “*Encyclopedia*,” 265; Henry Theriault, review of *Encyclopedia of Genocide*, edited by Israel W. Charny, *Journal of Genocide Research* 4, no. 2 (June 2002): 266. Attention was also called to another genocide encyclopedia, which was presented as a European project. See: Semelin, “Announcement,” 436.

¹¹⁰ A genocide dictionary is mentioned as one of the “various research tools” that “have been developed by genocide scholars over the years.” See: Totten, “State,” 214.

¹¹¹ *Ibid.*

¹¹² Before it became common practice to search for information online through websites such as Bing.com and Google.com, the genocide scholarship attempted to attract the public to its preferred information online by directing its readers to bibliographical lists on selected websites. For instance, see: Peter A. Sproat, “Researching, Writing and Teaching Genocide: Sources on the Internet,” *Journal of Genocide Research* 3, no. 3 (November 2001): 453, 455.

¹¹³ As an example of this, Roger W. Smith describes Vahakn Dadrian’s book as a path-breaking study, and just over a year later Dadrian describes Robert Melson’s book as a path-breaking study. See: Smith, review of *Genocide*, 275; Dadrian, “Essay,” 410.

with the support of known personalities.¹¹⁴ It then becomes unlikely to consider other information about “genocide,” or even to think of other information as a possibility, because in order to do so the public would have to question and possibly abandon general habits of knowledge consumption.

By persuading, the genocide scholarship causes the public to accept its content as knowledge. The genocide scholarship uses a persuasion-driven language in describing history¹¹⁵ or the works of other genocide scholars.¹¹⁶ In addition, the genocide

¹¹⁴ In one article, a genocide scholar makes several references to George Clooney’s influence regarding Darfur: its popular treatment as a case of genocide and the calls for intervention. At the end of the article, it is argued that the genocide scholarship needs “more Lemkin and less Clooney,” as if to suggest that the field of study would appear more erudite by discussing the former’s rather than the latter’s thoughts on genocide. See: Schaller, “Lemkin,” 247-248, 254. In this way, the genocide scholarship both enjoys the publicity its discourse receives through a celebrity such as Clooney while protecting its image as a scholarly project.

¹¹⁵ The genocide scholarship uses the word *fact* in a manner that confuses historical findings or memory with the genocide scholarship’s own labeling of genocide. An instance of this is the use of “the fact of the genocide” as a phrase when discussing the Armenian experience. See: Guroian, “Post-Holocaust,” 311. In another example, “The fact that the 1915-16 Genocide of the Ottoman Armenian was committed,” the use of “fact” in relation to the genocide label is part of an assumption that precedes a claim. See: Bloxham, “Organized,” 225. Similarly, “the fact that the genocide of the Armenians,” is used to confuse the label with memory. See: Balakian, “Raphael,” 61. Through such rhetorical manipulation, the public is led into believing that a misused legal label is the actual historical event. Furthermore, the genocide scholarship uses “fact” to describe debatable and unsubstantiated claims: “The fact remains that the Armenian community was completely unprepared for the calamity which befell it because it did not consider itself a threat to either Turkish national security or to Turkish national aspirations.” See: Dadrian, “Secret,” 194. The entire paragraph in which Dadrian used “fact” contains no references to sources. Along these lines, “denial of facts (it didn’t happen),” is used without articulating what the facts are and without distinguishing between supposed facts and whatever “it” means. See: Smith, “How,” 102. Another rhetorical manipulation involves the use of verbs such as *to acknowledge* and *to recognize* in relation to the phrase “the Armenian Genocide,” as if the misuse of the genocide label as part of a name is something to be accepted as part of the historical event. The verb *to acknowledge* is used to claim that many Turks have a “continuing inability to acknowledge the Armenian Genocide.” See: Benhabib, “Jews,” 369. The verb *to recognize* is used to the same effect: “The aim of the militant Armenian organizations was to bring Turkey to recognize the Armenian Genocide.” See: Hülya Adak, “Gendering Denial Narratives of the Decade of Terror (1975-85): The Case of Sa’ miha Ayverdi/Neşide Kerem Demir and Hatun Sebliciyan/Sabiha Gökçen,” *Journal of Genocide Research* 17, no. 3 (September 2015): 329. For references here to the genocide scholarship’s borrowing of words from Holocaust studies or legal procedure, see: note 60 in this chapter.

¹¹⁶ For instance, when saying that “Bloxham demonstrates convincingly that the leadership’s sensitivities to outside intervention in Turkish internal affairs grew more extreme during World War I and the genocide.” See: Norman M. Naimark, review of *The Great Game of Genocide*, by Donald Bloxham; *The Armenian Massacres in Ottoman Turkey*, by Guenter Lewy, *Holocaust and Genocide Studies* 21, no. 2 (Fall 2007): 302. The use of the adverb *convincingly* by someone who is perceived as an expert invites the readers

scholarship has attempted to gain the public's trust in its selective representations of genocide by appealing to what the public already believes to be associated with social improvement, such as the awareness of violence against women.¹¹⁷ The genocide

themselves to believe in the truth of the claim.

¹¹⁷ There have been articles in the genocide scholarship whose theme is to blend genocide studies and women's studies. These include references to gender-specific suffering supposedly from genocide, with the underlying assumption that the Armenian experience is seen as genocide, such as "female victims of genocide," "the issue of gender enters the Armenian genocide," and "The Genocidal process was gender-based." See: Sanasarian, "Gender," 449, 459. Also to be considered are comments such as "sexual violence and gender-specific persecution of victims were central aspects of the Armenian Genocide of 1915-17;" "a definite link between genocidal and gender ideologies;" "Gender-specific practices marked every stage of the Armenian Genocide;" and "Violence directed at female deportees." See: Derderian, "Common," 1, 3, 6. It is proposed that "if gender violence is a core component of genocide—the Armenian, Rwandan, and Bosnian cases are particularly well documented in this respect—then prevention of genocide requires engaging the foundations of gender violence." See: Theriault, "Albright-Cohen," 207. However, the prevention of gender violence does not run through the labeling of "genocide." As shown above, the labeling of "genocide" without the legal backing could mean that the research of circumstances surrounding mass violence is limited by an unwarranted focus on local responsibility alone. The Genocide Convention does not address rape. There is nothing distinctly genocidal about rape. Generally, rape occurs when the use of force is encouraged by power. When in the context of mass violence, rape happens in situations of intergroup tension that are not necessarily genocidal such as colonization, enslavement, occupation, and the destruction of the state as in the Armenian experience in WWI. Unlike genocide, rape is not an act that needed to be conceptualized; rape was not without a name, but a clearly defined act that could not be effectively prevented as long as the victims were without representation. Its ongoing articulation as a crime did not require the advent of "genocide." The rise of women's rights in society has brought a wave of new thoughts on gender-based mistreatment, and the use of this current social sensitivity regarding the abuse of women for the promotion of selective genocide labeling is exploitative and perhaps even predatory. The genocide scholarship exploits the credibility of female victimhood to advance its own claims just as it exploited the credibility of Jewish victimhood to come into existence. By giving itself the appearance of being aligned with women's studies, the genocide scholarship also assumes a postmodernist identity, and thus presents itself as a pioneering field of study that cannot be readily associated with the established principles of governing agencies. The genocide scholarship also tries to use the trendiness of women's studies to promote the genocide discourse on Cambodia. The effort to incorporate the semblance of women's studies into the genocide discourse was so persistent that one genocide scholar published the same information twice: "Yet in Cambodia women were deeply involved in the whole process of destruction: maintaining the killing pace of work, close surveillance over individuals and families, the setting of traps to test people's loyalty, interrogation, the use of violence to whip people into line, the administration of brutal punishments for minor infractions, and direct killing with pickaxes" is similar to "Cambodian women were deeply involved in the whole process of destruction that ensued: the killing pace of work, close surveillance over individuals and families, the setting of traps to test people's loyalty, the use of violence to whip people into line, the administration of brutal punishments for minor infractions, and direct killing with pickaxes." Compare: Smith, review of *Stones*, 226; Roger W. Smith, "Women and Genocide: Notes on an Unwritten History," *Holocaust and Genocide Studies* 8, no. 3 (Winter 1994): 326. In other words, a previously written argument, which was published by the same journal, is repeated word for word with the exception of some adjustments. Ironically, the title of the second article refers to an unwritten history. This instance indicates that the process of knowledge production by a prominent genocide scholar shows a commitment to the message rather than a full embrace of writing as a creative process.

scholarship has also sought to persuade readers to adopt its genocide labeling by associating the hindrance of social progress with an adversarial position to the genocide discourse.¹¹⁸

Being controlled, the information is channeled toward two main avenues of political agenda: the protection of American historiography as the dominant narrative worldwide, and the projection of American foreign interests as moral pleas. First, the genocide scholarship is geared toward treating past events in a manner that affects how members of the American and international public view the role of the United States government in modern history. Sensitive American historiographical interests are handled through omission or qualification: the systematic enslavement of African peoples and the ordered bombardment of Asian populated areas are virtually left out of the discourse;¹¹⁹

¹¹⁸ The genocide scholarship's presentation of the Turkish government as a denier lends credibility to the genocide discourse because of a long history of publicized prejudice against Turks in Anglo-American circles, which is linked to the politics of the Eastern Question and the culture of orientalism. Turks were considered to be incapable of effective rule: "The history of Mohammedan empires shows that no development of the arts of government or society, no advance in thought or industry, is to be looked for under them." James Bryce, "The Future of Asiatic Turkey," *The Fortnightly Review* 23 [29] (January-June 1878): 928. Turks were also considered to be an obstruction of civilizational progress: "He [the Turk] is not simply unprogressive, but stupidly dull, either ignorant of the strides which the rest of the world is making, or sullenly indifferent to them." See: George H. Hepworth, *Through Armenia on Horseback* (New York: E. P. Dutton & Company, 1898), 351. The genocide scholarship taps into the remaining influence that such information has on the public, and converts the common partiality against Turks into scholarly credibility by having the Turkish government be positioned as its adversary. Based on the tradition of Turkophobia, there seems to be an expectation that Westerners would ascribe intellectual integrity to the genocide scholarship by virtue of it being in conflict with Turkey. To gain favor within Turkey, and influence Turkey's internal affairs, the genocide scholarship has found utility in the memory of the journalist Hrant Dink, who as a Turkish citizen of Armenian descent criticized his government's handling of the Armenian issue. The genocide scholarship suggests to Turks that if they wish to be perceived as progressive by the international community, then the support of people like Dink is the way forward. His assassination is recruited by the genocide scholarship to portray an intolerant Turkey, as if a symbol of an effort to silence a voice who spoke the truth against denial. This notion of truth is then associated with the work of the genocide scholarship. For instances of this, see: Schaller, "From the Editors: Judges," 2; Marsoobian, "Acknowledging," 218-219; Adak, "Gendering," 336, 340-341.

¹¹⁹ The references to these events are few and brief. In a rare reference, the "African American slavery" is said to be irrelevant for considerations of genocide. See: Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (December 2006): 403. The genocide scholarship does not call the nuclear attack on the cities of Hiroshima and Nagasaki "genocide," but it is said that the term *genocide* "has even been applied" to the bombings. See: Semelin, "'G'," 24. Israel

the annihilation of the precolonial societies in America is mentioned as genocide, but in a restricted manner that places detectable limits on its ability to have a significantly detrimental effect on the United States government.¹²⁰ By studying the genocide scholarship's treatment of the victims who are often described as American Indians or Native Americans, it is possible to observe how complex production rather than simple reduction allows the genocide discourse to control sensitive information on history in line with American interests.

The case of the precolonial population in the United States shows how the scholarly discourse on persecutions of identity groups is information that is controlled by power. There are detectable signs that the genocide scholarship is not empowered to

Charny, whose liberal definition of genocide was accentuated in his debate with Steven T. Katz (see: note 29 in this chapter), states that “the nuclear destruction of Nagasaki” was “certainly” a genocidal murder and that “perhaps also Hiroshima,” but relates these acts to “‘good’ guys” in “just wars.” See: Charny, “Requiem,” 115. Charny does not disclose what scientific method—if any—led him to reach a conclusion that there is some notable distinction between Hiroshima and Nagasaki in the context of “genocide,” but this use of “genocidal” has no bearing on the discourse because of its detached quality. Charny’s odd and casual reference might make it seem like the genocide scholarship does not ignore Hiroshima and Nagasaki, but this single remark has no part in the discourse and is not incorporated into the greater scheme of genocide studies. For example, an issue of *JGR* was dedicated to the topic of environmental genocide without offering any scholarly research on Hiroshima and Nagasaki. The editorial introduction to the issue does not mention Hiroshima and Nagasaki, yet space was found in the context of “genocide” and the environment to mention the Ottoman government as perpetrator of multiple “genocides” during WWI. See: Jürgen Zimmerer, “From the Editors: Environmental Genocide? Climate Change, Mass Violence and the Question of Ideology,” *Journal of Genocide Research* 9, no. 3 (September 2007): 350. There is one reference to “atrocities” that were committed by the military in Vietnam. See: Theriault, “Grain,” 128-129. However, references to Vietnam in the genocide scholarship are mostly made in the context of the Khmer Rouge rule of Cambodia, which is discussed here in the next section. Even a reference to Jean-Paul Sartre’s work on genocide does not mention that his intellectual efforts were made in the context of Vietnam. See: Barnes, “Functional,” 313. The American military campaign in Vietnam is described as an “intervention.” See: Eyal Mayroz, “Ever Again? The United States, Genocide Suppression, and the Crisis in Darfur,” *Journal of Genocide Research* 10, no. 3 (September 2008): 378. The publicized debates about “genocide” in the contexts of the African American community in the 1950s and the American war in Vietnam in the 1960s and 1970s are discussed in Chapter 5.

¹²⁰ The instances in which the history of Native Americans is addressed in the context of genocide studies provides the genocide scholarship with credibility capital. Arriving at the desired discourse regarding this topic is a delicate matter for the genocide scholarship: its need for credibility means that it cannot ignore this aspect of history, but its agenda means that it cannot use the label of “genocide” in full capacity.

establish a discourse regarding American history as it is regarding Ottoman history.¹²¹

Furthermore, the discourse does not offer an exploration of the power considerations that may explain why the group identity of Poles was defended as national in the name of morality and international law during WWII whereas a group identity such as that of the Cherokee people did not receive a similar defense.¹²² Five characteristics of the genocide scholarship's treatment of the United States government's treatment of its precolonial population—which may be defined as involving the victimhood of identity groups—provide an example of how the discourse controls information: an expanded

¹²¹ The introduction to the first journal by the genocide scholarship, *HGS*, reveals how the genocide discourse was going to proceed on this issue: it would be addressed by the genocide scholarship, but carefully blended into the discourse, and it would receive a vastly different treatment from cases that have a strong accusatory nature such as the Armenian aspect of the discourse. When defining the topics that will be raised by the journal, one is described as “the Armenian genocide,” while the other is described as “problems concerning the Native Indian populations of the Americas.” The hesitation to use the term *genocide* regarding the latter is stressed by the drive to present the use of the term as a matter of fact regarding the former. See: Bauer, “Editor’s,” 1. Since then, “Armenian” was mentioned hundreds of times in *HGS*, whereas “American Indian” or “Native American” appear only a few times on the pages of this journal. Much of the language that the genocide scholarship applies in reference to the Armenian experience has not been used in relation to the experience of those who were called Indians by their assailants: Native Americans are not addressed as descendants of survivors by the genocide scholarship, and no attention is called to Native American interest-groups regarding lobbying for genocide recognition. There is no effort to popularize a phrase such as “the Armenian Genocide” in the context of specific tribes or in general, and there is separation between the name of the victims and the term *genocide*, such as “genocide of Native Americans.” For example, see: Theriault, “Albright-Cohen,” 204; Theriault, “Grain,” 128. While in the Armenian context the genocide scholarship labels invitations for historical debate as denial, when it comes to the United States government's treatment of its precolonial population the genocide scholarship produces questions about what happened. For instance, the genocide scholarship invites a debate over whether or not a certain event, known as the Sand Creek Massacre, involving the United States government, was a battle. See: Brenden Rensink, “The Sand Creek Phenomenon: The Complexity and Difficulty of Undertaking a Comparative Study of Genocide *vis-à-vis* the Northern American West,” *Genocide Studies and Prevention* 4, no. 1 (Spring 2009): 14. This is in sharp contrast to the treatment of the Armenian experience, regarding which the genocide scholarship does not seek to distinguish between massacres and battles. Moreover, the historical discourse is described geographically as “the history of the North American West,” rather than within United States history. See: *Ibid.*, 17. However, the genocide scholarship does not describe the Armenian experience as part of the history of Eastern Anatolia, but rather insists on it being a part of “Ottoman history,” which is a description that focuses on the government. For example, see: Akçam, review of *Armenian*, 118-119.

¹²² The power-consideration was that Poland's existence as a nation-state served as a political buffer that contributed to stopping German growth and promoting a balance of power in Europe, while the Cherokee's existence as a nation-state would have interfered with the growth of American governance and there was no great power to make popular claims on behalf of the Cherokee or fight for their political independence.

timeframe,¹²³ an Americanization of the victims' title,¹²⁴ a generalization of the

¹²³ Reference is made to 1492 as the beginning of the victimhood, thereby presenting the perpetrators as a whole host of colonizers since the days of Christopher Columbus. See: Robert Melson, review of *Little Matter of Genocide*, by Ward Churchill, *Holocaust and Genocide Studies* 14, no. 2 (Fall 2000): 270. Correspondingly, the perpetrators are described as Europeans. See: Schaller, "Lemkin," 250. Melson refers to Europeans as the assailants five times in one paragraph. See: Melson, review of *Little*, 270. One scholar explains the atrocities as the result of a "Euro-American contact." See: Rensink, "Sand," 11. By expanding the timeframe, the scholarship becomes less focused on the actions of the United States government. The expansion of the timeframe in this discourse is a stark contrast to the narrowing of it in the discourse about the Armenian experience. The narrowed timeframe that the genocide scholarship maintains in its narration of the Armenian experience is discussed here with references provided in this chapter's notes 81-86.

¹²⁴ Usage of the title "Native Americans" to describe an identity group might be fitting for the descendants of the precolonial societies after becoming citizens of the United States. It does not appear to be as fitting as a title for the victims who did not themselves name the land America, and, correspondingly, did not consider themselves to be natives of "America," which is a name that was given to the land by colonizers and popularized by those who persecuted the precolonial societies. The reference to the victims as Native Americans who were persecuted by European colonizers gives an impression of a European offense against Americans, and that, in a manner, this is a narration about the victimization of America. For instance, the events are presented as "the overall genocide of Native America" or "the near-extinction of America's Native Peoples." See: Barbara Alice Mann, "Fractal Massacres in the Old Northwest: The Example of the Miamis," *Journal of Genocide Research* 15, no. 2 (June 2013): 179; Jens-Uwe Guettel, "The US Frontier as Rationale for the Nazi East? Settler Colonialism and Genocide in Nazi-Occupied Eastern Europe and the American West," *Journal of Genocide Research* 15, no. 4 (December 2013): 401. Even though "America" is a term that is taken from the lexicon of the colonizers, the discourse describes an abuse of "America" by colonizers.

offense,¹²⁵ a usage of alternative terminology,¹²⁶ and an inconspicuous discussion.¹²⁷

¹²⁵ There is an attempt to lump together the victimhood of the Native Americans' ancestors with other cases of native populations being massacred, such as the Australian case. This is a development of Leo Kuper's typology, which included "genocide against indigenous peoples" as a category. See: Walter K. Ezell, review of *The Prevention of Genocide*, by Leo Kuper, *Holocaust and Genocide Studies* 2, no. 1 (1987): 172. In effect, reiterated references to Australian genocidal guilt turns the American experience into a more general colonial phenomenon rather than be seen as a specific policy of the United States government. For examples of this, see: Charny and Smith, "Why," i; Schaller and Zimmerer, "Settlers," 197; Damien Short, "Australia: A Continuing Genocide?" *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 53; Daniel Feierstein and Henry Theriault, "Editor's Introduction," *Genocide Studies and Prevention* 5, no. 2 (Summer 2010): 133; Andrew Woolford and Jeff Benvenuto, "Canada and Colonial Genocide," *Journal of Genocide Research* 17, no. 4 (December 2015): 377. In this context, "British imperialism and colonialism" is highlighted as the perpetrator "in the physical and cultural destruction of native peoples in North America, Australia, and New Zealand," thereby looking away from the United States government's responsibility toward the natives within the territories it controlled. See: Robert Melson, "Critique," 282. Sometimes, the references to genocide in this context are made without mentioning a perpetrator. For instance, see: Stannard, "De'ja," 129; Jeffrey Ostler, "'Just and Lawful War' as Genocidal War in the (United States) Northwest Ordinance and Northwest Territory, 1787-1832," *Journal of Genocide Research* 18, no. 1 (March 2016): 15.

¹²⁶ Terms other than "genocide" have been used to flood the information about this victimhood. This has the effect of equipping the discourse with a language that does not rely on references to "genocide," and, therefore, the term is kept from reaching a high level of popular usage in this context. Instead of a committed labeling of genocide, the genocide scholarship has bundled the term *genocide* in this context with other generic terms, such as "settler colonialism," or "settler imperialism," which opened up the discourse for a dichotomy of "settlers and natives" that is unaccompanied by suggestions of government responsibility. For instances of this shift toward a broader postcolonial rhetoric, see: Wolfe, "Settler," 387, 403; Stannard, "De'ja," 131; Schaller and Zimmerer, "Settlers," 195-197; Norbert Finzsch, "[...] Extirpate or Remove That Vermin': Genocide, Biological Warfare, and Settler Imperialism in the Eighteenth and Early Nineteenth Century," *Journal of Genocide Research* 10, no. 2 (June 2008): 219; William Gallois, "Genocide in Nineteenth-Century Algeria," *Journal of Genocide Research* 15, no. 1 (March 2013): 69; Guettel, "US," title; Woolford and Benvenuto, "Canada," 377, 382; Rogers and Bain, "Genocide," 83, 92. Unlike the position on the Armenian experience, the genocide scholarship's treatment of colonized societies involves a call "to assess these nation's [*sic*] histories more clearly" rather than dwell on the applicability of the term *genocide*. See: Katherine Ellinghaus, "Biological Absorption and Genocide: A Comparison of Indigenous Assimilation Policies in the United States and Australia," *Genocide Studies and Prevention* 4, no. 1 (Spring 2009): 72.

¹²⁷ The discussion is often embedded inside paragraphs without any way for the readers anticipate it. For instance, Theriault's quick reference to "genocide of Native Americans" is within a paragraph on "cycles of violence" in an article about genocide scholarship in general. See: Theriault, "Grain," 128. In another article by him, "the extermination of the Native Americans" is described at the start of a paragraph as a "government policy" and within "the definition of genocide," but the reference is deeply embedded within a discussion on the Albright-Cohen Report. See: Theriault, "Albright-Cohen," 204. Hitting two birds with one stone, the genocide scholarship created an indirect way to deal with the memory of the "American Indian" victimhood by presenting the issue as a background in a discussion that centers on Guenter Lewy as an advocate of a "uniqueness thesis" who denies that cases other than the Holocaust are genocide, and it also gains an indirect way to deal with the memory of how the North American precolonial population was treated by the United States government. Lewy claims that there is no basis for charging the United States government of genocide because there is no evidence of intent to massacre "the Indian people as such." See: Guenter Lewy, "Can There Be Genocide without the Intent to Commit Genocide?" *Journal of Genocide Research* 9, no. 4 (December 2007): 670. In the following issue of the same journal, three responses debunk Lewy's position. See: Barta, "Intent," 111-118; Norbert Finzsch, "If It Looks Like a

Second, the genocide scholarship is designed to create a discourse about global events that is predetermined to have an atrocity focus, and thereby direct the public conversation according to the perception that the international community is expected to stop human suffering by way of intervention. Much of the genocide scholarship's work is unabashedly supportive of political activism, which it expresses as being for the sake of prevention.¹²⁸ The emphasis on prevention reflects the genocide scholarship's foundationally warped view of genocide as a cause for action rather than a legal

Duck, If It Walks Like a Duck, If It Quacks Like a Duck," *Journal of Genocide Research* 10, no. 1 (March 2008): 119-126; Stannard, "De'ja," 127-133. Thus, instead of offering specific studies that label the destruction of North American communities as genocide, the genocide scholarship created an opportunity to reject the work of a scholar who is portrayed as committed to arguing against the use of genocide in this instance and generally.

¹²⁸ One of the genocide journals features the word *prevention* in its original name. In the journal's first editorial as *GSP*, it is stated that those behind its publication "share a deep commitment to the study and prevention of the genocide of *all* peoples." See: Charny and Smith, "Why," i. In a later editorial of *GSP*, the co-editor at the time gives voice to the idea that the mission to "help end" genocide is a core element of the genocide scholarship. See: Herb Hirsch, "Editor's Introduction: MARO: Mass Atrocity Response Operations; A Military Planning Handbook: Selling the Mission and/or Protecting Human Rights?" *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 5. The argument is made that "Genocide studies should be defined today explicitly and prominently as a field of study as well as research and action for intervention and prevention," and that "Prevention should be at the center." See: Charny, "Requiem," 116. This sentiment is also shared by the supposedly rivaling journal, *JGR*, in which a "belief in prevention" is professed as being a "fundamental ideology within genocide studies." See: Cushman, "Is," 524. The founder of *JGR*, asks in one editorial "Why study the crime of genocide at all if not partially for the sake of prevention?" See: Huttenbach, "Editor: Remembering," 3. He later revisits the question, asking "If bona fide prevention is practically unattainable, why continue the study of genocide except as an academic pursuit of knowledge for knowledge's sake?" See: Henry R. Huttenbach, "From the Editors: Genocide Prevention: Sound Policy or Pursuit of a Mirage?" *Journal of Genocide Research* 10, no. 4 (December 2008): 473. The activism of the genocide scholarship assumes an unexplained sense of authority, as manifested in AGS' Armenian Genocide Resolution, which was "unanimously passed" at a conference in 1997, and is worded as if to suggest that it is standard practice for scholars—they present themselves as "prominent" scholars—to pass a resolution, which "reaffirms that the mass murder of over a million Armenians in Turkey in 1915 is a case of genocide" and that it "conforms to the statutes of the United Nations Convention on the Prevention and Punishment of Genocide." See: Association of Genocide Scholars, "The Armenian Resolution Unanimously Passed by the Association of Genocide Scholars of North America," <http://www.genocidescholars.org/sites/default/files/document%09%5Bcurrent-page%3A1%5D/documents/IAGSArmenian%20Genocide%20Resolution%200.pdf> (accessed, 1/23/2017). Later, the president of INoGS tries to create some separation from the activities of the association that is now known as IAGS, and says about INoGS that "It has largely refrained from passing political resolutions and from getting dragged into history wars so typical of genocide activism." See: Zimmerer, "Genocide," 205. However, as shown here, *JGR*—INoGS' official journal—has had a major role in promoting the idea of genocide prevention, which promotes the political activism that is advocated by IAGS. Indirectly, Zimmerer is merely pointing at a separation of duties between the two associations.

characterization to criminalize a certain action.¹²⁹ Accordingly, a moral underpinning can

¹²⁹ Instead of seeking to prevent mass deaths through the legal application of “genocide,” the genocide scholarship acts as if “genocide” itself is being prevented. The word *prevention* is often used in medical context regarding efforts to stop ailments that cause bodily suffering and possibly death. The insistence on preventing genocide seems to suggest a similar act of stopping something that causes death, yet genocide is not a cause of death, be it directly (such as a weapon used for killing) or indirectly (such as a reason for violence). This distortion of the term *genocide* is noticeable in how the word *scourge*, which is a cause of death, is used as a nickname for genocide. See: Charny and Smith, “Why,” i; Schabas, “‘Odious,’” title; Hiebert, “Theorizing,” 335; “Plea,” 301; Smith, “Introduction,” 8. As stated in Article 8 of the Genocide Convention, this contributes to the genocide scholarship’s assumption that campaigning for genocide prevention can precede any designation by “the competent organs of the United Nations” on what counts as genocide and how to appropriately suppress it. It is said that the “UN Genocide Convention ... specifically called on the prevention of genocide.” See: Huttenbach, “Editors: Genocide,” 471. However, the commitment to “undertake to prevent and to punish,” as stated in Article 1 of the Genocide Convention, does not mean that the prevention involves public campaigns that ignore the authority of the United Nations in determining what is genocide or the intervention of forces before an event is seen as genocide through the United Nations’ proper channels. The genocide scholarship’s discussion of “an early warning system” undermines the work of competent tribunals as it presents an expectation that human beings can and ought to be prevented from committing a crime before they are found to be guilty of it. Even without believing in the ability to predict genocide, it is argued that “Unfortunately the law is only marginally relevant in matters of prevention.” See: Jonassohn, “Prevention,” 10. It seems as though the genocide scholarship is bothered by the inability to charge individuals with a crime before it is committed: “Another problem with judicial processes is that an individual can be charged only after a crime has been committed.” See: *Ibid.*, 11. It is suggested by the genocide scholarship that there should be a focus on “the early recognition of the stages of the incipient genocides as soon as they occur.” See: *Ibid.*, 12. The genocide scholarship presents it as “a simple but profound fact that *the time to prevent genocide is before it is perpetrated.*” See: Totten, “Paying,” 24. This argument is similar to that which was dramatized as a subject of concern through the film *Minority Report* (2002): a system that arrests individuals before a crime is committed and without due process. The genocide scholarship celebrates that the International Court of Justice (ICJ) called “it ‘absurd’ in the context of prevention to wait until genocide has been committed and determined to fit the legal definition” and instructed that “‘a State’s obligation to prevent, and the corresponding duty to act, arise at the instant that the State learns of, or should normally have learned of, the existence of a serious risk that genocide will be committed.’” See: Martin Mennecke, “Genocide Prevention and International Law,” *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 172. However, Mennecke does not relate that the judgment also found that it is “only if genocide was actually committed” that “a State can be held responsible for breaching the obligation to prevent genocide,” and that “if neither genocide nor any of the other acts listed in Article III of the Convention are ultimately carried out, then a State that omitted to act when it could have done so cannot be held responsible *a posteriori*, since the event did not happen which, under the rule set out above, must occur for there to be a violation of the obligation to prevent.” See: International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, *I.C.J. Reports 2007*, 221-222, paragraph 431, <http://www.icj-cij.org/docket/files/91/13685.pdf> (accessed, 1/23/2017). Meaning, it is not “genocide” per se that the ICJ expects governments to prevent, but rather violence regarding which there is a reasonable expectation that it might be held as genocide later by a competent tribunal. The genocide scholarship does not have the legal authority to determine what is genocide and does not have legal validation when it calls for “genocide prevention” before a competent tribunal has found the violence in question to be genocide. This conceptual problem of “genocide prevention” does not seem to be foreign to the United States government. David Scheffer, who has served the government in several capacities, tried to introduce a transition to use “atrocious crimes” or “precursors of genocide” as phrases for prevention action because of the legal requirements that accompany the term *genocide*. See: David Scheffer, “Genocide and Atrocious Crimes,” *Genocide Studies and Prevention* 1, no. 3 (Winter 2006): 229, 237. To Scheffer, “The status quo of terminological usage is confusing, misleading, and often inaccurate.” See: David Scheffer, “The Merits of

be used to prompt calls for aggressive action regarding matters of international conflict and other countries' internal affairs, without there being consideration of how the genocide scholarship might be organizationally set up to serve the invested interests of a powerful party such as the United States government.¹³⁰ Simultaneously, by framing the public debate around the question of the United States' role as a possible savior, the controlled departure point of the discourse leaves out consideration of the United States

Unifying Terms: 'Atrocity Crimes' and 'Atrocity Law'," *Genocide Studies and Prevention* 2, no. 1 (Spring 2007): 91. More recently, the White House announced "the creation of a whole-of-government Atrocities Prevention Board (APB), and directing the National Security Advisor to lead a comprehensive review to assess the U.S. government's anti-atrocity capabilities, and recommend reforms that would fill identified gaps in these capabilities." See: White House, "Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities," <https://www.whitehouse.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro> (accessed, 1/23/2017). However, instead of recognizing that its notion of "genocide prevention" is problematic, the genocide scholarship insists that there is "a record of failure" when it comes to "genocide preventing." See: Ezell, review of *Prevention*, 172. Zimmerer exclaims that "Genocide prevention—as we know it—has failed!" See: Jürgen Zimmerer, "From the Editors: Genocide and Global Social Justice: Towards Sustainable Prevention," *Journal of Genocide Research* 10, no. 2 (June 2008): 183.

¹³⁰ An example of this is found in the genocide scholarship's role in the American-based campaign to treat events in Darfur as genocide, even though the United Nation's *Report of the International Commission of Inquiry on Darfur* in 2005 had "concluded that the Government of the Sudan has not pursued a policy of genocide." See: International Commission of Inquiry on Darfur, *Report of the International Commission on Darfur*, http://www.un.org/news/dh/sudan/com_inq_darfur.pdf (accessed, 1/23/2017). For instances in which Darfur is labeled genocide despite the position by one of the United Nations' competent organs, see: Elisa von Joeden-Forgey, "Gender and the Future of Genocide Studies and Prevention," *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 89; Totten, "Paying," 34, 50. This was also made compatible with the genocide scholarship's bias against the Turkish government by accusing it of "denying the Darfur Genocide." See: Hannibal Travis, "The United Nations and Genocide Prevention: The Problem of Racial and Religious Bias," *Genocide Studies International* 8, no. 2 (Fall 2014): 128. In one article in particular it is shown how the United States government was instrumental in identifying the events in Darfur as genocide, and it is recognized that "never before had one nation officially accused another of genocide as the events unfolded." See: Samuel Totten and Eric Markusen, "The US Government Darfur Genocide Investigation," *Journal of Genocide Research* 7, no. 2 (June 2005): 279. However, Totten and Markusen do not contextualize the matter by offering significant details on American interests in the region and the United States government's relations with the Sudanese government. Instead, they admonish "the US government and the international community"—as if in the name of morality—for "the failure to take significant action to halt the genocide," and thereby they thicken the popular labeling of the events in Darfur as genocide while creating a semblance of separation from American interests. See: Ibid. When the information is controlled in this way, the public is led to perceive action as something that is expected and inaction as waywardness. For instance, the discourse enables a phrasing such as "The reluctance of global powers to characterize Darfur as a genocide," instead of inviting the public to focus on the American insistence to use the term *genocide* to muster support for action against a government. See: Matthew Lippman, "Darfur: The Politics of Genocide Denial Syndrome," *Journal of Genocide Research* 9, no. 2 (June 2007): 195.

government's possible role as instigator.¹³¹

In light of the major ways in which the genocide scholarship controls information, the following critical questions are raised about the use of the term *genocide*: How does the current framing of the discourse around “genocide” prevent governments and the public from being effectively educated toward limiting the chances of conflict between a government and a certain section of its population? What compromise can be found between the use of “genocide” to attract attention to ongoing suffering and the upholding of the term’s legal standards? To what extent is the genocide discourse defined by American efforts to persuade the public of beliefs that serve the interests of the United States government in international affairs? How do American interests affect the genocide scholarship’s treatment of different atrocities in history? How does political science address the claim that “genocide prevention” is the genocide scholarship’s genuine concern and primary purpose?

¹³¹ When the information is controlled in such a way as to make the discourse revolve around the question of intervention, even a strong argument against calls for it might serve American interests. The criticism that “the prospect of luring Western intervention” against the Sudanese government has the capacity to encourage rebels toward “perpetuating fighting in Darfur and the resultant suffering of its civilians” illustrates this. See: Alan J. Kuperman, “Darfur: Strategic Victimhood Strikes Again?” *Genocide Studies and Prevention* 4, no. 3 (Winter 2009): 281. Kuperman discerns between “genocide” and cases in which atrocities are the result of political conflict, but he contributes to the discourse even without agreeing with the genocide label. By claiming that intervention is not an effective way for “Western” entities—Kuperman prefers to point at Western action rather than mention the United States specifically as an actor—to “protect civilians” in Darfur or in similar situations, an assumption is made that those prospective interveners had no significant part in the creation of the conflict that brought harm upon these civilians. Kuperman leads his readers to think in terms of how the rebels are being affected as existing actors, without considering whether the United States took part in conditioning the rebels toward their initial role in the violence. This, much like those who insist on misusing the term *genocide* in their reading of atrocities, leads the public to focus on the motivation of the local actors at the expense of considering the preexisting interests of remote actors of greater power.

Moralizing an American Agenda

The genocide scholarship produces a discourse that is fundamentally moralistic and ignorant of its own power. Typical moralizing involves an effort to upkeep or improve the public's performance of validated principles, and it is commonly found to be the practice of social organizations outside the realm of scientific pursuits. What the genocide scholarship does in its professed efforts to moralize is more intricate. It does not use its platform as an academic field of study to reiterate standard teachings about behavior such as "Thou shall not kill," nor would that constitute the production of knowledge that is expected of scholarly activity. By labeling as genocide its own selection of cases, the genocide scholarship only highlights killings in certain situations that it seeks to show as genocide, and thereby rebukes their perpetrators in particular. While it claims to have social-scientific methods in doing so, its findings are moral instructions that affect public opinion on matters that pertain to conflict of interests between governments in international politics. At the basis of the genocide scholarship is a moralistic language that is made common in academia and has a persuasive effect because it assumes a universal—rather than a political—authority.¹³²

¹³² From his morally authoritative position as the chairman of USHMM, Elie Wiesel contextualizes the genocide scholarship in *HGS*' first issue by saying that it appeals to "the moralist in you." See: Cargas, "Interview," 7. The introduction to *GSP*'s first issue rationalizes the journal's mission by claiming that it has "both pragmatic and moral reasons." See: Charny and Smith, "Why," i. Sophisticatedly, the genocide scholarship amplifies the perception of it as having moral authority by describing itself as having "social prestige and moral capital." See: Schaller, "Editor(s)," 246. The moral discourse gives the genocide scholarship a semblance of separation from the United States government while endowing it with the authority to rally the public into believing that the United States would be morally attentive by becoming more involved in governing the affairs of other countries. This echoes the argument that was made popular by Samantha Power. For instance, see: Hirsch, "Preventing," 18. In the process, the public is directed away from even considering what role the United States government may have had in instigating the conflicts that it is called upon by the genocide scholarship to resolve. Questions surrounding the role of third parties in cases of genocide are limited to the third party being complicit or a bystander. For instance, portrayals of Germany as complicit or the United States as a bystander in WWI. See: Melson, review of *German*, 484-487; Melson, "Responses," 105. The role of the third party as an instigator of the conflict is not part of the genocide discourse because the existence of a powerful instigator suggests that the case is not a genocide in

This image of a moral entity is illustrated in the genocide scholarship's portrayal of the campaign to label the Sudanese government as guilty of committing genocide. In its narration of the events, the genocide scholarship cannot deny that the United States government had made crucial and unprecedented declarations about genocide in Darfur, but it nonetheless attributes the driving force behind the government's position to moral pressure from nongovernmental elements, including itself.¹³³ The genocide scholarship's

which there is an intent to destroy a group, but a divide-and-rule policy by a third party whose intent is to maintain power through the conflict of others. While complicity is listed as a punishable act in Article 3 of the Genocide Convention, third-party instigation of conflict is not addressed within the Genocide Convention and has not received significant consideration in connection to genocide claims.

¹³³ The accusation by the United States secretary of state at the time, Colin Powell, that Sudan committed genocide, is said to be based on "Evidence collected by the US State Department's Atrocities Documentation Team (ADT)." See: Totten and Markusen, "US," 279. However, the editorial in a later issue of the same journal in which their article was published puts the matter differently in a critical tone: "When the former US Secretary of State Colin Powell finally made up his mind to call the atrocities in the Sudanese province of Darfur 'genocide' in September 2004, this statement was celebrated among many colleagues as a great triumph." See: Schaller, "From the Editor(s)," 245. Rather than recognize, in consistency with Totten and Markusen's account, that the official declaration followed a process in which genocide researchers were commissioned to collect data—the commission used the word *evidence*—by the United States government, Schaller's narration of the events presents the genocide scholarship and the government as two separate entities. See: Ibid. In contrast to his "finally made up his mind" phrasing, the same Schaller later states that Powell "did not hesitate to call the atrocities in Darfur/Sudan genocide in September 2004." See: Dominik J. Schaller, "From the Editors: Kenya—Another Genocide?" *Journal of Genocide Research* 10, no. 3 (September 2008): 342. This exposes the tricky task of the genocide scholarship: on the one hand, it cannot be seen as being an extension of the United States government in the production of a genocide accusation, but on the other hand, it is committed to support the government's position. Thus, it is said that "The invocation of the term genocide by Secretary of State Powell undoubtedly was the product of a methodical and reasoned analysis" and in addition that "The criticism of Sudan also reflects public opinion in the United States." See: Lippman, "Darfur," 199-200. Thus, it is made to seem as if public opinion is not informed by governmental planning and execution via the genocide scholarship, Darfur-specific groups, celebrities, and the press, but rather it is a separate source of influence. "Polls" are cited as indication that "the electorate believes that genocide is being carried out in Darfur" in a manner that shows public opinion as if the public's opinion on the matter was not an intended effect of controlled information and as if formed independently of government interests. See: Ibid. According to the genocide scholarship, "The Save Darfur campaign has been described as the largest international social movement since anti-apartheid," the activities of which are related to "the leadership of film stars Mia Farrow and George Clooney." See: Schaller, "Lemkin," 247-248. There is an assumption that "film stars" are independent actors in this morality production, or that the government is detached from the capacity to influence public opinion through them. Instead of examining how it was an American interest to use the label of "genocide" regarding Darfur, the genocide scholarship is arranged so that a genocide scholar of a German identity, who was then a leading member of a second organization of genocide scholars that is made to appear as European and more international than the other one (which is also named as being international), can appear credible as he internationalizes and moralizes the phenomenon, and pushes it further away from its American political purpose.

criticism of the United States government for failing to “fulfill its ongoing oral commitment to the ‘Never Again’ promise,”¹³⁴ for “not using more of its resources to stop the killing in the region,”¹³⁵ and for following “narrowly defined” interests,¹³⁶ presents two identifiable benefits for the United States government. First, it lends credibility to the genocide scholarship as an independent force of morality and expertise, thereby enhancing the genocide scholarship’s ability to affect public opinion according to American interests without suspicion. Second, it invites the United States government to use more of its resources upon the next situation in which the use of the term *genocide* is accepted by the public, thereby allowing the government to coercively affect the affairs of other governments according to its interests with moral support.

Accordingly, not only does the genocide scholarship avoid detailing the United States government’s decisive role in its operation, it also presents itself as a bottom-up phenomenon that is proudly enmeshed in independent analysis and activism. It wants to be seen as unapologetically following a moral compass,¹³⁷ as if positioned as an outlier in

¹³⁴ Mayroz, “Ever,” 360.

¹³⁵ Ibid., 364.

¹³⁶ Ibid., 378. Mayroz does not expand on what those interests might be in terms of the United States’ rivalry with China over influence in the region. China is presented as a blocker of international intervention in the context of Darfur. See: Ibid., 373-375. However, the American perception of the Chinese relationship with the Sudanese government is not brought forth as part of an analysis to explain the American genocide campaign against the Sudanese government. Similarly, in another article, Chinese interests in the region are pointed out, but not the American interests as they relate to the Chinese investments in Sudan and how a military intervention that might have followed a successful application of the term *genocide* would have disrupted China’s working relations with the Sudanese government. The effect that this would have had is not considered by the genocide scholarship as possibly being an American strategy that could explain the attempt to rally the international community into believing that the Sudanese government is guilty of genocide. The genocide scholarship briefly informs that “the international pressure on Sudan and its close economic partner and diplomatic ally China is quite high,” but the foiling of these relations between China and Sudan is not considered as a possible reason for the intensified conflict and the genocide accusation. See: Schaller, “Editors: Kenya,” 342.

¹³⁷ In one example of this, it is argued that those who question the quality of the scholarship because of its dedication to “the prevention of and intervention in genocide” are “ludicrous.” See: Totten, “State,” 224.

relation to the government and the mainstream sources of information.¹³⁸ By doing so, the genocide scholarship further encourages individual researchers who fancy this image to think of themselves as morally stout and involved for staying within the genocide discourse.¹³⁹ The incorporation of activism into academic work is even said to be the right choice careerwise.¹⁴⁰ The image of the genocide scholar as the independent moral intellectual is most poignantly displayed when the genocide scholarship uses its platform to publicize disagreement with the United States government's policy regarding genocide.¹⁴¹

Even those who do not agree with his assertion are led to internalize that the genocide scholarship is devoted to independent activism and that it is unrelated to the United States government.

¹³⁸ It is asked whether or not the “collective will” of “the several millions in colleges and university” can function as “an authentic international anti-genocide voice” and “a Fifth Estate” to affect “the powerful.” See: Henry R. Huttenbach, “From the Editor: An Editor’s Swan-Song,” *Journal of Genocide Research* 11, no. 4 (December 2009): 418. The question solidifies an assumption that the grass-roots image on university campuses and this idea of “collective will” is not itself by the design of the powerful.

¹³⁹ In an articulation of how genocide scholars see themselves, it is said that “For most students and scholars the study of genocide is more than just an academic or intellectual occupation” and that “They see their roles as scholar-activists.” See: Schaller, “Lemkin,” 247. Similarly, “genocide prevention” is described as a “scholarly pursuit.” See: Henry R. Huttenbach, “From the Editor: In Search of Genocide Prevention: Utopia, Mirage or Rational Policy?” *Journal of Genocide Research* 9, no. 2 (June 2007): 167.

¹⁴⁰ It is stated that the use of “genocide” in manuscripts helps their publication and sales, and that “‘Genocide’ and ‘prevention’ are indispensable key terms that enhance the status of any research proposal.” See: Schaller, “Lemkin,” 248. In addition, the genocide scholarship advertises that “Genocide Prevention has become a distinct sub-industry on campuses, in think tanks, and in government,” which seems to suggest that the idea of genocide prevention has a life of its own. See: Henry R. Huttenbach, “From the Editor: Can Genocide Be Prevented? No! Yes? Perhaps,” *Journal of Genocide Research* 7, no. 3 (September 2005): 307.

¹⁴¹ The two main opportunities for staging such disagreement in *GSP* were the publications of *Preventing Genocide: A Blueprint for U.S. Policymakers* (2008), which is also known as the Albright-Cohen Report, and *Mass Atrocity Response Operations: A Military Planning Handbook* (2010), which is also known as MARO. Even though it is common for scholars to weigh in as part of the policy-making process itself, in these two occasions it was decided that the genocide scholarship would publish a set of critical reviews after the process and thus present a public debate between genocide scholars and policy makers, with the underlying and unquestioned assumption being that the genocide scholarship is not itself an extension of an American policy. For instance, it is stated about the Albright-Cohen Report that “For many who have spent most of their academic careers studying genocide ... [it] will be seen as a huge disappointment” and that it “provides ample evidence of two clashing cultures” between academics and policy makers. See: Herb Hirsch, “The Genocide Prevention Task Force: Recycling People and Policy,” *Genocide Studies and Prevention* 4, 2 (2009): 153. A non-American voice from within the genocide scholarship garners much

Attaining the public's belief that the genocide scholarship follows morality rather than discursive dictations is vital for its ability to effectively unfold the genocide narrative about the Ottoman Armenians without it seeming like an American political endeavor.¹⁴² From this vantage point, the genocide scholarship argues that "Modern Armenian history serves as a nearly ideal case to test the role of moral values ... and in particular the moral commitments of both the United States and Israel."¹⁴³ In this framing

credibility for the field of study by stating that to non-American eyes the report might be seen as using the "moral condemnation of genocide" as "a pretext for intervention." See: Feierstein, "Getting," 159. Even a strong argument about how the Albright-Cohen Report confuses "genocide" with "crimes against humanity" and is unable to make "important legal distinctions" seems odd because it is unclear why the straightforward criticism would be put in the journal rather than be a matter for prereport consultations unless it was desired to establish the report and its critique as two distinct projects: one that is made to seem political, and the other that is made to seem scholarly by virtue of accusing the political of exercising "a form of deception." See: Schabas, "'Definitional,'" 179, 182. Some of the other criticisms are that the United States government has no moral say as long as it does not become party to the Rome Statute of the International Criminal Court; that the report is based on a faulty premise; and that it fails to address its own American identity. See: Jacques Sémelin, "An International but Especially American Event," *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 165; Alan J. Kuperman, "Wishful Thinking Will Not Stop Genocide: Suggestions for a More Realistic Strategy," *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 191; Theriault, "Albright-Cohen," 206. The MARO handbook is criticized for not grasping "the complexity of the many processes that occur during genocide"; for using "hard-to-decode acronyms"; for lacking in theoretical expertise; and for reflecting Washington's reluctance "to intervene to stop genocide." See: Üngör, "Team," 37; Daniel Feierstein, "The Good, the Bad, and the Invisible: A Critical Look at the MARO Report," *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 41; Alex Alvarez, "Reflections on the Mass Atrocity Response Operations Project," *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 71; Roger W. Smith, "Utopian Goals, Unasked Questions: Reflections on a Proposed Military Planning Handbook Response to Mass Atrocities against Civilians," *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 80. Be it "a step" in the right direction or in the wrong direction, the use of such language about the government taking first or tentative steps in certain directions depicts the genocide scholarship as a source for the assessment of policy rather than call attention to it being itself an execution of policy. For examples of this, see: Sémelin, "International," 166; Mennecke, "Genocide," 172; Schabas, "'Definitional,'" 182; Scott Straus, "Step," *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): title. Similarly, the MARO handbook was described by the genocide scholarship as having taken "Missteps" as well as being a "good first step." See: Henry C. Theriault, "The MARO Handbook: New Possibilities or the Same Old Militarism?" *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 9; Maureen S. Hiebert, "MARO as the Partial Operationalization of R2P," *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 57. Thus, the discourse is framed between official United States government publications and the genocide scholarship, with the latter appearing as if it is an independent project that is critical of the former.

¹⁴² In the context of labeling the Armenian experience as genocide and accusing Turkey of denial, it is concluded about "Those of us who wish to be true to our scholarly calling" that "our moral advocacy should require us to open ourselves to suffering as a way of taking a stand against cruelty and killing, whatever its source." See: Smith, Markusen, and Lifton, "Professional," 17.

¹⁴³ Melson, "Responses," 105. According to Melson's framing, "the president of the United States and State Department have colluded in the denial of the Armenian Genocide, and refused to use the term when

of the discourse, Turkey is shown as an active political power that is bullying others to accept a “moral wrong,”¹⁴⁴ whereas the United States is described as an inactive political power that is called into action by a moral voice.¹⁴⁵ By presenting Turkey as the political actor and the United States as a hesitant counteractor that is urged to act in the name of morality, the genocide scholarship creates a perception that fully reverses the two governments’ roles.¹⁴⁶ A half-truth is told by the genocide scholarship about Turkey’s membership in the North Atlantic Treaty Organization (NATO): it shows the NATO alliance as Turkish leverage in keeping the United States government from passing a resolution to declare that the Armenians were victims of genocide,¹⁴⁷ but not as an

referring to the events of 1915-23, for fear of offending Turkish sensibilities.” See: Ibid., 109-110. This is an example of how a half-truth functions as disinformation. Because it may be true, or at least highly believable, that Turkish sensibilities are offended by the genocide label, readers become satisfied with the veracity of such an explanation and in the process are left unaware that a greater context is being kept from consideration. In other words, pertinent information is disregarded through this type of framing, which then facilitates the development of a sidetrack into a discourse. The focus on the Turkish reaction to the genocide claims strengthens the notion that the United States among other countries is being silenced, and induced “into aiding and abetting denial out of expediency.” For example, see: Smith, “Genocide Denial,” 107. As a result of such a focus, the public is far removed from considering the United States’ active role in creating the genocide discourse.

¹⁴⁴ Melson, review of *Young*, 512. The genocide scholarship generates a conviction that today’s Turks are “morally responsible” for being “the descendants of the perpetrators.” See: Marsoobian, “Acknowledging,” 211. For the genocide scholarship, it is “a moral responsibility that academic work continues to shed light on the Armenian Genocide and promote awareness of it through publications and university courses.” See: “Plea,” 302. The genocide scholarship even instructs Armenians that it is their “moral responsibility” as a “community worldwide” to support the academic pursuit of the Armenian experience as part of the genocide discourse. See: Ibid.

¹⁴⁵ For instance, it is claimed that the “active campaign of denial” by the Turkish government “needed, on moral grounds, to be countered” for genocide scholars to conduct their “Armenian genocide project.” See: Miller and Miller, “Armenian,” 139.

¹⁴⁶ This reversal becomes observable upon the examination of how the term *genocide* was developed into a discourse. It was under American control that the term took on its meaning in Armenian historiography, obliging a Turkish response to the impactful implications for Ottoman historiography and Armenian-Turkish relations. This chain of events is considered here in Chapter 5.

¹⁴⁷ For examples of such references to NATO, see: Guroian, “Post-Holocaust,” 310; Dadrian, “Signal,” 269; Bloxham, “Roots,” 44. The United States Congress’ consideration of a resolution in October 2000 is given as an instance in which Turkey used its political power to respond “with a barrage of threats.” See: Dolabjian, “Armenian,” 103. Other instances include the opposition to the production of a film on the “resistance to the Armenian genocide” and the removal of “the words ‘Armenian Genocide’” from an

explanation why Turkey has thus far avoided making direct accusations against the United States for orchestrating this genocide discourse. The genocide scholarship's Armenian bias provokes Turkish reactions for apparent reasons, but it is primarily reflective of American interests regarding historiography and international relations.¹⁴⁸

The Cambodian focus of the genocide scholarship has some tactical similarities with its Armenian focus, but the moralizing in this case stands out for two main effects: it has shifted historiographical attention away from physical destruction that had been caused directly by the United States government in Cambodia,¹⁴⁹ and it has eventually led to legal charges of genocide against former members of the Khmer Rouge government that ruled Cambodia between 1975 and 1979 in the aftermath of the American bombardment.¹⁵⁰ Beginning with cursory and repetitive texts in book reviews, the genocide scholarship was able to promote a genocide narrative regarding Cambodia without having to enter lengthy or conclusive academic discussions about the applicability of the term *genocide* in this instance.¹⁵¹ The genocide scholarship has

encyclopedia.” See: *Ibid.*, 103.

¹⁴⁸ American interests are explored here in Chapters 4, 5, and 6 as part of the power-based view of international law.

¹⁴⁹ The American involvement in the physical destruction of the Ottoman state was indirect. This is discussed here in Chapter 4. The bombing of Cambodia was part of the American military campaign in Indochina, known as the Vietnam War. For a discussion of this here, see: Chapter 5, section titled “Civil Wars.” It is noted that the Cambodian focus has also been used as space for stating as fact that the United States was defeated in Vietnam. For example, see: Chigas, “Politics,” 246-247.

¹⁵⁰ For official information on the legal proceedings of the Extraordinary Chambers in the Courts of Cambodia (ECCC), see: Extraordinary Chambers in the Courts of Cambodia, <https://www.eccc.gov.kh/en> (accessed, 1/23/2017). The genocide scholarship's Armenian focus has not led to legal charges of genocide through an organ that is sanctioned by the United Nations, though there have been legal implications as a result of state legislations that followed the discourse of the genocide scholarship. This is discussed here in Chapter 6.

¹⁵¹ By adhering to this format through the review of monographs, the genocide scholarship, in its early stages, when the first journal was still in the process of introducing the genocide scholarship's discourse, was able to first introduce the idea of a genocide label for Cambodia in an academic journal. The amount of

produced minimal comparative work involving Cambodia,¹⁵² but the indoctrination of the public into believing that the Khmer Rouge government committed genocide has mainly been carried out by many lists and pairings in which Cambodia appears in the context of genocide alongside other cases that are either legally established as genocide or that the genocide scholarship treats as genocide.¹⁵³ When the Cambodian case is not simply

Cambodia-centered book reviews that were published in *HGS* during its initial years of operation was disproportionate in relation to all other cases of mass deaths in modern history with the exception of the Holocaust and the Armenian experience. For examples of these reviews, see: Smith, review of *Stones*, 225-228; Samuel Totten, review of *To Destroy You Is No Loss*, by Joan D. Criddle and Teeda Butt Man; *Haing Ngor*, by Haing Ngor with Roger Warner, *Holocaust and Genocide Studies* 3, no. 4 (1988): 495-498; Samuel Totten, review of *Cambodia 1975-1979*, edited by Karl D. Jackson, *Holocaust and Genocide Studies* 6, no. 3 (1991): 324-328; Peou, review of *Pol*, 413-425; Kelvin Rowley, review of *Children of Cambodia's Killing Fields*, edited by Dith Pran, *Holocaust and Genocide Studies* 12, no. 2 (Fall 1998): 357-359.

¹⁵² A comparative work on “Women and Genocide” shows how the use of the term *genocide* in the Cambodian context was taken for granted. Not only does such an article not explain why the term *genocide* is used in connection with the Cambodian experience, it presents a text in which the use of the term *genocide* regarding Cambodia is a major assumption that is announced in the work’s title and is framed by way of a selective comparison between Nazi Germany and Cambodia. See: Smith, “Women,” 316. The unconvincing emphasis on females as a theme of genocide studies is discussed here in this chapter’s note 117. A later work presents “Cambodia” as genocidal by highlighting the element of revolution as the basis for its comparison with “Rwanda.” See: Edward Kissi, “Rwanda, Ethiopia and Cambodia: Links, Faultlines and Complexities in a Comparative Study of Genocide,” *Journal of Genocide Research* 6, no. 1 (March 2004): 130.

¹⁵³ The following present references to lists or pairings in which the genocide labeling of the Cambodian experience is justified by framing alone, leading readers to falsely assume that the Cambodian experience is already proven to have been genocide simply because the genocide scholarship makes it seem like common language: Guroian, “Post-Holocaust,” 309, 311; Melson, review of *Little*, 271; Stuart Stein, “Geno- and Other cides: A Cautionary Note on Knowledge Accumulation,” *Journal of Genocide Research* 4, no. 1 (March 2002): 46; Bartrop, “Relationship,” 525; Henry Huttenbach, review of “*A Problem from Hell*”: *America and the Age of Genocide*, by Samantha Power, *Journal of Genocide Research* 5, no. 1 (March 2003): 166; Woolf and Hulsizer, “Psychosocial,” 105; Jürgen Zimmerer, “From the Editors: Genocidal Terrorism? A Plea for Conceptual Clarity,” *Journal of Genocide Research* 8, no. 4 (December 2006): 387; Lippman, “Darfur,” 193; Akçam, “Guenter,” 120; Lewy, “Reply,” 307; Hiebert, “Theorizing,” 311, 318, 320, 326; Mayroz, “Ever,” 376; Üngör, “Team,” 32; Totten, “State,” 213; Melson, “Critique,” 283; “Plea,” 301; Hinton, “Critical,” 6, 13; Travis, “Original,” 31; Üngör, “Studying,” 69; Verdeja, “Situating,” 82, 85; Charny, “Requiem,” 115; Hirsch, “Preventing,” 2; Travis, “United,” 125, 133-134; Heerten and Moses, “Nigeria-Biafra,” 182; Rebecca Jinks, “Thinking Comparatively about Genocide Memorialization,” *Journal of Genocide Research* 16, no. 4 (December 2014): 424. If reiteration might be an indication that a message is important, then one genocide scholar’s repetition of almost the same wording in two separate articles might point at the importance of listing “Cambodia” as a genocide among genocides. First, it is stated in the context of the Albright-Cohen Report that a certain point of view is “clearly discernible in Samantha Power’s book *A Problem from Hell*: *America and the Age of Genocide*, which focuses on genocide in Cambodia, Rwanda, and the Balkans,” and then in another article, as part of an overview of genocide studies, it is stated again that a certain point of view is “clearly discernible in Samantha Power’s *A Problem from Hell*: *America and the Age of Genocide*, which focuses on genocide in Cambodia, Rwanda,

reduced to labeling,¹⁵⁴ the scattered references in the genocide scholarship oscillate from an awkward effort to genocidize Cambodian history by suggesting that the Khmer Rouge's operations are associated with ethnoreligious or racist motives to an equally awkward insistence that the genocide label applies regardless of realizations that the Khmer Rouge policies were political and never targeted either an ethnical, national, racial, or religious, group, as such, for destruction.¹⁵⁵ The genocide framing also includes

and the Balkans.” Compare: Feierstein, “Getting,” 155; Feierstein, “Leaving,” 263. The difference between the texts is found in the word *book* and the quotation marks within the book title. Interestingly, the latter article is said to have been translated whereas the former article received no credit for translation. In fact, it is even suggested in the former article that, as the author, Feierstein himself translated a source into English. See: Feierstein, “Getting,” 160 (note 5). If the repetition is not odd enough, it is even odder that the translated work essentially copies from the work that supposedly was not translated.

¹⁵⁴ The phrasing “the Cambodian Genocide, or “the Cambodian genocide,” appears in the following: Jonassohn, “Prevention,” 10; Melson, review of *Little*, 271; Chigas, “Politics,” title; Woolf and Hulsizer, “Psychosocial,” 104-105, 125; Donald W. Beachler, “Arguing about Cambodia: Genocide and Political Interest,” *Holocaust and Genocide Studies* 23, no. 2 (Fall 2009): 230; Totten, “State,” 213; Feierstein, “Leaving,” 261; “Plea,” 301; Hinton, “Critical,” 6; Travis, “Original,” 34, 41; Hirsch, “Preventing,” 7. The phrasing “genocide in Cambodia” appears in the following: Smith, “Women,” 325; Kiss, “Rwanda,” 130; Menzel, “Justice,” 221; Feierstein, “Getting,” 155, 263.

¹⁵⁵ In a review of Ben Kiernan's work, it is stated that “It was race, not class, that most preoccupied the regime's thinking” and that “Racialism existed at all levels in Cambodia between 1975 and 1979.” See: Peou, review of *Pol*, 413. Years later, it is said about Kiernan that he “had to come to terms with the fact that the Cambodian genocide was carried out essentially for political reasons, while the UNCG expressly excludes crimes against political groups.” See: Feierstein, “Leaving,” 261. If so, then Feierstein's position that a “genocide was carried out” despite this observation about the circumstances in Cambodia and the Genocide Convention seems to require an explanation. It might also seem perplexing that such a drastic reversal of analysis by a Yale University professor who is the founding director of the Genocide Studies Program there—that what he thought and taught to be racial was actually political—has not been addressed at much greater length by the genocide scholarship at least in one of its three academic journals. Oddly, Kiernan changed his position and yet the genocide scholarship is disinterested in an investigation of the extent to which Kiernan's work prior to his change of perspective was used as part of the historiographical basis for the establishment of the ECCC. The change in Kiernan's position coincides with the change in the genocide scholarship's ability to apply the term *genocide* to political persecution. This is not the first time that Kiernan drastically changes his characterization of events in Cambodia. Compare: Ben Kiernan, “Social Cohesion in Revolutionary Cambodia,” *Australian Outlook* 30, no. 3 (December 1976): 371-386; Ben Kiernan, “Vietnam and the Governments and People of Kampuchea,” *Bulletin of Concerned Asian Scholars* 11, no. 4 (October-December 1979): 19-25. It is noted that Kiernan's change of mind—from an optimistic analysis of the Khmer Rouge government to a condemning one—followed the Vietnamese invasion into Cambodia and the termination of the Khmer Rouge rule. Also problematic is the way in which the genocide scholarship adjusts the meaning of “genocide” to meet the Cambodian history. One scholar writes that the Cambodian experience is “sometimes described as auto genocide.” See: Stein, “Geno- and Other cides,” 46. This reflects how the retreat from the argument about a racist method in Cambodia has not been matched by a retreat from using the term *genocide* in this instance, even if it requires the invention of a previously unknown form of genocide—“auto genocide”—that is not mentioned

a tallying of fatalities that is murky, and potentially misleading regarding the assignment of responsibility.¹⁵⁶

in the Genocide Convention. The whimsical decision by a subcommission of the United Nations Human Rights Commission in 1978 to describe the events in Cambodia as “nothing less than autogenocide” is stressed by the genocide scholarship and invites associations with the term *genocide* as legally defined in the Genocide Convention despite the case’s disharmony with the wording of the Genocide Convention. See: Totten, review of *Destroy*, 495. An understatement such as “the majority of the victims of the Khmer Rouge were not killed on the basis of their ethnicity” is accompanied by a conjectural and conditional sentence: “Had the U.N. definition of genocide included economic classes, or the killing of people who did not fit a particular government’s version of the good society, Cambodia’s experience would likely be accepted as genocide.” See: Beachler, “Arguing,” 215. It is as though a recognition by the genocide scholarship that the Cambodian experience is “outside the fore of the legal definition of genocide” does not mean that the Khmer Rouge did not commit genocide but rather it points at “the inadequacy of the Convention definition.” See: Pamela Ballinger, “Who Defines and Remembers Genocide after the Cold War? Contested Memories of Partisan Massacre in Venezia Giulia in 1943-1945,” *Journal of Genocide Research* 2, no. 1 (March 2000): 11. The Genocide Convention is blamed for allowing “the ghastly devastation in Cambodia under the Khmer Rouge to pass as non-genocidal.” See: Stannard, “De’ja,” 131. However, despite the restrained discussion of the term’s legal inapplicability in relation to the Cambodian experience, the genocide scholarship still describes group identifiers for the victims there as if they fall within the legal definition: “In Cambodia, the victims of genocide were defined on the bases of their ethnic and religious identity within Khmer Rouge determination of who was pure enough to be part of the utopian glorious past.” See: Kissi, “Rwanda,” 130. In addition, it is still claimed that “Ben Kiernan and others have shown that the Buddhist, Vietnamese, and Muslim populations of Cambodia were not simply assimilated; they were massacred and tortured.” See: Travis, “Original,” 41-42.

¹⁵⁶ In 1988, *HGS* publicized in a book review that “Between 1975 and 1979 it is estimated that up to three million Cambodians ... perished at the hands of the Khmer Rouge.” See: Totten, review of *Destroy*, 495. In a later publication of the same journal, it is said that “Ben Kiernan has concluded that between 1,671,000 and 1,871,000 people died as a result of its policies.” See: Beachler, “Arguing,” 214. This difference means that at least one of the two estimations that were published in an academic journal is false, and the margin of error might be as wide as over a million people. Remarkably, a similar difference in the estimation appears in the official site of the ECCC. One page states that “Perhaps up to three million people perished during this period of 3 years, 8 months and 20 days.” See: Extraordinary Chambers in the Courts of Cambodia, “About ECCC,” <https://www.eccc.gov.kh/en/about-eccc> (accessed, 1/23/2017). Another page states that “At least 1.7 million people are believed to have died from starvation, torture, execution and forced labour during this period of 3 years, 8 months and 20 days.” See: Extraordinary Chambers in the Courts of Cambodia, “Introduction to the ECCC,” <https://www.eccc.gov.kh/en/about-eccc/introduction> (accessed, 1/23/2017). At any rate, the numbers that have been produced by the genocide scholarship do not question how many of the fatalities can be considered as an inevitable, probable, or possible, consequence of the American aerial attack on Cambodia. Through the genocide discourse, the framing is such that American responsibility for the fatalities remains largely unexamined whereas local responsibility is at the center of the discussion. American involvement is recognized but marginalized. For example, a quote from Ben Kiernan’s work is put forth in a book review to acknowledge that the political situation in Cambodia was related to the American bombing, but still the thematic focus is on the Khmer Rouge and its leader Pol Pot. See: Peou, review of *Pol*, 421. Instead of considering the nuance of Cambodian governance after the bombing, simplistic language is used to build a discourse on Pol Pot’s intent: “The plan of Pol Pot (the leader of the Khmer Rouge) and his associates was to literally wipe out any semblance of past life in Cambodia (now Kampuchea), and replace it with a totally reorganized agrarian- and totalitarian-based society.” See: Totten, review of *Destroy*, 495.

Ever since political conditions in Cambodia have facilitated a process toward the establishment of a tribunal to try former members of the Khmer Rouge for genocide, the genocide scholarship's distorted claims on history have been emboldened by a legal stamp of approval.¹⁵⁷ That process itself then became the subject of articles rather than the use of the term,¹⁵⁸ and a source of perverse phrasing in which the events that were

¹⁵⁷ The ECCC functions as a laminator of the genocide scholarship's presentation of 1975-1979 in Cambodia as a genocided history, although the historical account of the events does not warrant the use of the term *genocide*. Despite the weakness of the reasoning behind the label of the Cambodian experience as genocide, the genocide scholarship is now equipped with the ability to say that those who argue "that the Cambodian Genocide did not occur because Cambodians are not a protected national group, and religious minorities were singled out for assimilation rather than murder" are also arguing that the "Cambodian war crimes tribunal"—along with the UN General Assembly and the US Congress—is "idiosyncratic" or 'political' in declaring a Cambodian genocide." See: Travis, "Original," 34. Even if Travis had not misstated the argument against the use of "genocide" regarding Cambodia (suggesting the argument is that an event did not occur or that the Cambodians are not a protected group), the argument is still discredited by appearing to be in opposition to decisions by the tribunal in addition to going against the will of the United Nations and the United States. The symbiotic relationship between the genocide scholarship and the ECCC is illustrated in the suggestion that "Considering all the books and research already available on the Khmer Rouge, one might argue that it is not necessary to conduct a trial to find the truth about the events between 1975 and 1979." See: Menzel, "Justice," 225. Thus, the ECCC gains information from the genocide scholarship, and the genocide scholarship benefits by the validation that the ECCC gives it as a finder of "the truth."

¹⁵⁸ In this manner, the genocide scholarship has managed to come full circle in the avoidance of the incompatibility between the Cambodian experience and the wording of the Genocide Convention. First, the book reviews provided a format in which the genocide scholarship unfolded a brief narrative without questioning the use of the term *genocide*, then awkwardness ensued when the genocide scholarship attempted to relate the Cambodian experience to the Genocide Convention, but more recently the genocide scholarship has become able to use the term freely, without question, because the setting up of the ECCC created a new focus, and the use of "genocide" in this context now appears to be cemented as justice. Two articles contain titles that associate the Cambodian experience with "justice" and "genocide." One article about the negotiations toward a tribunal does not burden itself with mindfulness of the definition in the Genocide Convention. See: Chigas, "Politics," 245-265. In another such article on the establishment of the tribunal, a section is dedicated to the question "Was it 'genocide'?" See: Menzel, "Justice," 221. Menzel's somewhat convoluted analysis seems to conclude that the political nature of the persecutions by the Khmer Rouge government do not qualify as genocide according to the Genocide Convention, yet he moves on from the matter by stating that "For the practical outcome of the trial the question of 'genocide' is not as important as one might think." See: Ibid., 223. Menzel then defers to public opinion, as if the genocide scholarship had not already influenced public opinion: "As the crimes of the Khmer Rouge are perceived to be extremely atrocious, public opinion may suggest that only genocide is the appropriate term with which to label them." See: Ibid. A year later, as if the inability to reconcile the Cambodian experience with the specifics of the Genocide Convention has no bearing, the genocide scholarship introduced the notion of Cambodian "genocide survivors." See: Münyas, "Genocide," 431. Münyas does not question the very use of "genocide" or qualify his own usage of it by stating that the genocide scholarship's attempts to justify in an academic setting the use of the term as it is legally defined have failed. Therefore, the genocide scholarship's discourse on Cambodia has reached a legal status in Cambodia while circumventing the view that the Cambodian experience does not meet the definition of the Genocide Convention.

slated to be judged already had a genocide label.¹⁵⁹ The practice of having American scholars—some of whom have clear links to the United States government—write the history of a country that suffered from an American attack is concealed by the current international attire of the genocide scholarship.¹⁶⁰ Through the Cambodian tribunal, the American narrative of the genocide scholarship is receiving a Cambodian appearance.¹⁶¹

¹⁵⁹ For example, prior to the establishment of the ECCC, it was said that “efforts to form a tribunal in Cambodia to try the perpetrators of the Cambodian genocide have been largely unsuccessful.” See: Woolf and Hulsizer, “Psychosocial,” 125.

¹⁶⁰ Roger W. Smith, Samuel Totten, and Helen Fein are not known as experts on Cambodia, but, as early leaders of the genocide scholarship, they had a major role in labeling the Cambodian experience as a locally committed genocide. See: Smith, review of *Stones*, 225-228; Totten, review of *Destroy*, 495-498; Totten, review of *Cambodia*, 324-428; Smith, “Women,” 315-334; Fein, “Genocide,” 43-63. Gregory Stanton’s work toward genociding Cambodian history has not been published in the three genocide journals, and it is discussed here in Chapter 6, section titled “The Abuse of International Law.” These are the scholars who paved the way for the association of the Khmer Rouge government with “genocide” by introducing it as knowledge. In his version of genocide-studies history, Totten lists Craig Etcheson, David Hawk, and Ben Kiernan as the scholars who focused on “the Cambodian Genocide” in the early days of genocide studies. See: Totten, “State,” 213. However, the history of Cambodian studies and the history of genocide studies are not as neatly consolidated as Totten’s categorization suggests. Hawk briefly addresses the Genocide Convention in connection with the policies of Democratic Kampuchea in an article, but the former executive director of Amnesty International, U.S.A., did not research the matter as a Ph.D., and his writing may be characterized as advocacy rather than scholarship. See: David Hawk, “International Human Rights Law and Democratic Kampuchea,” *International Journal of Politics* 16, no. 3 (Fall 1986): 13-14. The chapter on the Cambodian experience between 1975 and 1978 in Etcheson’s book on Democratic Kampuchea does not mention “genocide” even once. See: Craig Etcheson, *The Rise and Demise of Democratic Kampuchea* (Boulder, CO: Westview Press, 1984), 143-183. Neither does Ben Kiernan mention “genocide” in his work on Cambodian history prior to the existence of the first genocide journal. See: Ben Kiernan, “Wild Chickens, Farm Chickens, and Cormorants: Kampuchea’s Eastern Zone under Pol Pot,” in *Revolution and Its Aftermath in Kampuchea: Eight Essays*, ed. David P. Chandler and Ben Kiernan (New Haven, CT: Yale University Southeast Asia Studies, 1983), 136-228; Ben Kiernan, *How Pol Pot Came to Power: A History of Communism in Kampuchea, 1930-1975* (London: Verso, 1985), 412-423. The use of “genocide” as if common knowledge was added to this brand of historiography by the genocide scholarship, and only then the use of “genocide” and the historiography was blended together more extensively. Once Kiernan turned into a genocide scholar as well as being an expert on Cambodia, his rise into prominence in genocide studies mirrored the internationalization of this American project. It is relevant to note that while Kiernan was not born in the United States, the Cambodian Genocide Program that he founded at Yale University in 1994 was funded by the United States Department of State. See: Genocide Studies Program at Yale University, “Introduction to Cambodian Genocide Program,” <http://gsp.yale.edu/introduction-cambodian-genocide-program> (accessed, 1/23/2017).

¹⁶¹ The trials in Cambodia generate information on the genocide discourse that is perceived as Cambodia’s own depiction of its history. This allows for the genocide scholarship to create a semblance of distance from American interests and scholarship, and point at a Cambodian process for Cambodia’s own good: “It seems that many Cambodians hope that the trial will bring some form of reconciliation for Cambodian society.” See: Menzel, “Justice,” 224. It has become possible for the genocide scholarship to act as if the genocide discourse about the Khmer Rouge government does not have a clear American origination. This denial is reflected in Menzel’s following comment: “Somehow, it seems, the world spontaneously

Cambodia's own government legitimizes—in cooperation with the United Nations—the ongoing legal proceedings in which genocide charges are being made to the effect of coalescing American historiographical preferences and international law, and it is not a moot point to insist on examining how the label of “genocide” traveled from American information to an internationally recognized and sponsored tribunal in Cambodia.¹⁶²

Under the guise of “moral development,”¹⁶³ the term *genocide* has been effectively utilized against governments that the United States would like to show as authoritarian, and the genocide scholarship has enabled this practice by drowning the letter of the law in a sea of information. The Genocide Convention contains the promise of leading to a

associates the Khmer Rouge and—more generally—Cambodia with genocide.” See: *Ibid.*, 221.

¹⁶² The international quality of the Cambodian tribunal is characterized by partisanship, but that is underexplored by the genocide scholarship. While there is mention of an “international donor community” in relation to the Cambodian tribunal, and of Japan’s exceptionally large pledge in comparison to others in this donor community, there is no discussion of the parts of which this community is comprised. See: Chigas, “Politics,” 254. The genocide scholarship avoids the suggestion that only certain countries along with the United States, according to regional considerations and in keeping with a history of following American lead regarding international affairs, have funded the tribunal, and essentially bought the exhibition of court proceedings in Cambodia. Generally, the genocide scholarship has not expressed an interest in examining the connection between the ratification of the Genocide Convention by the United States in 1988 and the introduction in the 1990s of tribunals that announced breaches of the Genocide Convention. For instances in which the lack of legal activity between the opening of the Genocide Convention for signature in 1948 and the appearance of tribunals in the 1990s is noted without mentioning as relevant the change of the term’s legal standing in the United States, see: Schabas, “‘Odious,’” 97; Ben, “Guest Editor,” 173; Huttenbach, “Editors: Genocide,” 471; Schabas, “‘Definitional,’” 179; Douglas Singletery, “‘Ethnic Cleansing’ and Genocidal Intent: A Failure of Judicial Interpretation?” *Genocide Studies and Prevention* 5, no. 1 (Spring 2010): 39.

¹⁶³ The genocide scholarship’s emphasis on humanitarian concerns have colored the American involvement in the affairs of other governments such as the Cambodian and Sudanese governments through the use of the term *genocide* with a sense of “moral responsibility” and a commitment to be the “champion of human rights in the world.” See: Mayroz, “Ever,” 374. The process toward the ECCC is said to have brought back the United States “to the center of the world stage as the champion of human rights and the rule of law in Cambodia.” See: Chigas, “Politics,” 250. The Genocide Convention is described as “an aid to moral development” rather than as a project of global governance. See: Roger W. Smith, review of *Lemkin on Genocide*, edited by Steven L. Jacobs, *Holocaust and Genocide Studies* 28, no. 1 (2014): 138. The moralizing of the Genocide Convention facilitates the vilification of other governments and even the use of force against them according to changing American interests, and does not offer a basis for a steady network that would reliably support existing structures of government and social contracts. The events in Cambodia and the relevant literature about them in the context of “genocide” are also discussed in Chapter 5, section titled “Civil Wars,” and in Chapter 6, section titled “The Abuse of International Law.”

unified quality of government, but the genocide scholarship follows an American agenda that pushes for a unified form of government.

Since the genocide scholarship does not recognize that its usage of the term *genocide* offers a moralistic pretext for American interests, the following questions are asked here: What lessons on the separation of politics and academia may be drawn from observing the genocide scholarship's moralistic approach to matters involving international conflict? What allows the moralizations of the genocide scholarship to pass as scholarly work? What does the success of the genocide scholarship in the realm of world public opinion, particularly regarding the Armenians, Cambodians, and Sudanese, teach about American influence? What system of checks and balances is there to discourage an academic project such as the genocide scholarship from producing self-assured presentations of what is true? What methods can international courts use when approaching information about world history, and, specifically, how may it be ascertained that the courts do not adopt historical narratives according to the interests of the most powerful party in the international community? How is the legal standing of the term *genocide* worldwide affected by court decisions that are based on the genocide scholarship's framing? What is the relationship between the ratification of the Genocide Convention by the United States and the creation of tribunals since the 1990s in which the crime of genocide is charged? What are the implications for international law when—under the supervision of the United Nations—a tribunal that is financed only by some members of the international community processes information that matches the interests of those who funded its proceedings? How does the United Nations organization protect international law from being corrupted by state sponsored information?

Tension with the Legal Definition

Article 2 of the Genocide Convention states what “genocide means,” and holds the key to the legal definition of the term. It instructs that acts of genocide are “committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious groups, as such.”¹⁶⁴ From these words, mainly two matters have become the focus of attention by the genocide scholarship in its treatment of the definition: how to determine intent to destroy as such any of the group types that are listed in the definition, and which victim groups fall within the identity categories that are listed in the definition. Significantly, while these two points present interpretational challenges, the genocide scholarship has not only usurped the work of future competent tribunals that were called upon by the Genocide Convention to explain how might the definition apply on a case by case basis, but it has also utilized the absence of a legally generated discourse prior to the International Criminal Tribunal for the former Yugoslavia in 1993 to create a discourse that questions the quality of the definition because of its application uncertainties. Even though it was natural for clarity to be lacking until the establishment of a competent tribunal to consider an indictment of genocide in accordance with the Genocide Convention, the genocide scholarship took it upon itself not only to precede the prospective deliberations of competent tribunals on how to make the definition operational, but also to undermine the Genocide Convention as the written authority on the definition of genocide. Thus, even though member states agreed to the meaning of

¹⁶⁴ United Nations General Assembly, Convention on the Prevention and Punishment of the Crime of Genocide, art. 2. As shown in this section, two matters have become the main focus of attention by the genocide scholarship in its treatment of the definition: how to determine intent and which groups fall within the identity categories that are listed in the definition.

“genocide” as worded in the Genocide Convention and as set to be interpreted by competent legal organs, the genocide scholarship was able to inject subjectivity into the predominant use of the word by filling in the void that existed before the term’s first legal application.

There are indications that the rise of the genocide scholarship has meant a break from the authority of the Genocide Convention. The language of the genocide scholarship, in which events are characterized as cases of genocide without legal backing, would not have been so readily acceptable to the public unless the definition of the Genocide Convention was to be seen as disputable. Words such as “cobbled together,”¹⁶⁵ “contested,”¹⁶⁶ “deficient,”¹⁶⁷ “flaws,”¹⁶⁸ “inadequacy” or “inadequate,”¹⁶⁹ “limited,”¹⁷⁰ “shortcomings,”¹⁷¹ and “strange”¹⁷² are found in the language that is used by the genocide scholarship to describe the Genocide Convention’s definition of genocide. The derogatory references to the Genocide Convention’s definition have had the effect of minimizing the legal document’s influence on the discourse and creating space for the genocide scholarship to generate information about “genocide” outside the confines of the wording in Article 2 of the Genocide Convention. The notion that the Genocide

¹⁶⁵ Stannard, “De’ja,” 131-132.

¹⁶⁶ Straus, “Contested,” 349; Schaller, “Lemkin,” 250; Rosenberg, “Genocide,” 16.

¹⁶⁷ Tatz, “Genocide,” 234.

¹⁶⁸ Boghossian, “Concept,” 69.

¹⁶⁹ Ballinger, “Who,” 11; Feierstein, “Leaving,” 258.

¹⁷⁰ Jonassohn, “Prevention,” 2.

¹⁷¹ Mennecke, “Genocide,” 167; Feierstein, “Leaving,” 257.

¹⁷² Menzel, “Justice,” 222.

Convention fails to completely address what “genocide” means was vital for the justification of a normative discourse on what “genocide” should mean.

Fundamentally, by distancing itself from the definition in the Genocide Convention, the genocide scholarship allowed itself to handle the term *genocide* more like an abstract, and therefore, as a conceptual framework rather than as a legal framework.¹⁷³ As a result, redefinitions,¹⁷⁴ types,¹⁷⁵ categories,¹⁷⁶ classifications,¹⁷⁷ and

¹⁷³ For examples of works that discuss “genocide” as a matter for conceptual explanation, see: Leibowitz, review of *History*, 429; Thomas Blass, review of *The Roots of Evil*, by Ervin Staub, *Holocaust and Genocide Studies* 7, no. 2 (Fall 1993): 277; Dadrian, “Essay,” 410; Moshman, “Conceptual,” 431-432; Huttenbach, “Editor: Towards a Conceptual,” 167; Semelin, “Announcement,” 437; Boghossian, “Concept,” 70. This shift from one legal definition of genocide to multiple conceptual definitions of genocide is presented by the genocide scholarship as a necessary occurrence because an agreement on the definition could not be reached: “Disagreements over definitions led scholars to develop a rich variety of concepts based on alternative definitions of genocide.” See: Feierstein, “Leaving,” 258. In other words, the disruption of the Genocide Convention definition’s universality was a prerequisite for the introduction of the term’s conceptualization as a scholarly task. However, the idea of disagreement over the definition assumes a departure from the wording of a legal document that provided the basis for the signatures of governments in agreement over what the term means. The Genocide Convention expresses no anticipation of the American-created genocide scholarship or there being a need for genocide scholars to agree on the definition of genocide.

¹⁷⁴ For instances in which genocide scholars suggest their own definition of genocide or prefer to use another scholar’s definition of it over the Genocide Convention, see: Huttenbach, “Locating,” 297; Frank Chalk, “Definitions of Genocide and Their Implications for Prediction and Prevention,” *Holocaust and Genocide Studies* 4, no. 2 (1989): 151; Dadrian, “Determinants,” 65; Woolf and Hulsizer, “Psychosocial,” 101; Üngör, “Team,” 32; Üngör, “Studying,” 68; Ostler, “Just,” 2-3. In 2001, it was said that “broad conceptual disagreement” has led to “at least 21 different definitions” of genocide. See: Straus, “Contested,” 368. This observation is reiterated in a later publication. See: Rosenberg, “Genocide,” 16.

¹⁷⁵ Ezell, review of *Prevention*, 172; Huttenbach, “Locating,” 292; Straus, “Contested,” 369; Gallois, “Genocide,” 70.

¹⁷⁶ Huttenbach, “Locating,” 291; Jacobs, review of *Holocaust*, 266; Huttenbach, “Editor: Uniqueness,” 185; Hiebert, “Theorizing,” 310; Schaller, “Lemkin,” 254; Charny, “Requiem,” 116. Also, it has been suggested that genocide itself is a “subcategory of conflict behaviour” or a subfield within “atrocities crimes.” See: Stein, “Conceptions,” 196; Scheffer, “Genocide,” 238-239.

¹⁷⁷ Charny, “Letter,” 304; Despite the international agreement on the definition in the Genocide Convention, Henry Huttenbach claims that “The absence of a strict definition” is a reason for “experiments to classify genocidal incidents and sub-divide them into coherent types.” See: Huttenbach, “Locating,” 292. He then proceeds to describe the significance of having the Holocaust “classified as a case of genocide.” See: *Ibid.*, 300. It is said that “The Istanbul pogrom ... can be classified as *a form of genocide*.” See: Zayas, “Istanbul,” 146.

alternative terms¹⁷⁸ flooded the meaning of “genocide.” This has been accompanied by an inaccurate drawing of a dichotomy between legal practitioners and academic researchers regarding how the term’s function is perceived, as if the latter generally or inherently oppose the former’s position.¹⁷⁹ Also, the genocide scholarship has a label, “definitionalism,” through which the straightforward adherence to the legal definition is made to seem like a sidetracking engrossment or even “a basis for flagrant denials.”¹⁸⁰

¹⁷⁸ For a list of such alternative terms, see: Schaller, “Lemkin,” 251-252. The major competing terms are considered here in their historical context in Chapters 5 and 6.

¹⁷⁹ For example, Henry Huttenbach claims that “the historian striving to be as inclusive as possible in order to embrace all forms of genocide while the lawyer insists on being as exclusive as terminology permits in order to fix the precise identity of a crime.” See: Huttenbach, “Locating,” 293. Not only is his description of “the historian” a generality that is not based on scientific measure, it even fails to explain how before his involvement in the genocide scholarship “the historian” that he was did not mention the term *genocide* in his historical work on the Holocaust, as discussed here in this chapter’s note 23. For similar references to differences between lawyers and scholars such as historians and social scientists in the treatment of the term *genocide*, see: Huttenbach, “Editor: Towards a Conceptual,” 171; Schaller, “Lemkin,” 251, 254. This dichotomy also involves a statement about “The political scientists,” who, according to the genocide scholarship, are on the opposite side of “establishing clear legal definitions” and prefer to “view definitions and conceptual debates as useful tools for establishing some parameter for the universe of admissible cases and for elucidating links between structures and agency.” See: Rosenberg, “Genocide,” 21. In an endorsement of Israel Charny’s *Encyclopedia of Genocide* by a legal practitioner in *JGR* while it was edited by Huttenbach, Richard Goldstone attempts to lend credibility to the genocide scholarship’s presentation of this dichotomy by suggesting that “as a lawyer and as a former prosecutor of war crimes in the United Nations Criminal tribunals for Yugoslavia and Rwanda, I feel uneasy about this kind of scholarly dilution of the definition of genocide” yet the supposed sense of uneasiness does not stop him from using the phrase “the Armenian Genocide” regarding an event that an adherence to the Genocide Convention does not warrant as genocide. See: Goldstone, review of *Encyclopedia*, 261. This indicates that as much as he tried to appear as opposed to the genocide scholarship’s mentality by professional commitment, his text advanced the genocide scholarship’s discourse.

¹⁸⁰ Charny, “Classification,” 22. Charny uses the label “definitionalism” to point at “an insistence on defining cases of mass murders as *not genocide*.” See: *Ibid.* This not only fails to fairly describe the perspective of those who look to remain faithful to the actual convention in which genocide is legally defined, it also has the effect of presenting the genocide scholarship’s abuse of the term *genocide* as if a moral norm. Elsewhere, Charny writes that he worries “about the continuing definitionalism in legal circles that builds on the wasteful polemics of many genocide scholars who keep searching for a ‘pure’ definition and proof of ‘pure’ intentional genocide and are willing to skip past millions of dead bodies that are hardly anything but other versions and categories (or types) of genocidal mass murder.” See: Charny, “Requiem,” 116. The misleading language describes an “intentional genocide” under the assumption that there is “genocide” without intent. Charny also recruits “millions of dead bodies” in a manner that leads the public away from the view that the usage of “genocide” charges needs to be controlled by a system of checks and balances within international law in order to discourage power—local power as well as great power—from being used to instigate mass violence. His moralistic display solidifies the genocide scholarship’s basic assumption that “genocide” can be, ought to be, or needs to be, defined in ways other than its one agreed-upon legal definition in the Genocide Convention.

Over time, the conviction that the definition is questionable started to present itself as second-hand information, as if an existing reality,¹⁸¹ and the definition of genocide—treated as an idea—became wide open for application through biased imagination.

Furthermore, despite being a project that is located outside the realm of a competent tribunal, the genocide scholarship has been able to renegotiate the significance of intent in the legal definition through its work toward problematizing the Genocide Convention. The argument that “the elevation of the requirement of genocidal intent to a standard that is nearly impossible to satisfy” is “the greatest setback to genocide scholarship” illustrates how the genocide scholarship somewhat perversely considers itself inconvenienced by the Genocide Convention.¹⁸² It appears that the main reason for

¹⁸¹ In several instances, genocide scholars write about other genocide scholars who have “proposed” other definitions of genocide, or debated about them. See: Huttenbach, “Locating,” 293; Jonassohn, “Prevention,” 6; Moshman, “Conceptual,” 437; Schabas, “‘Odious’,” 97; Feierstein, “Leaving,” 257. This has the effect of turning the genocide scholarship’s treatment of the Genocide Convention’s definition from a questionable agenda to an observed phenomenon. The genocide scholarship portrays a discourse in which “The range of definitions is very wide.” See: Semelin, “‘G’,” 26. If that is indeed an established truth, then it is the work of the genocide scholarship itself. This mentality that there are multiple definitions of genocide has penetrated the common language used by genocide scholars to the extent of producing phrases such as “depends on one’s definition of genocide” and “by your definition of genocide.” See: Sproat, “Researching,” 453; Martin Shaw and Omer Bartov, “The Question of Genocide in Palestine, 1948: An Exchange between Martin Shaw and Omer Bartov,” *Journal of Genocide Research* 12, no. 3-4 (September-December 2010): 246.

¹⁸² Travis, “Original,” 30. Travis’ position that the requirement of intent has been elevated is itself a subjective presupposition. He also unconvincingly mixes mindfulness of intent with the expectation that it has to be proven that a state deliberately planned “to exterminate the members of an entire racial group, or a *total genocide*,” which he says is “At the root of this misunderstanding,” and to him the inclusion of “in part” in the definition explains that there is no need for intent to destroy all members of the group as such. See: *Ibid.* While there is little doubt that the “in part” part means that the extermination does not have to be total in order for it to be seen as a case of genocide, the assailant’s indicated desire to destroy members of the group as such, who are within reach, does not mean an ability to destroy the entire people worldwide, but the intent to destroy those who are within reach. Even the systematic execution of Jews by the German Nazis was “in part,” not “in whole,” as the American Jewry for instance was far removed from the extermination. Travis appears to have underestimated the meaning of intent, which makes the difference between the Nazi ambition to destroy virtually all Jews within reach but practically “in part,” and a nongenocidal “in part” that is indicative of no intent to destroy members of the group as such. The bottom line is that even if such a discussion needs to be had, it is for a competent tribunal to carry it out rather than it being first in the hands of the genocide scholarship that has the ability to affect public opinion and domestic legislation before such matters of interpretation are handled by the judges.

the genocide scholarship's conflict with the importance of intent—and its undeniable place in the definition of genocide in the Genocide Convention—is that it can be difficult to prove in court that the destruction of members of the group as such guided the assailant's plans.¹⁸³ That this is bothersome at all to the genocide scholarship points at a goal to make the use of genocide more operable than the Genocide Convention envisioned it to be.¹⁸⁴ To this end, the genocide scholarship has taken an aggressive position against the legal definition's requirement of intent.¹⁸⁵

¹⁸³ For instances of this being expressed, see: David Scheffer, "The World's Court Fractured Ruling on Genocide," *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 126; Goldsmith, "Issue," 253; Travis, "Original," 43. Ultimately, according to the Genocide Convention, this is a matter that is subject for consideration by competent tribunals. As an example of this affecting a particular campaign, the genocide scholarship notes the United Nations Commission of Inquiry's decision that in Darfur "the government sponsored *Janjaweed* lacked a genocidal intent." See: Lippman, "Darfur," 207. Ironically, from the heart of its subjective project, the genocide scholarship issues a criticism of the Genocide Convention for leaving to competent tribunals "the subjective responsibility" of determining intent. See: Morton and Singh, "International," 56. It is odd that the genocide scholarship expresses concern about having the judicial system determine intent when this is common practice in domestic law. The peculiarity of the opposition to "intention" in the definition is highlighted by the recognition that "Intentionality is an important element in domestic law." See: Lewy, "Can," 671. The opposition to "intention" reflects an attitude toward changing the law about genocide rather than an appreciation of the Genocide Convention's accomplishment and coming to terms with the view that the wording in place is what member-states in the United Nations agreed to define as genocide.

¹⁸⁴ This might also explain the driving force behind the attempt to distinguish between premeditation and intent to suggest that "for the purposes of the genocide debate, premeditation is not important; genocide can be explored without considering premeditation." See: Akçam, review of *Armenian*, 119. In this manner, it is argued that in order to prove "intent" in the context of genocide there is no requirement to show that the assailant's plans to destroy involved preparation for the event. In Akçam's work, this argument is used as part of his ongoing efforts to label the Armenian experience as genocide. Akçam's commitment to using the term *genocide* in the Armenian case, be it as a matter of professional pursuit or personal investment after years of work on the issue, is foreign to the Genocide Convention itself. Such deliberations of what constitutes genocidal intent are reserved by the Genocide Convention for competent tribunals.

¹⁸⁵ In one article it is said that thought should be given "to modifying the intent requirement." See: Matthew Lippman, "A Road Map to the 1948 Convention on the Prevention and Punishment of the Crime Genocide," *Journal of Genocide Research* 4, no. 2 (June 2002): 188. This push to change the Genocide Convention "might involve" adding "negligent" genocide as a crime. See: *Ibid.* Similarly, it is suggested that broadening the "understanding of the *mens rea*" component would make the legal definition less ambiguous and more coherent. See: Novic, "Physical-Biological," 77. The reaction to Guenter Lewy's question in the title of his article, "Can There Be Genocide without the Intent to Commit Genocide?" shows the zealotry of the genocide scholarship regarding this matter, but also the ingenuity with which the genocide scholarship establishes its discourse. For Lewy to publish his article in *JGR* is akin to playing an away game in sports. In response to Lewy's article, he is presented as one who looks "to restrict the definition and interpretation of genocide to an actual or putative court setting." See: Barta, "Intent," 111. Thus, instead of the genocide scholarship's argument being portrayed as a biased imposition of the label

According to the Genocide Convention, genocidal intent does not exist in mass killings in which the assailant wishes to resolve an innerstate political conflict rather than destroy either an ethnical, national, racial, or religious, group as such,¹⁸⁶ but the genocide scholarship has endeavored within its own genocide discourse to present members of persecuted political groups as victims in the context of “genocide.”¹⁸⁷ While the group

genocide on events without any legal backing, Lewy is made to appear as an inadequate scholar who represents a negative attitude and is suspected of ulterior motives. Meaning, the framing of the discourse by the genocide scholarship is such that even by way of dissent Lewy contributes to the questioning of the legal definition because the genocide scholarship is able to control the context of the intellectual exchange and handily create for the public an association between his view about intent and a losing approach.

¹⁸⁶ If the political conflict is not immediately resolvable, then that could lead to the accumulation of many deaths. In such a scenario, the large number of fatalities does not mean that genocide is being perpetrated, but neither does it mean that from a humanitarian standpoint there is any less urgency to address the causes of it. There is reason to believe that the term *genocide* can draw more attention to ongoing suffering and help rally the international community to stop or limit violence. However, public awareness of atrocities as genocide does not necessarily translate into action toward relief, and when the use of the term *genocide* is in conflict with the Genocide Convention then the abuse of the term means that the functionality of international law is being compromised.

¹⁸⁷ A recent example of this involves the intervention in Libya, following the Libyan government’s attempt to quell a rebellion there. As NATO was using military force to weaken Muammar al-Gaddafi’s rule, an editorial in *JGR* referred to “rebels” in quotation marks twice as if to suggest that the local persecution was not caused by political conflict, and it was said that “One need not ascribe a genocidal intention to Gaddafi, as some have done, to justify action against the regime in Libya.” See: Jürgen Zimmerer, “Beyond Gaddafi: Sustainable Prevention in the Face of Environmental Injustice (Editorial),” *Journal of Genocide Research* 13, no. 1-2 (March-June 2011): v. In this case the genocide scholarship did not officially label the situation as genocide in resolution-form, but promoted the notion that the bombardment is “a clear case of the efficacy of humanitarian intervention” that might be “a role model for dealing with cross human rights violations and genocide.” See: *Ibid.* This indicates that when an American-led international intervention is quickly organized without opposition or delay, then the genocide scholarship does not produce direct calls of “genocide.” Nonetheless, the genocide scholarship did seek to place the intervention in the context of “genocide,” which supports the promotion of the American program “responsibility to protect” (or, R2P). Interestingly, in the Libyan case United States President Barack Obama used the term *genocide* similarly, without issuing an accusation of genocide, but by framing the situation in Libya in the context of “genocide”: “Sometimes, the course of history poses challenges that threaten our common humanity and our common security—responding to natural disasters, for example; or preventing genocide and keeping the peace; ensuring security, and maintaining the flow of commerce.” See: White House, “Remarks by the President in Address to the Nation on Libya,” <https://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya> (accessed, 1/23/2017). To this time, the genocide scholarship has not dedicated a single article to addressing the aftermath of the NATO intervention in Libya, and especially how the use of “genocide prevention” to justify intervention led to extended political turmoil in Libya. In the context of Darfur, IAGS produced a resolution, in which it presented itself as “a world-wide” organization, and called upon “the United Nations to authorize a coalition of member-states to organize and deploy a robust armed intervention force in Darfur, Sudan, in order to stop the ongoing war crimes, crimes against humanity, ethnic cleansing, and genocide being perpetrated by Government of Sudan troops and Janjaweed Arab militias against Black African ethnic groups in Darfur.” See: International Association of Genocide Scholars, “Resolution on Intervention in Darfur,”

identifier “political” is not among those that are listed in Article 2 of the Genocide Convention, the genocide scholarship has tried to establish public perception of political conflict as genocidal. Instead of bringing to light substantive reasoning why nation-states did not agree to list the persecution of political groups as genocide,¹⁸⁸ the genocide scholarship has sought for ways to either bypass or expostulate the decision that political conflict is not a genocidal situation. In other words, the genocide scholarship either disregards the knowledge that political groups are not within the legal definition of

<http://www.genocidescholars.org/sites/default/files/document%09%5Bcurrent-page%3A1%5D/documents/IAGS%20Resolution%20on%20Darfur-passed%207%20June%202005.pdf> (accessed, 1/23/2017). The resolution lacks acknowledgement that the slaughtering of civilians is in the context of political conflict over governing authority. More recently, IAGS released a resolution on the “crimes committed by the Islamic State of Iraq and Syria (ISIS)” in which it is stated that “ISIS is committing genocide and crimes against humanity against groups that do not conform to ISIS’ definition of ‘true Islam’ and its vision for the ‘caliphate,’ including Ezidis, Christians, Shia Muslims, Sunni Kurds and other minority groups.” See: International Association of Genocide Scholars, “Resolution of the International Association of Genocide Scholars Concerning Crimes of ISIS,” http://www.genocidescholars.org/sites/default/files/document%09%5Bcurrent-page%3A1%5D/documents/IAGS%20Resolution%20on%20ISIS%20-%20passed%2018%20March%202016_1.pdf (accessed, 1/23/2017). Aside from lacking legal backing, this statement is made without recognition that the mentioned atrocities, which are described as genocide, occur within the context of political conflict over sovereignty. Also, it is worth noting that this statement by IAGS was published less than a fortnight after a similar statement was made by United States Secretary of State John Kerry about the group, also known as Daesh, saying: “My purpose in appearing before you today is to assert that, in my judgment, Daesh is responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims.” See: <http://www.state.gov/secretary/remarks/2016/03/254782.htm> (accessed, 9/16/2016). The page can no longer be found, but a search for the quote on Google shows its previous existence. See: https://www.google.com/?gws_rd=ssl#q=%22My+purpose+in+appearing+before+you+today+is+to+assert%22 (accessed, 1/23/2017). For a currently available webpage with the quote, see: U.S. Department of State, “#Daesh,” <https://plus.google.com/+StateDept/posts/AH1DtBU7Tda> (accessed, 1/23/2017).

¹⁸⁸ A group whose leadership makes claims against the right of the government to maintain its position, especially when such claims include positive statements about the attainment of political independence for the group through defiance of the current government’s authority on its territory, is a political group even if the group relies on ethnic identity to mobilize its members. The term *national*, as the basis for a group’s identity in the context of genocide, deserves separate attention because “nation” can suggest political organization. However, the decision that political groups are not victims of genocide provides a strong indication that “national” in the Genocide Convention means to protect from genocide the members of an already self-governed nation, not members of a rebellious group that is making national claims against the control of land by its existing government. It is reasonable for nation-states to be careful not to encourage—let alone protect—organized opposition to their sovereignty, but for a great power such as the United States it might seem advantageous to have the capacity to use the term *genocide* regarding political conflict in order to effectively challenge and possibly replace governments that it perceives as noncooperative. This is not weighed by the genocide scholarship.

genocide,¹⁸⁹ or seeks to dissuade the public from agreement with the Genocide

Convention that political groups do not belong among victim groups in the definition of genocide.¹⁹⁰

¹⁸⁹ By producing definitions that rival the Genocide Convention's wording and particularly broaden the definition in a manner that also includes political groups in the genocide discourse, the genocide scholarship bypasses the legal definition. For instance, this is the effect of definitions in which the list of the types of victim groups is replaced by the instruction that any victimized group that is seen as a group by the assailant is possibly the victim of genocide. See: Huttenbach, "Locating," 297; Jonassohn, "Prevention," 2. Another form of bypassing is the invention of alternative terms that directly address political persecution such as "democide" or "politicide." See: Straus, "Contested," 370; Matthew Krain, "The Effects of Diplomatic Sanctions and Engagement on the Severity of Ongoing Genocides or Politicides," *Journal of Genocide Research* 16, no. 1 (January 2014): 46. However, the use of "politicide" is not nearly as effective as using the term *genocide* because, unlike the latter, the former is not sanctioned by an international convention. One scholar warns that "The concept of 'politicide'" might "be used to trivialize or minimize the genocide processes directed against political groups, blocking their inclusion into the structure of the concept of genocide. See: Daniel Feierstein, "Political Violence in Argentina and Its Genocidal Characteristics," *Journal of Genocide Research* 8, no. 2 (June 2006): 164. Thus, Feierstein expresses his own disregard for "genocide" as defined in the Genocide Convention by asserting that there is such a thing as "genocide processes directed against political groups." The legal definition is also bypassed by the insistence that political crises or wars precede genocides or create a genocidal environment. For example, see: Fettweis, "War," 235; Hiebert, "Theorizing," 319. Furthermore, the genocide scholarship even tries to incorporate political groups into the discourse by showing their activities as part of a frame that is bigger than genocide: "I am advocating a change in theoretical perspective to situate genocide within the larger context of political violence instead of focusing solely on the study of genocide." See: Verdeja, "Situating," 83.

¹⁹⁰ The genocide scholarship uses language through which it is suggested that political groups were excluded or not included in the definition, thereby giving a sense that an omission occurred and that the definition is lacking wholeness because of it. For references to political groups being excluded from the Genocide Convention's definition, see: Chalk, "Definitions," 151; Samuel Totten, review of *Lethal Politics* by R. J. Rummel, *Holocaust and Genocide Studies* 6, no. 4 (1991): 432; Morton and Singh, "International," 56; Yusuf Aksar, "The 'Victimized Group' Concept in the Genocide Convention and the Development of International Humanitarian Law through the Practice of *Ad Hoc* Tribunals," *Journal of Genocide Research* 5, no. 2 (June 2003): 218; Feierstein, "Leaving," 258, 261. Along these lines, it is argued that the definition "should include" political groups. See: Aksar, "'Victimized,'" 218. Rather than saying that the Genocide Convention excluded political groups, a discourse that is respectful of the Genocide Convention could state that the occurrence of genocide is excluded from political conflict. This notion of exclusion has even been described by the genocide scholarship as a blind spot: "'Political genocide' is therefore a blind spot of genocide, which can be criticized but hardly ignored." See: Menzel, "Justice," 222. One more tactic through which the public is encouraged to disagree with the Genocide Convention is the suggestion that the Soviet Union was dominant in the decision that political groups do not qualify as victims of genocide because of its domestic agenda. See: Totten, review of *Lethal*, 432; Charny, "Classification," 22-23; Stannard, "De'ja," 131-132. Within the idea of "disagreements with the definition," the matter of political groups is said to be a major one. See: Chalk, "Definitions," 151. In response to the genocide scholarship's verbiage on its idea of "genocide denial" regarding the Armenian experience (the accusation that refusal to accept as "genocide" events that were not found to be genocide in a competent tribunal is somehow immoral), the refusal by genocide scholars to accept the Genocide Convention's definition can be described as genocide denial in a different sense because it involves a disinclination to recognize the actual definition of genocide in international law.

Therefore, it is seen that much of the genocide scholarship's discourse relies on contempt for the Genocide Convention. Rather than recognize that their selected cases of "genocide" do not meet the definition of what "genocide" means, genocide scholars carry themselves as if the Genocide Convention has to catch up with their idea of "genocide."¹⁹¹ This explains the simplicity with which cases that do not correspond with the Genocide Convention's definition of genocide or process of charging genocide are treated as genocide.¹⁹² In its influential discourse, a nonlegal entity such as the genocide scholarship has rendered an international treaty such as the Genocide Convention malleable,¹⁹³ and has taken it a step further by attacking those who defend the legal

¹⁹¹ For instance, it is suggested that the "narrow definition" presents a problem "because few or none of the mass atrocities since 1948 qualify as genocide." See: Travis, "Original," 42. Travis decontextualizes the genocide scholarship's confrontation with the Genocide Convention by suggesting that the definition "was popularized by scholars." See: *Ibid.* The genocide scholarship has made it seem like certain scholars such as Steven T. Katz, Guenter Lewy, and even William Schabas are markers of a narrow definition, but this is an attempt to cover up the blatant departure of the genocide discourse from the Genocide Convention. In relation to a specific case, it is argued that the "exclusion" of political groups from the definition "allowed the ghastly devastation in Cambodia under the Khmer Rouge to pass as non-genocidal in the analyses of many human rights scholars." See: Stannard, "De'ja," 132.

¹⁹² For instance, the genocide scholarship's high regard for its own idea, or ideas, of "genocide" conceals the absurdity of a list—titled "Major genocides of the twentieth century"—that features fifteen cases even though at the time of its composition only two of them were legally charged cases of genocide. See: Bartrop, "Relationship," 525.

¹⁹³ This discourse created space between the legal and the imagined, and enabled the creative usage of the term *genocide* on an academic platform. Paul Boghossian's discussion of "genocide" in relation to the Armenian experience provides a vivid illustration of such a development. Boghossian argues against the conflation of "the *concept* of genocide" with "the *legal convention*" in reaction to the claims that the Armenians were victims of genocide. See: Boghossian, "Concept," 72. This argument is based on the assumption, which has been cultivated by the genocide scholarship, that it is legitimate to conceptualize "genocide" separately from the legal definition and have it affect international relations. The argument is duplicitous because the genocide scholarship has not indicated that by phrases such as "Armenian Genocide" and more recently "genocide in Darfur" it does not mean to suggest that there is a legal component, and neither does Boghossian avoid switching back and forth from "concept" to "term" in his references to "genocide" as he discusses its usage regarding the Armenian experience. For instance, he shifts from regarding "genocide" as a term "provided by the UN" to regarding it as a concept without calling his readers' attention to the difference that he assigns to these words. See: *Ibid.*, 71. Moreover, he addresses the Armenian experience as genocide immediately after opening the article with a reference to the court rule that the massacre in Srebrenica was genocide, thus providing his claim about the Armenian experience with a legal context. See: *Ibid.*, 69. Despite these deficiencies in the article, it is heralded in the genocide scholarship's concept of commentary as "most thoughtful and provocative," and Boghossian is credited for "razor sharpness." See: Eric D. Weitz, "Genocide and the Rigor of Philosophy: A Comment on

power of the signed contract.¹⁹⁴

Recent legal developments show that this tension between the legal definition and the genocide scholarship's discourse is set to become more pronounced unless at least one of the two changes course. There is a gap between world public opinion about "genocide" as informed by the genocide scholarship, and the United Nations member states' expectation of legal performance as agreed in the Genocide Convention. The opposing elements have been growing further apart since the genocide scholarship's labeling habits began to trickle through public acceptance to certain domestic legislations,¹⁹⁵ while the establishment of international court procedures for genocide

Paul Boghossian," *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 101. Weitz takes this opportunity to echo, rather complacently, Boghossian's sentiment by saying that "Virtually every scholar of the phenomenon knows that the definition of genocide that has come down to us from the UN Convention is deeply flawed." See: *Ibid.*

¹⁹⁴ The genocide scholarship assails defenders of the legal meaning of an international convention by stating that "The definition of genocide under law ... has also served as a basis for flagrant denials." See: Charny, "Classification," 22. It is also claimed that "a form of scholarship has emerged that very selectively ... ends up constructing a strained and anti-victim meaning of key phrases in the treaty." See: Travis, "Original," 31. Member-states of the United Nations are admonished by the genocide scholarship for respecting the Genocide Convention as law rather than following the genocide scholarship's own declarations of what genocide is thought to be. For example, it is said that Turkey refuses "to admit publicly that genocide took place in 1915." See: Milivojević, review of *Armenian*, 306. This argument is made even though there is nothing legal to admit. Even a third party such as Israel is taken to task for having "avoided" the use of "the term 'genocide' toward the Armenian events of 1915." See: Feinstein, review of *Banalities*, 271.

¹⁹⁵ As articulated from the standpoint of the genocide scholarship, "many states have, in recent years, adopted much better legal definitions of genocide than that of the UNCG," which is taken to mean that there is "fresh impetus to continue the struggle for a more precise international definition." See: Feierstein, "Leaving," 260. While Feierstein might believe that he is arguing for a "better" and "more precise" definition of genocide, the effect of this development is that the term *genocide* as defined in the Genocide Convention is made unstable by an environment in which state-governments are encouraged—under the influence of the genocide scholarship's mentality about alternative definitions—to produce whatever definition of genocide that they prefer. For example, in Guatemala, "the words 'as such' are not included as part of the intent to destroy the group, in whole or in part (Guatemalan Penal Code, Article 376)." See: Elizabeth Oglesby and Diane M. Nelson, "Guatemala's Genocide Trial and the Nexus of Racism and Counterinsurgency," *Journal of Genocide Research* 18, no. 2-3 (June-September 2016): 138. This definitional difference meant that the court in Guatemala could recently decide in the case of the Ixil victimhood between 1982 and 1983 that the policy of the Guatemalan army at the time "was both counterinsurgent *and* genocidal." See: *Ibid.*, 139. Meaning, without "as such" in the wording of the law, the court was directed away from the Genocide Convention's distinction between political and ethnic conflict and toward a looser interpretation of genocidal intent. This interpretation of genocide is in the spirit of what

charges since the 1990s have—with the exception of the Cambodian tribunal—generated a language that at least on a superficial level demonstrates a commitment to interpret the actual international convention and subject evidence to close inspection.¹⁹⁶ It is here observed that even as the legal language on genocide increases through decisions by competent tribunals, its authority and legitimacy as international law will remain challenged as long as the narration by the genocide scholarship popularizes the defiance of the Genocide Convention.¹⁹⁷

Having arrived at an understanding of the split between the genocide scholarship and the legal definition of genocide, the following questions are proposed for further research: To what extent have changes in political conditions necessitated the genocide scholarship's calls for changes in the definition of genocide? How has the genocide

the genocide scholarship has instructed about the term's meaning. The genocide scholarship's reach is also noticeable in the legislation of several European states, particularly as it pertains to the Armenian experience. The genocide scholarship does not recognize its role in giving legislatures in states such as France and Switzerland the idea that "the negation of the Armenian Genocide" is to be prohibited. See: Schaller, "Lemkin," 253. Instead, activity toward legislation in France is ascribed to "The Armenian community in France." See: Schaller, "Editors: Judges," 2. There is no study by the genocide scholarship of what cultural influences led the Armenians in France to think that they ought to demand genocide recognition despite the absence of legal backing to the claim, and in what circumstances the community's claims about "genocide" began. If domestic legislation on genocide by a member-state of the United Nations does not correspond with the Genocide Convention, then that sways the public toward fanciful notions about genocide, and interferes with the ability of international judges to interpret the law according to the legal document that defined genocide and provided the basis for international agreement on what it means.

¹⁹⁶ When its platform is dedicated to analysis of court decisions, the genocide scholarship produces discussion that is more grounded by what the term means legally, such as how genocide is distinguished from "crimes against humanity" and "ethnic cleansing." See: Schabas, "'Odious,'" 98; Scheffer, "World's," 131-132; William A. Schabas, "Whither Genocide? The International Court of Justice Finally Pronounces," *Journal of Genocide Research* 9, no. 2 (June 2007): 183-192. In another article on the impact of the ICJ deliberations, Schabas conveys the significance of its input on standards of proof and the distinction between "ethnic cleansing" and "genocide." See: William A. Schabas, "Genocide and the International Court of Justice: Finally, a Duty to Prevent the Crimes of Crimes," *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 108-109.

¹⁹⁷ A contextualized analysis of the legal developments regarding "genocide" since the ratification of the Genocide Convention in the United States is offered here in Chapter 6.

scholarship's criticism of the legal definition affected the ability to charge genocide in courts even regarding cases of political conflict? What mechanism in international law might prevent a great power from using its influence to change the meaning of a term after it had been agreed upon in a convention? What type of scholarly information would be contributive to the understanding of the term *genocide* as a crime in international law? How are massacres in the context of political conflict to be addressed by international law without the charge of genocide? To what extent did the genocide scholarship play an indispensable role in the advancement of the term *genocide* despite the biased position against the wording in the Genocide Convention?

Raphael Lemkin's Centrality in the Origination of the Term

Raphael Lemkin is credited with the authorship of the book in which the word *genocide* makes its first public appearance,¹⁹⁸ and, correspondingly, in the genocide scholarship he is regarded as “the author of the monumental study” and “the author of the term genocide.”¹⁹⁹ It is uncommon to challenge a publisher's assignment of creative ownership to a person, but the outstanding impact of the term *genocide* and the circumstances surrounding Lemkin during the advent of the term—including the identity of the publisher—invite an intellectual curiosity regarding the writing process that produced *Axis Rule in Occupied Europe*.²⁰⁰ Nonetheless, the genocide scholarship does not express an interest in a detailed account of the book's composition. Instead, it has

¹⁹⁸ See: Raphaël Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington: Carnegie Endowment for International Peace, 1944).

¹⁹⁹ Jacobs, “Papers,” 105, 111.

²⁰⁰ The reasons for questioning the common knowledge that Lemkin is the author of the book are considered here in Chapters 4 and 5.

popularized the use in common language of the verb *to coin* in connection with Lemkin and the term *genocide*, as in saying that he “coined the term.”²⁰¹

Since the control of language about Lemkin is intertwined with the genocide scholarship’s narration of its own history and purpose, Lemkin’s central role is made to seem believable also through special issues and reviews of monographs that point at his centrality.²⁰² Suggestions that this credit to Lemkin might be falsely based are nonexistent in the genocide scholarship and even discouraged while the opposite is announced as true: “he has finally gotten the recognition he deserves.”²⁰³ Only

²⁰¹ For examples of “coined the term” being used as a phrase regarding Lemkin, see: Michael Freeman, “The Theory and Prevention of Genocide,” *Holocaust and Genocide Studies* 6, no. 2 (1991): 186; Huttenbach, “Editor: Towards a Conceptual,” 167; Levene, “Dissenting,” 154; Schaller and Zimmerer, “Guest Editors,” 447; Dan Stone, “Raphael Lemkin on the Holocaust,” *Journal of Genocide Research* 7, no. 4 (December 2005): 539; Christian Gerlach, “Extremely Violent Societies: An Alternative to the Concept of Genocide,” *Journal of Genocide Research* 8, no. 4 (December 2006): 464; Goldsmith, “Issue,” 247; Totten, “State,” 212; Schaller, “Lemkin,” 245; Moses, “Revisiting,” 296; Robert Skloot, review of *Totally Unofficial*, edited by Donna-Lee Frieze, *Genocide Studies International* 8, no. 1 (Spring 2014): 110. For other appearances of the verb in the form of “coined” in this context, see: Bauer, “Essay,” 211; Dadrian, “Convergent,” 156; Freeman, “Theory,” 186; Huttenbach, “Editor: Towards a Conceptual,” 167; Elder, “What,” 469; Anton Weiss-Wendt, “Hostage of Politics: Raphael Lemkin on ‘Soviet Genocide’,” *Journal of Genocide Research* 7, no. 4 (December 2005): 556; Boghossian, “Concept,” 70-71; Douglas Irvin-Erickson, “Genocide, the ‘Family of Mind’ and the Romantic Signature of Raphael Lemkin,” *Journal of Genocide Research* 15, no. 3 (September 2013): 273. For usage of the form “coining” in this context, see: McDonnell and Moses, “Raphael,” 501; G. Daniel Cohen, review of *Raphael Lemkin and the Struggle for the Genocide Convention*, by John Cooper, *Holocaust and Genocide Studies* 24, no. 1 (Spring 2010): 130; Laban, “Critical,” 5; Theriault, “Grain,” 125. For usage of the noun “coiner” in this context, see: Elder, “What,” 488; Skloot, review of *Totally*, 110. The repetition of this phrase shows that the genocide scholarship is actively habituating language in which Lemkin is the sole authority behind the term *genocide* while avoiding the publication of research on the precise origination of the term. For instances in which “invented” is refreshingly used to present Lemkin as the source of the term *genocide*, see: Straus, “Contested,” 360; Bazylar, “In the Footsteps,” 51; Short, “Australia,” 46; Schabas, “‘Definitional,’” 177. In the last cited source, it is added that Lemkin’s invention of “genocide” is something the “everyone now knows.” See: *Ibid.*

²⁰² In addition to the many references to Lemkin as an integral part of articles in the genocide journals, a special issue was dedicated to Lemkin as the main theme. See: *Journal of Genocide Research* 7, no. 4 (December 2005). Furthermore, Lemkin was extensively featured in two special issues on the field of genocide studies. See: *Genocide Studies and Prevention* 6, no. 3 (Winter 2011); *Genocide Studies and Prevention* 7, no. 1 (Spring 2012). In a favorable review, John Cooper’s work on Lemkin is described as a “meticulous account” and a “comprehensive biography.” See: Cohen, review of *Raphael*, 130. For reviews of books that present an edited publication of work that Lemkin could not publish, see: Skloot, review of *Totally*, 110-112; Smith, review of *Lemkin*, 136-138.

²⁰³ Schaller, “Lemkin,” 246.

cryptically, it is said that “As was the case with the letters and correspondence, most of the published articles, usually, but not always, were entirely written by Lemkin,”²⁰⁴ but this barely noticeable “not always” is quite possibly an enormous understatement and is almost lost in the sentence as if the matter does not pertain to the foundation of the genocide scholarship’s tower of claims. By holding on to Lemkin’s image as a pivot, the genocide scholarship has been meeting its main discursive objectives.

Lemkin’s identity as a Jew likely contributed to the association of the term *genocide* with a believable representation of a victim group’s interests, especially the perception of him as an authentic advocate for the protection of Jewish communities is used for claims toward promoting comparisons to the Holocaust in academia and exploiting the magnitude of Jewish suffering in Nazi-controlled parts of Europe as a tool for lending credibility to the labeling of other events as genocide. The genocide scholarship’s many references to Lemkin’s Jewishness is not necessarily a natural feature of a discourse on the history and purpose of the term *genocide*.²⁰⁵ Lemkin’s personal loss of family members in the Holocaust is evoked by the genocide scholarship,²⁰⁶ and it enables the discourse to assume the voice of that particular victimhood through

²⁰⁴ Jacobs, “Papers,” 108.

²⁰⁵ For examples of references to Lemkin in which he is introduced as Jewish, see: Chalk, “Definitions,” 150; Melson, review of *Little*, 272; Huttenbach, “Editor: Towards a Conceptual,” 167; Schaller and Zimmerer, “Guest Editors,” 447; Dominik J. Schaller, “Raphael Lemkin’s View of European Colonial Rule in Africa: Between Condemnation and Admiration,” *Journal of Genocide Research* 7, no. 4 (December 2005): 531; Schabas, “‘Odious,’” 94; Schaller and Zimmerer, “Settlers,” 195; Dominik J. Schaller, “Introduction: New Perspectives on Soviet Mass Violence,” *Journal of Genocide Research* 11, no. 2-3 (June 2009): 207; Üngör, “Studying,” 68; Cohen, review of *Raphael*, 130; Benhabib, “Jews,” 367. Pointing at this aspect of the genocide scholarship is not intended to call into question Lemkin’s Jewishness, but to call attention to the existence and effect of this emphasis in the discourse.

²⁰⁶ For instance, see: Segesser and Gessler, “Raphael,” 464; Schabas, “‘Definitional,’” 178; Moses, “Revisiting,” 295-296; Charny, “Requiem,” 110.

biographical statements about him. Accordingly, Lemkin's use of the term *genocide* is the basis for an argument that "The Nazi case was unprecedented but not wholly unique and incomparable."²⁰⁷ Behind the emphasis on Lemkin's identity, the following statement is made about the Holocaust's comparability: "Lemkin did not restrict the definition of his term so that it referred solely to the murder of the Jews in Nazi-occupied Europe."²⁰⁸

Lemkin's role as an endorser of the Holocaust's comparability elevates the Armenian experience into prominence in a discourse that suffers from the lack of contextualization and source criticism. It is said about Lemkin that "In the mid-1940s he would be the first to use the term Armenian Genocide,"²⁰⁹ without recognition that the exact phrase "Armenian Genocide" as popularized by the genocide scholarship was not used by him, and without inquiring what prompted him to refer to the Armenian experience as genocide and how it fit into a greater American discourse about "genocide" at the time.²¹⁰ Billed as the "originator of the term," Lemkin is employed in the discourse as an authority in whose name the circumstances of the Armenian experience are said to have constituted genocide,²¹¹ thereby supplanting the Genocide Convention as the source for decisions on what qualifies as genocide. Anecdotal and unverifiable material is put

²⁰⁷ Freeman, "Theory," 186.

²⁰⁸ Stone, "Raphael," 539. Such a phrasing also argues for the comparability of the Holocaust by way of relating restrictive and exclusionary qualities to its opposition. Furthermore, it offers an inaccurate representation of the relationship between the Holocaust's memory and reference to "genocide," as historically the former did not rely on the existence of the latter.

²⁰⁹ Balakian, "Raphael," 60-61. Balakian also suggests that Lemkin inaugurated the term in the 1940s. See: *Ibid.*, 58.

²¹⁰ This is discussed here in Chapter 5.

²¹¹ Levene, "Creating," 395-396. Similarly, Lemkin is quoted as suggesting that there is "a great deal of resemblance between the Jews and the Armenians, who in 1915 lost more than one million of their people by genocide in Turkey." See: Balakian, "Raphael," 84.

together through imaginative language, which is published in an academic journal and effectively genocidizes the Armenian experience, as in statements that “Lemkin’s thinking about genocide began in his childhood,” and that the massacres of the Ottoman Armenians “jolted the young Lemkin into a vision of what would become his life’s work.”²¹² In short, the genocide scholarship uses interpretations of an individual’s personal sentiment as part of an argument for the applicability of the legally defined label in the case of Armenian victimhood.

For being of service to the genocide scholarship’s mission to pass as scientific, accounts of Lemkin’s feelings would not have sufficed, and it is noticeable that in this context his scholarly activities are aggrandized. The genocide scholarship’s professed comparative approach is shown as linked to Lemkin, whose work is regarded as “the first typology” that inspired study “by scholars for analytical and comparative studies of genocides.”²¹³ In keeping with the genocide scholarship’s self-image, Lemkin is depicted as the field of study’s prototypical interdisciplinary scholar, who—aside from his background in the legal profession—is described as a social scientist and historian.²¹⁴

²¹² Ibid., 57-58. Balakian also states that “The Armenian massacres preoccupied Lemkin throughout his life and influenced his understanding of the evolution of modern genocide.” See: Ibid., 60. On the same platform, the severe accusation of genocide against the Ottoman government is also given a boost by an anecdotal text about Lemkin’s alleged conversation with a law professor at University of Lwów regarding “the 1920 British release of the Turkish war criminals,” and about the meaning that Talaat Pasha’s assassination had in Lemkin’s professional development. See: Ibid., 58-59. For another display of source criticism being dismissed in this context, see: Goldsmith, “Issue,” 238, 255 (note 1). The anecdotal material regarding Lemkin is considered here in Chapter 5, section titled “Lemkin’s Intellectual Property.”

²¹³ Morton and Singh, “International,” 48.

²¹⁴ There are references that associate Lemkin with social sciences. For instance, it is said that “Lemkin apparently wrote voluminously on the subject of genocide” and that the writings are “both social scientific and legal.” See: Stein, “Geno- and Other cides,” 42. It is also said that “After the adoption of the UNCG, Lemkin’s interest in genocide became more and more social scientific.” See: Schaller, “Lemkin,” 246. Moreover, Lemkin is associated with historiography. For example, it was stated in *JGR*’s special issue on Lemkin that “the Guest Editors hope that this collection of articles will provoke fruitful discussions and stimulate further research on Lemkin as a historian of mass violence.” See: Schaller and Zimmerer, “Guest Editors,” 451.

Lemkin's unfinished book project under the title "History of Genocide," is studied by the genocide scholarship as his grand exploration of the term,²¹⁵ even though it is simply a collection of randomly chosen and incomplete research endeavors of different historical cases that are united by the idea to label them as genocide, and it appears to be mostly the work of research assistantship that relies on secondary sources.²¹⁶ Though it is considered that Lemkin was "a poor social historian,"²¹⁷ nevertheless a controlled discourse on "genocide" and colonialism was established by showing him as "keenly interested in colonial genocides."²¹⁸ Hence, by presenting itself as interested in Lemkin's supposedly scientific pursuits, the genocide scholarship was able to start a conversation of political significance without being obvious about it having an intended design, and began to approach the sensitive topic of Native American history within a general framework of

²¹⁵ For instance, the work, which was far from being a finished manuscript, is described as Lemkin's "masterpiece" and intended "magnum opus." See: Elder, "What," 478, 488; Short, "Australia," 47-48.

²¹⁶ For the research material that is gathered under the title "History of Genocide," see: Box 2, Raphael Lemkin Papers, Manuscripts and Archives Division, New York Public Library. The genocide scholarship has produced some expressed awareness that Lemkin might not have had much to do with the written research. See: McDonnell and Moses, "Raphael," 503; Jones, review of *Lemkin*, 234. Still, the genocide scholarship has kept clear from considering that just as there is reason to question Lemkin's actual authorship of the written research for "History of Genocide," there is also reason to question his authorship of *Axis Rule*, for which no manuscript is available. Instead, both are treated as Lemkin's despite the indication of vast differences in quality, purpose, and style.

²¹⁷ McDonnell and Moses, "Raphael," 515.

²¹⁸ *Ibid.*, 501. It is stressed that colonialism had a role in the development of Lemkin's thinking toward a concept of genocide. See: *Ibid.*, 196-197. This language also carries the assumption that the term *genocide* was the product of Lemkin's own conceptualization. Reference to "colonial genocide" as a "type of genocide" had already been made in the genocide scholarship prior to approaching the topic through Lemkin's thoughts on the meaning of "genocide." For example, see: Straus, "Contested," 369; Barnes, "Functional," 312. However, the number of references to "colonial genocide" or colonialism in connection to genocide rapidly increased since *JGR*'s special edition on Lemkin in 2005. For examples of later references to colonialism as genocidal, see: Shirleene Robinson and Jessica Paten, "The Question of Genocide and Indigenous Child Removal: The Colonial Australian Context," *Journal of Genocide Research* 10, no. 4 (December 2008): 501-518; Gallois, "Genocide," 70, 85; Guettel, "US," 401-419; Heerten and Moses, 184-184; Tom Lawson, "Memorializing Colonial Genocide in Britain: The Case of Tasmania," *Journal of Genocide Research* 16, no. 4 (December 2014): 441-461; Blatman, "Holocaust," 26; Woolford and Benvenuto, "Canada," 373-390.

colonial attitudes.²¹⁹

By showing Lemkin as an independent actor on the center stage of the genocide discourse, the genocide scholarship has diverted attention away from information about the role of the book's publisher and the American political leadership in the entire production. The genocide scholarship stresses that Lemkin was Polish while it steers clear from descriptions that would lead readers to consider his American nationality when the term *genocide* was first publicized.²²⁰ Similarly, the genocide scholarship mainly presents Lemkin as a jurist or lawyer by profession,²²¹ even though when *Axis Rule* was published he was already two years into his employment by the United States government as its foreign-policy specialist.²²² Lemkin's involvement in international law

²¹⁹ For the discussion here of this aspect of the genocide scholarship, see the section titled "Controlled Information."

²²⁰ For instances in which Lemkin is introduced as Polish, see: Chalk, "Definitions," 150; Melson, review of *Little*, 272; Jacobs, "Papers," 105; Huttenbach, "Editor: Towards a Conceptual," 167; Cushman, "Is," 528-529; Schaller and Zimmerer, "Guest Editors," 447; Schaller, "Raphael," 531; Schaller and Zimmerer, "Settlers," 195; Robinson and Paten, "Question," 504; Schaller, "Introduction," 207; Boghossian, "Concept," 70; Cohen, review of *Raphael*, 130, 133; Benhabib, "Jews," 367. In contrast, there are no known references to Lemkin by the genocide scholarship in which he is introduced as an American. Moreover, phrases such as "living in exile in the United States" and "his persistent Polish patriotism," have the effect of turning readers away from considering Lemkin as an American national when the term *genocide* was invented. See: Schabas, "'Odious,'" 94; Cohen, review of *Raphael*, 133. This also contributes to the genocide scholarship's projection of its own international—rather than American-controlled—image.

²²¹ For examples of introductions to Lemkin as either a jurist, lawyer, or both, see: Melson, review of *Little*, 272; Jacobs, "Papers," 105; Straus, "Contested," 360; Huttenbach, "Editor: Towards a Conceptual," 167; Cushman, "Is," 528-529; Schaller, "Raphael," 531; Stone, "Raphael," 539; Zayas, "Istanbul," 139; Schaller and Zimmerer, "Settlers," 195; Robinson and Paten, "Question," 504; Boghossian, "Concept," 70; Cohen, review of *Raphael*, 130; Totten, "State," 212; Üngör, "Studying," 68; Irvin-Erickson, "Genocide," 273; Benhabib, "Jews," 367. He is also introduced as an "international lawyer." See: Schaller, "Introduction," 207.

²²² In a list of positions held by Lemkin between 1929 and 1957, it is stated that between 1942 and 1944 Lemkin was "Chief Consultant" for the "Board of Economic Warfare and Foreign Economic Administration" in Washington, DC, before being employed as "Adviser on Foreign Affairs" for the "USA War Department" between 1945 and 1947. See: Box 2, Folder 1, Raphael Lemkin Papers. Rare, brief, and decontextualized references to Lemkin being an advisor to the United States government are far from being an effort toward understanding or explaining the circumstances in which the term *genocide* came into being. For examples of such references, see: Jacobs, "Papers," 105; Elder, "What," 471; Singleterry, "Ethnic," 43. Elder also adds to the centralization of "Lemkin's work" by placing as her article's epigraph words to that effect by Michael Ignatieff. See: Elder, "What," 469. The quote of Ignatieff is taken from a

prior to WWII receives a treatment by the genocide scholarship that is disproportionate to the focus of his career until that time,²²³ and the significant work by American experts regarding international law in and around the government or at leading universities toward the advent of the term *genocide* is absolutely ignored.²²⁴ According to the genocide scholarship's choice of emphasis, the worldwide acceptance of the Genocide Convention is not only unrelated to American strategy, but it is described as the product

lecture that he gave on Lemkin, which is titled "The Legacy of Raphael Lemkin" and includes the following misleading information: "Acting as a private citizen, without state support or salary, he singlehandedly drafted and lobbied for the passage of the Genocide Convention." See: Michael Ignatieff, "The Legacy of Raphael Lemkin," in the United States Holocaust Memorial Museum Website, <http://www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/the-legacy-of-raphael-lemkin> (accessed, 1/23/2017). It is also said in the lecture that "when Lemkin coined the word 'genocide' in 1943, while writing his great work, *Axis Rule in Occupied Europe*, while at Duke University in the United States," even though in actuality Lemkin's employment by Duke University ended in 1942, and by 1943 he was already employed by the United States government. Compare: *Ibid.*; Box 2, Folder 1, Raphael Lemkin Papers. A statement such as this adds a layer to the misperception about the connection between the United States government and the origination of the term *genocide*. The notion that Lemkin's work was "Totally Unofficial," as the title of his autobiography suggests, seems to fly in the face of the knowledge that he had been officially employed by the United States government, or at the very least it reduces awareness of such knowledge. Despite this, it is said that Lemkin "labored totally unofficially." Skloot, review of *Totally*, 110.

²²³ It is listed that between 1929 and 1934, Lemkin worked as "Deputy Public Prosecutor" in Warsaw, Poland; that between 1934 and 1939 he was engaged in "General Practice of Law" there; and that between 1929 and 1939 he was "Professor of Family Law at Tachkomi College." See: Box 2, Folder 1, Raphael Lemkin Papers. However, the genocide scholarship emphasizes the knowledge of a paper that Lemkin submitted to the Fifth International Conference for the Unification of Penal Law in 1933, which was held in Madrid. See: Jacobs, "Papers," 106; Stein, "Geno- and Other cides," 42; Segesser and Gessler, "Raphael," 457; Elder, "What," 470; Goldsmith, "Issue," 238; Schaller, "Lemkin," 245; Balakian, "Raphael," 59. While Jacobs claims that Lemkin went to Madrid in 1933, Balakian states that Lemkin was prevented from attending the conference due to "Antisemitic pressure by Germany." Compare: Jacobs, "Papers," 106; Balakian, "Raphael," 59.

²²⁴ The work by such experts is considered here in Chapter 4.

of Lemkin's work alone,²²⁵ work with the "underdeveloped world,"²²⁶ and even work against the interests of the United States government.²²⁷ References to Lemkin's personal frailty distract from consideration of the United States' great strength in the international scene,²²⁸ and the portrayal of Lemkin as a morally concerned person who conceptualized

²²⁵ There is use of the phrase "single-handedly" to express Lemkin's work for the advancement of "genocide." See: Cohen, review of *Raphael*, 131. Furthermore, Lemkin is described as advocating, campaigning or fighting tirelessly, which suggest an overexertion of one individual that does not typically reflect the designed operation of a system. For instances in which Lemkin is described in this manner, see: Stone, "Raphael," 539; Singleterry, "Ethnic," 43; Totten, "State," 212; Hinton, "Critical," 5. In general, the centrality of Lemkin sustains a language that can be described as having the effect of "Lemkinizing," "he-ing" and "his-ing" the origination of the term *genocide* as it builds the discourse by describing action in the narrative on the advent of "genocide" through Lemkin. For example, as part of an effort to explain how the term *genocide* originated, it is suggested that "On hearing Winston Churchill's 1941 speech referring to the situation in occupied Europe as 'a crime without a name,' Lemkin realized that he needed to find the appropriate name for this crime." See: Goldsmith, "Issue," 239. Similarly, Lemkin—rather than a powerful governing entity—is said to have "recognized the need for a new term to describe the type of human destruction that no other legal term had adequately covered up through World War II." See: Scheffer, "Genocide," 230. Along these lines, it is suggested that the temporary "disuse" of the term is connected to Lemkin's death. See: Üngör, "Studying," 68-69.

²²⁶ See: Schabas, "'Odious'," 95. In the genocide scholarship's discussion of the process that led to the Genocide Convention, the American role is minimized by calling attention to the role of Cuba, India, and Panama as the member-states of the United Nations who reacted positively to Lemkin's efforts to persuade them of the convention's importance. For references to Cuba, India, and Panama as the states that submitted the initial proposal for consideration by the United Nations, see: Morton and Singh, "International," 53; Schabas, "'Odious'," 95-96; Schabas, "'Definitional'," 178. The genocide scholarship refers to Cuba, India, and Panama as if they were independent actors on the international stage, without qualifying that at the time there was direct Anglo-American influence over these governments. Thus, there is no analysis of the extent to which power paved the way toward the Genocide Convention, and the readers are made to see the Genocide Convention as largely a project of weak nation-states that were encouraged by Lemkin to pursue their own interests.

²²⁷ It is suggested by the genocide scholarship that Lemkin had to act opposite to the United States government. Instead of examining how American interests were served by the introduction of the term *genocide*, it is claimed that during the great suffering in WWII Lemkin lobbied to make the United States government realize that it had "to take action to stop these atrocities." For example, see: Goldsmith, "Issue," 239. This is in addition to the usage of the verb *to lobby* in relation to the Lemkin and the Genocide Convention, which suggests an individual and nongovernmental effort. See: Elder, "What," 481; Weiss-Wendt, "Hostage," 556; Goldsmith, "Issue," 239.

²²⁸ For example, the genocide scholarship fills its discourse with descriptions of Lemkin's personal well-being. The narrative includes information about him being "hospitalized" and "going through a period of great physical and emotional turmoil." See: Schabas, "'Definitional'," 178. Moreover, the story of the Genocide Convention's "difficult beginnings" is intertwined with "the tragic fate of Raphael Lemkin." See: Schaller, "Lemkin," 248. It is further pointed out that he devoted himself to the Genocide Convention "at great cost to his physical health and financial situation." See: Cohen, review of *Raphael*, 132. This line of argument also includes a conjecture such as saying that "his fierce determination to do literally *everything* within his power to realize the passage of the Genocide Convention evidently prevented him from becoming a 'family man'." See: Jacobs, "Papers," 107. There is also reference to "stresses on Lemkin,"

the term *genocide* impedes knowledge on how he functioned within a powerful American network.²²⁹

As the genocide scholarship's designated father of the Genocide Convention,²³⁰ Lemkin is not only credited for the work of many others, his name is also awarded a parental precedence to, or ownership of, the Genocide Convention and its definition of the term *genocide*. Criticism that his definition of genocide in *Axis Rule* is "narrow," "broad," or both,²³¹ might give the appearance that Lemkin is not put on a pedestal by the genocide scholarship but it also has the effect of separating between Lemkin's thoughts on genocide and the legal definition in the Genocide Convention, and thereby legitimizing the definitional attempts by different scholars within the genocide

specifying that "his life was despoiled by financial distress, importuning and threatening bill collectors, relentless adversaries, and deteriorating physical and mental health," taking a "terrible toll on his finely calibrated sense of rectitude and idealism." See: Skloot, review of *Totally*, 111.

²²⁹ It is asserted that Lemkin invented genocide and campaigned for the Genocide Convention "Out of his moral concern with the plight of the defenseless innocents" and it is added that this was so "even prior to World War II," which even further separates the perception of American influence on his life and actions. See: Jacobs, "Papers," 111. Lemkin is presented as an example "of the singular power of one individual to move and mobilize others to overcome the mountain of human indifference and apathy." See: *Ibid.*, Ignatieff is quoted as saying that Lemkin displayed a "supreme act of the moral imagination." See: *Ibid.*, 112. Also, it is suggested that Lemkin was selfless. See: Charny, "Requiem," 110. Thus, the origin of the term *genocide* is not seen in the context of American interests, but Lemkin's own quest to "pierce the sovereignty of states and ensure the survival of their national minorities." See: Travis, "United," 133. By relating the political aspect of the term *genocide* to Lemkin's personal ideology, the genocide scholarship denies information that would adequately identify "genocide" within the development of international law. Instead, it offers simplistic observations that Lemkin "was an ardent anti-Communist" and that he "sought to indict the Soviet Union." See: Schaller, "Lemkin," 246; Hinton, "Critical," 6. This is argued even though the book under his name, *Axis Rule*, contains no genocide accusations against Soviet officials.

²³⁰ For instance, see: Jacobs, "Papers," 105; Schaller, "Raphael," 535; Bohdan Klid, "The Black Deeds of the Kremlin: Sixty Years Later," *Genocide Studies International* 8, no. 2 (Fall 2014): 224; Benhabib, "Jews," 367.

²³¹ William Schabas argues that "Lemkin's definition is narrow, in that it addresses crimes directed against 'national groups' rather than against 'groups' in general" and that "it is broad, to the extent that it contemplates not only physical genocide but also acts aimed at destroying the culture and livelihood of the group." See: Schabas, "'Odious'," 96. Even through this kind of criticism, the discourse creates an assumption that one may understand the definition as Lemkin's, without recognizing how he was empowered and to what end.

scholarship. The introduction into language that Lemkin had a “concept” or “conception” of genocide has provided a basis for the genocide scholarship to pursue an agenda that does not accord with the Genocide Convention.²³² As a result, the practice of interpreting the letter of the international law is challenged by speculations about what Lemkin had intended by “genocide,”²³³ and then those who control the information on what Lemkin thought are able to determine what most people are to think that the term *genocide* means regardless of what the Genocide Convention says.

In consideration of how the genocide scholarship’s designation of Lemkin as an

²³² For instances in which it is said “Lemkin’s concept of genocide,” see: Straus, “Contested,” 360; Schaller and Zimmerer, “Guest Editors,” 449; Weiss-Wendt, “Hostage,” 551; Martin Mennecke, “What’s in a Name? Reflections on Using, not Using, and Overusing the ‘G-Word,’” *Genocide Studies and Prevention* 2, no. 1 (Spring 2007): 66; Schaller and Zimmerer, “Settlers,” 196. For instances in which it is said “Lemkin’s conception of genocide,” see: Singleterry, “Ethnic,” 44; Thomas M. Butcher, “A ‘Synchronized Attack’: On Raphael Lemkin’s Holistic Conception of Genocide,” *Journal of Genocide Research* 15, no. 3 (September 2013): 255; Smith, review of *Lemkin*, 137. A phrasing such as “the roots of the concept in Raphael Lemkin’s work” is indicative of the genocide scholarship’s direction away from the Genocide Convention’s wording. See: Jones, “Diffusing,” 270. The genocide scholarship does not just treat a legal definition as a concept, but it seeks to offer insight into “The core idea in Lemkin’s concept of genocide,” thereby opening the discourse for discussions of “genocide” as an idea within a concept. See: Straus, “Contested,” 360. The genocide scholarship imposes an evolution of the genocide discourse from the Genocide Convention’s legal definition, to Lemkin’s definition, to Lemkin’s conceptualization, and to the subjective conceptualizations of “genocide” by the genocide scholars. Through the distinction between what Lemkin intended and what was drafted, the genocide scholarship has been able to forward the claim that it “was never carefully assessed whether” the term *genocide* “actually meant what it was supposed to mean.” See: Huttenbach, “Locating,” 291. Then, once the discourse is characterized in part by alternative definitions and applications, the Genocide Convention suffers a loss of authority.

²³³ The genocide scholarship focuses on what it claims that Lemkin had intended rather than what competent tribunals might interpret the Genocide Convention to mean. This is directly expressed in a commitment to use the term *genocide* “in the original sense that its creator Raphael Lemkin intended.” See: Pohl, “Stalin’s,” 271. Starting a sentence with “For Lemkin, the key purpose of the Convention was...” is reflective of the mentality in the discourse. See: Goldsmith, “Issue,” 253. Within this framing, it is possible to claim that a certain meaning of intent that is promoted by the genocide scholarship “is what was always intended by Lemkin and the drafters when they decided to adopt” the Genocide Convention. See: *Ibid.*, 255. The interest in what Lemkin “believed” is combined with the assertion that the Genocide Convention is “not an end in itself.” See: Smith, review of *Lemkin*, 138. In connection with the genocide scholarship’s descriptions of Lemkin as a moral actor, the notion of “moral consequences” is presented as justification for sidestepping the Genocide Convention’s “legal implications.” See: *Ibid.* This corresponds with the presentation of Lemkin as the first among scholars to make “efforts to rectify” a “deficient definition.” See: Tatz, “Genocide,” 234. Meaning, the genocide scholarship suggests that there is a long tradition of criticizing the Genocide Convention, and also that there is a normative expectation that future genocide scholars will maintain the same approach.

essential component of its discourse has pulled research away from questioning ground assumptions about the history and purpose of the term *genocide*, it is here asked: How is the advent of the term *genocide* related to previous scholarly works in the United States rather than to Lemkin's personal biography? What available information might shed light on the reasons for which the United States government employed Lemkin? What was the process in which the book *Axis Rule* was written? What effect did the association of Lemkin's personal identity with the term *genocide* have on world public opinion about "genocide" as the subject matter of an international convention?

Conclusion

This literary review has found that major themes in the genocide scholarship have not yet been subjected to scholarly scrutiny. The genocide scholarship has a distorted and limited view of its own history and purpose. It has used the stature of the Holocaust to initiate—by way of selective and biased comparisons—a discourse on "genocide" that is independent of the legal definition in the Genocide Convention. In particular, the comparative approach and the unsanctioned labeling of genocide have focused on the Ottoman Armenian experience in WWI without examination of how the characterization of this past event as genocide might serve the interests of those who created the genocide scholarship. While the genocide scholarship claims to be following a social-scientific method, it is observable that it employs rhetorical and discursive tactics to control information in accordance with American preferences regarding international history and current affairs. As seen in its general premise and the treatment of cases involving governments in Cambodia and Sudan, the genocide scholarship utilizes a moralistic

language and assumes a non-American identity as it attempts to affect public opinion toward views that serve the United States government. Significantly, the genocide scholarship's production of such a discourse, in which it assigns genocidal intent to cases of political conflict, greatly relies on defying the meaning of "genocide" as defined in the treaty that had been approved by many member states in the United Nations. Lemkin's personal biography has been constructed in a manner that glues together the main aspects of the genocide scholarship's agenda, and decontextualizes the role of the term *genocide* in the development of international law.

Therefore, it is here suggested that the theory of power as understood in the study of politics is absent from the genocide discourse because the concept's ability to explain the literature's existence as political and, specifically, American-controlled, defeats the purpose of the genocide scholarship. What immediately follows in this work is an introduction to the theory of power as a foundation for an approach toward describing the function of the term *genocide* in the progress of international law within a framework of modern international power relations. The advent of the term *genocide* is shown in the context of American accumulation of hard power, its conversion into soft power, and its maturation into legal power, in a dialectical process. Ultimately, the story of the term *genocide* is not the moralistic tale that is narrated by the genocide scholarship but a reflection of international law's political struggles to come of age.

CHAPTER 3

A POWER-BASED APPROACH TO “GENOCIDE”

Having examined the major themes in the three journals whose main subject is the study of genocide, it is held here that the genocide scholarship can be generally characterized as moralistic. Meaning, the supposedly academic discourse appeals to the readers' beliefs of right and wrong, and then frames a selective group of historical events as instances of genocide to establish a mental connection between certain parties and criminality. Thus, in a variety of cases, the subject matter is presented as genocide regardless of whether or not there are court decisions in these cases, even though the legal definition of genocide in the Genocide Convention specifies in Article 6 that the process of charging a person with genocide has to go through a competent tribunal. Moreover, the genocide scholarship suggests that the advent of the term *genocide* lay in one man's concern on behalf of humanity. The genocide scholarship denies its own politicization of historical events by shying away from acknowledging both the power that it possesses as an international discourse-making regime and the great power that has been the source of its empowerment.

It therefore follows that there is a clash between the content produced by the budding field of genocide studies and the ground assumptions of the deeper rooted field known as political science. The core understanding among political scientists is that the

governing of human affairs—both domestically and internationally—is largely shaped by the intentional execution of those who have the power to do so. The genocide scholarship has conspicuously left the theory of power and the relevant power holders out of the story about “genocide” and also left out power-based considerations of the genocide scholarship’s purpose as an enterprise that frames a discourse of great international significance. As conspicuous as the omission of power by the genocide scholars has been, political scientists have not issued a reverberating critique of this phenomenon thus far.

First, it is asked: What is power? The task of articulating a power-based approach to the study of the term *genocide* necessitates a thorough exploration of what such an approach means in the study of politics. The effort to understand power in its many ways is done in consideration of what has been said about power in influential scholarly works, while avenues for contributions to power’s definition still open up in congruence with the new context in which power is considered. The inquiry into power is both basic and complex: its overall consistency is at the same time contrasted and thickened by the variance of its manifestations. Whatever power is, the thinking in terms of power—the immersion in the philosophy of it—is foundational not only to many works of political scientists but to the identity of political science. It will be shown that there is a significant difference between the frame of mind that surrounds the political realist’s concept of “power” as a creature of foreign policy and that of the political scientist. In addition, it will be argued that the commitment of political scientists to study power does not always share the same purpose as the social-scientific work on power.

Second: How is the formation of law a manifestation of power? In order to explain successfully how power brought the term *genocide* to its current existence, it is

necessary to understand how power and law are related. Considering that “genocide” became an officially defined crime in an international convention, it is critical to know how power is embedded in the making of law, and especially how the dynamics of power and law explain the unique qualities of international law. Hence, the course of “genocide” may be illuminated by first seeing what law does to governance and what goes into making law work.

Third: In what ways does the term *soft power* provide the political scientist with tools to examine the work of the genocide scholarship? After locating soft power within the discussion on power and identifying that legal standing partly depends on legitimacy in the first two main questions of this chapter, the third question is set to draw an illustration of how soft power explains the process in which the term *genocide* acquires legitimacy. Soft-power efforts in this instance are embodied by the genocide scholarship. It is also claimed that the American influence over the discourse that has been generated by the genocide scholarship has meant that the term has acquired an inherent bias in its popular usage. As soft power, the genocide discourse has directed public opinion toward an acceptance of unified standards of governance and greater safety for civilians worldwide, but it has done so by promoting narratives that are guided by biased views regarding points of conflict between nation-states.

Finally: How does legal power, according to its definition here, reveal the path of “genocide” within the destination of international law? The appearance of tension between the work of soft power and the impartial use that one would expect of a legal term in courtroom judgements creates space for a conceptualization that would rationalize the contradiction. As the analysis of power and law suggests, the progression

of “genocide” toward the attainment of an effective legal status in worldwide governance and international law depends on both the dominance of soft-power effects as a prior condition for its development and on the eventual control of soft power to function under law. “Legal power” contains within it the dialectical progress of three stages: hard power, soft power, and a heightened form of hard power. It means that legal power is an elevated form of hard power that includes within it the imprint of soft power. It is soft power that works at inspiring consent that, in turn, advances governing from the style of coercion in a conflictual reality to a state of consent to be coerced in a legal structure. This heightened form of hard power is reflective of the legitimacy that is associated with effective law: consent to be coerced. This consensus about the use of force is the apex of governance.

By presenting an understanding of power as the theoretical framework within which this work proceeds, it will become possible to view the origination, development, and maturation, of “genocide” within the historical context of the quest for international law. Correspondingly, it will become possible to identify the thin line—thin, yet of great demarcating properties—between the consent that is the outcome of soft-power efforts and the consent that is the outcome of legal power. An arrival at causal connections between the invention of the term *genocide* and its effects may ultimately be an exercise of the mind, but the design for an international law is viewed as concrete when one considers the power behind it. As a function of power, “genocide” is studied as a prism of a law that is under construction. It is a creature of the process in which power turns into law.

Power and Political Science

In the era of political science, academic discussions about power as a concept began to surface between WWI and WWII, following a surge in Anglo-American writings on the balance of power in Europe.¹ While the balance of power was an old and revisited concept,² the renewed debate about it in the interwar period seems to have led to novel deliberations about power itself. However, to this day, many works that attempt to describe power still put forth a disclaimer. Power is seen as steadily and obviously placed at the heart of politics, yet essentially elusive. To put it poignantly, scholars are in agreement that there is disagreement about power's definition,³ mainly due to its perceived ubiquity and ambiguity.⁴

¹ For a sample of works that reflect the rise of interest in the "balance of power" in the interwar period, see: S. C. Vestal, "World-Equilibrium," *The Atlantic Monthly* (October 1921): 550-560; A. F. Pollard, "The Balance of Power," *Journal of the British Institute of International Affairs* 2, no. 2 (March 1923): 51-64; Carl Murchison, *Social Psychology: The Psychology of Political Domination* (Worcester, MA: Clark University Press, 1929), 32-33; Carl Joachim Friedrich, *Foreign Policy in the Making: The Search for a New Balance of Power* (New York: W. W. Norton & Company, 1938), 119-131. In the context of the League of Nations being set up to affect international—particularly European—politics, the emphasis in this literature was more about the attainment of balance among rivals than a meditation on the meaning of power.

² Inspired by Britain's unique position in relation to Europe, and by David Hume's articulation of it, the balance of power was already a popular source of British foreign policy long before the twentieth century. See: Gould Francis Leckie, *An Historical Research into the Balance of Power in Europe* (London: Taylor and Hessey, 1817); Henry Brougham, *Historical and Political Dissertations* (London: David Griffin and Company, 1857), 1-50; David Hume, "Of the Balance of Power," in *Essays: Moral, Political, and Literary*, ed. T. H. Green and T. H. Grose (London: Longmans, Green, 1875), 1:348-356.

³ For examples of this, see: Peter Bachrach and Morton S. Baratz, "Two Faces of Power," *American Political Science Review* 56, no. 4 (December 1962): 947; Jack H. Nagel, *The Descriptive Analysis of Power* (New Haven, CT: Yale University Press, 1975), 4; Klaus Knorr, *The Power of Nations: The Political Economy of International Relations* (New York: Basic Books, 1975), 3; John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2001), 55.

⁴ References to ubiquity and ambiguity stand out in the language that is used about power. Ubiquity is mentioned in the following works: Robert A. Dahl, "The Concept of Power," *Behavioral Science* 2, no. 3 (1957): 201; James March, "The Power of Power," in *Varieties of Political Theory*, ed. David Easton (Englewood Cliffs, NJ: Prentice-Hall, 1966), 68; Nagel, *The Descriptive Analysis*, 4; Stefano Guzzini, "The Use and Misuse of Power Analysis in International Theory," in *Global Political Economy: Contemporary Theories*, ed. Ronen Palan (London: Routledge, 2000), 53. The first editorial of an academic journal that is dedicated to political power features the word *ubiquity* in the title, and it offers an observation that "To the social scientist, theorist or philosopher, power is like the displacement of water or gravity." See: Mark

The following evaluation of how power has been defined in major works is based on assuming a political scientist's perspective, which is shaped by the conviction that political science is committed to the study of governing. As such, the political scientist's idea of what governing involves is expected to include a mindfulness of law as a form of power. Informed by such a point of view, this work seeks to contribute to the prominent efforts in academia to define power while setting out to apply much of what has already been expressed about power in the overall critique of the genocide scholarship. The main point of contribution to the general definitions of power will be the filling of a missing legal mentality in the conceptualization of power. In the various existing definitions of power, law is not typically analyzed as a manifestation of power.

By adding a law component to the elements that have been commonly put into power definitions, the definition of power is expected to widen by three new angles. First, in addition to the distinguished qualities of consent and force,⁵ power can possess the

Haugaard and Sinisa Malesevic, "Editorial: The Ubiquity of Power," *Journal of Political Power* 1, no. 1 (April 2008): 1. Ambiguity is mentioned in the following works: R. H. Tawney, *Equality* (London: George Allen & Unwin, 1931), 228; Harold D. Lasswell and Abraham Kaplan, *Power and Society: A Framework for Political Inquiry* (New Haven, CT: Yale University Press, 1950), 88; Robert Bierstedt, "An Analysis of Social Power," *American Sociological Review* 15, no. 6 (December 1950): 732; Robert A. Dahl, *Who Governs: Democracy and Power in an American City* (New Haven, CT: Yale University Press, 1961), 89; David A. Baldwin, "Power Analysis and World Politics: New Trends versus Old Tendencies," *World Politics* 31, no. 2 (January 1979): 161; Larry E. Greiner and Virginia E. Schein, *Power and Organization Development: Mobilizing Power to Implement Change* (Reading, MA: Addison-Wesley Publishing Company, 1988), 13. Power has also been described as a troublesome concept, see: Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981), 13.

⁵ Carl Joachim Friedrich presented as "axiomatic" the idea that power is based on varying ratios of force (constraint) and consent as two separate qualities. See: Carl Joachim Friedrich, *Constitutional Government and Politics: Nature and Development* (New York: Harper & Brothers, 1937), 14. Similarly, according to Talcott Parsons, "power is 'essentially' a phenomenon of coercion or of consensus." See: Talcott Parsons, "On the Concept of Political Power," *Proceedings of the American Philosophical Society* 107, no. 3 (June 1963): 258. According to Klaus Knorr, power is used coercively and noncoercively. See: Knorr, *Power*, 4. Wrong qualifies that in power relations there is no consent or agreement, but rather the alternative to coercion is manipulation or fraud. See: Dennis H. Wrong, *Power: Its Forms, Bases and Uses* (Oxford: Basil Blackwell, 1979), 31.

dialectical quality of consent to regulate the use of force. Second, in addition to the treatment of action-outcome situations in the definitions, the diffuse quality of law once it is “set in stone” could mean an indefinite timeframe for its effects and a remoteness between cause and effect.⁶ Third, in addition to the focus on the effects of power on others, the rule of law dictates that lawmakers as power holders are themselves also obliged by their doing.⁷ A relatively recent definition by Michael Barnett and Raymond Duvall in their work on global governance stands out for not displaying a mental exclusion of the legal manifestation of power, but stops short of a specification that would call attention to the unique qualities of regulated power: “Power is the production, in and through social relations, of effects that shape the capacities of actors to determine their own circumstances and fate.”⁸

⁶ The definitions in the following sources suggest that power is only exercised when there is a specific outcome, be it an action or an inaction. However, these scenarios do not seem to include law as a power situation, which is based on performance according to an already instituted code of behavior. See: Tawney, *Equality*, 230; Bertrand Russell, *Power: A New Social Analysis* (New York: W. W. Norton & Company, 1938), 35; Herbert Goldhamer and Edward A. Shils, “Types of Power and Status,” *American Journal of Sociology* 45, no. 2 (September 1939): 171; Max Weber, *The Theory of Social and Economic Organization*, trans. A. M. Henderson and Talcott Parsons (London: Free Press of Glencoe, 1947), 152; Harold D. Lasswell, *The Analysis of Political Behaviour: An Empirical Approach* (London: Routledge and K. Paul, 1948), 37; Peter Bachrach and Morton S. Baratz, “Two,” 952; Dahl, “Concept,” 202; Robert O. Keohane and Joseph S. Nye, *Power and Interdependence: World Politics in Transition* (Boston: Little, Brown, 1977), 11. The definitions by the following began to develop an expectation of identifiable causation in studies of power without distinguishing power that is regulated, such as that of law: Nagel, *The Descriptive Analysis*, 24, 29; Baldwin, “Power Analysis,” 163. Also, it is noted that there is gender bias in the language used in some of the often cited definitions of power.

⁷ The idea that power, by definition, is exercised over another or others without affecting oneself is expressed in the following: Tawney, *Equality*, 230; Russell, *Power*, 35; Goldhamer and Shils, “Types,” 171; Weber, *Theory* 152; Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace* (New York: Alfred A. Knopf, 1948), 13; Dahl, “Concept,” 202; Steven Lukes, *Power: A Radical View* (London: Macmillan, 1974), 34; Nagel, *Descriptive*, 29; Keohane and Nye, *Power*, 11; Wrong, *Power*, 2; Greiner and Schein, *Power*, 13. These definitions portray power relations as competitive: driven by one’s wants and often confronted by another’s resistance. However, laws under the rule of law present a power situation in which the lawmakers are as bound by it as others.

⁸ Michael Barnett and Raymond Duvall, “Power in Global Governance,” in *Power in Global Governance*, ed. Michael Barnett and Raymond Duvall (Cambridge: Cambridge University Press, 2005), 3.

Political power has been set apart as a special kind of power.⁹ On a fundamental level, political power is said to pertain to “power over other men” as opposed to power over nature.¹⁰ Furthermore, a distinction between political power and other social power identifies the former as the control over policy-making power,¹¹ or in other words, within the realm of social relations and terminology, political power is “sought by persons committed to a cause or collective goal” and not some “primitive craving.”¹² However, if political science is indeed committed to studying all forms of governance in society, it would be unnecessary or perhaps even a misdirection for a political scientist to relate political power specifically to “the power to control the machinery of the state,”¹³ since the question of rules and laws is not exclusively posed by the task of governing a national constituency. Political power is similarly a matter for other domains, of small or large geographical and demographical sizes: it is as crucial for running a borough as it is for world affairs.¹⁴ As suggested here, there is a close link between how political science organizes its study of politics and how the different forms of power in politics have been laid out.

Forms of power have been addressed as such on the basis that they reflect

⁹ Tawney, *Equality*, 229.

¹⁰ Lasswell and Kaplan, *Power*, 75.

¹¹ *Ibid.*, 86; Robert D. Putnam, *The Comparative Study of Political Elites* (Englewood Cliffs, NJ: Prentice-Hall, 1976), 9.

¹² Wrong, *Power*, 236-237.

¹³ Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), 18.

¹⁴ While not considered a public domain, the household is the most compact social environment that is affected by power strategies.

situations in which the result is that the power subject meets the power holder's interests through the infliction or threat of "appropriately adverse consequences," the promise of compensation, or the conditioning of beliefs.¹⁵ Many different words have been used to describe forms of power such as different assets of power, bases, categories, controls, elements, instruments, means, methods, ranges, resources, scopes, situations, sources and strengths, and though the difference is not always just semantic, it is mostly equivocal.¹⁶ Nonetheless, the idea that power outcomes are characterized by attainments of objectives in varying rates of imposition or permission has been a constant feature in works on power. The question of how one uses power has generated more interest than the question of what gives one power.¹⁷ Thus, the most common presentation of different power forms reflects an interest in learning how at a particular point of time regarding a particular matter one employs resources to influence another toward either accepting or submitting to a particular agenda.

A popular distinction between forms of power is that between military, economic, and cultural, power. The neatness of this labeling has become entrenched in political science since its repeated publication within one decade in Bertrand Russell's and E. H.

¹⁵ John Kenneth Galbraith, *The Anatomy of Power* (Boston: Houghton Mifflin Company, 1983), 4-5. Galbraith uses the words *condign*, *compensatory*, and *conditioned* to represent these three different modes.

¹⁶ For instance, John Kenneth Galbraith sorts power according to one set of three instruments of power and another set of three sources of power. See: Galbraith, *Anatomy*, 4-6. By "instrument," he means how acceptance or submission is won by power; by "source," he means through what power itself is attained. However, in the common usage of these words, the difference between source and instrument is sometimes unmarked. While Galbraith sees wealth as a source of power, it may also be considered to be an instrument of it. The phrases "wealth is a source of success" and "wealth is an instrument of success" could be used interchangeably to mean that wealth is a factor in the attainment of success.

¹⁷ Robert Bierstedt lists three sources of power: numbers of people, social organization, and resources. See: Bierstedt, "Analysis," 737. These are nearly matched in Galbraith's list of three sources: personality, property, and organization. See: Galbraith, *Anatomy*, 6.

Carr's work on the eve of WWII and the work by Hans Morgenthau in the aftermath of the war.¹⁸ Over the years, much of the discourse on power has consisted of a discussion about the distinctive qualities of the three forms. Military power has been described as naked power,¹⁹ being the most obvious and crudest form of power,²⁰ whose most far-reaching consequences in international affairs are the toppling of a government or a territorial conquest.²¹ This form of power is the one that is most associated with coercion,²² typically by way of threat.²³ David A. Baldwin comments about "the neglect

¹⁸ Russell was the first to divide power according to this format, distinguishing between "direct physical power," "rewards and punishments," and "influence on opinion." See: Russell, *Power*, 36. Carr's division into three categories of military power, economic power, and power over opinion, came with a footnote that expresses an acknowledgement of Russell's work. See: Edward Hallett Carr, *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations* (London: Macmillan, 1939), 139. During WWII, both of these works are cited as having articulated that "Military power, economic control and command of opinion" present three aspects "of the same phenomenon." See: Georg Schwarzenberger, *Power Politics: An Introduction to the Study of International Relations and Post-war Planning* (London: Jonathan Cape, 1941), 98. Morgenthau reiterates the "triple distinction," but does not show recognition of being inspired by Russell's distinction, and presents the forms of power as "three types of imperialism." See: Morgenthau, *Politics*, 38. Later on, similar divisions show some variance in how the third form is described. Klaus Knorr distinguishes between military, economic, and political penetrative power. See: Knorr, *Power*, 6. Robert Gilpin suggests that "power simply refers to the military, economic, and technological capabilities of states." See: Gilpin, *War*, 13.

¹⁹ Russell, *Power*, 39.

²⁰ Morgenthau, *Politics*, 38.

²¹ Other forms of power may also take part in leading to such consequences. It has been suggested that hard-power considerations stress these consequences as a goal. Russell's claim that "Every state which is sufficiently powerful aims at foreign conquest" can be seen as speculative and even prescriptive. He then mentions the United States as an exception to this "principle." See: Russell, *Power*, 161-162.

²² John R. P. French and Bertram Raven, in their sociological perspective on power, avoid using the military label, and point at a coercive power that is both related to rewarding power and in opposition to it. See: John R. P. French Jr. and Bertram Raven, "The Bases of Social Power," in *Studies in Social Power*, ed. Dorwin Cartwright (Ann Arbor: University of Michigan Press, 1959), 156-157. This division between coercion and reward does not mirror the division between military and economic power, for economic power can also be used coercively. However, it can be argued that when economic matters are affected by sanctions against certain parties it is implicitly, if not explicitly, enabled by military power. In Dennis H. Wrong's elaboration of force, he distinguishes between physical and psychic forms, and within the physical form he includes both violent and nonviolent means as options. Meaning, he counts economic sanctions as the use of physical force. See: Wrong, *Power*, 23-27. Barnett and Duvall's version of coercive power is identified as compulsory power, which also includes the forms of military and economic power that are elsewhere known as distinct. See: Barnett and Duvall, "Power," 3.

²³ See: Knorr, *Power*, 6.

of non-military forms of power” among scholars of international politics being the result of “the propensity to treat military power resources as the ‘ultimate’ power base” and to overestimate its effectiveness.”²⁴

Economic power is not as primary as military power, and is seen as instrumental.²⁵ In an early discussion of power by an economic historian, R. H. Tawney, it is claimed that “most forms of power have some economic roots, and produce, in turn, some economic consequences.”²⁶ In comparison to military power, economic power might be as unobtrusive and indirect as Morgenthau suggests,²⁷ but the acts of buying consent or issuing threats of sanctions directly address the other about matters of interest, unlike cases in which power is used to structure situations without it being precisely stated to what end and to whose benefit. Much like military power, one’s economic power can be used to weaken or strengthen others, and to do so directly.²⁸ Inducements are thought to be effective alternatives to threats of deprivation in the quest for compliance,²⁹ but the basic need to gain or secure resources before any inducements can be offered relies on military power.

The third form of power has earned an assortment of endeavors to capture its

²⁴ David A. Baldwin, “Power and International Relations,” in *Handbook of International Relations*, ed. Walter Carlsnaes, Thomas Risse, and Beth A. Simmons (London: Sage Publications, 2002), 184, 192. John J. Mearsheimer’s work provides an example of the rhetoric that Baldwin was criticizing by declaring that “a state’s effective power is ultimately a function of its military forces and how they compare with the military forces of rival states.” See: Mearsheimer, *Tragedy*, 55.

²⁵ To Russell, economic power is “derivative.” See: Russell, *Power*, 120.

²⁶ Tawney, *Equality*, 231.

²⁷ Morgenthau, *Politics*, 39.

²⁸ Knorr, *Power*, 6.

²⁹ Wrong, *Power*, 44-45.

essence accurately,³⁰ and it is described here as cultural power for its aim to control the attitude and behavior of power subjects by the production of knowledge and the instillation of values. Morgenthau's reference to this form of power highlights the cultural aspect, and he succinctly describes it as aiming to control the mind,³¹ but he underplays the role of this power by positioning it as "subsidiary to the military and economic varieties."³² In some ways, the effect of this power can precede military power for it operates at the establishment of beliefs: it affects the manner in which the human resources at the basis of military power are inclined to be mobilized for the successful use of force or the credible threat of it, and it affects the opinion of the power subjects to the extent that agreement with the power holders' interests may be reached without having to use force or even appear to be in conflict.³³

Joseph Nye's distinction between hard power and soft power has given impetus and a terminological toolset to scholarly efforts involving the relationship between concrete power and cultural power. Although economic power is associated with the hard-power choice between the carrot and the stick,³⁴ it is nonetheless observed that

³⁰ In light of its complexity, French and Raven discuss three different forms of power that are here considered to be part of cultural power: legitimate power, referent power, and expert power. See: French and Raven, "Bases," 158-163. Knorr describes this power as political penetrative, which stresses an ability to attain favorable outcomes from within the inside of the power subject's decision-making process. See: Knorr, *Power*, 6.

³¹ Morgenthau, *Politics*, 40.

³² *Ibid.*, 42.

³³ Russell sees opinion as omnipotent, and, thus, it can be argued "that all other forms of power are derived from it," including that of soldiers. See: Russel, *Power*, 136. Knorr defines as "nonpower influence" this ability "to affect the behavior of another society without any adversary resort to superior strength, military or economic" and without restricting that society's choices. See: Knorr, *Power*, 311.

³⁴ Inducement is considered to be a manifestation of economic power. See: Wrong, *Power*, 45.

economic resources are part of both hard power and soft power.³⁵ Their distinction can be a question of effect: is it achieved strictly and knowingly in accordance with what the power holder wants, or is it achieved because the power subject has been long conditioned to want an outcome that is in service of the power holder's interests? As Nye aptly puts it, soft power "co-opts people rather than coerces them."³⁶ Nye's full definition of soft power describes it as "the ability to affect others through the co-optive means of framing the agenda, persuading, and eliciting positive attraction in order to obtain outcomes."³⁷ Unlike hard power's command of change, soft power seeks to control agendas and establish preferences.³⁸ The difference is also seen in the quality of the effect itself: the power holder may expect that the indirect style of control, as accomplished through institutions, means that the effect of soft power is likely to have a long term quality of cooperation that is absent in hard-power cases.³⁹ While Nye makes the argument that soft power is as important as hard power, and can be more cost-effective,⁴⁰

³⁵ Tanks and jets require money, and so do schools and newspapers. Nye associates money, upon its tangibility, with the resources of hard power without noting that it plays an indispensable role in facilitating the intangible factors of soft power such as ideas and values. See: Joseph S. Nye Jr., *The Future of Power: Its Changing Nature and Use in the Twenty-First Century* (New York: Public Affairs, 2011), 21. Benjamin Ginsberg stresses the connection between economic power and mass opinion. See: Benjamin Ginsberg, *The Captive Public: How Mass Opinion Promotes State Power* (New York: Basic Books, 1986), 149.

³⁶ Joseph S. Nye Jr., *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone* (Oxford: Oxford University Press, 2002), 8.

³⁷ Nye, *Future*, 20-21.

³⁸ *Ibid.*, 10-11.

³⁹ Joseph S. Nye Jr., "Soft Power," *Foreign Policy* 80 (Autumn 1990): 167; Barnett and Duvall, "Power," 3. Forcing or inducing a certain behavior suggests that similar influence will have to be exerted to maintain such behavior, whereas the institutionalization of behavior allows for an expectation that there will be a recurrence of the desired behavior (meaning, the behavior would be a norm).

⁴⁰ Nye, *Future*, 29-30.

he also states that soft power is a function of hard power.⁴¹

Much of the study about the fungibility of military, economic, and cultural, power has centered on the exchange between resources of power as separate entities,⁴² or their importance in relation to one another,⁴³ rather than the advancement of power itself by way of its particularization. For instance, Russell points out that the advent of the Anglo-Persian Oil Company at the time was owed to Britain's triumph at war, and that, conversely, economic power may sponsor military or propaganda power.⁴⁴ When criticism of power fungibility ensues, such as claiming that the discussion of fungibility is exaggerated,⁴⁵ it adds to the predominant discourse and has the effect of keeping the focus away from considering the idea that the interaction between the forms of power has evolutionary effects on power itself.

When it comes to the vital study of power in the context of governing, political science has been hindered mainly by two commitments. One commitment is to being a social science. The expectation of a systematic body of knowledge has consigned scholars of the field to operate within an existing scientific discourse. Similar to how the idea of path dependence is related by political scientists to political actors, claiming that a path of self-reinforcement is followed potentially at the expense of efficient policy-

⁴¹ Ibid., 21.

⁴² Wrong, *Power*, 66; Baldwin, "Power and International," 180; Ginsberg, *Captive*, 89.

⁴³ Lasswell and Kaplan, *Power*, 93.

⁴⁴ Russell, *Power*, 120, 129.

⁴⁵ Baldwin, "Power Analysis," 192. Despite his earlier suggestion of an overall exaggeration in the debate about the fungibility of power, Baldwin also calls for further study of "the fungibility of military force." See: Baldwin, "Power and International," 187. In the criticism of fungibility, it is argued that power is not as transferable as money. See: Guzzini, "Use," 54-55.

making,⁴⁶ it may be claimed that the current language about power in political science is conditioned toward reification.⁴⁷ The path on which political scientists tread in matters of power conceptualization was set in keeping with Robert A. Dahl's work. His definition of power that "A has power over B to the extent that he can get B to do something that B would not otherwise do,"⁴⁸ and his directive to examine power according to base, means, amount, and scope⁴⁹ have been the source of scholarly debates that fashioned the field's discourse on power.⁵⁰ The preoccupation with the scientific language on power as measurable instances of causation has featured a point of departure that is different from

⁴⁶ Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Review* 94, no. 2 (June 2000): 264.

⁴⁷ The phenomenon of reification may be related to other productions of content in academia. In the context of the proclivity to use a compartmentalized terminology of "isms," it has been argued that the tendency to reify research traditions is a pathology that affects the quality of explanations. When mandatory literature involves the classification of research in a particular manner, a field of study can be directed by the sense of its own tradition. See: David A. Lake, "Why 'isms' Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress," *International Studies Quarterly* 55, no. 2 (June 2011): 467.

⁴⁸ Dahl, "Concept," 202.

⁴⁹ *Ibid.*, 203.

⁵⁰ For instance, the discourse-enhancing debate about the "faces of power" has had the effect of positioning Dahl's definition as a starting point of conversation. See: Bachrach and Baratz, "Two," 947. This "faces of power" debate has been promoted as critical to the study of power in politics, and even expanded to discussions of three and four faces of power. See: Lukes, *Power*, 34; Kenneth E. Boulding, *Three Faces of Power* (Newbury Park, CA: Sage Publications, 1989); Peter Digeser, "The Fourth Face of Power," *Journal of Politics* 54, no. 4 (November 1992): 977-1007; Baldwin, "Power and International," 179. There are numerous ways to add to or detract from Dahl's definition, but then the discourse on power becomes defined by previous work rather than the study of governing situations. Put differently, the categorization of power is located in the abstract, and hence an insistence on erudition could impede innovation in the effort to articulate governing strategies effectively. This critique of a scientific field's "traditionalism" does not suggest that there is no value in an established language of distinctions in the efforts to discuss power in governing, such as: "power to" and "power over"; direct and indirect power; and realized and potential power. However, the critique here does include questioning the existence of a language that evaluates the accomplishments of political science in the study of power according to the production of generalizable knowledge or theories of predictive causation. See: Ithiel de Sola Pool, "Who Gets Power and Why," *World Politics* 2, no. 1 (October 1949): 121; Herbert A. Simon, "Notes on the Observation and Measurement of Political Power," *Journal of Politics* 15, no. 4 (November 1953): 515-516; March, "Power," 40; Nagel, *Descriptive*, 169-170, 177; Baldwin, "Power Analysis," 163-164, 194. The power to govern has no obligation to be observable in causal ways.

conceptualizing power to fit particular governing situations. In other words, in its discourse on power, political science has built itself more as a social science rather than as an academic field of government-related inquiries. Thus, the current scientific interests in power have rewarded political scientists who maintain a conversation with Dahl's social-scientific work and the works on Dahl's work, while leaving behind, out of sight and out of mind, the regulated form of power, which is law.

The second commitment is to the nation-state. In the study of international politics, this has meant that power relations have been expressed through a perspective that associates power with struggle.⁵¹ The basic observation about the distribution of power being such that there is asymmetry in power relations was applied in the works of realists under a foreign-policy influence that sees the nation-state as competing with other nation-states over profit or for survival. Carr's *Twenty Years' Crisis*, which was the first to describe international politics in actual realist terms, refers to a period of time that the author served as an officer of the British Foreign Office;⁵² Morgenthau's *Politics among Nations*, which is seen as the first critical effort to package realism in the study of international politics, sets out to "reflect on the problems which confront American foreign policy in our time;"⁵³ and Kenneth N. Waltz's *Theory of International Politics*, which is seen as the first methodologically-inclined work of political realism, shifted—paradoxically yet effectively—the realist discourse from the practical to the theoretical but did so while maintaining a power framed gaze that "begins with assumptions about

⁵¹ This view has been related to the philosophy of Thomas Hobbes. See: John H. Herz, *Political Realism and Political Idealism: A Study in Theories and Realities* (Chicago: University of Chicago Press, 1951), 24.

⁵² Marnie Hughes-Warrington, *Fifty Key Thinkers on History* (Abingdon, UK: Routledge, 2014), 26.

⁵³ Morgenthau, *Politics*, 8.

states,” which “try in more or less sensible ways to use the means available in order to achieve the ends in view.”⁵⁴ Years later, in a widely taught book, John Mearsheimer declares that “For all realists, calculations about power lie at the heart of how states think about the world around them,” and that “Power is the currency of great-power politics, and states compete for it among themselves.”⁵⁵ This power-based approach to international politics has controlled the rhetoric in IR theory, and thereby its function within political science. The attempts to negate it by pointing at incentives that mitigate power relations (liberalism) or by challenging the reality of power relations (constructivism) are not power-based critiques of realism. A legal minded power-based approach to international politics would call attention to power from the perspective of governing interests rather than competing nation-state interests.⁵⁶

To see power from a legal perspective, the political scientist might have to draw inspiration from a sociologist’s IR-free view of the concept:

It must be evident that power is required to inaugurate an association in the first place, to guarantee its continuance, and to enforce its norms. Power supports the fundamental order of society and the social organization within it, wherever there is order. Power stands behind every association and sustains its structure. Without power there is no organization and without power there is no order.⁵⁷

⁵⁴ Kenneth N. Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley Publishing Company, 1979), 118.

⁵⁵ Mearsheimer, *Tragedy*, 12.

⁵⁶ The prevalence of the orientation to reflect state interests in works on power is evident in works by scholars who are not known to be realists. See: Adolf A. Berle, *Power* (New York: Harcourt, Brace and World, 1969), 506; Gilpin, *War*, 31; Nye, “Soft Power,” 166, 168; Nye, *Paradox*, 8, 12; David P. Calleo, *Follies of Power: America’s Unipolar Fantasy* (Cambridge: Cambridge University Press, 2009), 135. This mentality has also penetrated the study of power in the context of international law, as it is believed “that States are the principal actors in the process of customary international law.” See: Michael Byers, *Custom, Power and the Power of Rules: International Relations and Customary International Law* (Cambridge: Cambridge University Press, 1999), 13. Later in his work, Byers reconsiders the validity of the statist assumption, but does so while popularizing the belief that “States have created that legal system by and for themselves” without noting that this too is a statist-related assumption. See: Byers, *Custom*, 218.

⁵⁷ Bierstedt, “Analysis,” 735. This is echoed by Galbraith’s statement that power “is inevitable in modern

The realization of the significance of power in the function of government and as a concept of political science⁵⁸ invites the political scientist to study how the synthesis of hard power and soft power relates to the formation of law within the context of governing endeavors.⁵⁹ Such an examination will then help to place “genocide” as a function of power within an ongoing effort to develop an international law of governing capabilities.

Hard Power and Law

Authority is the power to give orders, and it is here likened to the effect of hard power. Legitimacy is the power to be authorized—have the orders be agreeable—and is here likened to the effect of soft power. Law is the power of legitimate authority. First there is authority, then there is legitimacy, and finally there is law. In keeping with this progression toward law, it is asked: What is law in terms of the relationship between hard power and soft power? To provide an answer, one must engage in a study of how authority and legitimacy are attained, and how they are related to each other and to law. Consequently, it would become possible to evaluate their relationship in the international setting.

Accounts of Western history have shown that power is sparked by a human interest before it drives toward law, but also that the continued effect of human interest

society” and that “nothing whatever is accomplished without it.” See: Galbraith, *Anatomy*, 13.

⁵⁸ Lasswell, *Analysis*, 6; Lasswell and Kaplan, *Power*, 75.

⁵⁹ An awareness of this synthesis is lacking in IR studies. The IR discourse popularizes the belief in two separate, and even opposite, ideas of power, but does not offer a focus on how their distinct qualities turn into a complex unity. For instance, see: Christian Reus-Smit, *American Power and World Order* (Cambridge: Polity, 2004), 42-44. According to Reus-Smit, material power is nonsocial whereas ideational power is social, without there being a consideration of how socialization is dictated by material disequilibrium.

on existing law damages its credibility and may lead to challenges against the legitimacy of authority. In two separate works of two volumes each, Harold J. Berman, and then Francis Fukuyama, survey the major trends that took place throughout an extensive timeframe to explain the particular form of law in Western society. It is said that after the wars from 1076 to 1122 the papal authority sought to maintain unity under its control by advocating a system of law that would codify the legitimacy of the central ecclesiastical government.⁶⁰ In other words, the interests of those who governed through the Church were served by observing that the hard-power conditions following the wars were to be converted into a new system of law through soft-power efforts. Thus, the authority of the Church was in position to earn legitimacy through the rationalization of a systematized legal order.

In correspondence with the lasting effects of church law on the Western cultural tradition, the chain of significant revolutions that transpired over the course of centuries were triggered by a sentiment that the authority of the powerful could not continue to dictate the law.⁶¹ Specifically, the Protestant frame of mind cultivated a body of practitioners and knowledge that dedicated itself to the separation of divinely inspired law that is the property of the entire community and human-authority interests, or what is

⁶⁰ Harold J. Berman, *Law and Revolution: The Formation of the Western Legal Tradition* (Cambridge, MA: Harvard University Press, 1983), 520-521. Law and religion have intertwined in other profound ways and in earlier situations, but this account gives heed to historical developments of law in Western society that could shed particular light on the character of international law. Within this context, it is relevant to consider that European law owes its origination and character to religion and the culture that is associated with it. See: Francis Fukuyama, *The Origins of Political Order: From Prehuman Times to the French Revolution* (New York: Farrar, Straus and Giroux, 2011), 245.

⁶¹ Such was the reasoning behind the German Lutheran Revolution, the English Revolution, the French Revolution, the American Revolution, and the Russian Revolution. See: Harold J. Berman, *Law and Revolution, II: The Impact of the Protestant Reformations on the Western Legal Tradition* (Cambridge, MA: Belknap Press of Harvard University Press, 2003), 6-20.

also known as the rule of law.⁶² Meaning, the application of soft power on top of hard power might legitimize an authority to a great extent, but the Western legal tradition is set to be dismissive of it when efforts toward the legitimization of human interests threaten the independent quality of the law.

John Austin's nineteenth-century clear-cut jurisprudence provides an insightful reflection of the development of positive laws alongside divine laws as having the "proper" authority of command in Britain's Protestant culture on the eve of the Victorian period. The philosophy of law during Britain's imperial century, in which its influence overseas was in the midst of rising to new heights, ascribes command value to "laws which are set by God to his human creatures" and to laws "which form the appropriate matter of general and particular jurisprudence."⁶³ In order for laws set by "men to men" to resemble laws set by "God to his human creatures," and be properly called laws, these laws have to be "set by political superiors to political inferiors."⁶⁴ According to this, the authority behind the law depends on certain humans being better positioned than others to command, in what is characterized as a relationship of "sovereign and subject."⁶⁵ To him,

⁶² Fukuyama states that the rule of law in Europe was rooted in the institutional form of Western Christianity, and notes that it became embedded in European society before the rise of democracy. See: Fukuyama, *Origins*, 262, 275, 288. Without reducing the significance of the philosophical connection between Protestantism and the rule of law, Fukuyama recognizes that the position of the Roman Catholic Church in relation to the political authority of "kings and emperors" had a deep effect in the development of the rule of law in Western Europe. See: Francis Fukuyama, *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy* (New York: Farrar, Straus and Giroux, 2014), 11. Fukuyama places law, along with state and accountability, as the central feature in his narrative on political development. See: *Ibid.*, 540.

⁶³ John Austin, *The Province of Jurisprudence Determined* (London: John Murray, 1832), vii.

⁶⁴ *Ibid.*, 1-2. In a manner, the coupling of divine laws and positive laws suggests that from the standpoint of delivering a command, the ontological superiority that is ascribed to God is imitated in the form of political superiority among humans. Austin clarifies that "the term *superiority* signifies *might*: the power of affecting others with evil or pain, and of forcing them, through fear of that evil, to fashion their conduct to one's wishes." See: *Ibid.*, 19.

⁶⁵ This puts an emphasis on the meaning of "positive" law as a law that exists by "position." See: *Ibid.*, 2.

laws are properly called that when they are empowered by a command that obliges conduct, and conduct is obliged when there is a chance of incurring a disadvantage in case of disobedience by either the ability to sanction or enforce.⁶⁶ Interestingly, Austin stresses that public opinion without the authority of God or human political dominion is the source of moral rules that are not positive law, and would be improperly called laws.⁶⁷ In line with this thinking, Charles E. Merriam states: “The legal is likely to emerge with the crown of victory, other things being equal.”⁶⁸

Hence, the process through which “might is right” involves the power holder’s successful conversion of coercive authority into legitimate authority.⁶⁹ Legitimacy promotes compliance by establishing the belief among the governed that the law should be obeyed.⁷⁰ This is especially relevant in an international setting that consists of sovereign nation-states that do not respond to coercion as the individual person does,⁷¹

⁶⁶ Ibid., 10, 18.

⁶⁷ Ibid., 3. Moral rules “are not commands” because they “have nothing of the imperative character.” See: Ibid., 21.

⁶⁸ Charles E. Merriam, *Political Power* (New York: Collier Books, 1964), 25. Russell also alludes to this: “The power conferred by military conquest often ceases, after a longer or shorter period of time, to be merely military. See: Russell, *Power*, 83-84. Internationally, the “right to rule” is said to be based on “victory in the last hegemonic war” and the ensuing ability to enforce will. See: Gilpin, *War*, 34.

⁶⁹ Wrong, *Power*, 85-88. In other words, while coercion (hard power) is the first source of authority and the final resort, the legitimacy of authority is a cultural task (soft power). Thus, while Austin’s jurisprudence teaches that morality is not authoritative law without the power of command, it lacks a consideration that law is not legitimate without the power of morality.

⁷⁰ Tom R. Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990), 161, 170.

⁷¹ It has been suggested that currently international law resembles club membership rather than a body of law because it has not been sufficiently developed by “the activities of courts, legislatures, executive departments and police forces.” See: Thomas M. Franck, *The Power of Legitimacy among Nations* (New York: Oxford University Press, 1990), 39. Therefore, Frank argues that international law is at a stage of development in which, like a club that seeks to obtain and maintain members, the focus is on the legitimacy of the rules. See: Ibid., 38.

and also in an environment such as that of the young United States, which depended on the authority of law being internalized as well as followed so that it may be practiced and enforced across the vastness of its federal territories by individuals of different cultural backgrounds placed out of their original cultural context. Among his observations of the American democracy in the nineteenth century, Alexis de Tocqueville notes that when laws are legislated by a government in consideration of the opinion of the governed, then it is expected that the laws will be respected because the governed will feel as if the laws were made by them and to their benefit.⁷² It therefore follows that law's legitimacy thrives in democratic conditions where public opinion is satisfactorily reflected in legislation. When the legislation is shown to be supported and even inspired by public opinion,⁷³ it legitimizes law on arrival well ahead of entering courtrooms.

However, according to what is taught by the concept of soft power, one cannot assume that public opinion is free from being subjected to information that prepares the public mind toward embracing a particular legislation as its own, or rejecting it, long before the legislation is up for public debate.⁷⁴ Power holders are at an advantage when it

⁷² Alexis de Tocqueville, *Democracy in America*, ed. Phillips Bradley, rev. Francis Bowen, trans. Henry Reeve (New York: Alfred A. Knopf, 1980), 1:248. Fear, which Austin associates with the politically inferior, is related by Tocqueville to the rich in the United States, who have to be apprehensive about the legal consequences of power abuse. Tocqueville was impressed by an overall emphasis on the authority of the legal profession in the United States and its governing effect. See: *Ibid.*, 1:272.

⁷³ The term *public opinion* does not include all opinions, but represents an idea of a belief that is shared by most people in relation to "the issue or situation that defines them as a public." See: David B. Truman, *The Governmental Process: Political Interests and Public opinion*, 2nd ed. (New York: Alfred A. Knopf, 1971), 220.

⁷⁴ This assumption is explicitly upended in Morgenthau's remark that "the government must realize that it is the leader and not the slave of public opinion," meaning that the ability to lead public opinion toward being in agreement with the policies that are desired by power holders is essential for effective governing. See: Morgenthau, *Politics*, 146. However, the prevalent notion, which has been suggested in classic works over a century ago, especially regarding the role of public opinion in the United States, has been that in a democracy public opinion towers over legislation. See: James Bryce, *The American Commonwealth* (London: Macmillan, 1888), 3:25, 34; A. V. Dicey, *Lectures on the Relation between Law and Public opinion in England during the Nineteenth Century* (London: Macmillan, 1905), 2-3; A. Lawrence Lowell,

is believable that public sentiment is independent of control because then the lawmaking is dissociated from their power and enjoys legitimacy. A deep understanding of soft power leads one to recognize that even a celebration of democratic processes could be part of effective governing through controlled information. For example, the legal scholar, Cass Sunstein, who was positioned as the Administrator of the Office of Information and Regulatory Affairs for the United States government between 2009 and 2012, has both praised the democratic processes and advocated ways around them in the context of public opinion. On the one hand, Sunstein argues that “in a well-functioning deliberative democracy,” the legitimacy of the legal reasoning is primarily gained by the public’s freedom to debate,⁷⁵ yet on the other hand, he has taken part in presenting ingenious tactics for controlling the public’s decision-making without being seen as doing so.⁷⁶

International law is commonly seen as distinguished from state law by emphasis on the former’s lack of authoritative power to legislate laws and enforce them,⁷⁷ but it is here suggested that a less apparent difference of significance lies in the power to affect opinion through information. Can world public opinion ever be subjected to information

Public opinion and Popular Government (New York: Longmans, Green, 1913), 4.

⁷⁵ Cass R. Sunstein, *Legal Reasoning and Political Conflict* (New York: Oxford University Press, 1996), 53, 195-196.

⁷⁶ Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions about Health, Wealth, and Happiness* (New Haven, CT: Yale University Press, 2008); Cass R. Sunstein and Adrien Vermeule, “Conspiracy Theories: Causes and Cures,” *Journal of Political Philosophy* 17, no. 2 (June 2009): 202-227.

⁷⁷ For deliberations on this distinction between international law and state law, and the questioning that international law is really “law” by definition, see: Hans Kelsen, *Principles of International Law* (New York: Rinehart & Company, 1952), 18-19, 402; H. L. A. Hart, *The Concept of Law* (Oxford: Clarendon Press, 1961), 210, 215-216, 226; Anthony D’Amato, “Is International Law Really ‘Law’?” *Northwestern University Law Review* 79, no. 5-6 (December-February 1984-1985): 1293-1314; Franck, *Power*, 28-29, 36-40; Rodney Barker, *Political Legitimacy and the State* (Oxford: Clarendon Press, 1990), 9.

control like the national citizenry of a state? Even when a great power such as the United States manages to affect public opinion in other countries, what of the states that persistently block American influence on their people? The legitimacy of international law is doubtful because of an inability to control world public opinion as exhaustively and unitedly as within the territory of a sovereign state. The international society as a whole was not endowed with the level of unified cultural tradition that is ascribed to the development of law in the Western society, in which the legitimacy of laws has been based on a shared culture.

Custom among nation-states is based on a relatively recent development in international interactions and progresses slowly without having been translated into a worldwide lawmaking regime.⁷⁸ Once the engagement between nation-states becomes routinized in a certain way, the practice may be accepted as conventional and thereafter officially recognized as such between certain nation-states in a bilateral or multilateral contract, known as a treaty. Thus, the two pillars of international law, custom and treaty, are interrelated in the sense that custom leads to the documentation that is the treaty, and the treaty confirms norms that have become customary.⁷⁹ Both represent two meanings of convention: custom is unofficial convention, whereas the treaty is convention made

⁷⁸ It is said that “The starting-point of all custom is convention rather than conflict, just as the starting-point of all society is co-operation rather than dissension.” See: Carleton Kemp Allen, *Law in the Making*, 6th edition (London: Oxford University Press, 1961), 68. Allen points out that custom is not just a source of law but is at the root of social growth. See: *Ibid.*, 143.

⁷⁹ The two are presented as sources of international law, but not without qualification of what “sources” means in this instance. See: Kelsen, *Principles*, 304; Anthony A. D’Amato, *The Concept of Custom in International Law* (Ithaca, NY: Cornell University Press, 1971), 4; Abram Chayes and Antonia Handler Chayes, *The New Sovereignty: Compliance with International Regulatory Agreements* (Cambridge, MA: Harvard University Press, 1995), 1. Treaties are considered secondary to custom because they are typically preceded by it. See: Kelsen, *Principles*, 313-314.

official.⁸⁰ It has been suggested that if norms are seen as reflecting standard international conduct, then international law may gain legitimacy by basing its rules on them, just as in state-law legitimacy is earned when public opinion is thought to be reflected in legislation.⁸¹

The question here regarding norms among nation-states is not whether they do or do not have the power to “impose an absolute obligation” on states,⁸² but to what extent norms in the international environment are manifestations of power themselves. As Hans Kelsen points out, there are cases in which “general international law is applied to states which never had the opportunity to participate in the establishment of the law-creating custom.”⁸³ Thus, the suggestion that norms are derived from a vague “intersection of law and morality”⁸⁴ or defined by “interpretive communities”⁸⁵ is to tell half the truth. Rather, it is here claimed that international norms are affected by conscious efforts of soft power,

⁸⁰ Be it official or unofficial convention, the term is distinguished from law in the following manner: deviation from a convention results in “disapproval” whereas deviation from a law results in “physical or psychic sanctions aimed to compel conformity or to punish disobedience, and applied by a group of men especially empowered to carry out this function.” See: Weber, *Theory*, 127.

⁸¹ In other words, “the validity of customary international law” is reasoned by the juristic interpretations of custom as norms, and by the consent to them, thereby making international law into a “normative order.” See: Kelsen, *Principles*, 93, 314-317. However, according to Austin’s view, for custom to turn into positive law in the state, it has to be “adopted as such by the courts of justice” and “enforced by the power of the state.” See: Austin, *Province*, 27-28.

⁸² Franck, *Power*, 36.

⁸³ He gives the examples of states that previously did not have sea access or newly born states who do not have a long established practice in some or all situations regarding which norms have been created. See: Kelsen, *Principles*, 311-313.

⁸⁴ D. P. O’Connell, “The Role of International Law,” in *Conditions of World Order*, ed. Stanley Hoffmann (Boston: Houghton Mifflin Company, 1968), 55.

⁸⁵ Ian Johnstone, “The Power of Interpretive Communities,” in *Power*, Barnett and Duvall, 185-204. The term is used broadly, especially when it is accompanied by the undiscerning declaration that “International organizations are central arenas for legal discourse.”

which is made possible by the unbalanced distribution of hard power that goes into the makeup of international bilateral relations, multilateral relations, and organizations. As long as the interpretive community of judges is confused with the interpretive communities of soft-power agents such as political leaders, diplomats, scholars, and nongovernmental actors, as it is in Ian Johnstone's conceptualization,⁸⁶ then international law will not be able to emerge free of the dominant cultural power. When norms are incorporated into the legal language of courtrooms, then, and only then, do they become the subject of a professional interpretive process that is worthy of being called legal discourse,⁸⁷ but not while international institutions are influenced by, and influencing others to absorb, norms whose acceptance as such is based on the ability of particular cultural sources to dominate the available information according to the interests of power holders.

Efforts toward global civil society⁸⁸ or global governance⁸⁹ are stifled by the continued exposure of international institutions to soft power that is oriented toward serving the greatest power within an inter-national mentality rather than catering to the needs of a unified quality of worldwide governance.⁹⁰ To put it in clear power terms, the

⁸⁶ Ibid., 190-191.

⁸⁷ This is in agreement with the observation that "legal practice is an exercise in interpretation" and "Law is an interpretive concept," but, it is also emphasized that legal interpretation is carried out by judges: "Judges should decide what the law is by interpreting the practice of other judges deciding what the law is." See: Ronald Dworkin, "Law as Interpretation," *Texas Law Review* 60, no. 3 (September 1982): 527; Ronald Dworkin, *Law's Empire* (Cambridge, MA: Belknap Press of Harvard University Press, 1986), 410.

⁸⁸ Mary Kaldor, *Global Civil Society: An Answer to War* (Cambridge: Polity Press, 2003).

⁸⁹ Barnett and Duvall, *Power*.

⁹⁰ The hyphenation in "inter-national" is used here to distinguish a mentality of competition between nation-states, as opposed to "international," which typically means the setting that is inclusive of all nation-states. An international system that is dominated by a superpower is thought to mean that the world would be "without a general balance of power." See: Calleo, *Follies*, 4. However, it is here emphasized that a

overwhelming disbelief in internationalism as a concept and in “the harmony of interests” as a doctrine in Europe just before WWII broke out⁹¹ was based on indications that international law was a set of norms that were established by soft power only to be cast aside by the hard power of dominant nation-states when the norms interfered with their interests.⁹² A wedge had not—and has not since then—been driven between the power that legitimizes norms as items of international law and the power that would credibly guarantee the protection of international law from abuse. In many ways, among which is the way of the genocide scholarship, soft power is still used to serve the interests of power holders in the popular discourse on “genocide,” despite it being a legal term. The genocide scholarship manages to affect many minds and assign a high cultural value to its use of the term *genocide*, but it tampers with the legitimacy of “genocide” as a legal term, and with the legitimacy of international law in general.

Soft Power and the Genocide Scholarship

Soft power effectively leads power subjects to absorb the beliefs that power holders desire that they have when credibility is attached to the produced information.⁹³

superpower is able to maintain its superiority by the establishment of regional balances of power so that no government may acquire enough power to challenge the direction of international affairs. The designation “inter-national” law illustrates how international law might be used to focus on how power is balanced between nation-states, but as “international” law the focus may be on unifying governing qualities among governments through an aspiration toward a worldwide code of governance.

⁹¹ Carr, *Twenty*, 108.

⁹² For instance, Carr intimates that Woodrow Wilson had expressed the view that “a state had the power to denounce any treaty by which it was bound at any time.” See: *Ibid.*, 234. Carr also mentions a saying that was attributed to Theodore Roosevelt regarding the Panama crisis—“Damn the law, I want the Canal built”—to show that for powerful nation-states legality is secondary to self-interest in international affairs. See: *Ibid.*, 236.

⁹³ The United States generates the vast majority of information around the world. Even before the advent of the internet, the United States accounted for 80 percent of all transmitted and processed data. See: Joseph S.

As Nye puts it, “The best propaganda is not propaganda,” because “Soft power depends upon credibility, and when governments are manipulative and information is seen as propaganda, credibility is destroyed.”⁹⁴ He also adds that “Information that appears to be propaganda may not only be scorned, but it may also turn out to be counterproductive if it undermines a country’s reputation for credibility.”⁹⁵ Back when state propaganda was commonly used more directly in democracies, Russell observes that “the average citizen” in a democracy is “easier to deceive, since he regards the government as *his* government.”⁹⁶ As the existence of such phrasing in Russell’s text indicates, citizens of democracies were becoming more aware that the government might manipulate information, and, thus, state information, while not necessarily considered untrustworthy, is connected with an agenda. Since the days of its effective use in WWI and WWII, propaganda, upon its association with state interests, has become “chiefly derogatory in its connotations,” and associated with “distortion and fabrication.”⁹⁷ Nevertheless, even nowadays propaganda might effectively control public opinion when, in situations of an outside threat,⁹⁸ the public is led to urgently choose between believing its own government and an external rival, and would likely favor the former over the latter.

Considering that soft power is directed toward having a desired effect,⁹⁹ the use of

Nye Jr., *Bound to Lead: The Changing Nature of American Power* (New York: Basic Books, 1990), 194.

⁹⁴ Nye, *Future*, 83.

⁹⁵ *Ibid.*, 104.

⁹⁶ Russell, *Power*, 141.

⁹⁷ Truman, *Governmental*, 222.

⁹⁸ Barker, *Political*, 150.

⁹⁹ The “effectiveness of power” is said to be “so obvious a criterion for its presence.” See: Wrong, *Power*, 6.

state agenda and what the public is expected to typically believe about state agenda could nonetheless be a means to an end if it lends credibility to other avenues of information through which power holders may lead power subjects into adopting a certain intended view. While it is recognized that a government exercises soft power invisibly, from behind the scenes,¹⁰⁰ it is also the case that certain government interests might be advanced indirectly, in soft-power fashion, even by way of depicting a visible government as having a position that is against the desired public sentiment. Hence, by way of misdirecting the power subjects, the soft-power invisibility of purpose is maintained. The popular Orwellian image of the government's control of opinion directly and forcefully,¹⁰¹ which seems to dominate the information about information-control, fails to capture the essence of soft power, and, being such a prevalent notion, it might even be within a government's soft-power toolset.

For example, when the *NYT* publishes a headline that says "U.S. and Turkey Thwart Armenian Genocide Bill,"¹⁰² it relies on the already affected public opinion about government agenda in general so that the public may be directed to put stock in the information about "genocide" that is provided by selected scholars. This soft-power tactic relies on the public's assumption that scholars are independent of government service.

¹⁰⁰ Russell, *Power*, 48. Klaus Knorr develops the term *informal access*, which is also known as *informal penetration*, and relates it to a government's ability to reach the citizens of a foreign state through agents in order to shape public opinion. See: Knorr, *Power*, 15-16; Andrew M. Scott, *The Revolution in Statecraft: Intervention in an Age of Interdependence* (Durham, NC: Duke University Press, 1982), 3-8.

¹⁰¹ Ginsberg, *Captive*, ix.

¹⁰² Carl Hulse, "U.S. and Turkey Thwart Armenian Genocide Bill," *New York Times*, October 26, 2007. By suggesting that the bill did not pass due to political pressure that was exerted by the United States government, the public is invited to see the government as obstructing a "truth" that is expressed in the article by "historians" who say that genocide was committed. Also, by putting the name of the bill in the title, an association of the Armenian suffering and the term *genocide* is evoked, and thus promoted as a common phrase.

Therefore, if in actuality the scholars are operating under the influence of American power holders, then the scholars will be made even more effective agents of American soft power thanks to the negative portrayal of the American government. By the narration of this influential American newspaper, both the party that is presented as lacking credibility, the United States government, and the party that is presented as credible, the genocide scholars, are of utility in leading the public to the desired soft-power effect, which is a certain belief about “genocide.” The power holders’ own government can be presented as fallible,¹⁰³ or even untrustworthy, if it means that such a presentation would bestow genocide scholars with a high level of credibility and, thereby, with the ability to disseminate information toward the desired beliefs, without it being public knowledge that this is done in accordance with governing interests.¹⁰⁴

Since credibility is a key component of a successful soft-power effort, soft-power material is effective when produced by nongovernmental sources of information. As awkward as it might be for scholars to acknowledge their role as agents of soft power,¹⁰⁵ they—as experts—are positioned to become trusted sources of knowledge. It has been

¹⁰³ The ability of a government to lead to desired soft-power effects by depicting itself as fallible calls into question the accuracy in Robert Gilpin’s decision to settle for the concept of “prestige” in the effort to sum up the “psychological and frequently incalculable aspects of power and international relations.” See: Gilpin, *War*, 30-31. Also, Niall Ferguson supposes that soft power is designed to make people “love the United States more.” See: Niall Ferguson, “Think Again: Power,” *Foreign Policy* 134 (January-February 2003): 21. This presentation of soft power fails to consider that “love” may also be a means to an end, and that American interests might be served by implicit or explicit criticism of the American government.

¹⁰⁴ This tactic can be described as manipulative, being that it is a “deliberate and successful effort to influence the response of another where the desired response has not been explicitly communicated to the other constitutes manipulation.” See: Wrong, *Power*, 28.

¹⁰⁵ Nye mentions nongovernmental organizations as having their own soft power. See: Nye, *Future*, 83. This means that he views such organizations, and those who operate within them, as independent power holders rather than agents of other power holders.

established that the views of experts have power over public opinion.¹⁰⁶ Their very occupation as academic practitioners calls for the production of knowledge, and therefore their body of work is widely seen as authoritative information while not readily suspected of having a confirmation bias in service of a politically desired outcome. Consequently, it has been recommended that the government would make use of experts in its efforts to control information:

Government can partially circumvent these problems [of conspiracy theories] if it enlists credible independent experts in the effort to rebut the theories. There is a tradeoff between credibility and control, however. The price of credibility is that government cannot be seen to control the independent experts. Although government can supply these independent experts with information and perhaps prod them into action from behind the scenes, too close a connection will prove self-defeating if it is exposed—as witnessed in the humiliating disclosures showing that apparently independent opinions on scientific and regulatory questions were in fact paid for by think-tanks with ties to the Bush administration.¹⁰⁷

This potential of service by an expert for the government means that there is incentive for government to empower experts.

Education and the press frame discourses that give experts the ability to affect public opinion, who, in turn, make the discourses more believable. Thus, the power

¹⁰⁶ Lowell, *Public opinion*, 289; Lasswell and Kaplan, *Power*, 91; French and Raven, “Bases,” 163; Knorr, *Power*, 312; Wrong, *Power*, 53; Keith M. Dowding, *Power* (Minneapolis: University of Minnesota Press, 1996), 62-64.

¹⁰⁷ Sunstein and Vermeule, “Conspiracy,” 223. Also, it is conceivable that a similar function may apply to public figures, who are known worldwide due to their high status in cultural niches as the performing arts, religion, spirituality, or sports, and whose popularity and seeming dissociation from the American government can be used to influence public opinion regarding political issues. Examples are provided by the publicized views of George Clooney and the Dalai Lama on genocide. See: Caryn James, “A Movie Star for All Eras, Even the Present,” *New York Times*, January 6, 2008; Somini Sengupta, “Dalai Lama Condemns China for Suppressing Uprising in Tibet,” *New York Times*, March 17, 2008. Such use of famous personalities is described as a form of power by way of leadership in which qualities “of physique, mind, speech, moral certainty, or other personal trait” have influence over people. See: Galbraith, *Anatomy*, 6. The term’s referent power points at the ability of leaders in society to attract power subjects to information, and persuade power subjects to form certain beliefs. See: French and Raven, “Bases,” 160-161.

relations that are inherent in the ability of power holders to control the information that is available for power subjects becomes less pronounced when the information consists of seemingly neutral and credible knowledge. In his study of education as a form of cultural imperialism, Martin Carnoy finds that the presentation of schooling as a liberating force is in practice “a necessary prerequisite for nations to participate with the developed countries in the world project of material advancement.”¹⁰⁸ A search on ProQuest for either “expert” or “experts” in titles of articles published by the *NYT* in the decade between 2000 and 2010 shows a total of 1,514 results.¹⁰⁹ A theory known as *nudge*, which makes the case for the subtle and skillful use of power to affect people’s daily choices, sees the expert as a “choice architect” because of the ability to employ expertise to frame the context in which people make their decisions, and through these experts it is possible to alter “people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives.”¹¹⁰ Through the infrastructure of education and the press, the genocide scholars are presented as experts, though the precise nature of their expertise is not self-explanatory. Genocide scholars make

¹⁰⁸ Martin Carnoy, *Education as Cultural Imperialism* (New York: David McKay Company, 1974), 2. Almost three decades later, James L. Hevia examines a specific case of cultural imperialism, which he describes as imperial pedagogy, in the British treatment of nineteenth-century China. Hevia describes the cultural strategy as “the violence of language,” and “the softer side of empire, the side that coaxed and seduced others to participate in what was sometimes imagined as a joint enterprise.” See: James L. Hevia, *English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China* (Durham, NC: Duke University Press, 2003), 3-4.

¹⁰⁹ See: ProQuest, “ProQuest Historical Newspapers: The New York Times,” <http://search.proquest.com/hnpnewyorktimes/advanced?accountid=14677> (accessed, 1/23/2017). These results do not include other designations of expertise such as “doctors,” “scholars,” and “scientists.” Also, it is notable that the increasing popularity of social media presents a more credible source for the initial narration than the newspaper format because online debates are perceived as less controlled. However, the mainstream media outlets still have the function of calling attention to particular online trends as a launching pad for a narration within the popular discourse.

¹¹⁰ Thaler and Sunstein, *Nudge*, 3, 6.

determinations about the use of the genocide label without legal sanction but with public approval because they are empowered in the information that is generated.

The framing of a discourse is soft power's most basic mode of operation in its treatment of public opinion, and the creation of the genocide field of study is an example of a carefully framed platform. Erving Goffman describes social frameworks as "guided doings."¹¹¹ Framing comes equipped with rhetorical devices that encourage a particular manner through which words and contexts are to be interpreted.¹¹² While it is shared knowledge that governments have their preferred frames, there is scarce public information on how political framing is carried out through academia. Framing is a core method of soft power, and it is commonly applied in efforts to influence public opinion toward a desired governance.

However, framing cannot be a method of legal power. It can lead public opinion to support the existence of legal procedure in indirect ways, but it cannot be used to determine the outcome of legal procedure. The genocide scholarship has promoted the idea of international criminal law, but its continued ability to shape the discourse about "genocide" is an abuse of international criminal law. It frames the discourse in an academic guise,¹¹³ and then the popularity of its discourse carries over to framing the

¹¹¹ Erving Goffman, *Frame Analysis: An Essay on the Organization of Experience* (New York: Harper & Row, 1974), 22.

¹¹² Framing is said to be concerned with "the inevitable process of selective influence over the individual's perception of the meanings attributed to words, phrases, or visuals," and it has the effect of determining "the packaging of elements of rhetoric in such a way as to encourage particular interpretations and to discourage others." See: Willem Koetsenruijter and Gabry Vanderveen, "The Popular Virgin and the Wolf in Sheep's Clothing: A Case Study of the Imaging of Victims and Offenders," in *Bending Opinion: Essays on Persuasion in the Public Domain*, ed. Ton van Haften et al. (Amsterdam: Leiden University Press, 2011), 244-245.

¹¹³ A substantive frame is defined by performing "at least two of the following basic functions in covering political events, issues, and actors": "Defining effects or conditions as problematic," "Identifying causes," "Conveying a moral judgment," and "Endorsing remedies or improvements." See: Robert M. Entman,

legal procedure. When the framing of the genocide discourse is connected to the advancement of power holders' interests in a manner that intensifies conflict between member states, then it is the kind of soft power that might affect public opinion but does not gain legal power.

Soft power in and of itself is neutral: its effects are not inherently good or bad.¹¹⁴ However, by its very essence, as a manner in which power manifests itself, its effects are linked to interests. A power-based approach to the study of "genocide" will view the term's history within the context of international law as an idea that was based on hard power, and will see the origination and development of "genocide" as the effort of soft power.¹¹⁵ An expansive power-based study of the history of "genocide" will shed light on how "genocide" is employed as soft power to frame the knowledge that is consumed by the public; how the control of information affects public opinion in a variety of locations; how the affected public opinion pushes for legislation in state law; how legislation in state law affects what is considered to be common knowledge regardless of evidence; and how the sum of common knowledge in many nation-states creates a sense of an

Projections of Power: Framing News, Public Opinion, and U.S. Foreign Policy (Chicago: University of Chicago Press, 2004), 5. It is here argued that the genocide scholarship offers all of these. Furthermore, it is considered that by adding claims of "genocide denial" to its claims of "genocide," the genocide scholarship shields its framed discourse by excluding others from the conversation without calling attention to its dominance of information: the "other" who is trying to add a dissenting voice is portrayed within the framed discourse as an immoral intruder.

¹¹⁴ This follows Nye's view of soft power as a concept that is descriptive rather than normative. Its specific purpose is determined by the power holder in a particular situation. See: Nye, *Future*, 81.

¹¹⁵ Michel Foucault's work on power and knowledge will not be used here, mainly because his rhetoric is not relatable to this work's focus on particular power holders and their effect on international politics. For instance, Foucault writes of "history" as an actor and assigns to it verbs such as *to undertake*, *to transform*, and *to decipher*, as if to suggest that "history" is an actor in history. See: Michel Foucault, *Archeology of Knowledge*, trans. A. M. Sheridan Smith (London: Routledge, 2003), 7. The presentation of history as an actor to which verbs are related suggests the absence of interest in identifying political actors within history.

international consensus. This international consensus is such that certain perspectives are considered to be factual when at their core they are in accordance with the interests of American power holders but in tension with the interests of rival power holders.

The abuse of “genocide” as a legal term calls for an effort to conceptualize international law more effectively.¹¹⁶ Even though the idea of international law was birthed by hard power and has been given its image by soft power, the execution of international law cannot continue to be dominated by American soft power and expect worldwide legitimacy. The very first featured article of the *American Journal of International Law (AJIL)* in 1907, which was written by Elihu Root who at the time was both the United States secretary of state and the founding president of the American Society of International Law (ASIL), was dedicated to the idea that international law has to be popularized,¹¹⁷ and this objective was accentuated during WWI, when Root’s following statement was quoted by the *NYT*:

Many States have grown so great that there is no power capable of imposing punishment upon them, except the power of the collective civilization outside of the offending State. Any exercise of that power must be based upon the public opinion. Without such an opinion behind it no punishment of any kind can be imposed for the violation of international law.¹¹⁸

During the intense power struggle with Germany, and the pronounced unpopularity of international law among German power holders, there was an apparent need to advance international law through greater emphasis on soft power. However, much has changed

¹¹⁶ It has been suggested that international law lacks, or is on the verge of, an adequate theoretical formulation. See: O’Connell, “Role,” 52; D’Amato, *Concept*, xi; B. S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches* (New Delhi: Sage Publications, 1993), 15, 17.

¹¹⁷ Elihu Root, “The Need of Popular Understanding of International Law,” *American Journal of International Law* 1, no. 1, (January-April 1907): 1-3.

¹¹⁸ “Why Sign Treaties? Asks Elihu Root,” *New York Times*, February 28, 1916.

since then, and now international law seems to be at a stage of progression where the acceptance of it as an idea is less of a concern than the approval of its execution.

Mindful of the costly conflict with German power, Root's project of international law was based on the premise that "The public opinion of mankind is so mighty a force that it is competent to control the conduct of nations as the public opinion of the community controls the conduct of individuals."¹¹⁹ The function of the genocide discourse as a tool for directing public opinion toward the popularization of international law is in keeping with Root's vision, but he was also aware that the progress of international law is a long and gradual process:

The process will be slow, but all advance of civilization is slow. Not what ultimate object we can attain in our short lives, but what tendencies towards higher standards of conduct in the world we can aid during our generation, is the test that determines our duty of service. The conditions which will hinder and delay effective action for the re-establishment of law are many and serious, but we must prepare.¹²⁰

It seems likely that as a professional lawyer Root recognized the difference between a judicial system that is supported by public opinion and one that is run through it. The rule of law does not allow for the control of the judicial system through the control of public opinion. In international law, as in domestic law, the separation of powers has to be visible. For the separation of powers to be visible, the source of power has to be clearly stated. In contrast, soft power is in full swing when one has the ability to capitalize on another's inability to connect between power and outcome, and the influence of information on public opinion is a fertile ground for it.

¹¹⁹ "Root Optimistic on World Peace," *New York Times*, May 15, 1921.

¹²⁰ *Ibid.*

A different form of power is required in order for international law to gain the status of a separate power in world politics. The recognition of legal power's significant quality requires a mental switch through which international law changes from an arena for inter-national power struggles to a habitat for the exertion of power toward the orderly governance of all people. Unlike individual subjects of domestic law, member states of the United Nations may simply reject aspects of international law of which they are not convinced or even seek to withdraw from the international community. This means that while public opinion may advance the popularity of international law among the people, the governments of existing nation-states would be more likely to cooperate if they are considered as equal partners in the governance of world affairs rather than as part of the public. The idea of international law might be American, but its execution has to be international.

Legal Power and International Law

Legal power is a heightened form of hard power, which includes soft power's effects within it, but not the continued application of soft power as such. It is to exist in international law as the product of a dialectical progress. First, international law was made possible by the particular hard-power conditions that were established by the struggle between nation-states, and it came into being as a facilitator of hegemonic interests to maintain a status quo in power relations. Then, it turned into the subject of soft-power promotion while creating channels through which norms that are agreeable to the dominant power may be effectively spread and absorbed. Finally, as international law increasingly materializes into a thickened criminal code and a growing courtroom

language through the term *genocide*, it is to be examined how this development stands in relation to legal power. Law's form of power is an evolved manifestation of the original hard-power circumstances that still owes itself to the effects of soft power, but is driven by its own quality to reject soft-power operations according to narrow inter-national interests, and, instead, generate global governing solutions.

International law's legitimate authority is based on hard power's internalization of soft power's mission, toward the aim of consent to be coerced,¹²¹ but without the political reasoning that caused the project of international law to move forward in the first place, for such a reasoning is steeped in inter-national bias. According to Kelsen, the idea that all states have given their consent to customary international law is "a political fiction," and certain states might find themselves bound by international norms without having participated in interaction to establish them.¹²² The attainment of consent in international law involves a set of conditions that are vastly different from how consent is reached in state law, and therefore the study of it could benefit from an innovation in the relevant terminology. In identifying three dimensions of an international regime's "organizational-design," John Ruggie and Friedrich Kratochwil point at the significance of transparency and legitimation, as well as the epistemic reality of international organizations that are used as vehicles through which the international agenda of certain nation-states passes as

¹²¹ The legitimation of power by "the consent of the governed" is said to characterize the success of state government in the West, and that "Much of modern political philosophy is a search for the conditions that make a government based on consent possible." This implies an agreement that "governments must rule by laws that are rational and consistent." See: Calleo, *Follies*, 128. In the international setting, the engine of rationality and consistency is the courtroom to a greater extent than in the state, for the legal discourse is to be developed there before it can have its impact on the style of lawmaking.

¹²² Kelsen, *Principles*, 311-312.

knowledge.¹²³ Thus, it is proposed here that clarity of mind might be served well by highlighting the following qualities in the dialectical relations within international law: the apparentness of hard power, the invisibility of soft power, and the transparency of legal power.

By seeing the dialectical progress as that which proceeds from the apparent, through the invisible, toward the transparent, it becomes clear that the properties of legal power are different from those of what Nye calls smart power. The idea of smart power holds on to the perspective of the great power in the midst of an inter-national competition as “the combination of the hard power of coercion and payment with the soft power of persuasion and attraction.”¹²⁴ Legal power does not represent the sum of hard power and soft power, but rather a separate and unique quality that is created by the process in which each cancels the other. Legal power is a form of hard power that is still committed to coercion, and that—having experienced the contrastive quality of soft power—maintains the commitment to achieving consent, but seeks to establish consent without hiding its coercive abilities. It is not simply the ability to have others do what they otherwise might not do, but rather it is the ability to do on behalf of governing what otherwise could not be done.

The concept of legal power presents a vision of a one-way fungibility. This is so because of its diffuse quality. While legal power might lead to its own effects on hard power and soft power, it is nevertheless a power that is severed from its original holders.

¹²³ John Gerard Ruggie and Friedrich Kratochwil, “International Organization: A State of the Art on an Art of the State,” *International Organization* 40, no. 4 (Autumn 1986): 772.

¹²⁴ Nye, *Future*, xiii. Moreover, Nye explains that the purpose for the development of “smart power” was in the context of producing “effective foreign policy.” See: *Ibid.*, 22.

This means that those in whose interest different power resources were transferred into international law might enjoy the effects of legal power but cannot treat it as a power resource that is under their control. In order for legal power to be maintained, it cannot be undone or re-sorted. Logically, it is a separate power that cannot be unseparated, similar to how an omelet cannot be converted into eggs. While legal power centralizes the judicial ability to govern world affairs, it is set to decentralize the source of power in inter-national politics. Thus, it motions in one direction as it carries power from inter-national purposes to worldwide governor-to-governed purposes.

This repurposing of power elevates it to a higher level of responsibility.¹²⁵ A culture in which the role of evidence ascends as a prerequisite for integrity¹²⁶ may generate its own norms,¹²⁷ which will be both advanced and preserved as the legal language grows.¹²⁸ In this manner, legal language will have its constructive effect on

¹²⁵ It has been suggested that “Law endows power with authority and prestige,” and “elevates power from the position of a brute-fact to that of a value-charged fact.” See: Nathan Rotenstreich, *Order and Might* (New York: State University of New York Press, 1998), 42. Rotenstreich provides a concise phrasing of the relationship between law and power: “Law grants power a meaningful status of authority and power grants law a factual foundation of enforcement.” *Ibid.*, 43.

¹²⁶ A “principle of inclusive integrity” is embedded in the “concrete interpretations” of judges. This quality distinguishes adjudication from legislation. See: Dworkin, *Law’s*, 410.

¹²⁷ Johnstone refers to the legal discourse as “a form of productive power,” which is also what the discourses of soft power are considered to be. His view on the legal discourse does not offer a theoretical framework for a distinction between the legal discourse and the discourse that is generated by the genocide scholarship. See: Johnstone, “Power,” 186. However, the primacy of procedure, evidence, and contextualization, in the legal discourse is unmatched in soft power discourses such as that of the genocide scholarship: “If judges disagree over the actual, historical events in controversy, we know what they are disagreeing about and what kind of evidence would put the issue to rest if it were available.” See: Dworkin, *Law’s*, 3.

¹²⁸ By “legal language,” the meaning is the production of communication by the judiciary rather than the legal-styled communication between state diplomats as official representatives of their state interests. It has been pointed out that “much of the content of intergovernmental communications is self-consciously grounded in legal terminology,” and that it constitutes a “legal language.” See: D’Amato, “Is,” 1301. However, here, “legal language” relates to a discourse by the actual legal profession that from its quality as a separate power will itself be a source of information that establishes international norms.

world governance as it successfully had in the development of federal law in the United States. Tocqueville's description of what was effective in the American inter-state system could be applied in an inter-national system, if powered toward such an outcome:

The language of the law thus becomes, in some measure, a vulgar tongue; the spirit of the law which is produced in the schools and courts of justice, gradually penetrated beyond their walls into the bosom of society where it descends to the lowest classes, so that at least the whole people contract the habits and the states of the judicial magistrate.¹²⁹

The popularization of the legal language is the destination of international law, but the negotiation between national identities and unified standards of governance is a delicate matter. Unlike the American states in the United States, nation-states are motivated to blend identity with sovereignty. While the use of “genocide” as a legally sanctioned punishable crime is designed to protect national identities, it might be that the protection of “national identity” from informational abuse in the legal language is a prerequisite for international law to attain a universally legitimate authority. For the approval of worldwide governing standards to become an overarching identity itself, the execution of the law—upon its moral assumptions—must be free from national identity-based interests and prejudice, and also avoid the exaggerated or false assignment of nonpolitical group identity markers to those who are involved in political conflicts.

However, the term *genocide* interlocks the protection of conceptual and cultural group identities with the legal language, and, thus, it inherently injects subjective elements of soft power into international law. Meaning, “genocide” is not just a tool of soft power in the sense of its promotional quality as an attractive term that popularizes the idea of international criminal law in public opinion, but it is also a tool of soft power

¹²⁹ Tocqueville, *Democracy*, 1:280.

by providing avenues for discourses about group identity to shape the execution of law. Due to the popular usage of genocide, the group identity of an alleged victim is not necessarily defined in reflection of the assailant's view of the victim's identity but according to the wishes of those who have the power to construct the public discourse about a publicized event of mass violence. In other words, common usage of the term *genocide* has the power to encourage and perpetuate a politicization of group identities that is not conducive to the culture of law that is supposed to unite them under the promise of effective governance. This dissertation shows how in recent cases the genocide discourse was solidified by the introduction of language that emphasizes divisions between political groups in ethnic terms and generates public belief in assumptions about intent to destroy groups as such.

Legitimate authority is spoken in a language of already shared norms and values, but only when these are fixed as laws and no longer subject to soft-power designs. Such is the language of legal power: it is defined by comprehensiveness rather than persuasion. The legal language has the effect of capturing existing norms as they are and crystallizing them. Legitimate authority echoes and stays when the language is of equality and stability. When power is focused on order-making rather than conflict perpetuation, and the conversation is based on procedure, evidence, and contextualization, before judgment and moral justification,¹³⁰ then power becomes accountable, steadied, and tidied. Following its legal culture, the process of legalization in international law, which lacks formal centralization, will adopt norms through legal power rather than soft power. Thus, while hard power remains apparent, with its inequality in distribution and its possibility

¹³⁰ For an idea of how issues are prioritized in the courtroom, see: Dworkin, *Law's*, 3.

of war, still, through legal power's transparent quality, the ability of governments to govern would be able to advance toward equal levels of responsibility and universal efficiency.

Conclusion

It is seen that a power-based approach to the phenomenon of "genocide" has roots in political science. The genocide field of study engages, by definition, in the assignment of a legal term that denotes a serious crime, which is typically related to members of a government. This has an impact on international relations, especially on those nation-states who are directly implicated or related to the accusations in some manner. Such a political project has carried itself through a moralistic discourse without publicly recognizing its own source of power and the interests it serves by affecting public opinion on matters regarding how world affairs are being governed. In the field of genocide studies, academia hosts an overt agenda to politicize past and present events, and a disregard for the legal profession. The assignments of the genocide label that are made by genocide scholars are nonsanctioned yet they influence public opinion to the extent of affecting legislation and judgments.

Therefore, it is the task of the political scientist to identify the power of "genocide" as it relates to the term's ability to affect governance globally, and as it relates to the power behind its origination, development, and maturation. The premise of political science is to examine phenomena according to their governing utility and effects, and it warrants an approach to the field of genocide that the genocide scholarship itself lacks. Upon consulting the major works on power in academia, Nye's

terminological treatment of power as a political concept is found to be most helpful in the endeavor to place “genocide” in a theoretical framework of political science. While hard power explains the conditions that inspired international law and the term *genocide* within its context, soft power explains how “genocide” was used both to promote the idea of international law among the nation-states and to control how it is used. A new concept of legal power is proposed, as a power that is formed from within the judicial performance of international law, to make the claim that the governing utility and effects of “genocide” within international law depend on the dialectical progress of hard power through soft power toward legal power.

The study of the history of “genocide” within international law from a power-based standpoint is set to offer an opportunity to apply this conceptualization and become acquainted with its ability to elucidate the state of international law: first, by studying the power-based reasoning behind the push for international law and the advent of the term *genocide*; then, by considering the power-based reasoning behind the particular uses of “genocide” outside of the legal domain; and finally, by examining the tension between the legal and nonlegal usages that has been building up since the term’s ratification by the United States led to opportunities for legal power to manifest itself in competent courtrooms but also to an increase in the use of “genocide” by agents of soft power. The question regarding the use of the term *genocide* is critical for understanding the performance of international law. The envisioning of legal power as a broker between governor and governed stands as an opposing element to soft power’s serviceability as a tool of narrow interests in international politics. For governments to regulate power unitedly, responsibly, and effectively, the power of “genocide” has to be defined.

CHAPTER 4

THE INITIATION OF INTERNATIONAL LAW, 1870s-1944

“Genocide” is a term that came into being within the development of international law. The cultivation of international law, as that of domestic law, is based on conditions of hard power and has been carried out by those who seek to maintain their relative advantage in the possession of this power. To understand the meaning, origin, and purpose, of the term *genocide*, it is necessary to know the modern history of international law as driven by power considerations. As a prerequisite to the task of unfolding the story of the term *genocide* from a power-based approach, the following critical questions are to be addressed: What characterizes the concept of international law in modern times? Who wanted to initiate international law? Why was international law wanted? What is the history of international law according to those who seek to promote it? What is the connection between international law and major events in recent history such as the world wars? What is considered to be progress in international law? How is international law in a predicament due to the relationship between of morality and power? How is international law shaped by the complex dialogue between ethnic and civic elements of governance in national and international politics? This chapter considers these themes and is divided into sections that range from the circumstances in which international law as it is now known became the subject of pursuit by power holders of global aspirations

in the 1870s to the occasion in which the term *genocide* was introduced to the public in 1944. It is designed to shed light on the current status of “genocide” in international law by pointing out the power that initiated the project of order between nations and how this agenda necessitated work toward linking identity groups with political purpose.

The Balancing of Power in Europe

Prior to the push for international law, the balancing of power in Europe was a highly regarded policy. It was given life when Britain was trying to keep its hard-power superiority in relation to the potential rival powers in Europe from which it was removed by sea. The concept of balancing power is currently regarded in academia mainly as a general realist theory within the study of IR,¹ but its original popularity in modern times is due to Britain’s specific situation as a powerful political entity that is just outside of the European landmass. Chief among its traits were the geographical separation from Europe and the technological ability to dominate the seas. During the days of Britain’s thriving imperial position, before the rise of France’s power under Napoleon Bonaparte, David Hume’s essay in 1752, “Of the Balance of Power,” called attention to the difference between the balance of power as an idea that was already considered in ancient history and as a phrase that was becoming used in British political circles.² To him, it was important to warn those who were leading Britain’s foreign affairs and seemed to focus

¹ William C. Wohlforth, “Realism,” in *The Oxford Handbook of International Relations*, ed. Christian Reus-Smit and Duncan Snidal (Oxford: Oxford University Press, 2008), 141.

² Hume, “Balance,” 1:348. To him, “the maxim of preserving the balance of power is founded so much on common sense and obvious reasoning, that it is impossible it could altogether have escaped antiquity, where we find, in other particulars, so many marks of deep penetration and discernment.” See: *Ibid.*, 352. While the idea was by no means a new one, its exact usage in Britain, which turned it into a basic item in foreign-policy jargon, was a new phenomenon.

more on achievements in faraway places like America and India that it would be “totally careless and supine with regard to the fate of Europe,” if Britain were to neglect European affairs by failing to take sides in its contests.³ Britain, as did the United States government to an even greater extent in later years, was able to maintain a power advantage over European governments by exerting influence toward an equilibrium between the powers of Europe, which would thereby challenge each other and restrain each other’s ability to dominate the governance of the continent.

When France presented a threatening force throughout Europe in the early nineteenth century, Britain’s efforts to perform an offshore balancing of power in the continent were given a German voice through the internationally recognized publicist, Friedrich von Getz, who exclaimed “That if ever a European state attempted by unlawful enterprizes [*sic*] to attain to a degree of power (or had in fact attained it,) which enabled it to defy the danger of a union of several of its neighbours, or even an alliance of the whole, such a state should be treated as a common enemy,”⁴ and thus lent support to British interests in the name of preserving “the states system of Europe.”⁵ Through his work, the balance of power in Europe was promoted as if it were a European rather than a British maxim, namely that “no one of its members must ever become so powerful as to be able to coerce all the rest put together,”⁶ because of its ruinous consequences. This is reflective of a British soft-power effort to convince those who neighbored France in the

³ Ibid., 355.

⁴ Friedrich von Gentz, *Fragments upon the Balance of Power in Europe*, translated from German (London: M. Peltier, 1806), 62.

⁵ Ibid., 61.

⁶ Ibid.

continent that it was politically wise to oppose any rising power from within Europe. The French dramatization of how a failure to maintain a balance of power could disrupt Britain's global interests elevated the notion of balancing power in Europe to a great height in British political consciousness.

Britain's experience of the Napoleonic challenge furthered the articulation of its design for Europe. In 1803, the same year that Britain went to war against France, Henry Brougham, who would later serve as lord chancellor, wrote that Britain's consideration of interference "with those concerns of its neighbours" is "different" because "she is, by nature, insulated from the rest of Europe."⁷ In the face of an "awful crisis," he urged Britain's diplomats to not only increase "internal resources" but "constantly look also *from home*" because "each state forms a part of the general system."⁸ Following the Napoleonic Wars, it was acknowledged in Britain that "the consolidation of the continent into one vast empire would in the end be fatal to its independence,"⁹ and that the "best policy" for the government of the British Isles is "to establish and preserve a steady balance" between the European powers.¹⁰ As indicated in the statement that "Nations would probably degenerate without occasional war,"¹¹ the outsider's project of balancing power in Europe, to keep its peoples from consolidating into one powerful unit, exceeded the mere support of the weak against the strong as a balancing act and extended to the

⁷ Brougham, *Historical*, 14.

⁸ *Ibid.*, 50.

⁹ Leckie, *Historical*, vii.

¹⁰ *Ibid.*, viii.

¹¹ *Ibid.*, 1.

encouragement of split group identities and interstate rivalries even if it led to armed conflict.

By the 1870s, the British idea of stifling the growth of a European power before it becomes hegemonic required an upgraded strategy and received an American innovation. From a soft-power perspective, it was no longer seen as effective to accuse a conquering state of unlawfulness without the backing of an actual legal framework. Despite the later endeavors to dichotomize the balance of power and international law,¹² the unprecedented circling of international law in the 1870s around the concept of arbitration sought to bring into regulated practice the core idea behind balancing power. The rallying of European states against a dominant European empire was based on the ability to persuade them “that nations, like individuals, have their duties as well as their rights, and that the neglect of one, or carelessness in regard to the other, is sure, sooner or later, to meet with punishment.”¹³ Germany’s unification in 1871 demanded a more persuasive brand of balancing; its very existence signaled that, possibly, what the traditional policy of balancing power in Europe was meant to prevent had already come into existence.

¹² Shortly after WWI, the balance of power was depicted as a “general idea” that stood in contrast to the efforts of the League of Nations toward international law. See: Pollard, “Balance,” 51. This distinction was promoted by the association of war-making capacities with the balance of power, and peace-making efforts with the League of Nations, even though both share the same purpose of creating an environment in which no hegemonic power would take over Europe. For instance, see: *Ibid.*, 63.

¹³ Frederic Maurice, *The Balance of Military Power in Europe: An Examination of the War Resources of Great Britain and the Continental States* (Edinburgh: William Blackwood and Sons, 1888), 2.

The Unification of Germany

Following “a thousand years of chequered life,”¹⁴ the German nation grew from the muffled heartbeat of the Holy Roman Empire to a large unified body at the center of the European continent. While the Peace of Westphalia in 1648 solidified the governing of territories by the German princes and enhanced political influence on the German population,¹⁵ in the late eighteenth century the Reich was still divided into hundreds of small states.¹⁶ It was both the arrival and departure of the French that instigated a major change: the Napoleonic rule introduced reforms in bureaucracy that centralized German governance;¹⁷ the liberation from this foreign rule presented an exciting moment for the collective, as such, and inspired an interpretation of patriotic acts as national feelings.¹⁸ This was complemented by the recovery of territories through the Congress of Vienna in 1815, and in effect served a vital transitional role from the phase of “agrarian revolution” to the phase of “economic prosperity,” which meant that Germans were situated to translate modernity and rationality “to an immense increase in productive efficiency.”¹⁹ As the basis for German union was put in place, aptitude created an appetite for power growth.

¹⁴ William Harbutt Dawson, *The German Empire: 1867-1914 and the Unity Movement*, vol. 1 (New York: Macmillan Company, 1919), 1.

¹⁵ *Ibid.*

¹⁶ Eric Dorn Brose, *German History 1789-1871: From the Holy Roman Empire to the Bismarckian Reich* (Providence: Berghahn Books, 1997), 4.

¹⁷ *Ibid.*, 54-55.

¹⁸ *Ibid.*, 74.

¹⁹ Hans-Ulrich Wehler, *The German Empire, 1871-1918*, trans. Kim Traynor (Leamington Spa, UK: Berg Publishers, 1985), 10.

Power in Europe appeared to have become drastically and increasingly imbalanced in 1871. After a long process in which a fragmented rural society became an industrial and industrious nation, the Germans showcased their advancement in three victories in just six years.²⁰ The wars were significant because of the results' meaning but also because of what the German style of fighting spelled for the future of Europe and beyond. After the defeat of Denmark in 1864, Germany's war against Austria left a reverberating impression. It is said that "Modern technology had gone to war for the first time in 1866, and nothing would ever be quite the same again."²¹ This technology sparked a staggering leap of capability in mobility and weaponry. The combined incorporation of the railway system and advanced artillery into its military strategy revolutionized the use of infantry in combat.²² In the Franco-Prussian War of 1870, the Germans were able to speedily move a great force of 800,000 soldiers,²³ besiege Paris within a fortnight,²⁴ and take a rich territory from France, including 1,600,000 of its population.²⁵ The efficiency with which the Germans covered ground made conquest and commercial influence much more attainable objectives. Suddenly, the Anglo-American superiority at sea was countered by an astounding German application of the ability to traverse land. Thus, Germany's hard power illustrated that "Machines made their own

²⁰ Ibid., 9.

²¹ Dennis E. Showalter, *Railroads and Rifles: Soldiers, Technology, and the Unification of Germany* (Hamden, CT: Archon Books, 1975), 226.

²² Ibid., 14-15.

²³ Dawson, *German*, 364.

²⁴ Brose, *German*, 364.

²⁵ Dawson, *German*, 377.

laws,”²⁶ and marked the void of any other law among nations.

Even though the birth of the German Empire, which was made official in Versailles on January 18, 1871, is commonly viewed in relation to the two world wars,²⁷ the Anglo-American historiographical discourse mainly suggests that its rise was met by a lack of interest.²⁸ Furthermore, while the policy of maintaining a balance of power in Europe is offered as an explanation why during the Palmerstonian years Britain valued German strength as conducive to keeping both France and Russia in check,²⁹ the eagerness with which international law was presented before the Anglo-American public following 1871 is absent from the mainstream literature on the circumstances that led to WWI. It is maintained that “The significance of these changes was to be seen only at a later date,”³⁰ but, in actuality, the reaction in the United States to the rise of the German entity in Europe was rather immediate. The seeds of an international law were planted just as these winds of change began to blow strongly from across the Atlantic Ocean.

International law as a manifestation of American power began with a pair of synchronous American responses to the formative wars that the Germans had against Austria and France. David Dudley Field, an American expert on the codification of law who was instrumental in the reform and reconstruction of how the United States

²⁶ Showalter, *Railroads*, 47.

²⁷ As Showalter puts it, this German state twice “challenged Europe and the world,” and “Historians seeking the origins of the Third Reich are paying more and more attention to the nature of Bismarck’s Germany.” See: *Ibid.*, 9.

²⁸ For instance, see: Dawson, *German*, 291. Dawson even claims that “Germany was herself to blame for the indifference which was felt towards her.” See: *Ibid.*, 296.

²⁹ *Ibid.*, 294, 358.

³⁰ Dawson, *German*, 396.

government administered its legal affairs at a time when it had still followed English common law under the influence of its colonial history,³¹ initiated the push for the codification of international law. Following the conclusion in 1866 of the German triumph against the Austrians, by the start of September the North German states agreed to form a confederation,³² and in that same month, “At the meeting of the British Association for the Promotion of Social Science, held at Manchester,” Field proposed “the appointment of a committee to prepare and report to the Association the Outlines of an International Code.”³³ Then, only a few months after the Germans instituted the imperial constitution on May 4, 1871, to cap off their stunning victory against the French,³⁴ Field’s lengthy outlines of over 450 pages for international codification were published as both a draft and a book in a hurry, and without the input of other committee members under the claim of convenience.³⁵ The profoundly significant and previously nonexistent aspect of international law that was featured in Field’s work in 1872 was the notion that a “High Tribunal of Arbitration” was to be formed and that every nation as a party to the code would be bound by the tribunal’s decisions.³⁶

³¹ Henry M. Field, *The Life of David Dudley Field* (New York: Charles Scribner’s Sons, 1898), vii-xi.

³² Dawson, *German*, 262.

³³ David Dudley Field, *Outlines of an International Code* (New York: Diossy & Company, 1872), i. Interestingly, it was anticipated that “The year 1866 will be memorable in history as that in which two hemispheres were united, so that it could be said, in a real and true sense, that there was no more sea!” It was further commented that “The honor of that great achievement belongs to an American.” See: Field, *Life*, 219. However, since the time of this text much had happened to direct those who hold power over historiographical production to prefer not to highlight the timing or the American source of the project.

³⁴ Wehler, *German*, 52.

³⁵ Field, *Outlines*, i-ii.

³⁶ *Ibid.*, 370-371.

International Arbitration

In the Anglo-American literature on the history of international law, it is taught that the concept of a law among nations is observed in the dealings of rulers in ancient times before the advent of monotheism;³⁷ was reflected as an aspiration in the Hebrew Bible;³⁸ shares an affinity with the Greek ability to inspire cohesion under a common cultural denominator;³⁹ and was blueprinted by the Romans.⁴⁰ Among a list of notable early contributors to the idea of international law, the father of international law is said to be a non-American and a noncontemporary: Hugo Grotius, a Dutch publicist whose work on the law of war and peace, *De Jure Belli ac Pacis* (1625), appeared during the Thirty Years' War (1618-1648) and is associated with the Peace of Westphalia at the conclusion of the war.⁴¹ It is also noted that Jeremy Bentham was the one who coined "international

³⁷ Charles G. Fenwick, *International Law* (New York: Century, 1924), 7.

³⁸ Lassa Oppenheim, *International Law: A Treatise*, vol. 1, 4th ed., ed. Arnold D. McNair (London: Longmans, Green, 1926), 1:57.

³⁹ Fenwick, *International*, 10; Oppenheim, *International*, 4th ed., 1:58.

⁴⁰ Fenwick, *International*, 11-13; Oppenheim, *International*, 4th ed., 1:61.

⁴¹ For instances in which Grotius is described as the father of international law (or the law of nations), see: Amos S. Hershey, "History of International Law since the Peace of Westphalia," *American Journal of International Law* 6, no. 1 (January 1912): 31; Fenwick, *International*, 50; Oppenheim, *International*, 4th ed., 1:68; G. Howard-Ellis, *The Origin, Structure and Working of the League of Nations* (London: George Allen & Unwin, 1928), 270. For examples in which Grotius' work is incorporated into the discourse on international law, see: Andrew Carnegie, *A League of Peace: A Rectorial Address, Delivered to the Students in the University of St. Andrews, 17th October, 1905* (Boston: Ginn and Company, 1906), 13; Antonio S. de Bustamante, "The Hague Convention Concerning the Rights and Duties of Neutral Powers and Persons in Land Warfare," *American Journal of International Law* 2, no. 1 (January 1908): 95; James Brown Scott, "The Proposed Court of Arbitral Justice," *American Journal of International Law* 2, no. 4 (October 1908), 803; Julius Goebel Jr., "The International Responsibility of States for Injuries Sustained by Aliens on Account of Mob Violence, Insurrections and Civil Wars," *American Journal of International Law* 8, no. 4 (October 1914): 802; Elihu Root, "The Outlook for International Law," *American Journal of International Law* 10, no. 1 (January 1916): 10; Leonard S. Woolf, *International Government: Two Reports* (London: Fabian Society, 1916), 12; James Brown Scott, "Society for the Publication of Grotius," *American Journal of International Law* 11, no. 2 (April 1917): 409; George Grafton Wilson and George Fox Tucker, *International Law*, 7th ed. (Boston: Silver, Burdett and Company, 1917), 31-32; Simeon E. Baldwin, "The Membership of a World Tribunal for Promoting Permanent Peace," *American Journal of International Law* 12, no. 3 (July 1918): 453; S. W. Armstrong, "The Doctrine of the Equality of Nations in

law” as a term in 1789.⁴² The last of the major non-American historical marks in this context, the Geneva Convention, was signed on August 22, 1864, while the Germans and the Danes were locked in battle, and presents a European affair in modernity that sought to establish rules of conduct for wars.⁴³ However, both the harnessing of great hard-power resources toward a permanent source of arbitration at the core of international law and the dedication of sophisticated soft-power means toward its realization were without example in history until 1871. As part of this study’s commitment to understand the meaning of “genocide” in international law through a power-based approach, it focuses on the period from the 1870s to WWI not because of any claim that the idea of international law started then but because the source of power that produced the term

International Law and the Relation of the Doctrine to the Treaty of Versailles,” *American Journal of International Law* 14, no. 4 (October 1920): 563; Elbridge Colby, “How to Fight Savage Tribes,” *American Journal of International Law* 21, no. 2 (April 1927): 280; J. L. Brierly, *The Law of Nations: An Introduction to the International Law of Peace* (Oxford: Clarendon Press, 1928), 19. In a more recent work by a scholar of international law, it is stated that “while Hugo Grotius is generally regarded as the principal forerunner of modern international law, historians of the discipline trace its primitive origins to the works of Francisco de Vitoria, a sixteenth-century Spanish theologian and jurist.” See: Antony Anghie, *Imperialism, Sovereignty and the Making of International Law* (Cambridge: University of Cambridge Press, 2005), 13. In this manner, not only does the positioning of Grotius in the history of international law become reified in the discourse of international law scholarship, but it is also suggested that international law had an even earlier beginning. Such a narration leads the public away from seeing the construction of international law as a project that originated among lawyers who were associated with the American political leadership. Anghie presents Vitoria’s sixteenth-century question regarding the property rights of aborigines as the first among his studied cases of the “civilizing mission” through international law. See: *Ibid.*, 18. By doing so, he detaches the history of international law from following a power-based theoretical approach that understands “international law” as a project that was constructed according to particular capabilities and interests. The thread of power that runs from the 1870s to the modern-day infrastructure of international law does not link, as such, to Vitoria or Grotius. The power-based approach that is taken by this dissertation also carries an understanding why the power holders of international law would want to depict instances that precede the 1870s as manifestations of international law to deflect attention: it preserves the soft-power condition of influencing indirectly.

⁴² Ernest Nys, “The Codification of International Law,” trans. Clement L. Bouvé, *American Journal of International Law* 5, no. 4 (October 1911): 872 (note 1).

⁴³ For references to the Geneva Convention of 1864 in the foundational literature on international law, see: Henry B. Brown, “The Proposed International Prize Court,” *American Journal of International Law* 2, no. 3 (July 1908): 485; James W. Garner, *International Law and the World War* (London: Longmans, Green, 1920), 1:13; Oppenheim, *International*, 4th ed., 1:78, 80-81.

genocide and organized the post-WWII structure of international law began to articulate its idea of international law in direct terms during this rise of German power in the 1870s. International law offered a strategic framework for the political containment of the German government.

On May 8, 1871, just four days after constitutional unity was reached in Berlin under Otto von Bismarck's guidance, Britain and the United States signed a treaty that functioned as the first government-sanctioned draft of outlines toward the advancement of international arbitration.⁴⁴ Considering the timing and the eventual effect of this monumental treaty, known as the Treaty of Washington, there is reason to be of conviction that its introduction of codes in which governments may settle disputes through arbitration greatly outweighs in significance the particulars of the dispute itself, which centered on the Alabama Claims.⁴⁵ The actual "provisions for the settlement of arbitration" centered on the "injuries alleged to have been suffered by the United States" as a result of British involvement during the Civil War,⁴⁶ and included in the wording that the successful reconciliation warranted a British recognition of its "obligations of neutrality" as "imposed on her by the law of nations."⁴⁷ Thus, what Field laid out in theory was concomitantly displayed in practice by the governments of Britain and the

⁴⁴ Caleb Cushing, *The Treaty of Washington: Its Negotiation, Execution, and the Discussions Relating Thereto* (New York: Harper & Brothers, 1873), 13.

⁴⁵ *Ibid.*, 15-16. Despite this, the American historiographical view of this treaty, as expressed during WWII, emphasizes the American grievances that the treaty addressed but disregards its designed significance in the development of international arbitration in connection to the growth of German power. See: Goldwin Smith, *The Treaty of Washington, 1871: A Study in Imperial History* (Ithaca, NY: Cornell University Press, 1941), xi, 12-13.

⁴⁶ Cushing, *Treaty*, 13.

⁴⁷ *Ibid.*, 16. Other articles in the treaty provided a structure for other areas of potential contention such as "the permanent regulation of the coast fisheries" and "the reciprocal free navigation of certain rivers." See: *Ibid.*, 13-14.

United States, and thereby an invitation by way of a set example was extended for other nations to follow suit. By 1875, James B. Miles led the efforts to co-opt the nations of Europe into engagement in the project through trips to the Hague, and the operations of the Institute of International Law and the Association for the Reform and Codification of the Law of Nations.⁴⁸

The idea for a “league of nations,” which was turned into an actual organization by that name after WWI, is in actuality almost as old as this conceptualization of international arbitration itself, because it was believed that such a league was necessary in order to facilitate arbitration by serving in lieu of elected representatives in the direction of members to seek settlement through a permanent tribunal.⁴⁹ From what the *NYT* brought into public awareness at the time, it is observed that there was an International League of Peace advocacy group in the 1880s, which acted toward a “permanent treaty of arbitration” in congruence with the official policy of United States President Rutherford B. Hayes to form a permanent source of arbitration with France.⁵⁰ Moreover, in that same

⁴⁸ For the text of the paper that Miles prepared for the international conference at The Hague in September of 1875, see: James B. Miles, “An International Tribunal: The Grounds for Confidence in the Effectiveness of Its Decisions [1],” *The Advocate of Peace* 6, 5 (May 1875): 28-29; James B. Miles, “An International Tribunal: The Grounds for Confidence in the Effectiveness of Its Decisions [2],” *The Advocate of Peace* 6, 6 (June 1875): 33-35. For descriptions of the activities at The Hague during that time, see: “The Conference at Hague,” *The Advocate of Peace* 6, 5 (May 1875): 31-32; “The Hague Conferences,” *The Advocate of Peace* 6, 10 (October 1875): 63.

⁴⁹ Prior to WWI, this was the function of the Interparliamentary Union about which it was said in an address in 1909 that “within a few weeks adopted a form of organization, and chosen a permanent secretary, whose headquarters are eventually to be in the Peace Palace at The Hague itself,” and that at the time attracted “to its membership representatives of almost every parliamentary body in existence.” See: Nicholas Murray Butler, *The International Mind: An Argument for the Judicial Settlement of International Disputes* (New York: Charles Scribner’s Sons, 1912), 38-39.

⁵⁰ “Arbitration in Treaties,” *New York Times*, October 29, 1881. In addition, Hayes’ involvement in international arbitration would later include leading the arbitral process in the dispute between the Argentine and Paraguayan republics, which earned him the honor of having Villa Occidental named Villa Hayes by the Paraguayan government, following his decision in its favor. See: “President Hayes an Arbitrator,” *New York Times*, July 15, 1879. Later, it was publicized that United States President William McKinley was asked to provide similar arbitral services and “mediate in the South African war.” See:

decade there was the International Arbitration League, which had the support of the former United States President Ulysses S. Grant.⁵¹ In 1890, United States President Benjamin Harrison reportedly “transmitted to Congress the recommendations of the International American Conference” and stated that their ratification toward the establishment of international arbitration “will constitute one of the happiest and most hopeful incidents in the history of the Western Hemisphere.”⁵² As Germany was growing in power, there was an American “effort to initiate the policy of a peaceful adjustment of international disputes and difficulties.”⁵³ Not only did the names of the relevant lobbies for international arbitration and their activities prefigure the creation of the League of Nations three decades later,⁵⁴ but an article in 1887 under the foreshadowing title, “A Court of Nations,” directly refers to a “dream of a league of nations not limited to any continent.”⁵⁵

However, the dream proved to be complicated not only because it was against German interests to become bound by it, and not simply because of the novelty of an international court, but also because those who had the power to push for international

“Will Ask America to Mediate,” *New York Times*, January 3, 1900. Also, see: “Appeal to Mr. McKinley,” *New York Times*, January 5, 1900. It is seen that, in tandem with the discourse-making services of the *NYT*, political leaders in the United States sought to demonstrate the efficacy of international arbitration, and at the same time positioned the United States government as a neutral actor in the international scene. Along with the Washington Treaty, and the acts of arbitration here mentioned, the United States was also involved as a party in “The first resort to the Permanent Court of Arbitration” at The Hague in 1902 to settle a dispute with Mexico over “the Pious Fund Claims.” See: “The First Hague Conference and the Second: A Historical Résumé,” *Outlook* 86, no. 4 (May 25, 1907): 157.

⁵¹ “The Arbitration League,” *New York Times*, November 28, 1883.

⁵² “International Arbitration,” *New York Times*, September 4, 1890.

⁵³ “International Arbitration,” *New York Times*, November 24, 1887.

⁵⁴ It was considered that the process of establishing international arbitration would take a long time.

⁵⁵ “A Court of Nations,” *New York Times*, September 1, 1887.

law assigned an exclusive quality to their notion of “nations.” While the Anglo-American construction of international law had hard-power implications that would have halted German growth, the soft-power method was to clothe this political struggle with a moral and culturally sanctioned narration of international law. The public was instructed that international arbitration was “the voice of reason and Christianity” and ought to be considered as one of “the ideas of the Christian religion.”⁵⁶ It was argued that arbitration is to be favored over armed conflict because “war is a reproach to Christian nations.”⁵⁷ The language was directed to Christians “throughout Christendom,” in the hope that “war among Christians would be replaced by methods like those by which honest men settle their disputes.”⁵⁸ Even several years after WWI, it was still believed that “International law, as we know it today, is essentially a Christian doctrine.”⁵⁹ Meaning, power relations determined both the structure for international justice and the identity of those who may seek it. For the German way of power, Christianity was an identity marker that represented a history of intergroup separation within Europe, whereas for the American way of power Christianity presented a potential for offshore balancing of power in Europe through the claim of a civilizational commitment to honor European identity groups as members of a Family of Nations.

⁵⁶ “Arbitration in Treaties,” *New York Times*.

⁵⁷ “Court,” *New York Times*.

⁵⁸ *Ibid.*

⁵⁹ Colby, “How,” 280.

The Civilizational Criterion

At its core, the campaign for an international system of law was stimulated by the powerful leaders of a powerful society who looked to maintain their material advantages by codifying behavior between societies, internationally, according to their civilizational preferences.⁶⁰ This is pronounced in the late nineteenth-century writings of Andrew Carnegie, a Scottish-American steel mogul,⁶¹ whose idea of international arbitration was intertwined with his hope for greater cooperation between the governments of Britain and the United States in an Anglo-American union of interests. Under the title *Imperial Federation*, his essay in 1891 called for a court, similar to the Supreme Court of the United States, that would “judge between the nations of the entire English-speaking race,” and which, along with a council of English-speaking nations, will exert “influence over the race, and through the race, over the world.”⁶² His proposal was to establish a tribunal, which would reflect “The commanding position of our race,” and “would wield such overwhelming power that resistance would be useless” by instituting that “its word would be law.”⁶³

⁶⁰ When the significance of civilizational differences was reintroduced into the political discourse on a prominent platform following the decline of the Cold War discourse, the text’s brief historical account omitted the civilizational indoctrination that is described here. See: Samuel P. Huntington, “The Clash of Civilizations?” *Foreign Affairs* 72, no. 3 (Summer 1993): 23. Furthermore, this article, and the book that followed it, popularized the assumption that Huntington’s perceived “major civilizations”—“Confucian, Japanese, Islamic, Hindu, Slavic-Orthodox, Latin American and possibly African civilization”—had not been already subjected to heavy influence by the American-led Euro-Christian civilization to which Huntington referred as “Western.” See: *Ibid.*, 25.

⁶¹ A list of “The Great American Fortunes of 1901-14” informs that Carnegie’s amount of wealth during that period, \$400 million, was second only to John D. Rockefeller’s \$1 billion. See: Kevin Phillips, *Wealth and Democracy: A Political History of the American Rich* (New York: Broadway Books, 2002), 50.

⁶² Andrew Carnegie, *Imperial Federation* (Edinburgh: Darien Press, 1891), 34. Although it is unclear to what extent “race” in this context had a genetic component, Carnegie seems to use it as a marker of a shared civilizational root. The etymological connection between the words *race* and *root* might seem to suggest that a biological meaning is implied, but “root” is commonly used in language as a metaphor.

⁶³ *Ibid.*, 35.

As an impetus for the execution of such a project, Carnegie cited the Triple Alliance that Germany—just several years after its unification—signed with Austria-Hungary and Italy, about which he wrote that “what this Alliance aims to do for the three countries concerned for a few years, the true federation of the English-speaking race would be able to do permanently for the world.”⁶⁴ Carnegie saw the “reunion of the Anglo-Americans” as the cultural basis for “a race confederation” that “would be unassailable upon land by any power or combination of powers that it is possible to create.”⁶⁵ His power-based and culturally biased approach had a moral appeal:

The new nation would dominate the world and banish from the earth its greatest stain—the murder of men by men. It would be the arbiter between nations, and enforce the peaceful settlement of all quarrels, saying to any disputants who threatened to draw the sword: “Hold! I command you both; The one that stirs makes me his foe. Unfold to me the cause of quarrel, and I will judge betwixt you.”⁶⁶

The vision of an Anglo-American “giant among pigmies”⁶⁷ later mutated into including France as well in a group of “three free nations” whose cooperation “for peace among nations and for higher civilization” might persuade “the extraordinary man who guides the destinies of Germany” to “reveal himself as intensely as the friend of peace as either of the heads of the triarchy.”⁶⁸ Toward an evolved realization of this aim, Carnegie gave \$1,500,000 in 1903 to build the Peace Palace at The Hague where a tribunal may operate

⁶⁴ Ibid., 36.

⁶⁵ Andrew Carnegie, “A Look Ahead,” *The North American Review* 156, no. 439 (June 1893): 693.

⁶⁶ Ibid., 693-694.

⁶⁷ Ibid., 694.

⁶⁸ Andrew Carnegie, “An Anglo-French-American Understanding,” *The North American Review* 181, no. 587 (October 1905): 517.

permanently,⁶⁹ and he financed soft-power efforts that ranged from an attempt to simplify English spelling⁷⁰ to the creation of the Carnegie Endowment for International Peace (CEIP) 1910.⁷¹

Indeed, the information that was being developed about international law, and as international law, exhibited processes of categorization, selection, and education, in determining a Family of Nations for whom the concept applies. It was essential that for *international* law to function, first there must be a division of groups into nations within which there is a sustainable sentiment of particular patriotism, and then to secure the existence among them of the recognition that their interests as nations have “become intertwined and interblended that when one suffers, all the others suffer with it.”⁷² This double requirement is the basis of the push-and-pull that is observed between ethnonationalism and civic nationalism in the progression of international law in particular, and of the international society in general. Accordingly, to say that “True

⁶⁹ R. Floyd Clarke, “A Permanent Tribunal of International Arbitration: Its Necessity and Value,” *American Journal of International Law* 1, no. 2 (April 1907): 405; Robert M. Lester, *Forty Years of Carnegie Giving: A Summary of the Benefactions of Andrew Carnegie and of the Work of the Philanthropic Trusts Which He Created* (New York: Charles Scribner’s Sons, 1941), 6, 81.

⁷⁰ “Carnegie Assaults the Spelling Book,” *New York Times*, March 12, 1906.

⁷¹ “The Carnegie Endowment for International Peace,” *American Journal of International Law* 5, no. 3 (July 1911): 757-760. In 1910, Carnegie gave CEIP’s trust fund a sum of \$10,000,000. See: Lester, *Forty*, 51. Through CEIP’s Division of International Law, funding (in parenthesis are the sums from establishment to end of 1940) was given to The Hague Academy of International Law (\$760,000), Institut de Droit International (\$343,080.89), American Institute of International Law (\$129,367.41), international law journals (\$361,440.14), societies and other organizations (\$125,287.73), aid to international law treatises and publications (\$151,819.45), fellowships and scholarships in international law (\$238,742.35), summer sessions, conferences, and exchange of international law professors (\$135,721.57), assistance on governmental work, 1918-1922 (\$61,356.10), miscellaneous activities (\$127,464.06), John Bassett Moore’s *International Adjudications* (\$299,069.07), Classics of International Law (\$224,099.31), The Hague Peace Conferences and World Court series (\$105,399.14), Latin American series (\$145,472.11), and other publications (\$368,535.74).

⁷² Miles, “International [2],” 34.

internationalism is not the enemy of the nationalistic principle,”⁷³ might be seen as understating a relationship in which internationalism is the nourisher of national beings.⁷⁴ Each member of the Family of Nations must be able to carry itself as a nation.

However, nationalistic thinking was originally a civilizational quality, and the ability to engage in international communication, especially through law, was seen as “a glorious step in Christian progress.”⁷⁵ In Lassa Oppenheim’s influential scholarly work on international law as a discipline it is stated clearly that the legal intercourse between states does not concern states that are outside the circle of nations, and to him “That this intercourse and treatment ought to be regulated by the principles of Christian morality is obvious.”⁷⁶ It therefore follows that when “the members of the Family of Nations deal with such States as still remain outside that family,” they are expected to use “discretion” rather than international law.⁷⁷ Meaning, in their dealings with those other non-Christian

⁷³ Edward Marshall, “Dr. Butler Prophesies ‘The United States of Europe’,” *New York Times*, October 18, 1914.

⁷⁴ Without the principal actors acting as national units, and continuing to do so, a system cannot become or remain international. A global administration of law without the intermediacy of national governments would be more appropriately called world law. Thus, though it might seem counterintuitive today, the project of establishing international law necessitated the establishment of nation-states. Neither of the three major works that seek to explain nationalism lead their readers to consider how nationalism in the period that is considered here may have been indoctrinated by American power so that nation-states might fit the American vision of international law in opposition to German power or any other emerging power. The structural depiction of nationalism being rooted in the requirements of industrial society offers a broad view of modern history that considers the nation-state’s function in general society but not its function as part of an international system that is designed by great power. See: Ernest Gellner, *Nations and Nationalism* (Oxford: Basil Blackwell, 1983). The constructivist perspective stresses how the enhanced usability of language boosted the sense of national identity in modernity, but its main work does not consider how a great power’s means of communication may have produced information toward the creation of certain nation-states so that international law may be engaged. See: Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983). The focus on the ethnic roots of nationalism creates a theoretical frame that looks away from national identity as a taught quality. See: Anthony D. Smith, *The Ethnic Origins of Nations* (Oxford: Basil Blackwell, 1986).

⁷⁵ Miles, “International [2],” 34.

⁷⁶ Oppenheim, *International*, 4th ed., 1:42.

⁷⁷ *Ibid.*

entities who were outside the circle, the Christian powers were allowed to act as their own judge.⁷⁸

Within the space outside the circle there existed further differentiation between group entities and their relationship to international law. While Oppenheim maintained in 1905 that both “the Mahometan State of Turkey and the Buddhistic State of Japan” exist within “the dominion of the Law of Nations,” this was conditioned on the acceptance of the civilizational authority of the Christian powers, as for instance Oppenheim himself noted the anomaly that placed foreigners in Ottoman territory “under the exclusive jurisdiction of their consuls.”⁷⁹ Regarding great countries such as China and Persia, Oppenheim explains that “Their civilisation is essentially so different from that of the Christian States that international intercourse with them of the same kind as between Christian States has been hitherto impossible.”⁸⁰ The exclusion of such states was by no means a permanent feature of the relationship with them, and there was an openness to welcome them into the circle of nations as “International Persons” upon their demonstration of the ability to “send diplomatic envoys” and “enter into treaty obligations,” but the character of such exchanges would be according to what is held by the Christian powers to be “progress of civilisation.”⁸¹ In the language of those who

⁷⁸ This might explain why—aside from morality’s subordination to power—in the Treaty of Washington in 1871 it was stated that England was under obligation to maintain neutrality during the American Civil War (for references here, see: Chapter 4, notes 428-431) , but a similar claim on behalf of the Vietnamese was not articulated when the United States intervened with great forcefulness in what the discourse later described as a civil war between North and South Vietnam.

⁷⁹ Lassa Oppenheim, *International Law: A Treatise* (London: Longmans, Green, 1905), 1:147-148. This part of the discussion is cited from the first edition because it was omitted in later editions.

⁸⁰ *Ibid.*, 148.

⁸¹ *Ibid.*, 148-149.

sought to promote international law, a distinction was made between those non-Christian group entities who interacted with the Family of Nations from outside the circle and were considered semicivilized, semibarbarous, or imperfectly civilized,⁸² and between non-Christian group entities who could not be easily brought to shake hands or hold a pen and were considered to be barbarous or savage.⁸³ As shown by official documents from the early period of modern international law, colonized and semicolonized groups whose cultural distance from the Euro-Christian civilization rendered them impervious to immediate indoctrination were nonentities in international law.⁸⁴ From this perspective, it was argued that principles of international law do not apply “when ‘civilized’ troops make war on ‘uncivilized’ peoples.”⁸⁵

⁸² For examples, see: William Edward Hall, *A Treatise on International Law*, 4th ed. (Oxford: Clarendon Press, 1895), 130; James Bryce, *Address by the Right Hon. James Bryce on the Aims and Programme of the Sociological Society* (London: Sociological Society, 1905), 11; Brown, “Proposed,” 485; James Bryce, *Essays and Addresses in War Time* (New York: Macmillan Company, 1918), 30; Alpheus Henry Snow, *The Question of Aborigines in the Law and Practice of Nations: Including a Collection of Authorities and Documents* (Washington: United States Government Printing Office, 1919), 187, 196.

⁸³ For examples, see: James Bryce, introduction to *The History of the World: A Survey of Man’s Record*, edited by H. F. Helmolt (New York: Dodd, Mead and Company, 1902), 1:lix; James Bryce, *The Romans Lecture 1902: The Relations of the Advanced and the Backward Races of Mankind* (Oxford: Clarendon Press, 1903), 10; James Bryce, *University and Historical Addresses: Delivered during a Residence in the United States as Ambassador of Great Britain* (New York: Macmillan Company, 1913), 134; James Bryce, *International Relations: Eight Lectures Delivered in the United States in August 1921* (New York: Macmillan Company, 1922), 229; Oppenheim, *International*, 4th ed., 2:161.

⁸⁴ For instance, the “Treaty Between the United States and Russia Ceding Alaska to the United States,” which was signed on March 30, 1867, states in Article 3 that “The inhabitants of the ceded territory . . . may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion.” See: Richard W. Flournoy and Manley O. Hudson, eds., *A Collection of Nationality Laws of Various Countries as Contained in Constitutions, Statutes and Treaties* (New York: Oxford University Press, 1929), 578. Also, a law of May 6, 1882 [8 U.S. Code, 363], states that “hereafter no State court or court of the United States shall admit Chinese to citizenship.” See: *Ibid.*, 579. Furthermore, it was considered “evident that the term ‘treaty,’ as applied to an agreement between a civilized State and an aboriginal tribe is misleading.” See: Snow, *Question*, 128.

⁸⁵ Colby, “How,” 288. This view was expressed in an article that considers the French bombardment of Damascus in 1925. It featured the question: “Does international law require the application of laws of war to people of a different civilization?” The answer was that it cannot be considered a violation of international law “unless it affects international relations” and in the interaction between the French and the

Power relations dictated that neither the fully nor partially “barbarous” were able to seek justice in the Anglo-American idea of an international court,⁸⁶ and both sets of non-Christians were to remain without rights in international law “So long as they lack the capacity or disposition to accept the burdens of European civilization.”⁸⁷ It is because of power relations that they had to accept the Christian civilization’s standards of behavior, and their contribution to the codification of international conduct was not even a thought at the time. Their only chance of admission was through being educated by the American-led Euro-Christian civilization into becoming national beings that would fit the mold of international law. For such group entities “survival of the fittest” meant that their existence among the Family of Nations would be decided by their proclivity to absorb the teachings of the more powerful civilization and adjust their identity accordingly. Hence, it is no accident that those “countries not accepted as full-fledged members of the family of nations” were subjected to “American missionary enterprises,” which were protected by the United States government.⁸⁸ The potential rise of new nation-states, which were believed to meet the civilizational expectations of international law and accommodate Anglo-American preferences, was advanced by the claim that intervention in the affairs

Syrians only one side—the French—was mandated to act. See: Quincy Wright, “The Bombardment of Damascus,” *American Journal of International Law* 20, no. 2 (April 1926): 266, 277-278. After the experience of the American war in Vietnam, civilizing wars were conducted as civil wars. In this manner, the birth pangs of governance in accordance with the Euro-Christian civilization would not appear as great-power bombardments of native populations but as a conflict between local groups, which happen to be equipped by great power.

⁸⁶ Miles, “International,” 28.

⁸⁷ Charles Cheney Hyde, *International Law: Chiefly as Interpreted and Applied by the United States* (Boston: Little, Brown and Company, 1922), 1:50.

⁸⁸ *Ibid.*, 89.

of semicivilized states was warranted and certainly not prohibited by international law.⁸⁹

The Eastern Question

When considering the Eastern Question under this light, it is seen that the “question” mainly framed doubts that the non-Christian governance of the Ottoman territories was adequately “civilized” to administer the type of law and order that would serve and protect Anglo-American interests in the region.⁹⁰ As narrated in the *NYT*’s first reference to the Eastern Question in 1851, the question was raised in reaction to Russia’s increasing ability since the second half of the eighteenth century to conquer land of the Ottoman state, and the latter’s decreasing ability to prevent the former from doing so, especially triggering concern over how the trend might affect British operations in India.⁹¹ In Britain, the status of hard power in the East received greater attention as a result of the Crimean War (1853-1856). It inspired a soft-power preparation of minds toward the conviction that the Turks, as non-Christians, are unable to govern.

The infusion of a religion-based cultural reasoning was effective because it appealed to the public’s identity and the rhetoric resonated with sentiment that dated back to the Christian loss of Constantinople in 1453. John Henry Newman, an influential

⁸⁹ This means that the American-led civilizational criterion would determine if a state’s right of independence is to be respected. An example of this is the acceptance that “Not infrequently a so-called protectorate is established by a State over a territory or country unfamiliar with and not possessed of what is known as European civilization, or over a region which may be fairly deemed to be uncivilized.” See: Hyde, *International*, 36. Another example is found in the belief that “interventions of civilized States in the affairs of semicivilized States” is “an extension of national sovereignty.” See: Snow, *Question*, 196.

⁹⁰ The attempt to usher in a new culture of governance was on display in the period of the Tanzimat (1839-1876), in which a wide range of reforms was designed to produce a Europeanized form of government that is administered by a centralized bureaucracy and follows liberal sensibilities.

⁹¹ “The Austro-Turkish Question,” *New York Daily Times*, October 20, 1851.

clerical figure in Britain and an early mentor to William Ewart Gladstone,⁹² lectured before audiences that “wretchedness is found ... wherever Turks are to be found in power,”⁹³ and that “the Turkish power certainly is not a civilized, and is a barbarous power.”⁹⁴ While invoking “the interest of Christendom” and the memory of “the taking of Constantinople,”⁹⁵ Newman also engaged in the politics of how states are run, pressing that in the matter of governance there is a broad division between “*barbarous* and *civilized*.”⁹⁶ Significantly, he preached that “Mahometanism is essentially a consecration of the principle of nationalism,”⁹⁷ and that, correspondingly, the state of the Mahometans is “cut off from the family of nations.”⁹⁸ From the pulpit, he issued a warning that “such barbarians, unless they could be placed where they would answer some political purpose, would eventually share the fate of the aboriginal inhabitants of North America; they would, in the course of years, be surrounded, pressed upon, divided, decimated, driven into the desert by the force of civilization.”⁹⁹

Gladstone, who was bestowed with Britain’s premiership on four different occasions between 1868 and 1894, publicly led a verbal onslaught on the Turkish image

⁹² In 1879, Gladstone intimated that as a student at the University of Oxford he was fascinated with Newman’s charisma and attended his sermons on Sundays. See: Mountstuart E. Grant Duff, *Notes from a Diary, 1873-1881* (London: John Murray, 1898), 2:121.

⁹³ John Henry Newman, *Lectures on the History of the Turks in Its Relation to Christianity* (Dublin: James Duffy, 1854), 148.

⁹⁴ *Ibid.*, 223.

⁹⁵ *Ibid.*, 180.

⁹⁶ *Ibid.*, 197.

⁹⁷ *Ibid.*, 248.

⁹⁸ *Ibid.*, 272.

⁹⁹ *Ibid.*, 280.

by British clergymen, historians, and politicians, which persuaded the masses that the destruction of the Ottoman state on account of its perceived civilizational backwardness would be morally correct.¹⁰⁰ In Gladstone's case, this was a direct continuation of notions about civilizational superiority that were held by his father, John, one of Britain's wealthy slave owners who advocated African slavery and anti-Ottoman insurrection in the 1820s.¹⁰¹ The belief in the replacement of the Ottoman state with Christian governance was given its moral seal of approval from religious leaders such as Malcolm MacColl, Gladstone's close friend, who stated that it would be a misnomer to call the

¹⁰⁰ Gladstone argued that the "thorough riddance" of the Turk in Europe was a duty performed in the name of "the moral sense of mankind." See: William E. Gladstone, *Bulgarian Horrors and the Question of the East* (London: John Murray, 1876), 61. Also, see: William E. Gladstone, *A Chapter of Autobiography* (London: John Murray, 1868), 61; William E. Gladstone, "England's Mission," *The Nineteenth Century* 4 (September 1878): 574. According to Gladstone, the "equal rights of all nations" was at the core of his "Right Principles on Foreign Policy" and "the very basis and root of a Christian civilization." See: William E. Gladstone, "Right Principles of Foreign Policy," in *Selected Speeches on British Foreign Policy, 1738-1914*, ed. Edgar R. Jones (London: Humphrey Milford, 1914), 373, 382. Even when Gladstone guided his foreign policy according to imperial interests, it was depicted as a moral approach to imperialism. British political involvement in the affairs of non-Christians such as the Turks or the Africans was viewed as the beneficent mission of the Christian civilization, thereby considering British control of land to be for the betterment of its natives. See: Richard Koebner, *Imperialism: The Story and Significance of a Political Word, 1840-1960* (Cambridge: Cambridge University Press, 1964), 216.

¹⁰¹ For a description of John Gladstone's involvement with slavery, and reference to a situation in which tens of the slaves in one of his plantations were either "hanged," "shot down," or "torn in pieces." See: John Morley, *The Life of William Ewart Gladstone* (New York: Macmillan Company, 1903), 1:22-23. This biography also includes a list of the churches that John Gladstone financed. See: *Ibid.*, 11 (note 1). It is noteworthy that while this information is illuminating, the biographer of the book admitted his own bias in favor of William Gladstone's life and memory. See: *Ibid.*, 5. In his own writing, John Gladstone argued for the slave's deprivation of freedom and against the activities of William Wilberforce. See: West India Association, *The Correspondence between John Gladstone and James Cropper on the Present States of Slavery in the British West Indies and in the United States of America and on the Importation of Sugar from the British Settlements in India* (Liverpool: West India Association, 1824), 16-17. Furthermore, he rationalized his slavery business by claiming that the Africans were better off being worked as slaves. See: *Ibid.*, 22, 99. During this time, William Gladstone, then a freshly elected Member of Parliament representing Newark, defended his family's moral standing against accusations that sugar cultivation in their estates in the West Indies was increasing while slaves were dying off in equal proportion. See: *Hansard Parliamentary Debate*, 3d ser., vol. 18 (1833), cols. 330-337. In addition to the enslavement of those outside of his Euro-Christian civilization, John Gladstone endorsed Greek insurrection against the Ottoman state and promoted a town meeting in Liverpool to show support for the Greek rebels. See: Alfred F. Robbins, "Mr. Gladstone's Ancestry and Early Years," in *The Life of William Ewart Gladstone*, ed. Wemyss Reid (London: Cassel and Company, 1899), 91.

Ottoman rule a government, and that “the evil, though aggravated and crystallized in the Turk, is inherent in all Mussulman Governments.”¹⁰²

The backing from academia was largely provided by Goldwin Smith and Edward Augustus Freeman, who occupied the chair of Regius Professor of Modern History at the University of Oxford in different times.¹⁰³ Smith wrote that “Islam ... is not a religion of humanity” and “is essentially anti-human.”¹⁰⁴ According to Smith, the situation in Europe had also called attention to the “tendencies of Judaism,” which he saw as being “a religion of race” that belongs among “the circle of primitive religions.”¹⁰⁵ As part of Smith’s commitment to civilization, he argued that it was a misconception to think that Jews could be made into citizens of Europe.¹⁰⁶ Freeman, too, mixed anti-Semitic beliefs into his efforts to stir anti-Ottoman feelings. His claim that the “so called Turkish government is ... no government at all”¹⁰⁷ was linked to a theory of the Euro-Christian civilization that had a deep racial component to it regarding Jews. In the Eastern

¹⁰² Malcolm MacColl, *The Eastern Question: Its Facts and Fallacies* (London: Longmans, Green, 1877), 232. MacColl declared that “The poison of the Sick Man is Islam.” See: *Ibid.*, 233. In addition, he expressed the belief that “when a Mussulman people rules over a non-Mussulman population it cannot possibly govern that population justly” because “There is an eternal gulf between the two races which there is no possibility of filling up or bridging over except by burying Islam in it.” See: *Ibid.*, 234.

¹⁰³ Freeman’s appointment in 1884 was “on the recommendation of Mr. Gladstone.” See: James Bryce, “Edward Augustus Freeman,” *English Historical Review* 7, no. 27 (July 1892): 497.

¹⁰⁴ Goldwin Smith, “England’s Abandonment of the Protectorate of Turkey,” *The Contemporary Review* 31 (February 1878): 615.

¹⁰⁵ *Ibid.*, 617.

¹⁰⁶ *Ibid.* For more of Smith’s view on the place of Jews within the Euro-Christian civilization, see: Goldwin Smith, “Can Jews Be Patriots?” *The Nineteenth Century* 3 (May 1878): 875-887; Goldwin Smith, “The Jewish Question,” *The Nineteenth Century* 10 (October 1881): 494-515; Goldwin Smith, “The Jews: A Deferred Rejoinder,” *The Nineteenth Century* 12 (November 1882): 687-709; Goldwin Smith, “New Light on the Jewish Question,” *The North American Review* 153, no. 417 (August 1891): 129-143.

¹⁰⁷ Edward A. Freeman, “The True Eastern Question,” *The Fortnightly Review* 18 [24] (July-December 1875): 759.

Question's highest point of public awareness, while Benjamin Disraeli's policy as the British premier remained opposed to change in the status quo, Freeman exclaimed that "Throughout the East, the Turk and the Jew are leagued against the Christian."¹⁰⁸

According to Freeman's commentary, one's Jewishness seemed consuming and unchangeable:

The Jews must be very nearly, if not absolutely, a pure race, in a sense in which no European nation is pure. The blood remains untouched by conversion; it remains untouched even by intermarriage. The Jew may be sure of his own stock, in a way in which none of the rest of us, Dutch, Welsh, or anything else, can be sure, the *gens* remains a *gens* by birth, and not by legal fiction.¹⁰⁹

This idea that Jews were defined not by their choices but by their very existence, is echoed in *The Foundations of the Nineteenth Century* by Houston Stewart

Chamberlain,¹¹⁰ who, in his youth, before becoming the author of this book that guided

¹⁰⁸ Edward A. Freeman, *The Ottoman Power in Europe, Its Nature, Its Growth, and Its Decline* (London: Macmillan, 1877), xix. He then argued that "The Jew is the tool of the Turk, and is therefore yet more hated than the Turk." See: *Ibid.*, xx. Freeman proceeded to rationalize the Serbian intolerance of Jews, and suggested that because "blood is stronger than water," the British public should be mindful of "Hebrew rule," which "is sure to lead to a Hebrew policy." He then concluded this set of remarks by stating that "It may be assumed everywhere, with the smallest class of exceptions, that the Jew is the friend of the Turk and the enemy of the Christian" See: *Ibid.* One of Freeman's main claims in the book is that "First and foremost then among the common possessions of civilized Europe, we must place the common possession of Aryan blood and speech." See: *Ibid.*, 5.

¹⁰⁹ Edward A. Freeman, "The Jews in Europe," *The Saturday Review* 43, no. 1,111 (February 10, 1877), 162. Freeman's perspective on Jews was also articulated in private, as one of his letters states, in his habit of writing the word *Jews* with a lowercase letter *J*: "As I said aforetime, Let every nation wallop its own jews." See: W. R. W. Stephens, *The Life and Letters of Edward A. Freeman* (London: Macmillan, 1895), 1:428. Freeman's racial philosophy points at how the campaign to adjust global governance to the Euro-Christian civilization created an opening for appeals to the public's disdain for those who were seen as unfit for it. While in the United States, Freeman saw the situation of the Chinese in the United States as "the exact parallel to the Jews in Russia." See: *Ibid.*, 254. He argued that "every nation has a right to get rid of strangers who prove a nuisance, whether they are Chinese in America, or Jews in Russia, Servia, Hungary, and Roumania." See: Edward A. Freeman, *Some Impressions of the United States* (London: Longmans, Green, 1883), 153. Furthermore, he maintained that "The negro may be a man and a brother in some secondary sense; he is not a man and a brother in the same full sense in which every Western Aryan is a man and a brother" because "He cannot be assimilated; the laws of nature forbid it." See: *Ibid.*, 144.

¹¹⁰ For instance, Chamberlain wrote about the Jews: "This one race has established as its guiding principle the purity of the blood; it alone possesses, therefore, physiognomy and character." See: Houston Stewart Chamberlain, *The Foundations of the Nineteenth Century*, trans. John Lees (London: John Lane, 1911), 1:253.

Nazi Germany's racial ideology,¹¹¹ was a proud supporter of Gladstone.¹¹² In general, the public discourse in Britain about the Eastern Question, especially during Disraeli's term as the government's leader (1874-1880), was structured to persuade the public to support the supplanting of the Ottoman government with Christian states by enmeshing intensified beliefs about non-Christians with a focus on race and in the name of morality.

Before Gladstone's essay in 1876, *Bulgarian Horrors and the Question of the East*,¹¹³ turned the fate of the Bulgarians into a matter of public debate in Britain, American missionaries had toiled within the Ottoman Empire to organize Bulgarian nationalism toward the alignment of governance in the East with Christian civilization. The great industry of the Americans on Ottoman land was based on an ability to become a source of information for the Christian communities through a highly financed establishment of educational facilities and production of reading material.¹¹⁴ In the case

¹¹¹ Chamberlain's racial theory is considered to have been "the most important" in the development of the Third Reich's racial thought. See: George L. Mosse, *The Crisis of German Ideology: Intellectual Origins of the Third Reich* (New York: Universal Library, 1964), 93.

¹¹² Houston Stewart Chamberlain, *The Ravings of a Renegade: Being the War Essays of Houston Stewart Chamberlain*, trans. Charles H. Clarke (London: Jarrold & Sons, 1915), 128.

¹¹³ In this publication, following reports of massacres against Bulgarians, Gladstone ended his hiatus and stormed back into political activity on the wings of strong claims against the Ottoman government, calling upon its Turkish leadership, "one and all, bag and baggage," to "clear out from the province they have desolated and profaned." See: Gladstone, *Bulgarian*, 62. Upon receiving a copy of the pamphlet from Gladstone himself, Disraeli commented in a personal letter that it is an outrageous essay whose "point was, for ethnological reasons no less, to expel the Turk as a race from Europe." See: Marquis of Zetland, ed., *The Letters of Disraeli to Lady Chesterfield and Lady Bradford* (New York: D. Appleton & Company, 1929), 2:90. However, despite being the premier at the time, Disraeli was considered an alien to the "Christianity" of his political rivals, and could not match their influence on the public in this regard. See: Robert Blake, *Disraeli* (London: Eyre & Spottiswoode, 1966), 259. Gladstone's bombastic essay was a remarkable exercise in the spread of information among the public. It is claimed that "Within three or four days of its first appearance forty thousand copies had gone." See: John Morley, *The Life of William Ewart Gladstone* (New York: Macmillan Company, 1903), 2:552. Britain's evangelical public, which was not yet acquainted with the concept of propaganda and far from being immersed in the complex political situation within the Ottoman Empire, readily bought into the idea that Gladstone was championing morality.

¹¹⁴ It was reported that from 1831 to 1915 the American Bible Society gave \$2,804,104 toward the publication of Scriptures, and that the value of properties for the purpose of instruction was \$8,400,000.

of the Bulgarians, *Zornitsa*, the only Bulgarian newspaper when founded by Americans in 1862,¹¹⁵ and Robert College, the American school that was opened by Cyrus Hamlin in 1863 and for years led in the cultivation of Bulgarian national leadership within the Ottoman Empire¹¹⁶ as a direct continuation of the boarding school at Bebek that he began to operate in 1840,¹¹⁷ were markers of a time in which the country's population adopted a new collective identity.¹¹⁸ More specifically, the American soft-power endeavor through education and the press did not just produce a national culture among Bulgarians, but fostered a direct line of influence between American power and Bulgarian representation.¹¹⁹ This cultural transformation was part of an American vision for a governance in the region that would be in keeping with Christian civilization, as indicated

See: Joseph K. Greene, *Leavening the Levant* (Boston: Pilgrim Press, 1916), 137, 156. The economic power of such sums today would amount to hundreds of millions in United States dollars.

¹¹⁵ Constantine Stephanove, *The Bulgarians and Anglo-Saxondom* (Berne: Paul Haupt, Librairie Académique, 1919), 45; William Webster Hall, *Puritans in the Balkans: The American Board of Mission in Bulgaria, 1878-1918: A Study in Purpose and Procedure* (Sofia: Cultura Printing House, 1938), 34-35, 109.

¹¹⁶ Stephen Panaretoff, *Near Eastern Affairs and Conditions* (New York: Macmillan Company, 1922), 93. George Washburn, who was president of Robert College, referred to the school as "a nursery for Bulgarian statesmen." See: George Washburn, *Fifty Years in Constantinople: And Recollections of Robert College* (Boston: Houghton Mifflin Company, 1909), 241. These also included future prime ministers of Bulgaria such as Constantine Stoiloff. See: Hall, *Puritans*, 101.

¹¹⁷ H. G. O. Dwight, *Christianity Revived in the East, or, A Narrative of the Work of God among the Armenians of Turkey* (New York: Baker & Scribner, 1850), 96.

¹¹⁸ As reported at a time that preceded the advent of *Zornitsa* and Robert College, there were no detectable elements of a national identity in the country. See: Alexander William Kinglake, *Eothen, or, Traces of Travel Brought Home from the East* (New York: Wiley and Putnam, 1845), 17-18.

¹¹⁹ For instance, it is said that the two individuals who represented Bulgaria in the international peace conference at The Hague in 1907, namely, "General Vinaroff and Judge Karandjuloff," were "both graduates of Robert College." See: Washburn, *Fifty*, 287. This was the second of two major conferences there (the first of which was in 1899) as part of the pre-WWI effort, funded by CEIP, to establish international arbitration. It is therefore suggested that there was tremendous American influence, not only on the identity of leaders in roles such as a general or a judge, but also on the representation of a particular nation in this international forum.

in the following words published by the *NYT* in 1881 on the work of the American missionaries there, particularly through Robert College:

...they did not aim alone at the conversion of the few who might abandon Islam, but they sought to prepare the half-civilized races, such as the Bulgarians, Armenians, Servians, and Greeks, for the higher Christian civilization which ought now to take possession of the Danubian Countries, and later of Constantinople and Armenia.

By most who know Turkey well it is believed that the race who will come to the front, when the possessions of the Sick Man are divided, will be the Bulgarians. Though depressed by long oppression, and of somewhat heavy temperament, they show many of the best capacities for civilization, and they number many millions. The Armenians, too, have a future of importance, and they appeal especially to the sympathies of our religious community. Fortunately for the youthful college, it attracted these two nationalities to its halls, and subsequently was able to be of especial service to the oppressed and afflicted Bulgarians. All the assistance it rendered to this unhappy nationality cannot be detailed at this period of history, but the whole race feel that the American college is their friend and has aided them immensely at a critical moment. As a consequence, some three hundred of its graduates are found filling the Administration of Bulgaria, and President Washburn is received as a *pater Republicae* on the banks of the Danube.

There is something profoundly interesting and inspiring in the thought that an American college will prepare the minds and characters of the youth who shall sway the new State, and lay the foundations for a new Christian civilization on the site of the capital of the Eastern empire—a civilization not to be led by monks and autocrats, but by intelligent citizens and enlightened teachers.¹²⁰

While refraining from making reference to a great-power competition with Germany's growing influence in the region, the article nonetheless reveals a significant American design in leading Ottoman Christian groups into having national identities that aspire for political independence on Ottoman ground. Unlike the Bulgarians who were positioned to eventually gain sovereignty, the Armenians were not well-endowed to succeed in the endeavor to secede.

¹²⁰ "An American Outpost in the East," *New York Times*, March 27, 1881.

The Armenian Question

In the early 1820s, as the Russian threats of invasion into Ottoman territory became more evidently credible, and as the potential for threats from within the empire was dramatized by the Greeks, American missionaries began to scout the land and examine its peoples for possible receptivity to their influence. While the main geographical attraction for the missionaries was notably the biblical land,¹²¹ this foray had the form of an anthropological project that included an engagement in “conversation with several Armenians,”¹²² who at the time did not call themselves by that name but referred to themselves as Haik.¹²³ Following an official decision in 1829 “to establish a mission among the Armenians of Turkey,”¹²⁴ and soon after traveling through eastern

¹²¹ American Board of Commissioners for Foreign Missions, *Instructions to the Missionaries about to Embark for the Sandwich Islands and to the Rev. Messrs. William Goodell and Isaac Bird, Attached to the Palestine Mission Delivered by the Corresponding Secretary of the American Board of Commissioners for Foreign Missions* (Boston: Crocker and Brewster, 1823), 17.

¹²² Joseph Tracy, *History of the American Board of Commissioners for Foreign Missions* (New York: M. W. Dodd, 1842), 106.

¹²³ According to the reports of the missionaries that established early contact with the people known as Haik, the name was said to be that of the people’s progenitor, believed to be the son of Japhet’s grandson, Togarmah. See: Eli Smith and H. G. O. Dwight, *Missionary Researches in Armenia: Including a Journey through Asia Minor, and into Georgia and Persia with Visit to the Nestorian and Chaldean Christians of Oormiah and Salmas* (London: George Wightman, 1834), xix; H. G. O. Dwight, *Christianity in Turkey: A Narrative of the Protestant Reformation in the Armenian Church* (London: James Nisset, 1854), 2. Even near the end of the nineteenth century, the people who are nowadays widely recognized as Armenians still preferred to “call themselves Haik and their country Haiasdan,” and they did not use the name that was given to them by foreigners. See: Edward Dicey, *The Peasant State: An Account of Bulgaria in 1894* (London: John Murray, 1894), 425. The eventual acceptance of a change in the popular usage of the name away from the traditional “Haik” to the Euro-Christian “Armenian” is a significant symbol of the influence that the Americans had on that people’s group identity from the arrival of the missionaries in the area to this day. Also, it calls attention to the possibility that the insistence on referring to the people by using a name that is linked to an ancient political entity was guided by considerations of its effect on public opinion, being that the name Haik was not recognizable in the Euro-Christian culture whereas the name Armenia was related to an ancient sovereign.

¹²⁴ This was “resolved by the Prudential Committee of the American Board of Commissioners for Foreign Affairs.” See: Dwight, *Christianity in Turkey*, 31.

Anatolia in 1830 with the support of the United States government,¹²⁵ the Americans were able to conclude that the people whom they regarded as “the Armenian nation,” lacked “the modern improvements in primary education,”¹²⁶ practiced “image worship,”¹²⁷ and lived in a “spiritual state” that from an American perspective was characterized by “superstition and ignorance.”¹²⁸ Nonetheless, the Americans were driven by the following belief about their presence inside the Ottoman Empire: “...by laboring among Christians, we gain an easy entrance into the heart of our enemy’s territory.”¹²⁹ Accordingly, by the early 1830s it was already determined that American efforts out of Constantinople were to be directed to the Armenians, “to have schools established among them” even if such efforts would be opposed by the Armenians themselves.¹³⁰

The Americans were only able to position themselves as a source of civilizational influence among the Armenians through overpowering the preexisting Armenian leadership. As the leader of the American team that operated among the Armenians, H. G. O. Dwight acknowledged that the mission was “a great work of reform ... in the Armenian Church.”¹³¹ This meant that the American missionaries had to persuade the Armenian people to reject the teachings of their own traditional Armenian leadership and

¹²⁵ The missionaries were accompanied by “firmans obtained for them by Mr. Rhind, American Consul at Odessa.” See: Tracy, *History*, 234.

¹²⁶ Smith and Dwight, *Missionary*, 18.

¹²⁷ *Ibid.*, 141.

¹²⁸ H. G. O. Dwight, *Memoir of Mrs. Elizabeth B. Dwight: Including an Account of the Plague of 1837* (New York: M. W. Dodd, 1840), 115.

¹²⁹ Smith and Dwight, *Missionary*, 465.

¹³⁰ Dwight, *Memoir*, 201.

¹³¹ Dwight, *Christianity Revived*, iii.

revolutionize their social structure. According to Dwight, the Armenian Church was seen by the Americans as “strongly tainted with error,”¹³² and “only an obscured Christianity.”¹³³ To have the Armenian Church “cleansed from its multiform errors,”¹³⁴ the Americans had both soft- and hard-power objectives. In terms of soft power, they considered the revival of the Armenian “vernacular language” as vital to establishing a fruitful mode of communication.¹³⁵ In this regard, Dwight recalled that already prior to the 1840s he felt that “The kingdom of Christ now began to make evident inroads on the kingdom of Satan.”¹³⁶ In terms of hard power, the Americans identified the Armenian bankers, who were “capitalists” and only “nominally Christians” according to Dwight, as being the beneficiaries and guardians of the Armenian hierarchy, and in control of electing and deposing the patriarchs.¹³⁷ Once the relations between the Americans and a certain sect of the Armenian people grew sufficiently strong, a “rupture between the bankers and the tradesmen” had important bearings within the Armenian society,¹³⁸ and Britain’s leverage was employed to clear up legal space for Protestant Armenians to

¹³² Ibid., 2.

¹³³ Ibid., 3.

¹³⁴ Ibid., 5.

¹³⁵ Ibid., 9. At the time, the Americans found that the Armenians “speak only the Turkish.” See: Ibid. Toward the development of a Protestant mind and a constant reference to an Armenian language, the Americans operated a “press at Malta, and the New Testament and several tracts had already been printed in a language spoken by the Armenians” before the Americans had even begun to teach the Armenians how to read in their own language. See: Dwight, *Christianity in Turkey*, 34. The translation of the Old Testament was completed in 1841 and published in 1842. See: Dwight, *Christianity Revived*, 145.

¹³⁶ Dwight, *Christianity in Turkey*, 78.

¹³⁷ Ibid., 50.

¹³⁸ Dwight, *Christianity Revived*, 113; Dwight, *Christianity in Turkey*, 131.

become a free community in the records of the Ottoman government.¹³⁹

Confronted by these developments, the original Armenian leadership tried to preserve the community's identity and maintain its traditional way of living, but to no avail. While the Americans claimed that their Armenian followers were subjected to persecution,¹⁴⁰ from the local leadership's perspective those Armenians who became faithful adherents of American teachings were no longer of the community. Patriarch Matteos issued an anathema in which he decried what to him appeared as wickedness and false prophecy.¹⁴¹ In another anathema, Matteos implored his people, who were undergoing a process that was set to de-Haikize them, to defend themselves from this powerful foreign influence by turning members of the community against associations with the American-educated Protestant Armenians:

Let such persons know that they are nourishing a venomous serpent in their houses, which will one day injure them with its deadly poison, and they will lose their souls. Such persons give bread to Judas. Such persons are enemies of the holy faith of Christianity, and destroyers of the holy orthodox Church of the Armenians, and a disgrace to the whole nation.¹⁴²

¹³⁹ Ibid., 225; Dwight, *Christianity in Turkey*, 237. As commented later, the diplomatic “interference” led by the British ambassador, Stratford Canning, was critical in the development of Armenian evangelicalism because it allowed them to maintain their newly acquired collective identity as such “under Turkish license, and were promised protection by the Turkish police.” See: E. D. G. Prime, ed., *Forty Years in the Turkish Empire, or, Memoirs of Rev. William Goodell* (New York: Robert Carter and Brothers, 1876), 313. Bureaucratically, this also meant that the “said Protestants” would be able to “keep a separate register of their births and deaths ... according to the system observed with regard to the Latin subjects.” See: Dwight, *Christianity Revived*, 285-286 (Appendix G: “Translation of an Order, Obtained from the Sublime Porte by the Right Honorable Lord Cowley, in Favor of the Sultan’s Protestant Subjects”).

¹⁴⁰ The Patriarch Matteos is described—in uppercase letters—as the persecutor of Protestants in Turkey. See: Ibid., 38. Furthermore, it is claimed that “The Armenian Patriarchal power at Constantinople has always been a persecuting power.” See: Dwight, *Christianity in Turkey*, 89. Dwight infuses his narrative with references to persecution of the evangelicals by the Patriarch. For instance, see: Ibid., 104, 164, 237, 271. For another work that describes the events as persecution, see: Rufus Anderson, *History of the Missions of the American Board of Commissioners for Foreign Missions to the Oriental Churches* (Boston: Congregational Publishing Society, 1872), 1:114, 123.

¹⁴¹ Dwight, *Christianity Revived*, 268 (Appendix A: “First Anathema of the Priest Vertanes”).

¹⁴² Ibid., 271 (Appendix B: “Second Anathema of the Armenian Patriarch, Anathematizing the Whole Body of Evangelical Armenians”).

However, his warning went mostly unheeded. The Ottoman government agreed to protect the American-influenced Armenians, and “the First Evangelical Armenian Church of Constantinople” was constituted on July 1, 1846,¹⁴³ and organized under the supervision of American missionaries, with Dwight acting “as helper in the pastoral office.”¹⁴⁴ The Armenian—or rather Haik—leadership that had cooperated with the Ottoman manner of government began to wane, and the American influence over the Armenians was well placed for growth. Later, after registering success in the conflict within the Haik people whom he called Armenians, Dwight’s original impression of their church as being cruel, duplicitous, and selfish¹⁴⁵ was replaced by praise that the Armenians “have shewn themselves to be superior to the other races around” and that “they are the Anglo-Saxons of the east.”¹⁴⁶

The political effects of this transformation, in which a peaceful ethnoreligious group by the name of Haik was led into seeing itself through American eyes as Armenian and becoming amenable to American interests, started to surface on an international level in 1876, when at the height of the Eastern Question, in the midst of the Bulgarian Agitation, James Bryce, who had been mentored by Smith, Freeman, and Gladstone,¹⁴⁷ began to raise the Armenian Question.¹⁴⁸ While the title of his book on the subject in

¹⁴³ Dwight, *Christianity in Turkey*, 264; Greene, *Leavening*, 105.

¹⁴⁴ Anderson, *History*, 1:418.

¹⁴⁵ Dwight, *Christianity Revived*, 264.

¹⁴⁶ Dwight, *Christianity in Turkey*, 14.

¹⁴⁷ For a discussion of this, see: Hugh Tulloch, *James Bryce’s “American Commonwealth”: The Anglo-American Background* (Woodbridge, UK: Boydell Press, 1988), 35-44, 66-69.

¹⁴⁸ At the prestigious St. James’ Hall in London, on December 8, 1876, during a conference that centered on the status of Christians in European Turkey, Bryce had a leading role in calling attention to the situation of Armenians as the Christians of Asiatic Turkey. According to his friend and biographer, Bryce “helped to

1877 might claim spontaneity,¹⁴⁹ Bryce's impressions following a journey to the Caucasus in 1876 are deeply aligned with American interests to bring the region closer to nationally inspired forms of governance in the spirit of the Christian civilization that would be conducive to international law: "It is not a matter of race, but of religion, which is far more serious. No Mohammedan race or dynasty has ever shewn itself able to govern well even subjects of its own religion; while to extend equal rights to subjects of a different creed is forbidden by the very law of its being."¹⁵⁰

The narrative that was unfolded in Bryce's book presented features that would dominate public opinion on the Armenian issue through WWI: that the Armenians are, by their nature and history, "the most vigorous and progressive Christian people of the East";¹⁵¹ that as "the bulwark of Christianity in Asia," Armenians have suffered from "religious intolerance and persecution" for centuries;¹⁵² and that this "timid and inoffensive people, who have never meditated insurrection" are becoming ripe for political activity, as they "are being slaughtered by thousands in their blazing villages."¹⁵³ Within this narrative, the significant work of American missionaries among Armenians in

draft the Armenian appeal" that was circulated on that occasion, and two years later, before he was even elected to parliament, he organized Armenian-related political activities in Westminster. See: H. A. L. Fisher, *James Bryce* (New York: Macmillan Company, 1927), 1:183.

¹⁴⁹ James Bryce, *Transcaucasia and Ararat: Being Notes of a Vacation Tour in the Autumn of 1876* (London: Macmillan, 1877). Considering that this book was published by a prominent company and was in its third edition by 1878, it is reasonable to think that the political elite saw significance in the execution of this project.

¹⁵⁰ *Ibid.*, 402.

¹⁵¹ *Ibid.*, 234.

¹⁵² *Ibid.*, 313.

¹⁵³ *Ibid.*, 402. This description of Armenians being massacred by the thousands, long before the massacres of the mid-1890s, shows that the Anglo-American discourse about Armenians had an affinity toward the depiction of Armenian victimhood already in the late 1870s.

shaping their collective identity was absent, nor is there mention of how the Ottoman government approved and facilitated the religious liberty with which the Armenians became organized to follow an American-taught version of Christianity.¹⁵⁴ By WWI, as expressed in the Blue Book that was sanctioned by the British government and supervised by Bryce, the American missionaries who worked in the area were presented to the public as either witnesses and reporters of atrocities or providers of care and relief,¹⁵⁵ but not as an active element that played a crucial role in transforming the attitude and behavior of the Armenian people in general and in relation to the Ottoman

¹⁵⁴ Bryce did not just omit the work of American missionaries from his narrative on Armenian identity, but, as seen in the fourth edition of *Transcaucasia and Ararat* following the wave of violence in 1894, he also obliterated it from public memory by using the label “Armenian Question” to frame the Armenian issue within a discourse that considers the matter to have started in 1878 because only then it became “a matter of international concern ... when it was dealt with in the Treaty of Berlin.” See: James Bryce, *Transcaucasia and Ararat: Being Notes of a Vacation Tour in the Autumn of 1876*, 4th ed. (London: Macmillan, 1896), viii. However, this aftermath of the Russo-Turkish War (1877-1878) and the Treaty of San Stefano belongs in a greater context of an Anglo-American effort to establish nation-states in the spirit of the Christian civilization toward their inclusion among the circle of nations that would promote international law in the region. Thus, the agenda of Ottoman reform that was presented in the Treaty of Berlin is not seen as simply an observer’s reaction to the condition of Armenians, but as an occasion to promote the already well thought-out idea of international law. In the prevalent scholarly discourse on the period, the diplomatic developments of the time, and the wars that followed, have not been shown as linked to the project of international law. Even an analysis that considers the imposition of the Euro-Christian civilization on the non-Western governance of the Ottoman state does not consider how the American-led vision of international law required a civilizational commonality. For instance, in a volume that is dedicated to the study of the implications that the Treaty of Berlin had for the Ottoman Empire, the observation is made that “It would not be wrong to treat the wars after the 1878 treaty as a function of the principle of homogenization” but without pointing out directly that the Western effort to achieve a civilizational uniformity in governance through nation-states served a purpose in the construction of international law. See: M. Hakan Yavuz, “The Transformation of ‘Empire’ through Wars and Reforms: Integration vs. Oppression,” in *War and Diplomacy: The Russo-Turkish War of 1877-78 and the Treaty of Berlin*, ed. M. Hakan Yavuz with Peter Sluglett (Salt Lake City: University of Utah Press, 2011), 28.

¹⁵⁵ His Majesty’s Stationery Office, *The Treatment of Armenians in the Ottoman Empire, 1915-16, Documents Presented to Viscount Grey of Fallodon, Secretary of State for Foreign Affairs by Viscount Bryce with a Preface by Viscount Bryce* (London: Sir Joseph Causton and Sons, 1916), xxxvi. During WWI, Bryce was in correspondence with James L. Barton, of the American Board of Commissioners for Foreign Affairs, and the American Committee for Armenian and Syrian Relief, not simply for purposes of collecting reports but also in coordination of efforts regarding public opinion. See: MS. Bryce 202, fols. 85, 119-121, 145-146; MS. Bryce 203, fols. 56-58, 102; MS. Bryce 204, fols. 14-17, 46-47, 50-52, 82-83, 101, 136, Catalogue of the Papers of James Viscount Bryce, 1826-1958, Department of Special Collections, Bodleian Library, University of Oxford. Bryce had already engaged in correspondence with American missionaries in previous years, as, for example, attested by letters from Frederick D. Greene, in 1895, regarding his employment toward an effect on public opinion. See: MS. Bryce 196, fols. 9-12, 124-140.

government long before the war.

Under American direction, the Armenians acquired a sense of national self-determination,¹⁵⁶ and were motivated to claim an Armenian state on Ottoman land by the time Bryce first publicized the idea of it in 1878, decades prior to WWI. He declared that “Turkey is dead,”¹⁵⁷ pointed out that the Ottoman “misgovernment of both Moslem and Christian subjects is no less ruinous in Asia than in Europe,”¹⁵⁸ and argued that “The only Christian race that offers any promise” as “a civilizing and organizing influence in these neglected countries ... is the Armenian.”¹⁵⁹ He then outlined the Ottoman territory that ought to come under Armenian sovereignty: “Speaking roughly, one may say that it extends from Trebizond on the Black Sea to Tavriz in Persia, and from Delijan (a little south of Tiflis) ... to near Diarbekir.”¹⁶⁰ Backing himself with claims that “outrages” have afflicted the Armenians “for generations past,”¹⁶¹ Bryce explained that it was time for the creation of “a strong local militia ... consisting largely of Christians” and “a system of local self-government,”¹⁶² because the Armenians are ready to be “delivered

¹⁵⁶ The introduction of the Protestant mentality was a factor in this development. First, the Armenians adopted the Protestant tradition of rejecting an older religious authority, and separated themselves organizationally from the traditional religious hierarchy that cooperated with the Ottoman government. Then, as an organized collective that was influenced by American values, it was prepared to pursue its political separation from the Ottoman government, and in essence became a political group whose leadership claimed to have a national right to take away Ottoman land. Their cultural instruction toward becoming a Protestant-type religious society equipped them with the social organization that was necessary for running a Western-civilized state.

¹⁵⁷ Bryce, “Future,” 927.

¹⁵⁸ *Ibid.*, 928.

¹⁵⁹ *Ibid.*, 930.

¹⁶⁰ *Ibid.*

¹⁶¹ *Ibid.*, 933.

¹⁶² *Ibid.*, 933-934.

from their present wretchedness,”¹⁶³ and conditions were right for “the uprising of a progressive Christian people, which may ultimately grow into an independent Christian State” that will offer “the best chance for the future of the Asiatic provinces of Turkey.”¹⁶⁴ As “the principal advocate” of the Armenians in London, Bryce organized the politicization of the new Armenian group identity by becoming “the founder and first President of the Anglo-Armenian Society,”¹⁶⁵ and also inspired the activities of Armenians within the Ottoman Empire itself.¹⁶⁶ In addition to his publications on the subject in Britain and the United States, Bryce performed in the House of Commons as an agitator of the Armenian Question.¹⁶⁷ The many instances in which reform of the Ottoman government was brought up by Anglo-American publicists, in the name of the Armenian people though out of concern that Germany would continue to extend its influence eastward, have erased from popular memory the knowledge that before the failure of Ottoman reform became the pretext for Armenian rebellion, the success of

¹⁶³ *Ibid.*, 935.

¹⁶⁴ *Ibid.* To this day, the discourse does not include consideration of who turned the Armenians into a “progressive” people and why, but instead it is simply assumed that they were progressive by virtue of their Christianity. However, as seen in the discussion above, from an American standpoint upon initial contact, the local people they called Armenians were neither progressive nor “Christian” in the Protestant sense.

¹⁶⁵ Fisher, *James*, 1:183.

¹⁶⁶ For instance, in a letter to Bryce from Constantinople, dated April 6, 1878, dozens of people among the Ottoman Armenian leadership who signed the document wanted to express their gratitude for, and belief in, Bryce’s narrative, according to which “the only possible means to effect the salvation of their father-land—which has been the cradle of the human race—depend upon an immediate reform which in order to be radical and efficient, should be the grant of autonomy.” See: MS. Bryce 191, fols. 13-18.

¹⁶⁷ For instance, see: *Hansard Parliamentary Debate*, 3d ser., vol. 319 (1887), col. 66; *Hansard Parliamentary Debate*, 3d ser., vol. 325 (1888), cols. 1225-1226; *Hansard Parliamentary Debate*, 3d ser., vol. 345 (1890), cols. 159-160; *Hansard Parliamentary Debate*, 3d ser., vol. 347 (1890), cols. 1763-1766; *Hansard Parliamentary Debate*, 3d ser., vol. 348 (1890), cols. 169-208; *Hansard Parliamentary Debate*, 4th ser., vol. 12 (1893), cols. 1054-1055; *Hansard Parliamentary Debate*, 4th ser., vol. 37 (1896), cols. 73-164; *Hansard Parliamentary Debate*, 4th ser., vol. 38 (1896), cols. 37-125.

reforming the Armenians as an organized community had allowed the Anglo-American union to use them as a pawn against German progress.¹⁶⁸

Bryce is mostly remembered in historical accounts as the friend of Armenians,¹⁶⁹ who championed their cause,¹⁷⁰ and who was “unremitting in his exertions for the relief and protection of the Armenian race,”¹⁷¹ but it is questionable that Bryce did things for the Armenians rather than to, and through, them. Bryce established himself in three profound ways before becoming specialized in the Armenian Question. First, Bryce was an expert on German history and culture. His debut work as a book author was titled, *The Holy Roman Empire*, which was published in 1864,¹⁷² and revised several times in less than a decade (1866-1875) during a formative period in Germany’s process of

¹⁶⁸ On the eve of WWI, Bryce helped to promote two monographs through introductions in which he called attention to the group quality of the Armenians as valorous, patriotic, suffering, and loyal Christians, and said that “Britain has a plain moral responsibility in the matter.” See: James Bryce, introduction to *The People of Armenia*, by Archag Tchobanian (London: J. M. Dent & Sons, 1914), vii; James Bryce, introduction to *Travel and Politics in Armenia*, by Noel Buxton (London: Smith, Elder, 1914), x.

¹⁶⁹ This is how he is presented in a genocidized discourse by scholars of Armenian heritage in works that have been published by Anglo-American companies. Bryce’s involvement in the Armenian Question is offered minimal or no context. For an example of this, see: Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (Providence: Berghahn Books, 1995), 131. In Guenter Lewy’s work on the conflict, Bryce is presented as “a great friend of the Armenians.” See: Guenter Lewy, *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide* (Salt Lake City: University of Utah Press, 2005), 8. Bryce is described as someone who was dedicated to human liberty. See: Peter Balakian, *The Burning Tigris: The Armenian Genocide and America’s Response* (New York: HarperCollins Publishers, 2003), 117-118, 120. According to another account, Bryce was a “staunch Armenian advocate.” See: Suzanne E. Moranian, “A Legacy of Paradox: U.S. Foreign Policy and the Armenian Genocide,” in *The Armenian Genocide*, ed. Richard G. Hovannisian (New Brunswick, NJ: Transaction Publishers, 2007), 313. The limited information could lead readers into believing that all that Bryce had to do with the atrocities was gather testimonies due to some vague sense of devotion to the Armenians. For example, see: Marc Nichanian, “Testimony: From Document to Monument,” in *The Armenian*, Hovannisian, 46. Such decontextualized references to Bryce do not even hint at the possibility that he was organizing the Armenians into a political unit because of Anglo-American power considerations.

¹⁷⁰ Fisher, *James*, 1:159.

¹⁷¹ *Ibid.*, 2:143.

¹⁷² Bryce based this work on “the winning essay in the competition for the Arnold Prize in 1862.” See: *Ibid.*, 1:64.

unification.¹⁷³ Hence, it may be considered that Bryce's primary quality, which may have set him apart before embarking on a career path, was that he could grasp the essence of the greatest threat to Anglo-American power. Second, Bryce was fascinated by Roman Law, with an eye to comprehending "foreign systems of jurisprudence and the whole fabric of international law."¹⁷⁴ On April 11, 1870, when Gladstone was in office as the leader of the British government he offered Bryce the position of Regius Professor of Civil Law at the University of Oxford.¹⁷⁵ This signaled Bryce's early commitment to international law, which was complemented by his ability to analyze how Germany might be persuaded to agree to international arbitration, or be most effectively bound by it. Third, Bryce "fell in love with the United States"¹⁷⁶ well ahead of finding a voice on the situation of the Armenians. As the Franco-Prussian war was changing the international scene, he went to the United States and was admitted into the social circle of the very people among the American elite who worked toward creating a system of international arbitration.¹⁷⁷ Therefore, a learned consideration of Bryce's crucial work on the

¹⁷³ First, Macmillan published an edition in 1866, and then three more in 1870, 1873, and 1875. The fifth edition was published in 1904, and Bryce dedicated it to Goldwin Smith, whom he described as "the honoured patriarch of English historians. From whom forty-three years ago, when he was professor at Oxford, I received my first lesson in modern history, and whose friendship I have ever since been privileged to enjoy." See: James Bryce, *The Holy Roman Empire*, 5th ed. (New York: Macmillan Company, 1904), vi. In his analysis of the new Pan-Germanic phenomenon, he found that "Unlike its venerable predecessor, this new Empire rests on a national basis." See: *Ibid.*, 493. The wide dissemination of the book is attested by Houston Stewart Chamberlain's citing of the French translation of it in *The Foundations of the Nineteenth Century*. See: Chamberlain, *Foundations*, 1:165 (note).

¹⁷⁴ Fisher, *James*, vol. 1, 133.

¹⁷⁵ *Ibid.*, 130.

¹⁷⁶ *Ibid.*, 137. Later, Bryce professed that American culture is an extension of English culture, and that the United States is an advanced stage in the history of the "English stock." See: James Bryce, *The Study of American History: Being the Inaugural Lecture of the Sir George Watson Chair of American History, Literature and Institutions* (New York: Macmillan Company, 1922), 21-25.

¹⁷⁷ Charles W. Eliot, the president of Harvard University between 1869 and 1909, is mentioned as someone whose friendship with Bryce was formed in the early stages of the latter's acquaintance with the United

Armenian Question involves the understanding that even at the peak of Armenian suffering in WWI he was driven by Anglo-American interests, which meant the employment of soft-power tactics to discredit Germany by sensationalizing the victimhood of Armenians¹⁷⁸ and to advance international law by leading public opinion

States. See: Fisher, *James*, 1:136. Following his time as president of Harvard University, Eliot was appointed by Carnegie to become one of the original members on CEIP's board of trustees, and remained on the board until 1919. See: Lester, *Forty*, 55. Bryce himself later became a member of one of Carnegie's trusts, as an original member of the board of trustees overseeing the trust for universities of Scotland between 1901 and 1922. See: *Ibid.*, 23. As the Bryce collection of papers at the University of Oxford shows, in addition to Eliot and Carnegie, he was in communication with American leaders such as Lyman Abbott, Nicholas Murray Butler, Henry Cabot Lodge, and Elihu Root, as well as United States presidents Theodore Roosevelt, William Howard Taft, and Woodrow Wilson. His study of how the United States is governed, *The American Commonwealth*, was published in three volumes. It celebrated "the political genius ... of the Anglo-American race," and described the United States Supreme Court as "the living voice of the Constitution." See: Bryce, *American*, 1:34, 363. The significance of the Constitution for the governance of affairs is a central feature of the book. See: Tulloch, *James*, 45. In the preface to *American Commonwealth*, there is mention of "Mr. Theodore Roosevelt of New York," among the names of those to whom Bryce expressed an indebtedness. See: Bryce, *American*, 1:ix. This indicates that Bryce and Roosevelt had a personal relationship that predated the most notable accomplishments in the latter's political career. It is said that for Roosevelt, "Bryce had long cherished both on private and public grounds, an affectionate regard, based on an acquaintance dating back to Roosevelt's first entry into politics." See: Fisher, *James*, 2:6. Bryce was given frequent access to the American public, especially through his 288 contributions between 1875 and 1910 to the influential weekly, *The Nation*, which was edited by E. L. Godkin. See: D. C. Haskell, ed., *The Nation: Index of Titles and Contributors, v. 1-105* (New York: New York Public Library, 1951-53); Fisher, *James*, 1:178. Godkin studied law under the tutelage of Field, whose leading role in the introduction of outlines for the codification of international law in 1872 is discussed above. See: William M. Armstrong, *E. L. Godkin: A Biography* (Albany: State University of New York Press, 1978), 45. Moreover, the Bryce collection of papers includes letters from employees of the *NYT* such as the newspaper's editor-in-chief Charles Random Miller, as well as John H. Finley, Rollo Ogden, and Charles H. Grasty. The collection also shows communications from Edwin M. Hood of the Associated Press. It is claimed that "When Bryce was appointed to the Embassy at Washington, the general sentiment in Britain was that no better choice could have been made." See: Fisher, *James*, 2:2. A notable indicator of Bryce's place among the political elite in the United States is that while serving the British government as its ambassador to Washington (1907-1913), Bryce was the president of the American Political Science Association (1908), during the organization's formative period. See: American Political Science Association, "Officers of the American Political Science Association for the Year 1908," in *Proceedings of the American Political Science Association* (Baltimore: Waverly Press, 1909), 5:5.

¹⁷⁸ Prior to the publication of the Blue Book on the treatment of Armenians, Bryce headed the report of a committee in which it was claimed as proven "That there were in many parts of Belgium deliberate and systematically organised massacres of the civil population" and "That looting, house burning, and the wanton destruction of property were ordered and countenanced by the officers of the German Army." See: Committee on Alleged German Outrages, *Report of the Committee on Alleged German Outrages: Appointed by His Britannic Majesty's Government and Presided over by The Right Hon. Viscount Bryce* (New York: Macmillan and Company, 1915), 60. The report's concluding sentence expressed "hope that as soon as the present war is over, the nations of the world in council will consider what means can be provided and sanctions devised to prevent the recurrence of such horrors as our generation is now witnessing." See: *Ibid.*, 61. This shows that the promotion of international law was literally the bottom line of this report. Later, even though Bryce acknowledged that the documents on which the Blue Book on the

toward the conviction that the Ottoman government must be terminated and replaced with governance in accord with the Euro-Christian civilization and American power.¹⁷⁹ This was the development of a strategy since the 1870s, which was made possible by the work of the American missionaries since the 1820s.

During WWI, American publications were active in advancing the Armenian Question by illustration of great Armenian suffering to the effect of leading the public toward the opinion that Germany was villainous, and that the land under Ottoman rule required a different governance. The discourse was framed around notions of Ottoman dysfunctionality and American neutrality. In the *NYT*, excitable headlines regarding the treatment of Armenians, and criticism—especially from former United States President

treatment of Armenians was based “do not, and by the nature of the case cannot, constitute what is called judicial evidence, such as a Court of Justice obtains when it puts witnesses on oath and subjects them to cross-examination,” he nonetheless used them as “historical evidence,” whose soft-power effect was to present the Germans as the Turks’ “apologists.” See: His, *Treatment*, xxvi-xxvii.

¹⁷⁹ In his preface to the Blue Book, he states that accounts seek to describe “what seemed to be an effort to exterminate a whole nation ... the subjects of a Government devoid of scruples and of pity,” but he also mentions “the purpose of enabling the civilised nations of Europe to comprehend the problems which will arise at the end of this war, when it will become necessary to provide for the future government of what are now the Turkish dominions.” See: *Ibid.*, xxi. Meaning, while the effort to affect public opinion toward international law dictated an emphasis on moral concern, the text suggested that governance in the region was the political destination to which the anticipated public sentiment was being directed. Despite Bryce’s claims that during the summer of 1915 the accounts on what was happening in the Ottoman Empire were “few and scanty at first,” according to Boghos Nubar’s collection, when Nubar met with Bryce in London on July 2, 1915, weeks after knowing that as part of the Ottoman wartime measures many Armenians had been expelled from their homes, Bryce informed him of a plan to publicize a memorandum on the situation of the Ottoman Armenian but that “he had to wait for the right moment to do so.” Compare: *Ibid*; Vatche Ghazarian, *Boghos Nubar’s Papers and the Armenian Question, 1915-1918: Documents* (Waltham, MA: Mayreni Publishing, 1996), 131. This might serve as an indicator of the precedence of public opinion in the Anglo-American treatment of the Armenian issue. An example of the centrality of public opinion during WWI is presented by Arnold Toynbee’s markedly changed tone about the events. Toynbee, who edited the documents of the Blue Book on behalf of the British government, shifted over the course of decades from stating during WWI that the Blue Book presented “evidence” that was “correct” in showing that “the Central Government at Constantinople ... planned the systematic extermination of the Armenian race in the Ottoman Empire,” to admitting in retrospect that the Blue Book was an exercise in propaganda. Compare: Arnold J. Toynbee, *Turkey: A Past and a Future* (London: Hodder & Stoughton, 1917), 20; Arnold J. Toynbee, *Acquaintances* (London: Oxford University Press, 1967), 151. Still, Toynbee maintained—rather unconvincingly—that both he and Bryce were “innocent” because they were “unaware of the politics that lay behind this move of H.M.G.’s.” See: *Ibid.*, 149.

Theodore Roosevelt, who was perceived as dissociated from the United States government—attracted attention to the storyline, which employed means of persuasion to point at an American dilemma rather than strategy regarding the war.¹⁸⁰ The perceived neutrality of the United States government during the first stages of WWI enabled the American sources of information to narrate the story of the war according to American interests without the appearance of doing so because they enjoyed credibility in the public eye that saw the United States government as if unattached to the war interests.

On platforms such as the review of a book titled *Sixty American Opinions on the War*, the text in the *NYT* cemented what was considered the consensus among the public:

Three outstanding facts appear upon reading this book through. One is the overwhelming moral reprobation felt by Americans against the German Government for planning and precipitating this war for purposes of international plunder. The second is the universality with which Americans perceive that England and the Allies are fighting for the democratic ideals of freedom, which are our own ideals, and that German victory would imperil our own liberties. The third is the indignant disgust produced on the American mind by the pro-German propaganda in this country.¹⁸¹

The *NYT* also publicized on its front page the release of a committee report that provided an earlier American version in 1915 of the British Blue Book under Bryce's name in 1916.¹⁸² The report, which is nowadays ignored by many in the public discourse on the Armenian suffering, is—like the Blue Book—based on a biased view that highlights Christian victimhood and is an unreliable depiction of the general state of affairs. Nonetheless, it shows that the goal at the time was not to criminalize the leaders of the

¹⁸⁰ For instance, see: “Roosevelt Heaps Blame on America,” *New York Times*, December 1, 1915; “Mr. Roosevelt at Lewiston,” *New York Times*, September 1, 1916.

¹⁸¹ “The War as It Will Affect Africa,” *New York Times*, September 12, 1915.

¹⁸² “Tell of Horrors Done in Armenia,” *New York Times*, October 4, 1915.

Ottoman government, but to suggest that they were incapable of maintaining adequate governance:

The following is the text of the government order covering the case. Art. 2nd. “The commanders of the army, of independent and army corps and of divisions may, in case of necessity, and in case they suspect espionage or treason, send away, either or [*sic*] in mass, the inhabitants of villages or town, and install them in other places.”

The orders of commanders may have been reasonably humane; but the execution of them has been for the most part unnecessarily harsh, and in many cases accompanied by horrible brutality to women and children, to the sick and the aged.¹⁸³

According to this, the Ottoman government was focused on “suspected espionage or treason,” and sought to set up “in other places” those civilians who would be sent away. Meaning, when considering the disastrous wartime conditions of the Armenians, this committee found no Ottoman intent to destroy their Armenian subjects, but rather incompetence in how the Ottoman plans were performed. The report made the argument for international law by showing chaos rather than malice. Among the members of this committee were members of CEIP’s board of trustees: Cleveland H. Dodge, and Oscar S. Straus.¹⁸⁴ Also among the members of the committee were trustees of Carnegie’s Church Peace Union (CPU), which was established in 1914 and is currently known as the Carnegie Council for Ethics in International Affairs: David H. Greer, Frederick Lynch,

¹⁸³ Committee on Armenian Atrocities, *Report of Committee on Armenian Atrocities* (New York: Committee on Armenian Atrocities, 1915), 2.

¹⁸⁴ Compare: Committee, *Report*, 1; Lester, *Forty*, 55-56. Straus’ other major biographical aspects are notable. He served the United States government officially as its ambassador to Constantinople and as its secretary of commerce and labor. Furthermore, he was the founding president of the American Jewish Historical Society, which currently keeps one of the three main Raphael Lemkin collections that are available to the public. Also, Straus was the founding vice-president of the American Society of International Law and chairman of its executive committee. See: American Society of International Law, “History of the Organization of the American Society of International Law,” in *Proceedings of the American Society of International Law at Its First Annual Meeting* (New York: Baker, Voorhis, 1908), 34.

John R. Moot, and George A. Plimpton.¹⁸⁵ Significantly, the person who served as the United States ambassador to the Ottoman Empire during that time, Henry Morgenthau, joined CPU's board of trustees in 1920.¹⁸⁶

Morgenthau's account of the Armenian experience is based on the belief that as the ambassador of the United States he was an impartial observer, but his description of the events was the punctuation point of a long process in which American power de-Haikized and nationalized the Armenians toward the ousting of the Ottoman government and the establishment of Christian governance that would be more inclined to participate in the American idea of international law. It was a century long American production: from the work of the American missionaries to create the Armenian actors, to the words of the American ambassador that narrated the drama at the conclusion of the war. From within the same circle of American soft power but in a later effort to push for Turkish criminality, the report of the 1915 committee was cleared off the stage for claims of "systematic extermination,"¹⁸⁷ and an entirely different approach: "It is absurd for the Turkish Government to assert that it ever seriously intended to 'deport the Armenians to new homes'; the treatment which was given the convoys clearly shows that extermination was the real purpose of Enver and Talaat."¹⁸⁸ However, it was not simply that the "Turkish Government" asserted this, but rather that according to the 1915 report by those Americans with whom Morgenthau would go on to share a Carnegie trusteeship, the

¹⁸⁵ Compare: Committee, *Report*, 1; Lester, *Forty*, 80.

¹⁸⁶ *Ibid.* When Lester's book was released in 1941, Morgenthau's membership was still ongoing.

¹⁸⁷ Henry Morgenthau, *Ambassador Morgenthau's Story* (Garden City, NY: Doubleday, Page & Company, 1918), 311

¹⁸⁸ *Ibid.*, 318.

policy included resettlement.

Despite the discrepancy between the committee's report and the ambassador's story, it appears that the latter is an evolved narrative of the former, and generated by the same fountainhead of information. Burton Hendrick, whom Morgenthau thanks "for the invaluable assistance he has rendered in the preparation of the book,"¹⁸⁹ and who is said to have not only authored it but conceptualized its writing,¹⁹⁰ was later also Carnegie's biographer in a book by Doubleday,¹⁹¹ which had also published Morgenthau's memoir.¹⁹² Although Morgenthau's published account is structured as an anti-German wartime propaganda,¹⁹³ it would be misguided to think that to examine the origin of the book project one "must begin" by studying the correspondence between Morgenthau and United States President Woodrow Wilson after the United States entered WWI.¹⁹⁴ The

¹⁸⁹ Ibid., vii.

¹⁹⁰ Heath W. Lowry, *The Story behind Ambassador Morgenthau's Story* (Istanbul: Isis Press, 1990), 7.

¹⁹¹ See: Burton J. Hendrick, *The Life of Andrew Carnegie* (Garden City, NY: Doubleday, Doran & Company, 1932).

¹⁹² By the time that Carnegie's biography was published Doubleday's official company name had become differently associated from when Morgenthau's memoir was published.

¹⁹³ The book is designed to stress German responsibility for the war and its atrocities, and the chapters frame the discourse to focus on German agency. The preface starts with the assumption of a consensus view "that the Germans deliberately planned the conquest of the world." See: Morgenthau, *Ambassador*, vii. Many of the book's chapter headings present Germany as the subject. The titles of the chapters lead readers into relating wrongdoing and responsibility to Germany. Also, the text relates to Hans von Wangenheim—who was posted by Germany to lead the Ottoman Empire's war efforts—the belief that "Germany was inevitably destined ... to rule the world." See: Ibid., 5-6. In addition, the text refers to "Dr. Lepsius," by emphasizing that he is a German who, as "a high-minded Christian gentleman," opposes the German government's involvement in the treatment of Armenians. See: Ibid., 343. Johannes Lepsius had already become active in the Armenian issue during the massacres of the 1890s and had a book published in London: Johannes Lepsius, *Armenia and Europe: An Indictment*, ed. J. Rendel Harris (London: Hodder & Stoughton, 1897). Being German, his criticism of Germany had the potential of enjoying credibility in the public eye.

¹⁹⁴ Lowry, *Story*, 1. Lowry emphasizes "America's war effort" as the impetus for the book. See: Ibid., 4. According to him, the advent of American "war policies" explain the difference in Morgenthau's opinion between the time of "his departure from Turkey at the beginning of February 1916 and two years later when the book was written in 1918." See: Ibid., 59. Lowry does not consider the American plans to affect

political worth of the Armenian issue to the American political leadership did not start to materialize only after April, 1917, but rather Ambassador Morgenthau's book project was the informational pinnacle in the American effort since the 1870s to use the Armenian Question toward the acceptance that international law is the answer for international relations.

The Macedonian Question

No Macedonian "people" existed in the beginning of the 1870s,¹⁹⁵ but the developments in Germany meant that there were growing American interests in connection with the "Macedonian" region of the Ottoman Empire, which consisted of three Ottoman vilayets: Monastir, Skopje, and Thessaloniki.¹⁹⁶ Already by the 1860s, Americans were engaged in substantial commercial activity in the area, as American ships—one ship was even named "Macedonia," ahead of the modern usage by the people of the land—would dock in Thessaloniki.¹⁹⁷ The American ability to use the land would

Armenian affairs since the 1820s and the American involvement in raising the Armenian Question since the 1870s.

¹⁹⁵ In 1876, the region was mostly regarded as having a Slavonic population, without Macedonian designation. For instance, see: William Forsyth, *The Slavonic Provinces South of the Danube: A Sketch of Their History and Present State in Relation to the Ottoman Porte* (London: John Murray, 1876), 3. This is also reflected in a late nineteenth-century discussion on how despite the Gladstonian call to give Macedonia to the Macedonians, "There is no Macedonian nationality." See: William Miller, *Travels and Politics in the Near East* (New York: Frederick A. Stokes Company, 1898).

¹⁹⁶ There are various spellings and pronunciations of these vilayets.

¹⁹⁷ Hristo Andonov Polyanski, *The Attitude of the U.S.A. towards Macedonia: The 19th Century and during the Ilinden Uprising, 1903*, trans. Synthia Keesan (Skopje: Macedonian Review Editions, 1983), 29. According to Polyanski, by 1888, the cargo of American ships that were docked in the Thessaloniki port weighed a total of 2,492 tons. An American ship was named "Macedonia" before there were Macedonian people in modern times, which indicates that the concept of a Macedonian people is in line with an Anglo-American cultural background rather than the local one. The absence of a Rumelian people in Anglo-American lore might explain why there was never a Rumelian national identity to serve as the basis for a Rumelian Question.

have been compromised if Germany's dominance in the continent were to spread eastward either through conquest of Ottoman territory or cooperation with the Ottoman government. Eventually, the extension of German influence was slowed by the Balkan Wars (1912-1913),¹⁹⁸ and halted with the eruption of WWI. Much like the Armenian case, rebellion against the Ottoman government was preceded by a new national organization of Christians who had come under the influence of American missionaries, and fought for the establishment of governance in accordance with the Euro-Christian civilization. In both cases, not only the Christian leadership presented a prospect of participation in international law, but the tremendous suffering that accompanied the violence of rebellion were used in the Anglo-American discourse to persuade public opinion that there is a need for a Euro-Christian international order.

As in the case of the modern-day Armenians, the concept of a "Macedonian" people resonated with the Anglo-American public opinion because of the existence of that name in the Anglo-American discourse of ancient history, but unlike the Armenians who presented a human core that was known as Haik at the time, there was no unified identity among the Christians of the region that was designated as Macedonia and the foundation of activities toward a national revolt had to be initially organized and

¹⁹⁸ Interestingly, a series of translated essays on the Eastern Question was published by *AJIL* in 1911-1912, on the eve of the Balkan Wars. This may serve as an indication that the articles were given a platform for historical orientation in anticipation that the situation in the Balkans was bound to draw more public attention. See: Georges Scelle, "Studies on the Eastern Question [1]," trans. Charles G. Fenwick, *American Journal of International Law* 5, no. 1 (January 1911): 144-177; Georges Scelle, "Studies on the Eastern Question [2]," trans. Charles G. Fenwick, *American Journal of International Law* 5, no. 2 (April 1911): 394-413; Georges Scelle, "Studies on the Eastern Question [3]," trans. Charles G. Fenwick, *American Journal of International Law* 5, no. 3 (July 1911): 680-704; Georges Scelle, "Bulgarian Independence [1]," trans. Theodore Henckles, *American Journal of International Law* 6, no. 1 (January 1912): 86-106; Georges Scelle, "Bulgarian Independence [2]," trans. Theodore Henckles, *American Journal of International Law* 6, no. 3 (July 1912): 659-678.

executed through Bulgarian agency. In the 1890s, while Bulgaria was being governed by hundreds of Robert College graduates,¹⁹⁹ both the organization that became known as the Internal Macedonian Revolutionary Organization but was originally named the Bulgarian Macedonian-Adrianople Revolutionary Committee or the Central Committee, and the—supposedly external—Supreme Macedonian-Adrianople Committee, were Bulgarian.²⁰⁰

The latter was based in Sofia and developed under the direct control of the Bulgarian government, which was led by Constantine Stoiloff, a graduate of the American college,²⁰¹ the former was based in Thessaloniki, which by that time had become a zone of American influence,²⁰² and its operations were carried out by Bulgarian bandits.²⁰³ The

¹⁹⁹ See the discussion above in the section “The Eastern Question.”

²⁰⁰ Gotsé Delchev, who led this organization, was a Bulgarian whose education in Thessaloniki was influenced by the American operations in the region. See: Mercia MacDermott, *Freedom or Death: The Life Gotsé Delchev* (London: Journeyman Press, 1978), 60. General Ivan Tsonchev, who enjoyed a proximity to Prince Ferdinand of Bulgaria and an association with both organizations, was another Bulgarian who had a leading role in the strategic planning of the revolutionary efforts. See: *Ibid.*, 213-214, 226-227, 251, 254.

²⁰¹ Stoiloff was “a member of the class of 1871” at the college. See: Miller, *Travels*, 414. It is said that “Under Stoiloff the Macedonian movement began.” See: Hermenegild Wagner, *With the Victorious Bulgarians* (Boston: Houghton Mifflin Company, 1913), 54.

²⁰² Following the growth of American economic activities in the city, an American mission was opened there in 1894, and it was stated in 1901 that “The main reason for choosing this place as a mission station for Bulgarian work is the fact that Salonica is the governmental center for a very large Bulgarian population.” See: J. F. Clarke, *Sketch of the European Turkey Mission of the American Board* (Boston: American Board of Commissioners for Foreign Missions, 1901), 14. In 1899, the vision of a Macedonian state included the recognition of Thessaloniki as its capital. See: J. A. R. Marriott, *The Eastern Question: An Historical Study in European Diplomacy*, 2nd ed. (Oxford: Clarendon Press, 1918), 415-416. Depictions of Bulgarian agency in the revolutionary effort without regard to American influence are inaccurate. For an instance of such a depiction, see: M. Edith Durham, *Twenty Years of Balkan Tangle* (New York: G. P. Putnam’s Sons, 1920), 92. The association between the development of national identity in the city and the American presence there has not been widely recognized in academic works. Thessaloniki was also the site where the Young Turk revolution received its inspiration. See: Barbara Jelavich, *History of the Balkans: Twentieth Century* (Cambridge: Cambridge University Press, 1983), 2:95.

²⁰³ As seen in the reports by the *NYT* about the Ellen Stone case, in which the unclear circumstances regarding the alleged kidnapping of an American missionary ended with the payment of ransom that funded revolutionary activities in the area, the bandits involved were described as Bulgarian. See: “The Capture of Miss Stone,” *New York Times*, September 25, 1901; “Will Not Pay Ransom,” *New York Times*, September 28, 1901. For a consideration of how this case led to the payment through which Bulgarian brigands could be armed ahead of the 1903 uprising, see: Washburn, *Fifty*, 278; Marriott, *Eastern*, 416; Laura Beth

revolutionary goal of these two Bulgarian organizations was on the line in 1903 with the commencement of the uprising that is now commonly called the *Ilinden*,²⁰⁴ but the violence did not immediately lead to loss of Ottoman sovereignty.

The revolt in 1903 failed to replace the Ottoman rule with a Christian government in large part because the Christian population in the area had already developed separate loyalties to national identities and could not be aligned under a Bulgarian premise. On the one hand, it disappointed those who had hoped that the Ottoman government would be perceived by the local Christians as a common enemy, but on the other hand, it also produced encouraging signs for those same strategists who mainly wanted to prevent Germany from dominating Europe. The signs were a source of encouragement because they indicated that the Christians of the Balkans had arrived at a level of nationalism that leads them to deny any attempt by a foreign entity representing a nation that is not their own to take over what they came to believe was their territory. In the aftermath of the failed revolt, the Balkan Committee, which was directed by Bryce in London, adjusted itself to Balkan politics, and endeavored to generate information toward national unity among the Christians of Macedonia—be they Albanian, Bulgarian, Greek, Romanian, or Serbian—based on the common “economic causes” there.²⁰⁵ In other words, it was

Sherman, *Fires on the Mountain: The Macedonian Revolutionary Movement and the Kidnapping of Ellen Stone* (Boulder, CO: East European Monographs; New York: Columbia University Press, 1980), 80.

²⁰⁴ The name refers to St. Elijah Day, and thereby points at the activities on that day, August 2, in Monastir, as the beginning of the uprising. The effect of this name is to turn attention away from Thessaloniki and the events there several months prior to that, such as the attack on the local branch of the Imperial Ottoman Bank in April, which is reported to have been anticipated by at least one American missionary. See: Frederick Moore, *The Balkan Trail* (New York: Macmillan Company, 1906), 105. Until WWII, Anglo-American accounts of the uprising did not include the name *Ilinden*.

²⁰⁵ MS. Bryce 200, fols. 1-18, The Balkan Committee, “The Present Economic Condition of the Macedonian Vilayets of Monastir and Skopie,” 1. Thessaloniki was not included as one of the Macedonian vilayets in this report, possibly because the economic status of the city did not fit within the economic

recognized that because the population in the region was divided “by nationality,”²⁰⁶ the most effective national identity would not be founded on any one of the existing group identities but rather on the connection of local dwellers to the land, whose optimal production was said to be negated by the Ottoman government.

Hence, the post-1903 Anglo-American information that sought to construct a Macedonian national identity incorporated references to a Macedonian people into the language, enhanced the public’s sense of Ottoman wrongdoing, and avoided the presentation of the uprising as Bulgarian-operated. In 1904, the events of the preceding year were described in an American publication as “the deliberate and systematic extermination of the Macedonian people by the Turkish authorities.”²⁰⁷ In an effort to establish Christian solidarity toward a Christian governance of the region, the description “Christian Macedonian” was used.²⁰⁸ Later, after the Ottoman control of the Balkans was replaced by nation-states that represented the Christian civilization, and the uprising of 1903 became a matter for historians, historiographical emphasis on the ethnic diversity of Macedonia removed from memory the knowledge that the fire of the Macedonian

argument about the other two vilayets, or perhaps because the inclusion of Thessaloniki would have been a reminder of the revolt that was organized as a Bulgarian affair.

²⁰⁶ According to the report in the beginning of 1904, “In Macedonia,” 1,100,000 were Bulgarians, 500,000 were Albanians, 410,000 were Turks, 150,000 were Serbians, 100,000 were Muslim Bulgarians, 72,000 were Romanians, and 50,000 were Jews. See: *Ibid.*, 18. However, it is unclear to what extent the fluidity of one’s national identity in the region was taken into consideration when the numbers were tallied. For instance, according to one account a person from Monastir said that his village used to be Greek before turning Bulgarian, and the reason he gave for the change was that the Bulgarians provided the village with a priest and free teaching. See: H. N. Brailsford, *Macedonia: Its Races and Their Future* (London: Methuen, 1906), 102-103.

²⁰⁷ George N. Chakaloff and Stanislav J. Shoomkoff, *The Macedonian Problem, and its Proper Solution* (Philadelphia: John C. Winston, 1904), 5.

²⁰⁸ John Foster Fraser, *Pictures from the Balkans* (London: Cassel and Company, 1906), 5.

Question was first fueled by the American-guided Bulgarian nation.²⁰⁹ The political efforts to “Bulgarize Macedonia”²¹⁰ were converted into historiographical efforts to Macedonianize the once Bulgarian quality of the revolutionary movement against the Ottoman government.²¹¹ This made the historiographical omission of the American involvement less noticeable, and it became the standard form of the discourse following CEIP’s report on the Balkan Wars.²¹²

²⁰⁹ For examples of the focus on the multiple group interests in the region in a manner that comes at the expense of acknowledging that the revolutionary movement was specifically Bulgarian, see: Chakaloff and Shoomkoff, *Macedonian*, 60-61; Robert W. Seton-Watson, *The Rise of Nationality in the Balkans* (London: Constable and Company, 1917), 129; Marriott, *The Eastern*, 409; Ferdinand Schevill, *The History of the Balkan Peninsula: From the Earliest Times to the Present Day* (New York: Harcourt, Brace and Company, 1922), 436; Elisabeth Barker, *Macedonia: Its Place in Balkan Power Politics* (London: Royal Institute of International Affairs, 1950), 9-11, 15; L. S. Stavrianos, *The Balkans since 1453* (New York: Holt, Reinhart and Winston, 1958), 517; Jelavich, *History*, 2:89-91; Davide Rodogno, *Against Massacre: Humanitarian Interventions in the Ottoman Empire 1815-1914: The Emergence of a European Concept and International Practice* (Princeton, NJ: Princeton University Press, 2012), 230.

²¹⁰ As Edward Dickey phrased it in the 1890s, while referring to the region in its Anglo-American geographical name, there was an agenda to “Bulgarize Macedonia.” See: Dickey, *Peasant*, 257.

²¹¹ Works of Anglo-American historiography label the committee in Thessaloniki as internal and the committee in Sofia as external. For examples, see: William Le Queux, *An Observer in the Near East* (London: T. Fisher Unwin, 1907), 292; Stavrianos, *Balkans*, 520; Marin V. Pundeff, “Bulgarian Nationalism,” in *Nationalism in Eastern Europe*, ed. Peter F. Sugar and Ivo J. Lederer (Seattle: University of Washington Press, 1969), 130; Stanford J. Shaw and Ezel Kural Shaw, *History of the Ottoman Empire and Modern Turkey* (Cambridge: Cambridge University Press, 1977), 2:209; Dimitrije Djordjevic and Stephen Fischer-Galati, *The Balkan Revolutionary Tradition* (New York: Columbia University Press, 1981), 178. The effect of this labeling is to create a false perspective of how the revolutionary movement was organized. The so-called internal committee was no less Bulgarian than the so-called external one. The authentic designation was that the one in Sofia was superior, being in proximity to government operations, and the other was central, being closer to where the revolutionary action was taking place. Moreover, the eventual Ottoman loss of “Macedonia” in the Balkan Wars is characterized as “the birth of a nation” from an American missionary’s perspective. See: J. M. Nankivell, *A Life for the Balkans: The Story of John Henry House of the American Farm School, Thessaloniki, Greece* (New York: Fleming H. Revell Company, 1939), 163. In addition, Delchev, the Bulgarian who led the Central Committee, is said to have been the leader of “a more genuinely Macedonian body” and one of “a handful of Macedonian intellectuals.” See: Barker, *Macedonia*, 16; Mark Biondich, *The Balkans: Revolution, War, and Political Violence since 1878* (Oxford: Oxford University Press, 2011), 67. This kind of discourse suppresses Delchev’s Bulgarian identity, and, as a result, the movement’s Bulgarian identity is suppressed as well.

²¹² In this report, the Bulgarian revolutionary movement that operated in the American-influenced environment of Thessaloniki is described only as an “internal organization” whose commitment was to the “Christian population” in Macedonia. See: Carnegie Endowment for International Peace, *Report of the International Commission: To Inquire into the Causes and Conduct of the Balkan Wars* (Washington: Carnegie Endowment for International Peace, Division of Intercourse and Education, 1914), 33. In keeping with this template of an overview of history, Margaret MacMillan narrates that in 1903 “the Christian

Accordingly, the Macedonian case has not been identified in the context of American power considerations regarding German spheres of influence prior to WWI, and has remained isolated from the Armenian case and the greater understanding of how the rise of nation-states within the Ottoman Empire was related to the development of international law. It is here considered that the modern creation of this Christian nation under the Macedonian name did not merely set up a Euro-Christian defiance of Muslim rule. The rallying of Christians under a newly invented collective identity was conducive toward establishing another political unit in the Balkans that would stop German expansion and participate in the international law that would give the division of European property between existing nation-states a legal protection. This prevention of land from coming under German governance was initially attempted through a quest for a greater Bulgaria, but after the failure to unite the people under the Bulgarian national identity in 1903 the Anglo-American language presented a Macedonian national identity. Either option—Bulgarian or Macedonian—was bound to strengthen the legal marking of non-German land in Europe through international law, and thereby establish a Christian-based normative opposition to changes in the status quo between European sovereignties. Just as the Armenians were cultivated to become a political buffer against German expansion on the Asian side of the Ottoman Empire, the Macedonian national existence was an extension of the effort to obstruct German governance on the European side of the Ottoman Empire. In both cases, international law was designed to secure their sovereign

population” rebelled against the Ottoman government. See: Margaret MacMillan, *The War That Ended Peace: The Road to 1914* (New York: Random House, 2013), 244. For other recent examples of monographs that cement the concealment of American involvement by using language that creates an assumption of a non-Bulgarian identity during the time of the Bulgarian revolutionary movement in the region, see: Rodogno, *Massacre*, 229-246; Ipek K. Yosmaoglu, *Blood Ties: Religion, Violence and the Politics of Nationhood in Ottoman Macedonia, 1878-1908* (Ithaca, NY: Cornell University Press, 2013), 15, 289.

right over territory, and their status as such presented the potential of shaping governance through international law.

Before Victory

Much like the project of genocide scholarship, leading IR works, which unfold history through theoretical frames, offer a limited view of the circumstances that led to WWI, particularly as it regards American strategy and the promotion of international law. Chief among such works²¹³ is G. John Ikenberry's *After Victory*, whose main claim is that "states,"²¹⁴ after winning "major wars," are in a situation of power advantage that invites them "to find ways to set limits on their power and make it acceptable to other states."²¹⁵ Ikenberry's work obstructs the view of international law as a manifestation of American

²¹³ Some IR monographs, though popularly used in classes of political science, display a disregard for the study of American interests prior to WWI but the avoidance of American power considerations is not an inherent part of their theoretical premise. In one work that calls attention to power, simplistic historical arguments are made without being required by a theoretical approach, such as "modern Germany would have been secure had it only behaved itself," and "Germany sought a wide empire, and World War I grew largely from the collision between German expansionism and European resistance to it." See: Stephen Van Evera, *Causes of War: Power and the Roots of Conflict* (Ithaca, NY: Cornell University Press, 1999), 191, 202. The emphasis on "German expansionism" is noticeable throughout the book, and is coupled with the strictly Euro-centric focus that does not consider American interests as a factor. Germany is presented as the main actor, and is assigned the main bulk of verbiage about political strategy that is associated with self-interest. In another work that centers on power in its theoretical approach, Germany's role as an actor is similarly highlighted by accusations such as: "in the decade before World War I, Germany attempted to intimidate its European rivals," and "Germany's leaders were principally responsible for starting World War I in the summer of 1914." See: Mearsheimer, *Tragedy*, 152, 188.

²¹⁴ The reference to states rather than the United States in particular is typical of the theorizing quality of IR works, and it structurally diverts attention from discussions about the one main actor in the international scene, the United States, which also happens to be the home of IR studies. The theoretical approach is empowered by the assumption that this brand of political study is a matter of social science.

²¹⁵ G. John Ikenberry, *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars* (Princeton, NJ: Princeton University Press, 2001), xi. Ikenberry's confidence in the generalization rests on his survey of only three major wars and their aftermaths. He determines state behavior according to war, rather than consider that even the major wars are engaged as part of a preexisting strategy toward an idea of international order. As his double usage of the word *after* in the full book title suggests, Ikenberry's work popularized a language that trains people to consider American agenda in a postwar frame.

strategy, and it does this through his markings of timeframe, language, agency, and power. Firstly, by claiming to have identified “An historical pattern” that necessarily involves postwar evaluations by the victors,²¹⁶ he designs a framework that excludes significant developments that occurred before the victory. Secondly, rather peculiarly, he refrains from using the term *international law*, and, instead, the text is filled with references to international order.²¹⁷ Thirdly, by the placement of Woodrow Wilson at the center of the narrative about the advent of the League of Nations,²¹⁸ he directs the study

²¹⁶ Ibid., 4.

²¹⁷ Ikenberry expresses his interest to be in “The debate about the sources of international order,” without ever clarifying his choice to focus on order rather than law. See: Ibid., 10. Even when describing “mutually agreed-upon rules and principles,” which seem to be law by definition, he prefers to describe them as “order.” See: Ibid., 12. This odd insistence on order rather than law is seen as related to his choice of timeframe, considering that the American promotion of international law is recorded to have begun long before WWI and would have frustrated the core of his thesis and negated the very title of the book. Even when overlooking the American campaign for codification of international law and international arbitration since the 1870s, the mainstream historiography cannot deny that ASIL was assembled in 1906, and made its first official publication in 1907. For instance, see: Frederic L. Kirgis, *The American Society of International Law’s First Century, 1906-2006* (Leiden: Brill, 2006), 1.

²¹⁸ For example, in reference to the League of Nations as a postwar phenomenon, Ikenberry describes it as “Woodrow Wilson’s proposal,” regardless of whether or not Wilson was involved in the original conceptualization of the league prior to the war. See: Ibid., 117. Similarly, it is suggested that “Wilson presented a case for a new international organization to supervise and guarantee the peaceful settlement of disputes and reinforce democratic government worldwide, most critically in Europe,” without regard to the relevant developments that preceded Wilson’s public treatment of this concept in the context of WWI. See: Ibid., 127. According to Ikenberry, it was “in Wilson’s view” that “The League of Nations ... was a vehicle to lock European states into a new type of order.” Ibid., 139. Meaning, this statement erroneously suggests that American efforts toward international arbitration did not effectively happen before WWI, and ought to be reduced to Wilson’s publicized wartime conveyance of them rather than considered in the context of great endeavors by a host of others since the 1870s. In passing, and literally between dashes, Ikenberry mentions that “Roosevelt had proposed the league concept in 1905.” See: Ibid., 150. This statement, which is given without citation or context, has the capacity to upend Ikenberry’s entire after-victory premise regarding Wilson and the League of Nations, yet it is placed in the text casually and as if barely relevant. The one-leader approach is adopted by Ikenberry in general, as he associates 1815 with Viscount Castlereagh, and 1945 with Harry Truman. See: Ibid., xi. It is here suggested that the association of national self-determination as a concept with Wilson’s approach to WWI and its aftermath is also a narrow view that disconnects the concept from an American vision that was in existence long before WWI. The concept is not seen as part of a greater process because it follows an approach that compartmentalizes history according to presidential administrations. Moreover, this approach is common in the rhetoric of popular Anglo-American media outlets about politics, such as the *NYT*, *The Economist*, and *Foreign Affairs*, in which the narrative is characterized by a focus on the agency of highly elected officials such as presidents and prime ministers. Ikenberry is a regular contributor to the last mentioned magazine, and his omission of the significant work toward international arbitration that was led by Elihu Root, the founder of

of the phenomenon away from principal actors and their agenda. Finally, his discussion of power does not include the distinction between hard and soft, and, consequently, the meaning of the theoretical premise is that it considers soft power to be limited power, or less power in comparison to hard power. The historiographical perspective that Ikenberry proposes is in agreement with the belief that—in the spirit of George Washington’s farewell address in September, 1796, and in accordance with James Monroe’s doctrine of 1823—“the United States observed a policy of non-intervention with respect to the affairs of European States”²¹⁹ until it joined WWI in April, 1917.²²⁰

In addition to the complex facilitation of the international environment toward international arbitration that had taken place since the 1870s, the specific idea of a league of nations preceded WWI and was not conceived by Wilson or any other American

Foreign Affairs’ publisher—the Council on Foreign Relations—and the author of its first featured article, might be in line with the magazine’s president-centric style but is at odds with its own history.

²¹⁹ Hyde, *International*, 124. The United States government presented this notion as true in its reservation upon signing the pre-WWI convention for the pacific settlement of international disputes, in which it stated that it has a “traditional policy of not intruding upon, interfering with, or entangling itself in the political questions or policy or international administration of any foreign State.” See: Carnegie Endowment for International Peace, *Signatures, Ratifications, Adhesions and Reservations to the Conventions and Declarations of the First and Second Hague Peace Conferences* (Washington: Carnegie Endowment for International Peace, 1914), 6.

²²⁰ Ikenberry tells the story of the League of Nation’s creation without the context of the power considerations that preceded WWI. He mentions that after the war had started, “a group of unofficial British internationalists, organized around former ambassador to the United States Lord James Bryce” and that it was “They” who “urged” the Americans into taking the lead in the league project, and that they continued to press the Wilson administration toward this goal even after the United States had joined the war. See: Ikenberry, *After*, 142. According to such an account, Bryce is depicted as if part of a “British” entity that is separate from the American interests and activities that had been carried out for decades. It is to be noted that this vision of history is supported by the information that was produced in Britain at the time: “At the outbreak of war a group of men in England thought they might do useful service, not only for their country but for the greater cause of civilization, by getting into touch with American opinion, and bringing thoughtful men in England and America together.” See: Charles Robert Ashbee, *The American League to Enforce Peace: An English Interpretation* (London: George Allen & Unwin, 1917), 13. However, this information was already devised to have a particular effect on public opinion, which was the promotion of the belief that the war prompted the assembly of the league rather than seeing the league as a prewar destination toward which many plans and much action had already been devoted.

president. In 1905, through the suggestion of a Christian civilizational underpinning,²²¹ Carnegie presented international law as the final triumph of what is just and merciful,²²² and explained that through the support of conferences at The Hague “we shall have the germ of the Council of Nations,”²²³ which would realize his long held vision of international arbitration:

Five nations co-operated in quelling the recent Chinese disorders and rescuing their representatives in Peking. It is perfectly clear that these five nations could banish war. Suppose even three of them formed a League of Peace—inviting all other nations to join—and agreed that since war in any part of the civilized world affects all nations, and often seriously, no nation shall go to war, but shall refer international disputes to the Hague Conference or other arbitrary body for peaceful settlement, the League agreeing to declare non-intercourse with any nation refusing compliance. Imagine a nation cut off to-day from the world. The League also might reserve to itself the right, where non-intercourse is likely to fail or has failed to prevent war, to use the necessary force to maintain peace, each member of the League agreeing to provide the needed forces, or money in lieu thereof, in proportion to her population or wealth. Being experimental and upon trial, it might be deemed advisable, if necessary, at first to agree that any member could withdraw after giving five years’ notice, and that the League should dissolve five years after a majority vote of all members.²²⁴

Less than two years later, in the context of the second international conference at the Hague, Carnegie called for “the formation of a League of Nations similar to that formed in China recently for a specific object, which was successfully accomplished.”²²⁵ In October of 1914, soon after WWI had started, Carnegie was found ready to articulate the lessons of the war and the scenario following its conclusion: “Germany and Austria

²²¹ Carnegie, *League*, 10-11.

²²² *Ibid.*, 15.

²²³ *Ibid.*, 28

²²⁴ *Ibid.*, 32-33.

²²⁵ Andrew Carnegie, “The Next Step—A League of Nations,” *Outlook* 86, 4 (May 25, 1907), 151.

should be the first invited by the Allies to join in forming a League of Peace.”²²⁶ When Wilson gave the famous address in which he presented an argument for “a League of Peace” as an idea that had been “taking form in my mind,”²²⁷ it was more than a decade after Carnegie had done so, and decades after the initial American efforts toward establishing international arbitration. Even regarding the two presidents who preceded Wilson, Theodore Roosevelt and William Howard Taft, who were active toward the promotion of peace through arbitration at The Hague, it cannot be said that they were the source of the American quest for international law.²²⁸

Through financial contributions from Carnegie, the realization of international

²²⁶ Andrew Carnegie, “A League of Peace—Not ‘Preparation for War,’” *Independent* 80 (October 19, 1914): 89. This statement by Carnegie was also the subject of an article by the *NYT*, in which it is written in uppercase letters that he “favors league of nations.” See: “Carnegie Lays War to Gigantic Armies,” *New York Times*, October 15, 1914.

²²⁷ Woodrow Wilson, *A League for Peace: Address of the President of the United States, Delivered before the United States Senate on January 22, 1917, Submitting Certain Conditions upon Which This Government Would Feel Justified in Approving Its Formal and Solemn Adherence to A League for Peace* (Washington: United States Government Printing Office, 1917), 3-4.

²²⁸ It can be said that all three of these presidents, Roosevelt, Taft, and Wilson, who were placed in competition with one another as candidates for presidency in 1912, operated at one point or another within Carnegie’s network. One of Carnegie’s biographies depicts a relationship in which Carnegie in 1910 funded, along with J. P. Morgan, “Roosevelt’s mass slaughter of African wild life ... in the name of science under the auspices of the Smithsonian Institutions,” while “In return, Roosevelt would visit the Kaiser and press the cause for a ‘League of Peace.’” See: Joseph Frazier Wall, *Andrew Carnegie* (New York: Oxford University Press, 1970), 929. For his part in the arrangement, Roosevelt had requested to rely on instructions given to him by Elihu Root. See: Hendrick, *Life*, 2:326, 330. It is stated that “Carnegie also provided a \$10,000 annual pension for David Lloyd George and former President Taft.” See: Wall, *Andrew*, 1043. According to a record of Carnegie’s trusts, “Pensions for Ex-Presidents of the United States were proposed by Mr. Carnegie in 1912 when he requested that part of the income of Carnegie Corporation of New York be used for such a purpose,” but “the Corporation voted, on January 9, 1918, not to apply any part of the income towards ex-Presidential pensions.” See: Lester, *Forty*, 76. However, it is added that “Under Mr. Carnegie’s will ... Mrs. Cleveland (now Mrs. Thomas J. Preston), Mrs. Edith Roosevelt, President Taft, and other personal friends received life annuities in varying amounts which are paid by the Home Trust Company, trustee under the will.” See: *Ibid.*, 77. Taft was a member of CPU’s board of trustees between 1918 and 1930. See: Lester, *Forty*, 80. Prior to running for election as president, Wilson was on the board of trustees of the Carnegie Foundation for the Advancement of Teaching since its inception in 1905 and until 1910. See: *Ibid.*, 49-50. This information offers a wider view of the work toward international law, and it puts the publicized wartime polemic between Roosevelt and Wilson under a different light.

order via international law had been converted into language through scholarly publications before WWI. In 1907, on the first issue of *AJIL*, the journal that was dedicated to international law, Elihu Root promoted the notion that there is “popular control over national conduct” and argued for public awareness of international law.²²⁹ At its prewar period, the publication was like a newsletter for activities at The Hague, and tried to suggest ways through which the establishment of a permanent court of arbitration there could be made practical.²³⁰ Following the two conferences of 1899 and 1907, there was expressed optimism that there would be a third conference “in or about the year 1915.”²³¹ However, by 1915, it had become clear that after decades of American facilitation toward a system of international law that would stop Germany in its tracks, the imposition of legal authority over Germany would only be made possible after its defeat.

²²⁹ Root, “Need,” 1.

²³⁰ For example, see: Jackson H. Ralston, “Some Suggestions as to the Permanent Court of Arbitration,” *American Journal of International Law* 1, no. 2 (April 1907): 321-329; William L. Penfield, “International Arbitration,” *American Journal of International Law* 1, no. 2 (April 1907): 330-341; Clarke, “A Permanent,” 342-408; David J. Hill, “The Second Peace Conference at the Hague,” *American Journal of International Law* 1, no. 3 (July 1907): 671-691; “The Second Peace Conference of the Hague,” *American Journal of International Law* 1, no. 4 (October 1907): 945-954; James Brown Scott, “The Work of the Second Hague Conference,” *American Journal of International Law* 2, no. 1 (January 1908): 1-28; Amos S. Hershey, “Convention for the Peaceful Adjustment of International Differences,” *American Journal of International Law* 2, no. 1 (January 1908): 29-49; Bustamante, “Hague,” 95-120; Charles Noble Gregory, “The Proposed International Prize Court and Some of Its Difficulties,” *American Journal of International Law* 2, no. 3 (July 1908): 458-475; Brown, “Proposed,” 476-489; Thomas Raeburn White, “Constitutionality of the Proposed International Prize Court—Considered from the Standpoint of the United States,” *American Journal of International Law* 2, no. 3 (July 1908): 490-506; William I. Hull, “Obligatory Arbitration and the Hague Conferences,” *American Journal of International Law* 2, no. 4 (October 1908): 731-742; Scott, “The Proposed,” 772-810; Elihu Root, “The Relations between International Tribunals of Arbitration and the Jurisdiction of National Courts,” *American Journal of International Law* 3, no. 3 (July 1909): 529-536; Heinrich Lammasch, “Compulsory Arbitration at the Second Hague Conference,” *American Journal of International Law* 4, no. 1 (January 1910): 83-94; James Brown Scott, “The Evolution of a Permanent International Judiciary,” *American Journal of International Law* 6, no. 2 (April 1912): 316-358.

²³¹ James Brown Scott, “Recommendation for a Third Peace Conference at the Hague,” *American Journal of International Law* 2, no. 4 (October 1908): 818.

WWI presented a new possibility for the progression of a preexisting strategy. Bryce offered the following words in 1915: “The frightful catastrophe of the present War, involving more than half the human race, and bringing grave evils on neutral nations also, has driven thoughtful men to reflect on the possibility of finding means by which the risk of future wars may be dispelled, or at least largely reduced.”²³² The confidence in a German loss presented a significantly improved opening for international arbitration to be organized through a council of nations after the war, but as this rhetoric in the midst of the warring suggests, it was perceived even before the war’s conclusion that for the sake of gains in public opinion, the war itself—rather than the prewar hard-power considerations—had to be seen as the impetus for international law. Accordingly, the difference between before and after the American victory in WWI as it regards international order, was not a matter of a newly emerging American idea on how to use newly acquired relative power, but rather it was the ability after the war to use the experience of the war as an opportunity to promote international institutions toward law and arbitration as conceived before the war. Put differently, the desired transition from hard power through soft power to legal power could not be continued because the German resistance to the status quo in hard-power relations meant that an important component of the international political scene considered the American production of soft

²³² James Bryce, preface to *Proposals for the Avoidance of War with a Prefatory Note by Viscount Bryce*, 5, <https://archive.org/details/proposalsforavoi00brycuoft> (last accessed, 1/24/2017). This prefatory note was part of a version that was prepared in February, 1915, by G. Lowes Dickinson, who is listed as “the Secretary of the Group.” It was not for publication. For the revised version that appeared two years later, see: James Bryce, *Proposals for the Prevention of Future Wars* (London: George Allen & Unwin, 1917). The period of two years between the original and the published version suggests that it was possibly understood that what Bryce and associates articulated about the purposes of the war in 1915 would have seemed too early to the public, and so they let the war play out for two more years before releasing the information.

power to be unconvincing. Since law requires legitimate authority, it became apparent through WWI that there had been no universal sense of authority despite the growing existence of information that advocated for international law.

The League of Nations

Fighting Germany in WWI was not only a basic feature of hard power, but also material for a soft-power campaign to create awareness, with greater oomph, of legal responsibility between nations. While the war was ongoing, and atrocities were being prominently advertised, CEIP produced publications to remind the public of the international conventions of 1899 and 1907 that had been signed at The Hague.²³³

Without calling attention to American leadership in organizing and promoting the prewar movement toward international arbitration at The Hague,²³⁴ the existence of documented agreement regarding “the principle of compulsory arbitration” was recalled.²³⁵ The war provided images through which the Americans could illustrate what was meant by the prewar ideas for considering certain acts of war to be a crime. Thus, the promotion of an international judicial system received a great measure of strength from the credible

²³³ For instance, see: *The Hague Conventions of 1899 (II) and 1907 (IV) Respecting the Laws and Customs of War on Land* (Washington: Carnegie Endowment for International Peace, 1915); *The Final Acts of the First and Second Hague Peace Conferences, Together with the Draft Convention on a Judicial Arbitration Court* (Washington: Carnegie Endowment for International Peace, 1915).

²³⁴ One way in which the information on the history of the first conference at The Hague leads the public away from seeing international law as largely an American project is that it highlights what was merely a symbolic invitation by the Czar of Russia as if he was the one to initiate the meeting for the purpose of agreeing on an international convention. For examples of this, see: Carnegie, *League*, 21; “First,” 155; Fenwick, *International*, 28; Michael Rosenthal, *Nicholas Miraculous: The Amazing Career of the Redoubtable Dr. Nicholas Murray Butler* (New York: Farrar, Straus and Giroux, 2006), 163. The effect of such information is that the American conceptual and organizational leadership becomes less pronounced.

²³⁵ CEIP, *Final*, 27.

wartime and postwar depictions of a need for international legal authority to be exercised in matters of criminal conduct by governments.

When unaffected by current Anglo-American historiographical preferences, the view of the Anglo-American interests regarding international law before, during, and after WWI, shows that the project was mainly designed to contain German power or prevent a similar power from developing, and did not concern itself with the criminalization of the Ottoman government or any other government. As stated by the Commission on the Responsibility of the Authors of the War and on Enforcement of Penalties at the Peace Conference in Paris (1919): “The Allied and Associated Powers publicly arraign William II of Hoenzollern, formerly German Emperor, for a supreme offence against international morality and the sanctity of treaties.”²³⁶ It was clarified in the report of the preliminary peace conference commission that the responsibility of the war “rests first on Germany and Austria, second on Turkey and Bulgaria.”²³⁷ Moreover, it narrated that “A few months before war broke out, Turkey handed over the command of her military and naval forces to the German General Liman von Sanders and the German Admiral Souchon,”²³⁸ and it regarded Enver Pasha and Talaat Pasha as “German agents”

²³⁶ Carnegie Endowment for International Peace, *Violation of the Laws and Customs of War: Reports of Majority and Dissenting Reports of American and Japanese Members of the Commission of Responsibilities, Conference of Paris, 1919* (Oxford: Clarendon Press, 1919), vii. The collection of reports was approved in signature by Robert Lansing. See: *Ibid.*, 1.

²³⁷ *Ibid.*, 4.

²³⁸ *Ibid.*, 9. In another publication through CEIP, later in the interwar period, a similar argument is made. There is it said that “The whole Turkish nation was dragged into the War as a result of a *fait accompli*, the work of a German admiral who received his orders from the Kaiser.” See: Ahmed Emin, *Turkey in the World War* (New Haven, CT: Yale University Press, 1930), 75. The author of the book is known as Ahmet Emin Yalman.

in the war.²³⁹ The Ottoman government was not even seen as an independent actor in the war, and the American vision aimed at achieving German recognition of international legal authority.²⁴⁰

As the post-WWI international treaties show, there was an emphasis on burdening the future moves of a major power in Europe by producing more treaties to that effect. Initial hints of “genocide” as a legal term were not found in a threatening wartime letter that was sent from one belligerent side to another or in a focus on the Turkish courts-martial (1919-1920) that involved specific wartime violations in the battlefield, but rather in the treaties of the new postwar states, “Poland, Czecho-Slovakia, the Serb-Croat-Slovene State, Roumania, Greece, Austria, Bulgaria, Hungary, and Turkey, for the just and equal treatment of their racial, religious, and linguistic minorities.”²⁴¹ In other words, the grain of “genocide” was not in the experience of any particular wartime suffering, nor in the adjudication of any particular wartime offender, but in the specialized legislation that was worded in the postwar treaties. In the context of circumventing future German expansion in Europe, the treaty that was signed with Poland by the United States, Britain,

²³⁹ CEIP, *Violation*, 11. The report provided a selective listing of murders and massacres during WWI in Belgium, France, Greece, and Poland, and included reference to the Armenians as victims under “Greece.” See: *Ibid.*, 29-31. Also, it mentioned deportation of civilians in France, Greece, Italy, Romania, and Serbia, and included reference to the Armenians as victims under “Greece.” See: *Ibid.*, 35-36.

²⁴⁰ Accordingly, the wording of the commission’s report asked “That the enemy Governments shall ... recognise the jurisdiction of the National Tribunals and the High Tribunal, that all enemy persons alleged to have been guilty of offences against the laws and customs of war and the laws of humanity shall be excluded from any amnesty to which the belligerents may agree, and that the Governments of such persons shall undertake to surrender them to be tried.” See: *Ibid.*, 25. By aiming thus, the lack of precedent in international law would become covered by the German agreement for such legal practice.

²⁴¹ Oppenheim, *International*, 1:582. The text also lists details about the relevant information in the treaties. This is part of Oppenheim’s discussion of the protection of minorities as part of the agenda of international law. The matter was not related to wartime suffering, but rather emphasized state policy during peace. See: *Ibid.*, 581.

France, Italy, and Japan, was primary, and the first of such treaties. It was signed at Versailles, on June 28, 1919, and its wording and meaning in Article 12 have points of similarity with that of the Genocide Convention:

Poland agrees that the stipulations in the foregoing Articles, so far as they affect persons belonging to racial, religious or linguistic minorities, constitute obligations of international concern and shall be placed under the guarantee of the League of Nations. They shall not be modified without the assent of a majority of the Council of the League of Nations. The United States, the British Empire, France, Italy and Japan hereby agree not to withhold their assent from any modification in these Articles which is in due form assented by a majority of the Council of the League of Nations.

Poland agrees that any Member of the Council of the League of Nations shall have the right to bring to the attention of the Council any infraction, or any danger of infraction, of any of these obligations, and that the council may thereupon take such action and give such direction as it may deem proper and effective in the circumstances.²⁴²

Thus, long before WWII, the protection of minorities, according to their “racial, religious or linguistic” affiliation, was established in international law piecemeal by way of treaties with the new European states that were east of Germany, all the way to the Middle East,²⁴³ in the same territories that the German Empire treated as its spheres of influence on the eve of WWI.

²⁴² Allied and Associated Powers, *Treaty with Poland: Treaty of Peace between the United States of America, the British Empire, France, Italy, and Japan, and Poland, Signed at Versailles on June 28, 1919* (Washington: United States Government Printing Office, 1919), 12. This aspect was also secured in article 93 of the treaty with Germany itself, in which it is stated: “Poland accepts and agrees to embody in a Treaty with the Principal Allied and Associated Powers such provisions as may be deemed necessary by the said Powers to protect the interests and inhabitants of Poland who differ from the majority of the population in race, language or religion.” See: Allied and Associated Powers, *Treaty of Peace with Germany* (Washington: United States Government Printing Office, 1919), 139.

²⁴³ Regarding the Middle East, the League of Nations also served in the authorization of the relationship between Britain and France of the Allied Powers and the territories in the Middle East. This was a matter for one of the committees of the League of Nations. See: Howard-Ellis, *Origin*, 135. Thus, the newly defined nation-states, regardless of their specialized national character, were directed toward governance that would fit the expectations of the Family of Nations for a law among nations in the spirit of the Euro-Christian civilization, in accordance with the American vision that dates back to the 1870s. Also, the mandates were considered as a new and different type of relationship between great power and “native agencies.” See: Geddes W. Rutherford, “Spheres of Influence: An Aspect of Semi-Suzerainty,” *American Journal of International Law* 20, no. 2 (April 1926): 300-325.

Therefore, the League of Nations was set to function toward the postwar fulfillment of a prewar plan. It was programmed to be governed by a council, settle disputes by an international court, and enforce international law by sanctions and a readiness to go to war.²⁴⁴ It was promoted as “a League of war against war,”²⁴⁵ in the belief that “If ever there is to be an organized world society guaranteeing peace it must be based on a world law.”²⁴⁶ While the protection of minorities in Europe had not yet been described as a matter of crime prevention and punishment, the League of Nations administered a detailed bureaucratic set of procedures that established responsibility among the member states.²⁴⁷ In the interwar period, the following observation was made in an official publication by the League of Nations:

The protection of minorities is one of the most difficult and delicate tasks which the Peace Treaties laid on the League and one which places the greatest responsibility upon the Members of the Council. It is primarily political and, this being so, it is not surprising that the subject has been widely discussed both inside and outside the League during the past ten years.²⁴⁸

²⁴⁴ For an articulation of this, see: World Peace Foundation, *Historical Light on the League to Enforce Peace* (Boston: World Peace Foundation, 1916).

²⁴⁵ O. F. Maclagan, *The Way to Victory: With a Scheme for an Immediate “League of Nations”* (London: E. R. Duke, 1918), ix.

²⁴⁶ Howard-Ellis, *Origin*, 266.

²⁴⁷ The guarantee of the League of Nations was designed to facilitate a protocol for interaction between the Council of the League of Nations and the relevant nation-states. For information on how the protection of minorities was monitored, see: Eric Drummond, *Ten Years of World Cooperation* (London: Secretariat of League of Nations, 1930), 367-378. It is said that “Some three hundred and fifty petitions (excluding those from Upper Silesia)” were addressed to the League of Nations between 1921 and the writing of the book, and that “about half were declared unacceptable.” See: *Ibid.*, 374. The cases that reached the council involved “Albanian and Bulgarian minorities in Greece; the Greek minority in Bulgaria; Jewish minorities in Hungary; the Polish minorities and persons of Ukrainian and Russian origin in Lithuania; the acquisition of Polish nationality and the situation of landowners of German origin in Poland; the Lithuanian minorities in the region of Vilna; the liquidation by the Polish Government of the property of certain Polish nationals; landowners of Hungarian origin in the Banat and in Transylvania; the organisation of the Ruthene territory south of the Carpathians (Czechoslovakia) as an autonomous unit; the Greek minorities in Constantinople and the Turkish minorities in Western Thrace; the Armenian minorities in Turkey.” See: *Ibid.*

²⁴⁸ *Ibid.*, 357.

When considered in retrospect, the “Minorities Treaties” were the blueprint for the Genocide Convention, and this view is supported by the wording of the resolution that was adopted by the Assembly of the League of Nations in expression of

...the hope that the States which are not bound by any legal obligations to the League with respect to minorities will nevertheless observe in the treatment of their own racial, religious or linguistic minorities at least as high a standard of justice and toleration as is required by any of the Treaties and by the regular actions of the Council.²⁴⁹

This use of language shows that before “genocide” had been coined, related to Lemkin, and made into a crime of international law through the United Nations’ Genocide Convention, there had already been an official endeavor by the League of Nations to turn the protection of minority groups into an international norm based on the legal existence of the individual treaties with the new nation-states that covered significant land between Germany and the Middle East.

“Genocide”

National existence around Germany was both the original foundation and destination of the international-law program. Different peoples were not just informed that they are separate nations and had to act as national entities to be members in the Christian civilization’s Family of Nations, but they were also protected, as such, by one of international law’s most basic elements: recognition of national sovereignty. As early as 1872, Field’s initial articulation of the American project to design an international code was based on the notion that “Every nation is sovereign within its own jurisdiction; that is to say, it is, of right, independent of all foreign interference, and free to express

²⁴⁹ Ibid., 359.

and enforce its will, by action within its jurisdiction, without opposition from any foreign power.”²⁵⁰ Hence, international law negated conquest against recognized sovereignties or the attempt to unite territories of European nation-states into one German-led federal government,²⁵¹ while disregarding the kind of informational influence that was exerted by the Anglo-Americans on these sovereign nations. Situated in the center of the European continent, German power was contained by surrounding nation-states, which were empowered by international law. In order for German power to grow after WWI, it sought to bypass international law by denationalizing the European nation-states and renationalizing Europe under a national-socialist agenda.

Denationalization in the language of international law was a matter of a state’s denial of citizenship rights by claiming that the denationalized is for some reason no longer legally recognized as a national member,²⁵² or a state’s forced denationalization of a population in an occupied territory.²⁵³ However, it gradually became apparent that the experience of Nazi Germany exceeded the limits of the term. The Nazi government not only introduced unprecedented domestic laws in which the old fashioned

²⁵⁰ Field, *Outlines*, 8. This continued to be featured in the works that defined and explained international law. For instance, see: Miles, “International [1],” 28; Root, “Relations,” 531; Wilson and Tucker, *International*, 45; Ellery C. Stowell, *Intervention in International Law* (Washington: John Byrne, 1921), 297; Hyde, *International*, vol. 1, 16, 50; Fenwick, *International*, 86; Oppenheim, *International*, 1:5, 705.

²⁵¹ Once national sovereignty is an assumption of international law, then the prohibition of conquest becomes a natural aspect of it. For example, see: Stowell, *Intervention*, 431.

²⁵² The relinquishment or forfeiture of one’s citizenship was a matter addressed in the law of the power that led the Euro-Christian civilization. See: Flournoy and Hudson, *Collection*, 61, 577. In particular, the question of the national status of those not considered to be “free white persons” was addressed in this context. See: James W. Garner, “Denationalization of American Citizens,” *American Journal of International Law* 21, no. 1 (January 1927): 106-107. In 1915, France denationalized “French citizens born in enemy countries.” See: Garner, *International*, 1:77.

²⁵³ For example, after WWI, it was argued that during the war the Bulgarians acted against the use of Serbian language, books, schools, and churches. See: CEIP, *Violation*, 39.

denationalization was put into effect,²⁵⁴ and, once WWII began, it did not simply “impose” its own “national characteristics on the population.”²⁵⁵ Significantly, Germany used its power to cancel the existing connections between nation and state, and inspire the broad denationalization of European nations that were previously recognized as states by international law and the mechanisms of the League of Nations.²⁵⁶ Germany broke through the shield of nationalities, as solidified by the League of Nations and its supervision of the Minorities Treaties, by way of identifying an international common denominator whose soft-power potential was great enough to challenge international law’s instruction for common behavior among states: anti-Semitism. The Nazis portrayed an imagined civilizational war with the Jews, and the credibility of this portrayal was strong because the ideology rested on many layers of previously absorbed anti-Semitic information. It was aligned with the pre-WWI British emphasis on the shared Teutonic heritage,²⁵⁷ which at the time attempted to establish a sense of racial bond with the

²⁵⁴ For instance, see: Lawrence Preuss, “International Law and Deprivation of Nationality,” *Georgetown Law Journal* 23, no. 2 (January 1935): 250-276; “Reich Law Defined as Officials’ Whim,” *New York Times*, December 30, 1935; James Wilford Garner, “Recent German Nationality Legislation,” *American Journal of International Law* 30, no. 1 (January 1936): 96-99; “League of Nations Asked to Combat Nazi Oppression,” *New York Times*, August 4, 1936; “Nazi Chief Warns on Minority Issue,” *New York Times*, August 15, 1937.

²⁵⁵ CEIP, *Violation*, 39.

²⁵⁶ For example, see: C. Brooks Peters, “Reich ‘Adapts’ Conquered,” *New York Times*, December 24, 1939.

²⁵⁷ Bryce’s academic mentors, Smith and Freeman, were both influential proponents of beliefs that the Teutonic racial origin united the English with the Germans, which also informed their vision of the United States. See: Edward A. Freeman, *History of Europe* (London: Macmillan, 1876), 9, 12; Goldwin Smith, “The Greatness of England,” *The Contemporary Review* 34 (December 1878): 2; Edward A. Freeman, *Lectures to American Audiences* (Philadelphia: Porter & Coates, 1882), 45, 78, 134, 137. In this last publication, it is stated: “I tremble as I speak of Aryan settlers who are not of the Teutonic race.” See: *Ibid.*, 200. It is further said: “Not a few of the primitive institutions of the Teutonic people sprang again to life when the English settlements were made on American soil.” See: *Ibid.*, 366. Smith warned against the influences of “the Jewish influence” on “the great Teutonic nation.” See: Smith, “Jewish,” 509. According to Smith, “The British constitution is no doubt Teutonic.” See: Goldwin Smith, *Commonwealth or Empire: A Bystander’s View of the Question* (New York: Macmillan Company, 1902), 45. The critical connection between the Gladstonian campaign to support the Christians who were “carrying the torch of civilisation in

Germans that might prevent war; in its Nazi post-WWI manifestation, the ideology of racial unity was more emphatically about racial hatred of the “other,” and it served a crossborder purpose of attracting Pan-European support against the status quo that had been enjoyed by the Anglo-American union.

E. H. Carr’s attempt to appeal to Adolf Hitler scholarly on the eve of WWII by justifying Hitler’s defiance of international law has been used to shape IR studies to this day. From his Anglo-American perspective, as the Woodrow Wilson Professor of International Politics at the University of Wales in Aberystwyth and a former employee of the British Foreign Office, Carr presented a critique of internationalism to show that Hitler’s grievances in *Mein Kampf* were understood and respected,²⁵⁸ but Carr’s work had

the Orient” and Wilhelm Marr’s anti-Semitic belief that Jews were plotting “to exterminate the Teuton race altogether” was made in 1881. See: Lucien Wolf, “A Jewish View of the Anti-Jewish Agitation,” *The Nineteenth Century* 9 (February 1881): 340-343, 353. In the early twentieth century, prior to WWI, Bryce sought to advance the idea of Teutonic unity: “All the Teutons are strong, resolute, even willful.” See: Bryce, *University*, 52. Much like Freeman, he taught that “from Rome descend the institutions of law and government under which the modern world lives, though modified in Great Britain and America by Teutonic ideas and traditions.” See: *Ibid.*, 331. During WWI, Bryce described Houston Stewart Chamberlain, in the context of Chamberlain’s *The Foundations of the Nineteenth Century*, as an “able and very learned Anglo-German writer.” See: James Bryce, *Race Sentiment as a Factor in History: A Lecture Delivered before the University of London on February 22, 1915* (London: Hodder & Stoughton, 1915), 4. Chamberlain, the British expatriate, claimed that the Jewish and Teutonic races were competing over the dominance of their influence: “To this day these two powers—Jews and Teutonic races—stand, wherever the recent spread of the Chaos has not blurred their features, now as friendly, now as hostile, but always as alien forces face to face.” See: Chamberlain, *Foundations*, 1:256-257. Chamberlain’s text may have been produced at the start of the twentieth century in a pre-WWI attempt to establish Anglo-German unity by pointing at a greater cultural enemy in the form of the Jews, but it was only after WWI that Chamberlain’s teachings were adopted as the basis for the ideology of the governing party in Germany.

²⁵⁸ In this work by Carr, Hitler’s *Mein Kampf* receives more references than any other publication. See: Carr, *Twenty*. In this first edition of the book, Carr not only justifies Hitler’s actions, but he also dignifies him with the designation “Herr,” such as writing that “Herr Hitler is right in discounting ‘the talk of the “peaceful economic” conquest of the world’ by Great Britain.” See: *Ibid.*, 147. There are several points in the text that reflect an effort to win Hitler’s favor, such as the condemnation of the agreement that was reached in Versailles after WWI; the agreement with Hitler’s plight against internationalism; the agreement with Germany’s claim of another nation-state’s territory; and the approval of totalitarianism as a form of government. See: *Ibid.*, x, 178, 282, 288. Thus, it can be posited that Carr’s treatment of international politics through the distinction between the realist and the utopian was not just affected by Hitler’s claims, but largely dictated by a policy to publicize an agreement with him. However, the process of decontextualizing Carr’s original work began with the later editions of it, which omitted illuminating parts about the initial purpose of the project.

since been misinterpreted and decontextualized.²⁵⁹ When seen through the power-based lens of that precise historical moment, Carr may be interpreted as expressing a realization that without a clear Anglo-American demonstration of authority over Germany, the information system that had been operating through the League of Nations became futile, and international law lost its required sense of legitimate authority. In Carr's view, the realist approach, which is straightforwardly cognizant of power considerations, precedes the internationalist's language of harmony. This view corresponds with the relationship between hard power and soft power. In Carr's case, he had to show the soft-power effort—internationalism—as bogus because of how Nazi Germany forced an Anglo-American reconsideration of power relations. Otherwise, the power-based idea of international law still involved the successful realization of internationalism in a manner that would elevate the once crude realism to a new international reality. Carr only knocked internationalism to appear genuine in Hitler's eyes, when in actuality internationalism is the endeavor of the political realist. Hitler's sense of Anglo-American

²⁵⁹ An article about Carr's work by a leading IR scholar offers an interpretation of Carr as a symbol of the realist battle against idealism, and, by not mentioning Hitler or *Mein Kampf* even once, it avoids recognition of the exact political circumstances in which Carr was operating. See: John J. Mearsheimer, "E. H. Carr vs. Idealism: The Battle Rages On," *International Relations* 19, no. 2 (June 2005): 139-152. Mearsheimer presents Carr's *The Twenty Years' Crisis* as a philosophy that is serviceable in IR discourse about theory without expressing a mindfulness of the political situation in which the work was originally composed. One cannot understand, or successfully teach, Carr's argument without delving into his correspondence with Hitler's expression of German frustrations with international law. Instead, in Mearsheimer's account, Hitler and *Mein Kampf* do not exist, and Carr's dialogue was with "British (and American) intellectuals for largely ignoring the role of power in international politics." See: *Ibid.*, 140. Thus, Mearsheimer's discourse relieves itself from the burden of detailing what was at stake, and what practical effect was sought by Carr's publicized criticism of internationalism. This then enables the perpetuation of an ill-founded assumption that the quest for international law was a manifestation of idealism and not a power calculation. See: *Ibid.*, 142. The suggestion that the establishment of international law—through what Carr described at a particular moment in time as utopian or idealist internationalism—was not a measure of power, raises a basic point of contention between this dissertation and the mainstream discourse in IR, be it by supposed realists like Mearsheimer or nonrealists who support the discourse in their treatment of realism. It is here argued that internationalism was a manifestation of power—nowadays known as soft power—that encountered difficulties and criticism because of its interwar-period disharmony with demonstrative power, which is now known as hard power.

pretense, which Carr channeled pacifyingly, resonated because the information upon which international law was based did not seem convincingly international but was rather traceable to its Anglo-American source.

Therefore, while Carr's part in the appeasement of Hitler's Nazi Germany is worthy of attention in the study of history, the use of the claims made in *The Twenty Years' Crisis* as the basis for theoretical paradigms regarding realism and idealism in international relations would be, and has been, misleading. It is erroneous to see internationalism as a philosophy of foreign policy unto itself that is in competition with a realist approach. In the context of the conflict with Hitler about international law's anti-German structure, Carr tried to placate Hitler by stating the obvious: the international code—as planned pre-WWI and instituted post-WWI—had been cracked by the Nazi rise. Despite this crisis, international law, as an idea, had remained a tool of Anglo-American power that would be reinstated once the means for it would be reestablished. By saying that morality is “a function of politics,”²⁶⁰ Carr was describing in other words that soft power is a function of hard power. The American restoration of order in Europe first and foremost demanded another military triumph, and already during WWII preparation was made for a new legal terminology and a renewed effort to establish international law.

Since nation-states were stripped of their statehood by Germany, international law could not relate to this phenomenon as interstate or innerstate.²⁶¹ Instead, it appeared as a

²⁶⁰ Ibid., 129.

²⁶¹ The impression is that Germany was able to circumvent international law in more ways than one. During WWII, one monograph expressed frustration that following WWI “German industry took back control of crucial fields despite all the laws enacted here to prevent their doing so,” explaining that the “ruse of the Germans” that confused the “legal minds” was how Germans engaged in “lawful ‘purchase’ of resources, plants, and property” both ahead of conquest and following it. See: Joseph Borkin and Charles A. Welsh,

matter between one state, Germany, and linguistic, racial, and religious groups anywhere in Europe. However, to preserve their—suddenly theoretical—identity as nation-states, they had to be identified as victims of an assault against their nationality. The Minorities Treaties did not have the national component among their description of victim groups. Consequently, the term *genocide* was introduced to the public during WWII in a CEIP publication, *Axis Rule*, out of Washington, DC, in continuation of CEIP’s commitment to international law since 1910, and in keeping with the decades-old vision of those among the American political leadership who founded CEIP in view of Germany’s increasing power since its unification in 1871.

The ascription of the book project to “a noted Polish scholar and attorney” as its author had the effect of lending credibility to the claim that Germany is an occupying force in Poland against the wishes of a Polish national population,²⁶² but it is questionable that Lemkin was the originator of the text.²⁶³ One would not expect the quality of his

Germany’s Master Plan: The Story of Industrial Offensive (New York: Duell, Sloan and Pearce, 1943), 311, 313.

²⁶² In the book’s foreword, George A. Finch, the director of CEIP’s Division of International Law at the time (signed on August 18, 1944), referred to Lemkin as Polish, but not as Jewish. See: George A. Finch, foreword to *Axis*, vii. This is notable because it indicates, along with the book’s content, that what later became known as the Holocaust was not the subject-matter of the project in which “genocide” was introduced, and also that Lemkin’s Polish identity was emphasized even though at the time he was an American national. The reference to Lemkin as “a noted . . . scholar and attorney” lends credibility to him as a qualified person. However, while in Poland, Lemkin’s professional focus was not international law. See: Box 2, Folder 1, Raphael Lemkin Papers. Furthermore, a document shows that in the academic year of 1944-1945, Lemkin sought education in law, and took five classes at Georgetown Law School. The subjects were Constitutional Law, Criminal Law, Sales, Statutes, and Wills and Administration, and the grades that he received were, in that same order, D, 70, 81, 72, and D. See: Box 1, Folder 13, Raphael Lemkin Collection, American Jewish Historical Society, New York.

²⁶³ There are other productions in the English language prior to the publication of *Axis Rule* that add to the sense that the authorship of material in association with Lemkin’s name has not been subject to adequate consideration in academia. In 1942, a raw and restricted version of *Axis Rule* appeared, and on its first page there is a note that says the following: “This collection was compiled by Dr. Raphael Lemkin partly when serving on the faculties of the Universities of Stockholm, Sweden, and of Duke University, North Carolina, and partly when serving as a consultant with the Board of Economic Warfare.” See: *Key Laws, Decrees and Regulations Issued by the Axis in Occupied Europe* (Washington: Board of Economic Warfare, 1942).

English to match the demands of published material in the language within less than three years on American soil,²⁶⁴ and in the preface there is an acknowledgement that is directed “to Miss Mary Emily King for her intelligent and considerate aid in the arduous task of transcribing the entire text and in certain phases of reference work.”²⁶⁵ Despite this expression of gratefulness by the author, it is here seen as unlikely that one graduate of Duke University transcribed the hundreds of pages in this CEIP publication.²⁶⁶ There is no information in the preface regarding what language or method of communication was

It is notable that the text does not suggest that Lemkin was the author of the documents in their English form. There is no mention of the documents being transcribed or translated. As produced, the collection consists of over 8,800 pages in English, and the vastness of the collection calls into question how might one individual—while a refugee—generate this much information and in what form. In 1942, one year removed from Lemkin’s arrival at the United States, an article was published under his name without there being an indication that the text had been either the product of transcription or translation. See: Raphael Lemkin, “The Treatment of Young Offenders in Continental Europe,” *Law and Contemporary Problems* 9, no. 4 (October 1942): 748-759. In an article that was published two years later, there is an acknowledgement “made to Philip Nochlin, student of Oberlin College, for assistance in the preparation of this article.” See: Raphael Lemkin, “Orphans of Living Parents: A Comparative Legal and Sociological View,” *Law and Contemporary Problems* 10, no. 5 (July 1944): 834. There is no specification that this assistance was actually the act of writing the entire text. Philip Nochlin earned a BA at Oberlin College and an MA at Columbia University before becoming an instructor in philosophy at Vassar College. See: “Vassar College Commences Fall Term with New Faculty in 19 Departments,” *Vassar Miscellany News*, September 27, 1951, 1. Furthermore, according to letters from 1947, material that was set to be produced under Lemkin’s name had a different authorship. In a letter of grievance to Lemkin from Kurt R. Grossman, which is dated October 21, 1947, Grossman expressed frustration with Lemkin’s argument in prior letters and sought to remind Lemkin that regarding “a memo on the subject, ‘Economic Consequences of Genocide’,” for which Lemkin was commissioned by an unspecified organization, “the Study which I wrote was a Study written by me and not by you.” See: Box 1, Folder 5, Raphael Lemkin Collection. The consideration of authorship regarding material that was published under Lemkin’s name does not just involve academic adequacy, but may also shed light on the purpose of Lemkin’s employment by the United States government.

²⁶⁴ It is also noted that the English language was not as available then as it is today in countries like Poland where English is not the first official language. Regarding this topic of Lemkin not being a native speaker of English, it can be argued that as primarily a Polish speaker he would be less culturally inclined to think of a neologism such as the term *genocide*, considering that this was the practice of languages such as English and German, in which the mixture of words that might originate in Greek or Latin had been combined to produce new meanings, such as the words *eugenics* and *ecology*.

²⁶⁵ Lemkin, *Axis*, xv.

²⁶⁶ The book’s last numbered page is 674. A person by the name of Mary Emily King Bailey is listed as having graduated from Duke University in 1936. See: Anne Garrard, “News of the Alumni,” *Duke Alumni Register* 27, no. 1 (February 1941): 42.

used by Lemkin in his dictations to King, assuming that the story about the text's transcription is to be believed. Moreover, in the preface, there is also an acknowledgement that "In the preparation of this volume the author was fortunate in having the invaluable assistance of individual persons and institutions."²⁶⁷ The list of those who are mentioned as having assisted in producing the work comprises of American professionals in matters of government policy, international relations, and law, who appear to be by far more qualified to lead a CEIP book project than Lemkin, such as: George A. Finch,²⁶⁸ Alan T. Hurd,²⁶⁹ Ruth E. Stanton,²⁷⁰ Bryan Bolich,²⁷¹ Robert T.

²⁶⁷ Lemkin, *Axis*, xiv. The list includes both policy experts and academic scholars. See: *Ibid.*, xv.

²⁶⁸ Finch had been elected as the assistant secretary of CEIP in 1929. See: "Again Heads Peace Fund," *New York Times*, May 15, 1929. Previously he had served as assistant to James Brown Scott, director of CEIP. See: "President Starts Abroad," *New York Times*, December 5, 1918.

²⁶⁹ Hurd had been employed by the United States Department of State. See: U.S. Department of State, *Register of the Department of State* (Washington: United States Government Printing Office, 1924), 144.

²⁷⁰ Stanton had done preparation work for *AJIL*. See: American Society of International Law, "Minutes of the Meeting of the Executive Council: November 13, 1920," in *Proceedings of the American Society of International Law at the Meeting of Its Executive Council* (Washington: American Society of International Law 1921), 14:9.

²⁷¹ Bolich was a professor of law at Duke University. See: Duke University Libraries, "Guide to the W. Bryan Bolich Papers, 1891-1972," <http://library.duke.edu/rubenstein/findingaids/uabolich/> (last accessed, 1/24/2017).

Cole,²⁷² Gabriel Dichter,²⁷³ Eleanor Lansing Dulles,²⁷⁴ Florence J. Harriman,²⁷⁵ Malcolm McDermott,²⁷⁶ and Robert R. Wilson.²⁷⁷ When considering that Lemkin was surrounded

²⁷² Cole was a professor of political science at Duke University. See: Duke University Libraries, “Guide to the Robert Taylor Cole Papers, 1933-1991,” <http://library.duke.edu/rubenstein/findingaids/uartc/> (last accessed, 1/24/2017).

²⁷³ Dichter was a publicist. For instance, he was the Paris correspondent for *Lepoca*. See: “Expects Rumania in the War Speedily,” *New York Times*, July 18, 1915. Dichter was also associated with the Office of Strategic Services at the time of the project. See: Office of Strategic Services Collection, “Records Relating to Oil Industry Analyst Gabriel Dichter, October 1942-June 1944,” <https://archive.org/details/2171WN26523RecordsRelatingToOilIndustryAnalystGabrielDichterOctober1942June1944> (last accessed, 1/24/2017).

²⁷⁴ Dulles’ grandfather was United States Secretary of State John W. Foster. Her uncle was Secretary of State Robert Lansing, who served as CEIP’s vice-president. See: “Carnegie Peace Fund Elects Lansing,” *New York Times*, April 22, 1926. Her brothers were John Foster Dulles and Allen D. Dulles. See: “Mrs. Allen M. Dulles,” *New York Times*, June 9, 1941. In 1944, she was employed by the United States Department of State. See: “3 Women Recommended,” *New York Times*, March 24, 1944.

²⁷⁵ In 1940, Harriman became the United States Minister to Norway. See: “Women Cited for Service,” *New York Times*, November 27, 1940. When in Norway, she relocated to Sweden due to the movement of the Nazis during the war, and observed that “In Stockholm in 1940 there were refugees from all quarters of the world.” See: Florence Jaffray Harriman, *Mission to the North* (Philadelphia: J. B. Lippincott Company, 1941), 290. It is quite possible that—while in Sweden—she was one of the first officials of the United States government to interact with Lemkin, who was there in 1940-1941. See: Box 2, Folder 1, Raphael Lemkin Papers. Prior to representing the United States government, Harriman was a contributor to the *NYT*. For instance, see: Florence J. Harriman, “Colorado’s Reopened Industrial Wound,” *New York Times*, August 26, 1915.

²⁷⁶ McDermott was professor of law at Duke University, and is said to have “secured a position for Lemkin with Duke University.” See: Duke Law, “Malcolm McDermott,” <https://law.duke.edu/history/faculty/mcdermott/> (last accessed, 1/24/2017).

²⁷⁷ Wilson’s resume presents an illuminating contrast to Lemkin’s as he fits the profile of a person one would expect to be the coiner of “genocide.” As Lemkin was teaching family law at a Polish college, Wilson was working for the Treaty Division of the United States Department of State; Wilson was twice awarded the Carnegie fellowship while earning his Ph.D. at Harvard University, before becoming the first to head the Department of Political Science at Duke; Wilson was a member of the Executive Council of ASIL in 1929-1932 and 1936-1939, as well as the Executive Council of the American Political Science Association in 1938-1941. See: David R. Deener (ed.), *De Lege Pactorum: Essays in Honor of Robert Renbert Wilson* (Durham, NC: Duke University Press, 1970), vii-ix. Between the start of WWII and the publication of *Axis Rule*, five articles by Wilson pertaining to issues that are relevant to *Axis Rule* were published by *AJIL*. See: Robert R. Wilson, “Gradations of Citizenship and International Reclamations,” *American Journal of International Law* 33, no. 1 (January 1939): 146-148; Robert R. Wilson, “Standards of Humanitarianism in War,” *American Journal of International Law* 34, no. 2 (April 1940): 320-324; Robert R. Wilson, “Some Aspects of the Jurisprudence of National Claims Commissions,” *American Journal of International Law* 36, no. 1 (January 1942): 56-76; Robert R. Wilson, “Treatment of Civilian Alien Enemies,” *American Journal of International Law* 37, no. 1 (January 1943): 30-45; Robert R. Wilson, “Recent Developments in the Treatment of Civilian Alien Enemies,” *American Journal of International Law* 38, no. 3 (July 1944), 397-406.

by experts who were immersed in American policy and international law, who were heirs of the American project to build up international law, it seems likely that the United States government paid him his daily salary during the production of *Axis Rule*²⁷⁸ not for his innovation but for his image as a Pole.

The bulk of the book's focus was to present Germany as an occupier in Europe,²⁷⁹ whose method of "military occupation" was against the spirit "of the laws and customs of war as codified by the Hague Conventions of 1899 and 1907," and with an eye to the "Measures of personal and property reparation" that "must precede the rebuilding of a peaceful world founded upon law and order."²⁸⁰ *Axis Rule* is not simply the work of an individual person, but the American literary fulfillment of a policy that was signed by the leaders of the Soviet Union, the United Kingdom and the United States in the Declaration of German Atrocities on October 30, 1943, at the Tripartite Conference in Moscow. The declaration focuses on the identity of territories rather than the identity of any particular group as victim, and it states that—toward the judgment and punishment of the Nazi German officers—"Lists will be compiled in all possible detail from all these countries having regard especially to the invaded parts of the Soviet Union, to Poland and Czechoslovakia, to Yugoslavia and Greece, including Crete and other islands, to Norway,

²⁷⁸ Lemkin's own list of "Offices Held" shows that he was paid "\$25 a day" as "Chief Consultant, Board of Economic Warfare and Foreign Economic Administration, Washington, D. C." between 1942 and 1944. Following the publication of the book, Lemkin became "Adviser on Foreign Affairs" for the "USA War Department" and was compensated "\$7,500 a year." See: Box 2, Folder 1, Raphael Lemkin Papers.

²⁷⁹ In addition to both "Occupied" and "Occupation" appearing in the full title of the book, each of the book's three parts is titled according to this theme. Part I is "German Techniques of Occupation;" Part II is "The Occupied Countries"; and Part III is "Laws of Occupation."

²⁸⁰ Finch, foreword to *Axis*, vii.

Denmark, the Netherlands, Belgium, Luxemburg, France and Italy.”²⁸¹ Such lists were produced in both parts II and III of *Axis Rule*, regarding occupied territories in “Albania,” “Austria,” “Baltic States (Lithuania, Latvia, Estonia),” “Belgium,” Czechoslovakia,” “Danzig,” “Denmark,” “English Channel Island,” “France,” “Greece,” “Luxemburg,” “Memel Territory,” “the Netherlands,” “Norway,” “Poland,” “Union of Soviet Socialist Republics,” and “Yugoslavia.”²⁸² Meaning, *Axis Rule* was a manifestation of the official American-led program for postwar Germany.

Within this specific purpose of rebuking Germany in legal terms, and salvaging the national identity of the former states whose territories it consolidated under Nazi rule, the term *genocide* was offered as signifying “The practice of extermination of nations and ethnic groups as carried out by the invaders.”²⁸³ As seen in *Axis Rule*, “genocide” was invented to negate Germany’s conduct as an invader, and it emphasized national victims in occupied areas by articulating Germany’s wartime actions through new and unprecedented lingo in international law, under the tagline that “New conceptions require new terms.”²⁸⁴ To cement the connection of “genocide” with both Lemkin and Nazi Germany as coiner and abuser, respectively, it is said that “The alarming increase of

²⁸¹ The declaration was released on November 1, 1943. See: James K. Pollock and James H. Meisel, *Germany under Occupation: Illustrative Materials and Documents* (Ann Arbor, MI: George Wahr, 1947), 21-22.

²⁸² For contents of Part II and III, see: Lemkin, *Axis*, xix-xxxviii.

²⁸³ *Ibid.*, *Axis*, xi.

²⁸⁴ *Ibid.*, 79. The chapter on “genocide” opens with this statement. As expressed in the text, there was an attempt to link Nazi conduct with the original wars toward Germany’s unification under the label of “German militarism,” as it is said that “Germany has attacked her neighbors five times since 1864, and in every one of these five wars the methods of occupation and spoliation increased in thoroughness inversely as the ethical level of the aggressors sank lower and lower.” See: *Ibid.*, xiv. This draws a line between *Axis Rule* and the decades-long effort to respond to Germany’s rising power through international law.

barbarity with the advent of Hitler led the author to make a proposal to the Fifth International Conference for the Unification of Penal law (held in Madrid in 1933, in cooperation with the Fifth Committee of the League of Nations) to the effect that an international treaty should be negotiated declaring that attacks upon national, religious, and ethnic groups should be made international crimes.”²⁸⁵ Thus, via a narrative on a discarded written proposal that was sent to an international conference, Lemkin’s agency in the development of “genocide” became accentuated, while the workings of American power in the modern history of international law were designed to remain in the shadows.

Conclusion

This chapter opens the dissertation’s narration of the modern initiation of international law with a focus on power. Unlike the prevalent discourse that shows the history of international law as an amalgamation of influences and developments throughout the course of centuries, this account identifies a concerted effort by a particular power source regarding power considerations in a precise point in time. A powerful community of Anglo-American entrepreneurs and legal experts was able to devise a strategy that would present a permanent offshore balancing of power in Europe, which benefited from the opinion-making capacity of clerics, historians, journalists, and politicians. When Germany achieved unification in 1871 it triggered the execution of a vast project to create a legal system between nations that would impede the expansion of a rival: German governance. The success of the project relied on the unprecedented

²⁸⁵ Ibid., xiii. Lemkin’s list of “Offices Held” shows that during this time he was “Professor of Family Law at Tachkomi College” and a general practitioner of law in Poland. See: Box 2, Folder 1, Raphael Lemkin Papers.

facilitation of international arbitration. New infrastructure was created for both processing judgments between nations and promoting the idea of it. The Genocide Convention is a creature of this infrastructure.

“Genocide” was born in the aftermath of WWII in the context of a deep and intricate relationship between international law and national identity. It is seen that the concept of law among nations required the existence of identity groups that would be organized toward political independence, claim recognition as nation-states, and participate in the American-led Euro-Christian culture of law. In the century that preceded WWI, significant cultural work was done to cultivate different group identities among the Christians of the Ottoman Empire and direct their new social organization toward self-rule. In theory, these identity-based political units would interfere with any attempt by one power source to assume the direct governance of Europe, and in practice the revolts in eastern Anatolia and the Balkans challenged Germany’s ability to increase its influence on Ottoman land on the eve of WWI. During WWII, the same power source that instituted the means for international law prior to WWI issued a publication in which “genocide” was defined as a crime through which the American political leadership and its allies could accuse Nazi Germany and its allies of wrongdoing. This was an element in a discourse whose effect could solidify the assignment of villainy to Nazi Germany, persuade toward greater acceptance of international criminal law as a concept, rally support for the enhancement of international law in world affairs, and also entrench the political aspect of the identity groups that existed as nation-states prior to their populations’ assimilation during the Nazi occupation in WWII. By the time of the Genocide Convention, the definition of “genocide” would become largely affected by the

information about the racial-based systematic extermination of Jews in occupied Europe and the unique intent to destroy that guided the Nazi policy.

Thus, this examination of international law's initiation articulates its hard-power root and soft-power route. The introduction of "genocide" as a crime that aims at the protection of certain identity groups complemented the politicization of these group identities toward participation in an international society under a shared law. While the full intention of the power holders who direct humanity on a course toward international law is a matter of speculation, it is considered that the narrow interest of stopping German governance in Europe—the hard-power root of international law—involved a broader pursuit—the soft-power route toward international law—that has allowed for advantages in other situations of power struggles but has also affected the standards of the relationship between governments and civilians worldwide. The commitment to persuade people into accepting international law as a manifestation of a liberal order worldwide is considered in connection to historiographical efforts to depict the phenomenon as if detached from a power source. In other words, the soft-power route is advanced by denial of the hard-power root, which complicates the progression of international law, and gives it a dialectical character. As the next chapter illustrates, the running of legal procedure regarding "genocide" would not commence before public opinion reached a certain level of preparedness through the popularization of the term's capacity to show group identity as a basis for political representation and a legal discourse.

CHAPTER 5

THE DEVELOPMENT OF “GENOCIDE,” 1945-1988

Within the progression of international law as a manifestation of power, the term *genocide* has come to play a crucial role. After two world wars against the German adversary, the initial hard-power inclination to institute control through concrete plans for international law had become more detailed, and the post-WWII hard-power conditions were highly favorable for establishing international cooperation toward an international system of law. The development of “genocide” from its invention to its ratification as part of the law of the land in the land where it was first produced—and upon its introduction of an innovation in international law—is characterized by its soft-power efforts. The Cold War, as the main feature of international relations in the period of time that is covered in this chapter, 1945-1988, served as the stage on which the term *genocide* was shown to the world. In a manner, the label of “cold war,” as opposed to actual war, points at the war’s quality as an environment that is a setting for a war of words, and fitting for the advancement of the newly made word: *genocide*. It will be shown here that despite the Genocide Convention, which was facilitated by the United Nations and adopted by a substantial number of member states, the use of “genocide” during this period was not legal in the traditional sense but subject to information from nonlegal sources. Prior to being ratified by the United States government in 1989, “genocide” was

not involved in judicial exercises of authority, but rather it was employed to invite the public to think in terms of international criminal law. The following sections reveal how content and infrastructure solidified information on, and through, “genocide.”

The Reeducation of Germany

When the term *genocide* made its first appearance, WWII had not been concluded yet and the advent of “genocide” mirrored the American vision of transition from defeating Germany to handling it. The American program for Germany was ascribed to United States Secretary of the Treasury Henry Morgenthau Jr., whose father’s publicized narrative about the treatment of Ottoman Armenians was predominant in the vilification of Germany near the twilight of WWI. The Morgenthau Plan, which guided United States President Franklin D. Roosevelt’s position in September 1944 at the Second Quebec Conference, called for the imposition of foundational measures after the war, and this meant Germany’s demilitarization, denazification, reterritorialization, decentralization, deindustrialization, decartelization, and reeducation.¹ Within this ambitious and weighty strategy, there was also a declaration of intent to punish the Nazis for “War Crimes and Treatment of Special Groups.”² In addition to providing an opportunity to put the Hague Conventions into legal effect under circumstances of moral consensus and advance

¹ There were two titles to the Morgenthau Plan in two different versions of it: one was “Program to Prevent Germany from Starting a World War III,” and the other was “Suggested Post-surrender Program for Germany. Compare: Henry Morgenthau Jr., *Germany is Our Problem* (New York: Harper & Brothers Publishers, 1945), appendix; Internet Archive WayBack Machine, “Text Version” of “Suggested Post-Surrender Program for Germany,” <https://web.archive.org/web/20130531235410/http://docs.fdrlibrary.marist.edu/psf/box31/t297a01.html> (accessed, 1/26/2017).

² Ibid.

international law, the exhibition of Nazi wrongdoing in a courtroom was significant to the drastic project of Germany's thorough reform.

There were three main stages of development in the treatment of "genocide" in the term's early pre-Genocide Convention period: first, during WWII, the literature on "genocide" was mainly directed at protecting European nation-states from Nazi-control; second, as WWII came to a close, information about the victimhood of the Jews started to redefine the meaning of a "genocide" perpetration; and third, following the conclusion of WWII, the language about the term *genocide* began to relate the crime to other cases in history. Before the actual commencement of Germany's occupation under military government, as the hard-power consequences of WWII became increasingly clear, the pre-occupation agenda of soft power was different from the postwar one. As the war's end became a clearer sight, the meaning of "genocide" was still strictly associated with the ramifications of Nazi policies, as in *Axis Rule*, but a difference between the term's first usage and the one that took form a few months later was the added emphasis on the victimization of European Jews:

There were unspeakable atrocities at Auschwitz and Birkenau. But the point about these killings is that they were systematic and purposeful. The gas chambers and furnaces were not improvisations; they were scientifically designed instruments for the extermination of an entire group. On the scale practiced by the Germans, this is something new. And it is this purpose which human beings find it [*sic*] difficult to believe or understand. Yet it is a purpose which Hitler has openly avowed.³

³ "Genocide," *Washington Post*, December 3, 1944. While *Axis Rule* introduced the term *genocide* in relation to Nazi-led policies in occupied territories throughout Europe that combined invasion with destruction of group identities toward the consolidation of conquered peoples under one federal government, this article presents "genocide" as mainly referring to physical extermination, primarily of the Jews. The lack of such reference in *Axis Rule* is concealed by a rhetorical manipulation: after stating that "genocide" was coined and defined in *Axis Rule*, the text in the article continued with "Thus Jews were gassed at Birkenau and Aryan Poles and Russians and Slovenes were otherwise butchered [*sic*], not for any crime or any resistance to Axis authority but because the Nazis wished to exterminate the ethnic groups to which they belonged." See: *Ibid.* The shock value of the Nazi program of extermination was higher than that of policies to gain sovereignty throughout Europe. A focus on this aspect of the Nazi experience is

At this stage, the mortifying rather than illegal elements of Nazi conduct had to be stressed to the effect of persuading public opinion that the atrocities during WWII were unique to Germany's situation. This gave the control of Germany post-WWII the appearance of an American gift to humanity, which Morgenthau, while a highly ranked government official, laced with a religious sense of righteousness: "It is a task worthy of the highest, most selfless missionary spirit. To redeem this virile, capable people from their worship of force and their lust for war would obviously be one of the noblest services that could be performed for mankind."⁴ When "genocide" was introduced, the popularization of international law seemed to coincide with the condemnation of Germany's wartime activities, but the arrival at Germany's submission introduced a new set of considerations. For postwar Germany to be cooperative with the international community, and for "genocide" to be more usable, the term's meaning became less concentrated on the Nazi practices.

While bringing Germans to agree with the forcing of foreign-controlled education on them required their deep sense of humiliation by a worldwide condemnation of Nazi behavior, the actual process in which Germans were to be educated would have been ill-served by heightening the association of it with a form of punishment. Germany's democratization was seen as the positive aspect of the same program whose negative

much more convincing that a wrong had been done, and this article superimposed this new focus on the "genocide" project of *Axis Rule*, even though the book did not contain references to specific death camps and did not even consider Aryanism as part of the Nazi racial philosophy. In *Axis Rule*, it is not that the Nazi treatment of Jews inspired the term *genocide*, but that the Jews were "one of the main objects of" a greater and already ongoing "German genocide policy." See: Lemkin, *Axis*, 78.

⁴ Morgenthau, *Germany*, 144.

aspect was denazification.⁵ It was believed that “Democracy, by its nature, cannot be imposed.”⁶ Therefore, as the American ability to institute democracy in Germany was undeniably made possible by “the power of a conqueror and the authority of a military government,”⁷ the effectiveness of the American educators who were involved in this process of assimilating democracy into German culture was helped by sympathetic gestures that mitigated the unpleasant and undemocratic dynamics of occupier and occupied.⁸ Such an effect would have been negated by the reiterated accusation of an international crime that singles out Germany.

In addition, the view of “genocide” as a specifically German set of techniques would have seemed especially hypocritical to the Germans who as a society were undergoing a forced transformation that was similar in many ways to the initial meaning of the term *genocide*. The “1945 Directive to the Commander in Chief of the U.S. Forces of Occupation,” also known as JCS 1067, stated that a “system of control over German education and an affirmative program of reorientation will be established designed completely to eliminate Nazi and militaristic doctrines and to encourage the development of democratic ideas.”⁹ In essence, such a coordinated policy is set to align the identity of the occupied group with the interests of the occupier. Even if in the name of “the

⁵ George Frederick Zook (chairman), *Report of the United States Education Mission to Germany* (Washington: United States Government Printing Office, 1946), 10.

⁶ *Ibid.*, IV. This was stated in a letter of transmittal, which is dated October 12, 1946, from William Benton, who was the United States assistant secretary of state, to United States Secretary of State James F. Byrnes.

⁷ Robert E. Keohane, “Dilemmas of German Re-education: Reflections upon an Experiment Noble in Europe,” *The School Review* 57, no. 8 (October 1949): 405.

⁸ *Ibid.*, 405-406.

⁹ U.S. Department of State, *Germany, 1947-1949: The Story in Documents* (Washington: United States Government Printing Office, 1950), 26.

pacification of Europe,” the United States government nonetheless engaged in activities so “that Germany be psychologically disarmed” and made to absorb American-taught “cultural and spiritual concepts.”¹⁰ This involved the elimination of material from textbooks and curricula,¹¹ and the control of all media.¹²

There are noticeable similarities between the American policy of occupation in Germany and what is described in *Axis Rule* among “The techniques of genocide, which the German occupant has developed in the various occupied countries” and “represent a concentrated and coordinated attack upon all elements of nationhood.”¹³ It said that in an execution of the cultural technique of genocide in Luxemburg, “German teachers were introduced into the schools and they were compelled to teach according to the principles of National Socialism.”¹⁴ Moreover, as regards the political technique of genocide, the

¹⁰ U.S. Department of State, *Occupation of Germany: Policy and Progress* (Washington: United States Government Printing Office, 1947), 61.

¹¹ *Ibid.*, 62. To facilitate a smooth transition to the American-designed teaching material, the Military Government made the new textbooks, as well as tuition, free of charge by law. See: John P. Bradford, “Democratic Development: How MG Aids Progress in Bavaria,” *Information Bulletin: Magazine of US Military Government in Germany*, September 6, 1949, 12.

¹² U.S. Department of State, *Occupation*, 65. It is uncertain to what extent this control of information affects German media to this day. A discussion by officially sanctioned American educators on how to pass on radio administration to German authority indicates that even when the information was to appear more German it still followed an American direction. See: *Report*, 38. During this critical time of institutionalizing the American control of information in Germany, it was recognized that “The newspapers, motion pictures, books, magazines, radio and the church are great agencies of education which powerfully supplement and often overshadow in importance organized education in the schools and institutions of higher education.” See: *Ibid.*, 50. To be effective, this information, despite being controlled by a foreign occupier, needed to appear authentically local as much as possible. Over the course of time, these institutions of information in Germany may have increased their ability to persuasively pass as unrelated to American influence rather than having experienced a significant departure from American influence.

¹³ Lemkin, *Axis*, 82.

¹⁴ *Ibid.*, 84. Similarly, in a separate attempt to clarify what “genocide” means, the text explains the cultural technique of genocide by stating that “The Germans sought to obliterate every reminder of former cultural patterns.” See: Raphael Lemkin, “Genocide: A Modern Crime,” *Free World* 9, no. 4 (April 1945): 40. This article and the other articles in English for which Lemkin is credited as author and are discussed throughout

claim in *Axis Rule* that “In the incorporated areas, such as western Poland, Eupen, Malmédy and Moresnet, Luxemburg, and Alsace-Lorraine, local institutions of self-government were destroyed and a German pattern of administration imposed”¹⁵ seems to be reproduced by the American policy to partition Germany into zones and decentralize its government by dividing it into *Länder* units and smaller and more local *Kreis* units.¹⁶ Hence, if the meaning of “genocide” were to maintain the focus on occupation techniques post-WWII, then there would have been an increased likelihood that the American occupation policies in Germany at the time may have themselves been seen as a perpetration of genocide.¹⁷

Furthermore, in order for “genocide” to become a recognized crime in international law it had to be seen as capturing actions that have precedence in world history, and as applicable to situations that are likely to recur and whose recurrence could

this chapter do not include mention of the text being transcribed or translated. Meaning, no accounting was given for the processes through which information was presented before the public under Lemkin’s name.

¹⁵ Lemkin, *Axis*, 82. In the other version about the techniques of genocide, the text states that “The political cohesion of the conquered countries was intended to be weakened by dividing them into more or less self-contained and hermetically enclosed zones, as in the four zones of France, the ten zones of Yugoslavia, the five zones of Greece; by portioning their territories to create puppet states, like Croatia and Slovakia; by detaching territory for incorporation into the Greater Reich, as was done with western Poland, Alsace-Lorraine, Luxembourg, Slovenia.” See: Lemkin, “Genocide: A Modern,” 40.

¹⁶ *Report*, 41-43. In Morgenthau’s book, the twelfth chapter is titled “Divide and Conquer,” and includes a statement that “Two Germans would be easier to deal with than one.” See: Morgenthau, *Germany*, 155.

¹⁷ In 1946, the text of an article written under Lemkin’s name does not refer to techniques but to a single “technique of genocide,” and there is no recognition in the text of this analytical shift. Previously, there was a method of explaining genocide by reference to political, social, cultural, economic, biological, physical, religious, and moral, techniques. See: Lemkin, *Axis*, 82-90; Lemkin, “Genocide: A Modern,” 40-42. This method of explaining “genocide” was abandoned in the Lemkin literature after the conclusion of WWII. According to Lemkin’s post-WWII literature, the cultural aspects were related to consequences of genocide but not highlighted as part of the genocidal activities. The focus turned to actions that were designed to carry out “mass starvation,” “mass confiscations,” “mass endangering of health,” and “mass executions.” See: Raphael Lemkin, “Genocide: A New International Crime: Punishment and Prevention,” *Revue Internationale de Droit Pénal* 17 (1946): 362.

be prevented by codification and legal implementation. The American molding of the term *genocide* shaped its meaning after WWII into being less about occupation techniques, and also less about what made the Nazi policies unique. Before the end of WWII, the texts under Lemkin's name would justify the newness of the term *genocide* by pointing at the newness of the Nazi programs. In the book's introduction of "genocide," it is stated that "Hitler's *Mein Kampf* has essentially formulated the prolegomenon of destruction and subjugation of other nations."¹⁸

In 1945, the transition in the function of "genocide" from a focus on Germany's subjugation to broader international affairs was detectable in two contradictory arguments. The momentary showing of conflicting ideas reflected the changes in American power considerations as they were happening. An article that is ascribed to Lemkin and was published in April 1945 contains the claim that he had invented the term *genocide* because "The crime of the Reich" is "new in the civilized world," and that "It is so new in the traditions of civilized man that he has no name for it."¹⁹ Around the same time, the Lemkin texts started to display an utter reversal in the approach to how "genocide" relates to history. An article that was published in two installments in February and March of 1945, which is likely to have been written prior to the April article, contains the following words:

There have been many instances of states expressing their concern about another state's treatment of its own citizens. The United States rebuked the governments of czarist Russia and Rumania for the ghastly pogroms they instigated or tolerated. There was also diplomatic action in behalf of the Greeks and Armenians

¹⁸ George A. Finch, foreword to *Axis*, xiii. Interestingly, in the order of the readers' contact with the written material, the first encounter with the term *genocide* is not in reading the text that is ascribed to Lemkin, but in reading Finch's foreword. See: *Ibid.*, xi.

¹⁹ Lemkin, "Genocide: A Modern," 39.

when they were being massacred by the Turks.²⁰

Not only was this passage later on self-plagiarized by Lemkin, or possibly self-plagiarized by way of committee,²¹ but on August 26, 1946, the editorial direction of the *NYT* displayed remarkable unison with the new Lemkin-ascribed or -transcribed approach and phrasing when it announced the following: “Genocide is no new phenomenon, nor has it been utterly ignored in the past. Both Czarist Russia and Rumania were rebuked by this country for pogroms which were either officially instigated or condoned. The massacres of Greeks and Armenians by Turks prompted diplomatic action without punishment.”²² Meaning, there was a noticeable change of direction in how the term *genocide* was explained in the texts that carried Lemkin’s name: from being designated as a description of unprecedented Nazi crimes, it became used as a label for other events in history.

After the initial signal of change in what is supposed to be Lemkin’s historical vision, the new discourse about the term *genocide* being inspired by past events adopted a set of cases that were repeatedly mentioned in mantralike fashion in both the Lemkin texts and the *NYT*, spanning from the victimization of the Carthaginians to that of the Armenians.²³ It was at this juncture that references began to be made to Winston

²⁰ Raphael Lemkin, “The Legal Case against Hitler [2],” *The Nation*, March 10, 1945, 268.

²¹ Raphael Lemkin, “Genocide,” *The American Scholar* 15, no. 2 (Spring 1946): 227. In this article, the three sentences quoted above are presented in the same exact wording. Since it is unlikely that Lemkin wrote these lines in their first publication, it is uncertain whether or not it would be fitting to call it self-plagiarism when the same lines appear again in a separate article under Lemkin’s name.

²² “Genocide,” *New York Times*, August 26, 1946.

²³ For instance, see: Raphael Lemkin, “Genocide,” 227; Lemkin, “Genocide: A New,” 366-367; Waldemar Kaempffert, “Science in Review: Genocide is the New Name for the Crime Fastened on the Nazi Leaders,” *New York Times*, October 20, 1946; Raphael Lemkin, “Genocide as a Crime under International Law,” *United Nations Bulletin*, January 15, 1948, 70; Gertrude Samuels, “U.N. Portrait,” *New York Times*, March 20, 1949. Aside from the Carthaginians and Armenians to whom all of these sources refer, there is also

Churchill's comment in 1941 about being "in the presence of a crime without a name," to persuade the public that "genocide" refers to acts that were criminal even before they were named and designated as a crime.²⁴ It was then that phrases to the effect of suggesting that the name "genocide" might be new but that the practice of it is old started to dominate the discourse.²⁵ These phrases made the genocidization of history become a matter of common language.

The conspicuous absence of "genocide" from the verdict in the first Nuremberg trial after the term had been inserted into the indictment might reflect a change in American power considerations regarding Germany, but it might also be the result of soft-power strategy. Although the sessions started in November, 1945, the trials were the product of a wartime effort,²⁶ and as such they acted toward the interests of the American-led group of belligerents. In the context of American strategy, it is considered that by mentioning "genocide" in the indictment but not in the verdict, the United States government was able to eat the cake and have it too. The Nuremberg platform propagated "genocide" by the mere mention of it and provided a hook with which the American

reference in some of them to the wars waged in the Crusades and for Islam, to the Albigenses, and to the Waldenses. Neither of these references involved labeling the events as "genocide."

²⁴ For instance, see: Lemkin, "Genocide," 227; "Genocide," *New York Times*; Kaempffert, "Science," *New York Times*; Samuels, "U.N.," *New York Times*.

²⁵ For examples, see: John H. Fenton, "Approval Is Urged for Genocide Pact," *New York Times*, June 30, 1949. U.S. Senate Committee on Foreign Relations, *Executive Sessions of the Senate Foreign Relations Committee (Historical Series): Volume II, Eighty-First Congress, First and Second Sessions, 1949-1950* (Washington: United States Government Printing Office, 1976), 782; Oliver Schroeder Jr., *International Crime and the U.S. Constitution* (Cleveland: Press of Western Reserve University, 1950), 1; Philip B. Perlman, "The Genocide Convention," *Nebraska Law Review* 30, no. 1 (November 1950): 1; "Wanted: A Genocide Treaty," *New York Times*, January 2, 1950; Gabriela Mistral, "An Appeal to World Conscience: The Genocide Convention," *United Nations Review* 2, no. 12 (June 1956): 16.

²⁶ The Charter of the International Military Tribunal had been prepared months before the trial and "annexed to the London Agreement on War Crimes of 8 August 1945." See: U.S Department of State, *Germany*, 112.

media could call attention to “genocide,” while the plans to use the term’s potent ability to inspire an unprecedented international treaty were not spoiled by what would have been an unnecessary use of it in the specific courtroom war-criminalization of the Nazis regarding whom public opinion had already reached a consensus long before the verdict. In the *NYT*, two articles within less than two months of each other between August and October of 1946 use the same phrase regarding the reference to “genocide” in the Nuremberg trial, saying that it “cropped up” there.²⁷ The omission of “genocide” from the verdict not only preserved the term for broader use, it even provided an impetus for its incorporation into international law. The use of the term by Hartley Shawcross, Britain’s attorney general in the Nuremberg trial, was quoted in articles that conveyed a message regarding what ought to lie ahead for the term.²⁸

By the promotion of it as an international crime that did not fit within the jurisdiction of the Nuremberg trial, “genocide” was salvaged from being limited to Nazi war crimes, and bestowed with a distinctive quality that as a convention would lead to a breakthrough in international law. When “genocide” was first made known to the public

²⁷ Compare: “Genocide,” *New York Times*; Kaempffert, “Science,” *New York Times*. The persistent choice of words in these efforts leads the readers to believe that the term *genocide* was used in Nuremberg in a sudden or unexpected manner. This persistence leads the public away from considering aspects of strategy in this context. In both articles, the mention of “genocide” in Nuremberg was converted into a used opportunity to expand on the meaning of “genocide.” The newspaper also used the occasion to bring “genocide” into the public discourse in the format of questions and answers. See: “Fifteen New Questions,” *New York Times*, August 4, 1946; “Answers to Questions on Page 2,” *New York Times*, August 4, 1946. This effort to promote the term by placing it in front of the public eye had already been executed in an item by the Associated Press, saying that “last week’s United Nations indictment against German war criminals had brought a new word into the English language—genocide—and that it has been [*sic*] coined by a Duke University professor.” See: “New Word ‘Genocide’ Used in War Crime Indictment,” *New York Times*, October 22, 1945.

²⁸ For instance, see: Lemkin, “Genocide,” 229; Lemkin, “Genocide: A New,” 360; Kaempffert, “Science,” *New York Times*; Raphael Lemkin, “Genocide as a Crime under International Law,” *American Journal of International Law* 41, no. 1 (January 1947): 147. In one of these articles under Lemkin’s name, it is stated that the concept of “genocide” was brought “into international law” by the indictment. See: Lemkin, “Genocide: A New,” 360.

in 1944, it was described strictly as a German wartime phenomenon.²⁹ While WWII was still being fought in 1945, the idea of genocide being perpetrated outside the realm of war was introduced in the question: “Why not treat it as an internal problem of every country, if committed in time of peace, or as a problem between belligerents, if committed in time of war?”³⁰ In 1946, following the indictment in the first Nuremberg trial, the possibility of genocide in a time of peace was implied in the statement that “A ruthless regime finds it easiest to commit genocide in time of war.”³¹ The reference to “A ruthless regime”—meaning, any regime—rather than to the Nazi regime, or German practice as before, demonstrates that the liberation of “genocide” from being exclusively a wartime feature coincided with freeing it from being a Nazi crime. Consequently, before three weeks had passed from the verdict in Nuremberg, Military Government Ordinance No. 7, on the Organization and Powers of Certain Military Tribunals, was established as an ordinance to authorize tribunals for war criminals basing their jurisdiction, in addition to the Charter of the International Military Tribunal, on Control Council Law No. 10 for the “Punishment of Persons Guilty of War Crimes and Crimes against Peace and against Humanity.”³²

The new function of “genocide” as a term that is not limited to the Nazi-led crimes of WWII involved a universalized meaning that was conducive to its further

²⁹ Not only was “genocide” presented in the context of German methods in WWII, the claim was made that there was a genocidal pattern in the German “methods of occupation” in each of its five major wars since 1864. See: Lemkin, *Axís*, xiv.

³⁰ Lemkin, “Genocide: A Modern,” 42.

³¹ Lemkin, “Genocide,” 229.

³² U.S. Department of State, *Germany*, 112.

utilization in international law. Even though the development registered a moment of triumph for the Americans who had been toiling for years to advance international law, the sense of achievement could not have been publicized without having a detrimental effect on the international semblance of the movement toward its adoption as a convention. Instead, the discourse portrayed the absence of “genocide” in the Nuremberg sentence as a setback for international law,³³ or as a personal disappointment for Lemkin.³⁴ In 1947, a text that is ascribed to Lemkin presented a false and misleading assumption that “genocide” always meant “acts committed before the outbreak of the war.”³⁵ Thus, the strategic elements that pushed the term *genocide* toward the attainment of its status as the subject of an international convention were not plain to see. At any rate, for the first time the proponents of international law were able to lead nation-states to agree with the idea that what sovereign governments do to their own people is not simply reserved for domestic law but is a matter of international law, and that this idea is not merely a matter of conjecture or assumed custom but to be documented in a multilateral international treaty.

For the prevention of another Nazi Germany from rising, the meaning of “genocide” was separated from exclusive reference to the Nazi policies, and the usage of

³³ It was urged that the term would be included in the Nuremberg sentence. See: “Genocide,” *New York Times*.

³⁴ Before the modern-day genocide scholarship adopted it as a theme, Gertrude Samuels of the *NYT* offered Lemkin’s personal situation as a rhetorical focus that distracts from consideration of power: “Lemkin was bitterly disappointed when Nazis were absolved from crimes against humanity which they had committed in peace time (1933-1939).” See: Samuels, “U.N.,” *New York Times*.

³⁵ Lemkin, “Genocide as a Crime” (1947), 148. According to this explanation that the term *genocide* was left out of the judges’ decision in Nuremberg because the trial’s jurisdiction only permitted them to punish wartime offenses, the readers are led to assume that “genocide” is a term that refers to acts in times of peace. This presentation of “genocide” is in disharmony with its original meaning in *Axis Rule*, but the text expresses no recognition that this is a changed approach about what the term means.

the term was incorporated into the popular narration of international politics toward a normative absorption of “crime” as a concept in international law. The people of Germany were among the intended audience. “Genocide” was placed on a course of soft-power usage that paralleled the reeducation of Germany. Until Germany would be made ready for its new role in international relations, “genocide” would be defined by information that was generated outside competent tribunals. The development of “genocide” would be played out before German eyes as part of the American-Soviet tug-of-war that did keep Germany divided for decades, and walled German attention within the confines of the Cold War discourse throughout the process of reeducation.³⁶ The discourse on “genocide” enlivened the sense of danger in Germany. It placed a spotlight on existing threats in Germany from both Left and Right political extremes, without which the American military presence may not have seemed warranted.³⁷ It so happens that the United States government finally ratified the Genocide Convention in the same year that the Iron Curtain dropped and the Berlin Wall fell. By that time, “genocide” had become a household name for a crime without being considered by a single judge in a

³⁶ The Americans who were involved in Germany’s reeducation expressed an awareness that this was to be a long-term project. Henry Morgenthau Jr. commented that “Before that deep educational force can be overcome, a whole new generation of parents must be born and raised in an entirely different atmosphere.” See: Morgenthau, *Germany*, 150. This view was confirmed by the United States Department of State in the following words: “The task of German reeducation is viewed as a long-range undertaking which may require a generation or more to complete and which can only be developed gradually as German economic and political life is reconstituted.” See: U.S. Department of State, *Occupation*, 63. The remaining effects of this intergenerational process regarding information in Germany have been largely understated if not completely ignored in current descriptions by the mainstream media of Germany’s role in international relations.

³⁷ In a discussion of dangerous embers in Germany in 1950, it is considered that from an American perspective “if there were no danger in Germany we would not be there.” See: John J. McCloy, “Progress Report on Germany,” *The Department of State Bulletin* February 6, 1950, 197. News items that alert about such lingering political dangers in Germany had the effect of maintaining public support for the continuation of the American military presence in Germany. For instance, see: “Hitler Social Aids Still Remain Popular with 59% of Germans, U.S. Study Shows,” *New York Times*, September 6, 1950.

competent courthouse.

Lemkin's Intellectual Property

Much of the credibility in the claim that “genocide” was Lemkin’s invention rather than an American project through-and-through lies in the popular discourse about the proposal that he sent to the Fifth Conference for the Unification of the Criminal Law, which was held in Madrid in 1933. The basic notion that Lemkin was concerned about the protection of minority groups in international law and acted toward the codification of an international convention that would penalize offenses against them years before his association with the United States meant that he would be readily perceived as an independent actor in the project of “genocide.” This has had the effect of making “genocide” appear as the moral plight of a dedicated individual whose identity carries an immediate representation of two victim groups in WWII, the Jews and the Poles. The neatness of this narrative is called into question by a mindfulness of the great soft-power worth that is accrued by having the origination and development of “genocide” be perceived as unrelated to the American political leadership. An awareness of how soft power works means that the very persuasiveness of this one aspect in Lemkin’s personal history was seen as the grain from which the narrative about him may grow. As it turns out, the details of the information about Lemkin’s proposal are affected by disinformation and misinformation.

Upon the American introduction of Lemkin and “genocide” to the public in *Axis Rule*, the two references to Lemkin’s proposal from 1933 involved framed and falsified information. The information both offered an uneven representation of the proposal and

decontextualized its place within the existing features of international law at the time. According to the information in *Axis Rule*, the proposal centered on the idea of barbarity and vandalism as crimes against groups,³⁸ two acts that are seen as located within the concept of genocide, but barbarity and vandalism are only specified in two of seven articles in Lemkin's proposed text for the international convention, which mainly sought to address the "large variety of different criminal acts" that could be included within the use of "terrorism" as a legal concept.³⁹ Furthermore, the information in *Axis Rule* does not give its readers an accurate view of what had been accomplished in international law regarding the protection of groups that were defined in the Minority Treaties who were identified by either racial, religious or linguistic traits.⁴⁰ Framed in this way, the information does not convey the sense that the League of Nations administered a special procedure "for dealing with petitions presented by minority groups,"⁴¹ but instead it lets

³⁸ Lemkin, *Axis*, 91. This was repeated in a later text that was also ascribed to Lemkin, in which it is claimed that the proposal "envisaged the creation of two new international crimes: the crime of barbarity ... and the crime of vandalism." See: Lemkin, "Genocide as a Crime" (1947), 146.

³⁹ For an English translation of the proposal, which is said to have originally been published in French, see: Raphael Lemkin, "Acts Constituting a General (Transnational) Danger Considered as Offences against the Law of Nations," trans. Jim Fussell, in Prevent Genocide International, <http://www.preventgenocide.org/lemkin/madrid1933-english.htm> (accessed, 1/26/2017). The other articles of the proposed text regarded suggestions of penalties for other acts: knowingly causing catastrophes or interruptions in international communication, and knowingly spreading different kinds of contagion. It is noted that the editor of the material on the webpage, which is run by the organization Prevent Genocide, used bold fonts to highlight the mention of "offense of barbarity" and "offense of vandalism" in the text, which is taken here as an act that is designed to direct the public toward a subjective reading of the text. Despite this, the subjective reading of the proposal was then disseminated by *AJIL* as part of the narrative on the origination and development of "genocide." See: Lemkin, "Genocide as a Crime" (1947), 146; Josef L. Kunz, "The United Nations Convention on Genocide," *American Journal of International Law* 43, no. 4 (October 1949): 738. It was later adopted by the genocide scholarship. For instance, see: Goldsmith, "Issue," 238; Steven Leonard Jacobs, "Raphael Lemkin," in *The Armenian Genocide: The Essential Reference Guide*, ed. Alan Whitehorn (Santa Barbara, CA: ABC-CLIO, 2015), 165.

⁴⁰ The information in *Axis Rule* briefly mentions the Fifth Committee of the League of Nations as the overseer of the conference, but it was the League of Nations' Sixth Committee that handled "procedure in minorities questions." See: Howard-Ellis, *Origin*, 135.

⁴¹ Charles G. Fenwick, *International Law*, 3rd ed. (New York: Appleton-Century-Crofts, 1948), 134.

Lemkin's proposal appear innovative in this matter.

In actuality, there had already been a program in place through the League of Nations to protect minority groups from abuse. The program directed a weekly bulletin to inform on the subject, and oversaw a Minorities Committee for each petition, which by average reviewed two or three dozens of petitions each year during its first decade of operation in keeping with specific guidelines.⁴² Moreover, the procedure also provided a link to the Permanent Court of International Justice whose opinion would be consulted via referrals from the Council of the League of Nations.⁴³ A great amount of detail went into the League of Nations' efforts to protect minorities through international law, and Lemkin's proposal did not stand out for its attention to the protection of groups but perhaps as an attempt to gather together an assortment of crimes under the term *terrorism*, which was a subject for development by the League of Nations during that time.

A significant innovation that was introduced within the concept of "genocide" in relation to the Minority Treaties of the interwar period—the inclusion of the national identifier among the identities of groups to be protected—is concealed by the falsification of information. In *Axis Rule*, it is twice claimed that Lemkin's proposal to the conference had already included the criminalizing of acts against national groups.⁴⁴ However, the

⁴² Drummond, *Ten*, 369, 372, 374.

⁴³ *Ibid.*, 375.

⁴⁴ In both cases, "national" is the first identifier: "attacks upon national, religious, and ethnic groups"; "oppressive and destructive actions directed against individuals as members of a national, religious, or racial group." Compare: Lemkin, *Axis*, xiii; *Ibid.*, 91. This falsification was later amplified when the discourse on Lemkin was reintroduced in time for the gradual preparation of public opinion for the ratification of the Genocide Convention in the United States. In the passage, which also contains highly questionable information regarding the Armenian massacres in this context, the identifier "national" is actually placed within quotation marks that falsely suggest the reference to it in the text of the proposal in

text of Lemkin's proposal in 1933 refers to "hatred towards a racial, religious or social collectivity" without mentioning a collectivity of the national kind.⁴⁵ Nazi Germany was able to expand territorially by dismissing the sovereignty of nations that were member states in the League of Nations, and in order to stifle such activities, as was the design of *Axis Rule*, the groups that had to become protected were national ones. Accordingly, the first page of the chapter on genocide in *Axis Rule* is dominated by references to national groups alone, expressive of a particular concern for "the destruction of a national pattern."⁴⁶ This information about Lemkin's personal background has created a narrative that distracts from a thorough study of "genocide" as a function of power. Ultimately, it is seen that Lemkin's proposal in 1933 was not a unique effort to prevent genocide before the term was invented, but rather the invention of "genocide" in Washington, DC, is likely what made Lemkin's proposal in 1933 seem serviceable toward the production of believable information about "genocide" through him.

By the time of Lemkin's demise in 1959, more emphasis was given to the creation of information about him rather than through him. This custom-made information on "genocide" promoted a moral interpretation of international law, but negated the understanding of how legal power requires a certain visibility of authority for information to be accountable. The narrative on Lemkin signifies a culture of manipulative information for the sake of moral persuasion. Lemkin's past became a breeding ground

1933: "he began a study of the Armenian massacres that culminated in his proposing before the League of Nations in 1933 that the crime of 'barbarity'—the 'destruction of national, religious and racial groups'—be declared an international offense alongside piracy, slavery, and drug smuggling." See: Steven Schnur, "Unofficial Man: The Rise and Fall of Raphael Lemkin," *Reform Judaism* 11, no. 1 (Fall 1982): 10.

⁴⁵ Lemkin, "Acts."

⁴⁶ Lemkin, *Axis*, 79.

for fictional tales that served a purpose of calling attention to his personal aspirations, and away from the power considerations that explain the origination and development of the term *genocide* within international law. The main innovative quality of the Genocide Convention in international law—being the first international treaty through the United Nations that instructs sovereign states on how they should govern their own internal affairs—is not considered as a particularization of power toward international order but through mythic literature about Lemkin’s beliefs as a young adult. Moral anecdotes about the ethical growth of this one man offered a storyline about the conceptualization of “genocide.” However, to garner the kind of support that would award such stories with a lasting effect despite their flimsiness, the Lemkin narrative was intermeshed with the narrative that has cultivated an Armenian sense of injustice.⁴⁷ As a result, the promotion of the Lemkin narrative has become an Armenian interest, and as such it is sustained through the semblance of an Armenian desire, instead of considering the core of the power behind the function of “genocide.”

An inspection of this literary material shows that, ironically, the American efforts to codify standards of governance through an imagined Lemkin involve the dissemination of information that does not meet American academic standards of source criticism. While the short references to Armenians in the texts that were supposedly authored by Lemkin began to appear as soon as the post-WWII international setting established a new set of power relations, the work on the creation of a written biographical account that depicts a young Lemkin as concerned about, and inspired by, the fate of the Ottoman Armenians did not come into fruition until the late 1950s. By this time, the Armenian

⁴⁷ The American construction of an Armenian narrative is discussed in a separate section.

narrative under American direction had made major advances toward becoming solidified and readied for the systematic superimposition of the genocide label. In a book that was dedicated to the argument that certain male figures are shaping the world admirably, Robert Merrill Bartlett included Lemkin as one of them. Bartlett presented an unsourced narrative about Lemkin in the style of a moral tale, which presented the Armenian experience as the subject matter of a pivotal moment in Lemkin's life.

The following dialogue—allegedly from 1921—about Lemkin's reaction to the assassination of Talaat Pasha by Soghomon Tehlirian was offered without any note to suggest that it is a fabrication:

Raphael took the problem to one of his professors. "Did the Armenian try to have the Turk arrested for the massacre?"

The professor shook his head. "There was no law under which he could be arrested."

"But Talaat was responsible for the death of those people," Raphael retorted.

"Consider the case of a farmer who owns a flock of chickens. He kills them and this is his business. If you interfere, you are trespassing."

"But the Armenians are not chickens. Certainly—"

The professor continued: "You cannot interfere with the internal affairs of a nation without infringing on that nation's sovereignty."

Raphael stood his ground. "It is a crime for Teilierian to kill a man, but it is not a crime for his oppressor to kill more than a million men. This is most inconsistent."

"You are young and inexperienced, Lemkin, and tend to oversimplify. You should learn more about international law."⁴⁸

The text has the markings of fictional material that is designed to be an instruction aid for youths. Certain literary tactics are employed in this text for a didactic outcome, such as depicting an unfriendly professor who cuts off Lemkin in midspeech and speaks arrogantly to him, which leads the readers to connect their unfavorable view of the

⁴⁸ Robert Merrill Bartlett, *They Stand Invincible: Men Who Are Reshaping Our World* (New York: Thomas Y. Crowell Company, 1959), 96-97.

professor with an unfavorable view of his opposition to the idea of incorporating internal state affairs into international law. This ties in with another rhetorical tactic, which is the association of the main innovation of “genocide” in international law with Lemkin’s personal growth, as if “genocide” was the product of Lemkin’s maturation process rather than an American ingenuity. Also, it contains a simplistic statement about Talaat as “responsible for the death of those people,” and presents this as if it is a matter of common knowledge that is not even part of Lemkin’s disagreement with the professor. However, the most striking aspect about this dialogue is that has been presented as authentic information by those who influence the discourse on “genocide.”

In a massively acclaimed and promoted book, Samantha Power relayed this dialogue without any reservation, as if describing documented history:

Lemkin asked why the Armenians did not have Talaat arrested for the massacre. The professor said there was no law under which he could be arrested. “Consider the case of a farmer who owns a flock of chickens,” he said. “He kills them and this is his business. If you interfere, you are trespassing.” “It is a crime for Tehlirian to kill a man, but it is not a crime for his oppressor to kill more than a million men?” Lemkin asked. “This is most inconsistent.”⁴⁹

The credibility that was lent to Power’s book project by a variety of influential outlets of information has enabled the passing of this piece of fiction as part of the mainstream narrative on the origination and development of the term *genocide*. In turn, Power’s credibility was then lent to works of education on the subject.

By way of an organization called Facing History and Ourselves, which was originally funded by the United States government,⁵⁰ youths in the United States, and in

⁴⁹ Samantha Power, *“A Problem from Hell”: America and the Age of Genocide* (New York: Basic Books, 2002), 17. In an endnote, Power identifies Bartlett’s book as her source, but does not mention that the dialogue there is presented without the citation of a source. See: *Ibid.*, 521 (note 1).

⁵⁰ Facing History and Ourselves was funded by Title IV of the Higher Education Act (1965), which administers federal financial support under the United States Department of Education. See: Margot Stern

other locations “around the world,”⁵¹ are being taught to think that this conversation between Lemkin and his professor really took place:

Journalist and human rights activist Samantha Power writes that the trial of Soghomon Tehlirian stirred up deep moral reflection in Raphael Lemkin, a 21-year-old Polish Jew studying linguistics at the University of Lvov. He raised the issue with a law professor. Power describes the exchange.
*Lemkin asked why the Armenians did not have Talaat arrested for the massacre. The professor...*⁵²

However, Power’s description of the exchange not only presented an unsourced material as a matter of fact, it also involved another version of similar but not quite the same content, and Power did not note that she consolidates two different versions into one narrative.⁵³ The other version was taken from the manuscript of Lemkin’s autobiography, which was developed around the same time as Bartlett’s text but markedly of a separate literary effort:

At Lwow University, where I enrolled for the study of law, I discussed this matter with my professors. They evoked the argument about sovereignty of states. “But sovereignty of states,” I answered, “implies conducting an independent foreign and internal policy, building of schools, construction of roads, in brief, all types of

Strom and William S. Parson, *Facing History and Ourselves: Holocaust and Human Behavior* (n.p.: Margot Stern Strom / Williams S. Parsons, 1977), iii; Margot Stern Strom and William S. Parsons, *Facing History and Ourselves: Holocaust and Human Behavior* (Watertown, MA: International Educations, 1982), 18.

⁵¹ In addition to ten locations that include American cities and London, the organization’s website mentions having “educational partnerships” in China, France, Northern Ireland, and South Africa. See: Facing History and Ourselves, “About Us,” <https://www.facinghistory.org/about-us> (accessed, 1/26/2017). It is noteworthy that even though the current website does not mention Switzerland among the international locations, in another source the organization lists Switzerland along with American cities as the only regional office internationally. See: Facing History and Ourselves, *Crimes against Humanity and Civilisation: The Genocide of the Armenians* (Brookline, MA: Facing History and Ourselves, 2004), vi.

⁵² Ibid., 184. This dialogue is presented as a matter of fact in the introduction, stating that “When Raphael Lemkin, a young Polish Jew, learned about the massacre of the Armenians, he asked a law professor why no one had indicted the perpetrators for murder.” See: Ibid., vii. Similarly, another text book by Facing History and Ourselves narrates the story as if a matter of recorded history. See: Facing History and Ourselves, *Totally Unofficial: Raphael Lemkin and the Genocide Convention* (Brookline, MA: Facing History and Ourselves 2007), 3.

⁵³ Power, “Problem” 19.

activity directed toward the welfare of people.”⁵⁴

While the message about the sovereignty of states is essentially the same, the details of this account are different from the Bartlett one. In addition to the difference in the wording and the absence of the reference to chickens, in this account there are professors rather than a single professor, and Lemkin is at the university to study law rather than linguistics. Moreover, in the Bartlett version it is said that upon killing Talaat, Tehlirian shouted ““This is to avenge the death of my family!”” whereas in the manuscript for the autobiography it is claimed that at the time of shooting Tehlirian said ““This is for my mother.””⁵⁵ Nonetheless, the consolidation of these two versions into one narrative, as done in Power’s book, is then repeated by scholars such as John Cooper,⁵⁶ Steven L. Jacobs,⁵⁷ and Taner Akçam.⁵⁸ On its own, the version from the autobiography has also

⁵⁴ Donna-Lee Frieze, ed., *Totally Unofficial: The Autobiography of Raphael Lemkin* (New Haven, CT: Yale University Press, 2013), 20. The text appears under the title “Early Adult Years,” as if to suggest that this period in Lemkin’s life was marked by the Armenian experience. This account also includes a use of language that frames the suffering of the Armenians as an injustice through a view that is limited to accusations of Turkish wrongdoing.

⁵⁵ Compare: Bartlett, *They*, 96; Frieze, *Totally*, 20.

⁵⁶ John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (Basingstoke, UK: Palgrave Macmillan, 2008), 15. In Cooper’s consolidation of the two versions, Lemkin says to the one professor, who made the comment about chickens in the Bartlett account, what he said to professors in the manuscript of his autobiography.

⁵⁷ Jacobs, “Raphael,” 164. Like Cooper, Jacobs inserts Lemkin’s words from the manuscript of the autobiography in the context of his university professors into the setting of a conversation with one professor as presented in the Bartlett text. This same Jacobs is identified by Power as having “the most complete collection of Lemkin’s files and correspondence.” See: Power, “*Problem*”, 521 (note 1). Jacobs is described as a scholarly authority in the study of Lemkin’s biography. See: Adam Jones, review of *Lemkin on Genocide*, edited by Steven Leonard Jacobs, *Journal of Genocide Research* 15, no. 2 (June 2013): 233.

⁵⁸ Taner Akçam, “Lemkin and the Question of Armenian and Kurdish Reforms,” in the Armenian National Committee of American Website, <https://anca.org/akcam-lemkin-and-the-question-of-armenian-and-kurdish-reforms-2/> (accessed, 1/26/2017). In an address at the 2015 International Hrant Dink Award ceremony in Istanbul, Akçam’s presentation joined together the two versions into one that includes the mention of both the chickens and what sovereignty implies: ““But,’ Lemkin then objected, ‘people are not chickens,’ adding that the sovereign rights of a given state ‘implies conducting an independent foreign and

been presented by scholars as a transcript even though it is by no means a reliable source.⁵⁹

Both versions, upon their utilization in the genocide discourse, make the same significant point about letting international law hold states accountable for the handling of innerstate affairs while relating it to Lemkin, as if to show that the Armenian experience was foundational in the mental processes that he experienced on his way to introducing “genocide” to the world. This is not the only attempt in history to use an anecdote for didactic purposes, and it is understandable that the profound concept of unified standards of governance through guiding states on how to treat their own people is not necessarily an American interest alone. It does become an international problem when seemingly credible scholars present the material as historically accurate. Such practice is not scholarly, and it suggests that the project of international law is associated with insincere story-telling.

Not only is this Lemkin narrative historically unfounded, it also interferes with the knowledge of meaningful moments in history. One major aspect of this is that history is undermined for the sake of establishing Lemkin rather than the United States government as the main actor in the origin and development of “genocide.” Thus, the

internal policy, building of schools, construction of roads, in brief, all types of activity directed toward the welfare of people.”

⁵⁹ For instance, based on this narrative, it is said that Lemkin “became obsessed with the current debate about the sanctity of state sovereignty.” See: Paul R. Bartrop and Samuel Totten, “The History of Genocide: An Overview,” in *Teaching about Genocide: Issues, Approaches, and Resources*, ed. Samuel Totten (Greenwich, CT: Information Age Publishing, 2004), 32. Similarly, based on the words that are attributed to Lemkin as a university student, it is determined without qualification that because of the Armenian experience in WWI a deeply shocked Lemkin “was willing to limit state sovereignty.” See: Dominik J. Schaller and Jürgen Zimmerer, “Introduction: The Origins of Genocide—Raphael Lemkin as a Historian of Mass Violence,” in *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence*, ed. Dominik J. Schaller and Jürgen Zimmerer (Abingdon, UK: Routledge, 2009), 3.

focus on this one individual's supposed youthful insistence on limiting the sovereignty of states leads the public away from recognizing that states were already asked to account for the treatment of their own peoples by the procedures of the League of Nations overseeing the Minority Treaties long before the invention of "genocide." Another, perhaps more fateful, aspect is that the Lemkin narrative purposely spreads false information about the relevance of the Armenian experience in the conceptualization of "genocide." This aspect has had the effect of putting "genocide" on many lips, but at the expense of what many others are willing to believe about international law.

It is plainly true that Armenians are not chickens, but as humans they were capable of being turned against their own government, and the popular claim that Lemkin invented "genocide" because the Turks were not punished for the Armenian victimhood is one strong example of how the current discourse on "genocide" reflects poorly on the prospects of international law. On the one hand, the fictitious combination of the Lemkin and Armenian elements into one narrative has added fuel to the fire of genocide discussion, all but ensuring that "genocide" would penetrate popular culture and public consciousness as a heated topic of debate; on the other hand, it is based on a manipulative presentation of history that has cast a great shadow of doubt regarding the dependability of information that penetrates the performance of international law. While the design of a moral narrative through a fancied portrayal of Lemkin has successfully generated much consumed knowledge on "genocide," it has neglected to mind the dark side of an interest-riddled discourse on "genocide." To see how the term *genocide* has been used, light has to be shed on the manner in which the American political leadership dissociated itself from "genocide." Soft-power attains its goal when the power holder is convincingly

shown as dissociated from the effort to persuade. The depiction of the American political leadership as disinterested in, or ambivalent about, the term *genocide* was conducive to leading the general public toward the perception of “genocide” as an authentic expression of universal morality.

American Display of Dissociation

Despite “genocide” being a legal matter, it was primarily a product of soft power, and had to remain as such for the foreseeable future. The term *genocide* could not acquire legal power upon arrival. Even though “genocide” was introduced from the top down, it had to be believed from the ground up. There are three main reasons that may explain this. First, even as the United States had showcased its physical superiority in comparison to the other powers in WWII, international law lacked the enforceability of domestic law,⁶⁰ and the prevention of international crimes through the use of force is tantamount to war.⁶¹ Since there was no inherent sense of authority to international law, putting the enforceability of genocide verdicts to the legal test would have risked exhibiting disinclinations to comply and failures to compel, both of which would have presented the international court system as ineffective and, consequently, would have discouraged further international cooperation toward the advancement of international law. Putting

⁶⁰ This is seen as possibly the most pertinent cause to question that international law is actually law in the full sense of the word. Throughout the Cold War the enforceability of law against either the United States or the Soviet Union seemed particularly unlikely. See: D’Amato, “Is,” 1293. In his analysis, “International law is enforced by ... reciprocal-entitlement violation,” and the view that it is not “really ‘law’” does not consider the effect of norms. See: *Ibid.*, 1313. A different view holds that the absence of an enforcement bureaucracy that is similar to that of the state means that “International ‘law’ is not of a *legal* order of obligation, despite the important resemblances.” See: Franck, *Power*, 39.

⁶¹ Unlike the state’s ability to enforce domestic law, “the main sanctions established by international law are reprisals and war.” See: Kelsen, *Principles*, 401.

“genocide” into an immediate legal effect threatened to force the United States to assume the role of a worldwide enforcer, which would have led to more measures of hard power rather than results of legal power.

Second, the indirect approach presented itself as the United States could not directly control the legal administration of “genocide” without it appearing as an American rather than an international project. The German resistance to international law was not only manifested in two vivid tests of hard power, but it also sent a message that the arguments for international law were not persuasive enough to assuage geopolitical challengers because they could be easily connected to Anglo-American interests.⁶² Greater efforts of soft power were required in order to keep other states, especially the powerful ones among them, from viewing the organization of law among nations as an American concept in keeping with American interests.⁶³ In relation to other aspects of international law, “genocide” necessitated the appearance of separation from the United States government even more. Unlike the international treaties that codified the conduct between states,⁶⁴ a treaty against “genocide” focuses on how each state governs its own

⁶² On the eve of WWII, the conviction that the international treaties were functions of Anglo-American interests was so strong that in his chapter on international treaties E. H. Carr toiled to lead readers to agree with the observation that was made by “Herr Hitler”—as Carr addressed him in the first edition—who said that “Once it [i.e. the nation] is in danger of oppression or annihilation ... the question of legality plays a subordinate role.” See: Carr, *Twenty*, 236.

⁶³ Through the process of Germany’s reeducation post-WWII, the American soft-power effort was much more foundational than trying to convince German leaders that international law is not an American interest. It sought to influence the German mind to the extent of changing the local thought “about the role of Germany in the world of nations,” in a “mammoth enterprise, involving teachers, text and trade books, pamphlets, newspapers and periodicals, publishing, and libraries, to mention only a few of its ramifications.” See: Telford Taylor, “The Struggle for the German Mind,” *New Republic*, January 30, 1950, 17.

⁶⁴ Until the Genocide Convention, treaties were seen as aimed to regulate relations between states rather than within them. For instance, see: Carnegie Endowment for International Peace, *The International Law of the Future: Postulates, Principles and Proposals* (Washington: Carnegie Endowment for International Peace, 1944), 45; Philip C. Jessup, *A Modern Law of Nations* (New York: Macmillan Company, 1948), 15.

affairs and exposes each state to outside involvement through international law. By openly involving itself in the codification of “genocide,” the United States would have communicated to the other member states of the United Nations that the term *genocide* is made to justify military intervention by the very government that is most capable and likely to carry it out.

Third, being a freshly invented term, which in addition to its legal unprecedentedness had experienced early shifts in definition due to the highly unsettled quality of the international setting during its initial public appearance, there was no clear understanding of what “genocide” meant and how it would be legally applied. Unlike intentional homicide, the identification of genocide involves the subjective assignment of identity to the victim.⁶⁵ This suggests that without a set discourse to illustrate what genocide means, the determination of its legal application would have presented judges with an overwhelming amount of space for discretion, and without the equivalent of common law. Therefore, the term *genocide* became a matter of judicial execution by international professionals only after the utilization of power to control the narration of instances that would serve as platforms for the exploration and interpretation of what is meant by “genocide.” The American ability to narrate the advent of “genocide” through the agency of a seemingly independent expert, and then the use of it through the claims of victimhood by identity groups, is an example of soft power.

Accordingly, it should come as no surprise that during those critical days for

⁶⁵ In several instances the term *genocide* was explained as being the group version of homicide, without considering that this analogy directs attention away from the subjective assignment of identity that is inherent in genocide claims but not in the determination of intentional homicide. See: Otto D. Tolischus, “Twentieth-Century Moloch: The Nazi-Inspired Totalitarian State, Devourer of Progress—and of Itself,” *New York Times*, January 21, 1945; Kaempffert, “Genocide,” *New York Times*; Lemkin, “Genocide,” 228; Lemkin, “Genocide: A New,” 360.

international law after WWII the United States government distanced itself from the legal initiation of “genocide.” There was no visibility of American leadership in the process of drafting the convention, and once the treaty was adopted, there were publicized hesitations regarding its ratification in the United States. Much like the coinage of the term *genocide*,⁶⁶ the orchestration of the Genocide Convention was tightly narrated as being Lemkin’s doing.⁶⁷ Time and again, Lemkin was described as either the “father” of

⁶⁶ For examples of the many usages of the verb *to coin* in relation to Lemkin and the term *genocide*, see: Genocide,” *Washington Post*; Tolischus, “Twentieth-Century,” *New York Times*; “New,” *New York Times*; “Answers,” *New York Times*; “Genocide,” *New York Times*; Kaempffert, “Science,” *New York Times*; Waldemar Kaempffert, “Genocide as Practiced by Nazis,” *New York Times*, November 17, 1946; Lemkin, “Genocide,” 228; Lemkin, “Genocide: A New,” 360; United Nations War Crimes Commission, *History of the United Nations War Crimes Commission and the Development of the Laws of War* (London: His Majesty’s Stationery Office, 1948), 197; Jessup, *Modern*, 183; Kunz, “United Nations Convention,” 738; Frank E. Holman, “A Challenge to Individual Liberty under Law,” *United Nations World*, June 1949, 21; Samuels, “U.N.,” *New York Times*; Fenton, “Approval,” *New York Times*; “Ratifying United Nations Convention on Genocide,” *New York Times*, December 22, 1949; Kenneth S. Carlston, “Should the United States Ratify the Genocide Convention?” in *Proceedings of the Section of the International and Comparative Law: St. Louis Meeting, September 5-6, 1949* (Chicago: American Bar Association, 1950), 35; “U.N. Representatives Ratifying Pact Against Genocide,” *New York Times*, October 17, 1950; “6 U.S. Candidates for Nobel Award,” *New York Times*, March 7, 1952; “U.N. Genocide Ban Said to Be in Peril,” *New York Times*, May 25, 1952; “Lemkin Calls Soviet Guilty of Genocide,” *New York Times*, January 18, 1953; “Forum Supports Genocide Accord,” *New York Times*, January 10, 1954. The adherence to this verb, which has lasted to this day, points at there being an orderly and by now almost automatic quality to the narration.

⁶⁷ For example, after the adoption of the Genocide Convention, it was written that “public opinion—and Lemkin—had their way.” See: Samuels, “U.N.,” *New York Times*. In another article by the *NYT* in 1952 it is stated that “For about ten years, Professor Lemkin has been visiting the diplomatic corridors and foreign ministries of the world, seeking support for the idea that genocide—a word he coined to cover the deliberate extinction of nations, races or religions—should be outlawed internationally.” See: “U.N.,” *New York Times*. This type of Lemkin-centered portrayal is found also in a scholarly article, in which it is claimed that “Lemkin had been indefatigable” in the promotion of “his ideas.” See: Kunz, “United Nations Convention,” 738. Similarly, the Genocide Convention is described as “Dr. Lemkin’s marvelous achievement.” See: James N. Rosenberg, “This is a Matter for Statesmen, Not Lawyers,” *United Nations World*, June 1949, 18-19.

the convention,⁶⁸ or as the founder of “the world movement to outlaw genocide.”⁶⁹ Within the narrative, there are repeated references to Cuba, India, and Panama as having responded in November, 1946, to Lemkin’s lobbying with the submission of the resolution for the outlawing of genocide,⁷⁰ but these references give no heed to the control that the United States and Britain had over the foreign policy, among other policies, of these member states, especially at the time of the call for the resolution. Similarly, Lemkin’s relationship with the United States government is not denied; it is simply not stated in most cases or deemphasized. The reason why the United States government has not had to deny that Lemkin or certain member states followed an American direction in the making of the Genocide Convention is mainly because the

⁶⁸ For example, see: “Cuba Honors Pact Father,” *New York Times*, September 22, 1950; “Pact on Genocide effected by U.N.,” *New York Times*, October 15, 1950; “Lemkin,” *New York Times*. Having been popularized by the *NYT*, this title was also engraved on Lemkin’s tombstone. For an image of it, see: Schnur, “Unofficial,” 11. This designation is also found in recent works by genocide scholars, as shown here in Chapter 2, note 230. In keeping with the parental title, Lemkin was reported to refer to the Genocide Convention as his child. See: “U.N.,” *New York Times*. A similar kind of title referred to him as the author of the Genocide Convention. See: “Claims Harriman Pledge,” *New York Times*, June 23, 1952; “Ad 2,” *New York Times*, January 9, 1954; “Genocide Pact Warning,” *New York Times*, March 8, 1954.

⁶⁹ For instance, see: Rosenberg, “This,” 18; “Chinese Will Ask U.N. to Redefine Genocide,” *New York Times*, December 5, 1952; Raphael Lemkin, “Nature of Genocide: Confusion with Discrimination Against Individuals Seen,” letter to the editor, *New York Times*, June 14, 1953; Rafael [*sic*] Lemkin, “Genocide Convention: Projects before the U.N. Opposed as Weakening Enforcement,” letter to the editor, *New York Times*, November 12, 1957. The inspiration for this title is not disclosed in these sources, but it is likely that the reference is to an imagined movement rather than an actual one.

⁷⁰ For instances in which the three member states are mentioned together as the states that acted toward the advancement of the convention, see: “Seven Agenda Items Submitted for U.N.,” *New York Times*, November 3, 1946; “Assembly Will Act on Genocide Study,” *New York Times*, November 6, 1946: 19; Raphael Lemkin, “Genocide before the U.N., Importance of Resolution Declaring Crime International Is Stressed,” letter to the editor, *New York Times*, November 8, 1946; Kaempffert, “Genocide,” *New York Times*; Lemkin, “Genocide as a Crime” (1947), 149; Lemkin, “Genocide Convention,” *New York Times*; “Law on Genocide Put to Assembly,” *New York Times*, November 23, 1946; Kunz, “United Nations Convention,” 739; Schroeder, *International*, 27. The repetition of this type of reference points at the regularity with which the information on the process that led to the Genocide Convention places member states other than the United States as carriers of the action, and, thus, clothing it with internationality.

matter is not featured in the mainstream information about it.⁷¹

The placement of Lemkin in the discourse about the question of ratifying the Genocide Convention in the United States in the late 1940s and early 1950s affected both the initial debate itself and the memory of it in a manner that helped to depict the development of “genocide” as distinguished from American strategy. During the time when the American public was absorbing critical information about the possible consequences of turning “genocide” into a crime that is recognized by American law, Lemkin’s foreignness was accentuated, and thereby the term that was publicly associated with him took on a non-American or even an un-American quality. Through the narration by mainstream sources of information such as the *NYT*, Lemkin came to be viewed as representing the argument for the ratification.⁷² At this point, Lemkin’s Jewish identity became more pronounced as his activities were publicly connected with the interests of Jewish organizations.⁷³ Similarly, the debate in the United States Senate by the

⁷¹ The original narration of the *NYT* has carried over to more recent popular reiterations of it. Power’s book provides an instance of this, with the addition of misleading information. In a paragraph that begins with the timeframe of May, 1946, it is narrated that “Lemkin had been teaching part time at Yale Law School,” and that in order to be present in Nuremberg he “convinced the dean, Wesley Sturges, to grant him leave.” See: Power, “*Problem*”, 49. However, Lemkin’s own list of the offices he had held shows that he only became a visiting lecturer with the rank of full professor at Yale University Law School in 1948, and that in 1946 his main position was being an adviser on foreign affairs to the United States War Department. See: Box 2, Folder 1, Raphael Lemkin Papers. It is also of note that the description of Lemkin’s biography in the New York Public Library’s accession sheet for the Lemkin papers does not mention his employment by the United States government. See: New York Public Library, “Rare Books and Manuscripts Division Accession Sheet,” <https://www.nypl.org/sites/default/files/archivalcollections/pdf/Lemkin.pdf> (accessed, 1/26/2017).

⁷² For instance, it is said that Lemkin was “Urging Senate ratification of the United Nations genocide convention.” See: Fenton, “Approval,” *New York Times*. Moreover, Lemkin was mentioned in the reports on the ratification of the Genocide Convention by other member states, such as Norway and Ecuador, and portrayed in these articles as actively pressing different member states to ratify the convention. For example, see: “Norse Sign Genocide Pact,” *New York Times*, July 6, 1949; “Ratifying,” *New York Times*.

⁷³ While it may be argued that the cause of ratifying the Genocide Convention or promoting humanitarianism in general was typically important for Jewish organizations, it does not mean that there was no design behind the public portrayal of these causes as if associated with Jewish interests, with the underlying message being that the voice behind such calls is not reflective of the American majority. For

Committee on Foreign Relations combined this notion with the impression that the campaign for ratification was generally being run by interest groups of maximized political leverage: Republican Senator H. Alexander Smith of New Jersey raised the issue of the Jewish people while discussing Lemkin, as if to suggest that Lemkin was representative of Jews; this gave an opportunity for Adrian S. Fisher, a legal advisor for the Department of State, to argue that Lemkin was “a private citizen” who “does what he thinks he should do”; and then Democratic Senator Brien McMahon of Connecticut enlisted the organizations that support the Genocide Convention to suggest that there is a “broad base,” but at the same time show this base as being the concentration of political power by interests groups.⁷⁴ The effect was that the call for ratification would be seen as having enough backing to warrant a public debate, but also that the cause of introducing “genocide” into American law would be viewed as strange to most Americans and

instances of publications by Jewish leaders of organizations that took part in the public debate, see: Moses Moskowitz, “Is the U.N.’s Bill of Human Rights Dangerous? A Reply to President Holman,” *American Bar Association Journal* 35, no. 4 (April 1949): 283-288, 358-359; Rosenberg, “This,” 18-23. In addition, the *NYT* published articles that would strengthen this impression. For example, one article reports that a Jewish organization, Brith Sholom, awarded its prize for Humanitarianism to the Australian minister for foreign affairs, Herbert V. Evatt, “for leading the fight to outlaw genocide.” See: “Evatt Gets Sholom Prize,” *New York Times*, June 27, 1949. Articles that reported pleas by Jewish leaders to have the Genocide Convention ratified had a more direct effect because they gave the impression that these were made on behalf of Jews. For example, see: “Plea Made to Pope in Behalf of Jews” *New York Times*, January 1, 1950; “125 Years Marked by B'nai Beshurun,” *New York Times*, October 29, 1950; “Berle Chides U.S. on Genocide Issue,” *New York Times*, January 13, 1951; “U.S. Prodded on Genocide,” *New York Times*, May 24, 1953; George Dugan, “Action on Genocide Is Urged by Rabbis,” *New York Times*, June 26, 1953; “Goldmann Elected World Jewish Head,” *New York Times*, August 12, 1953. Alongside these references to Jewish organizations, it was claimed that Christian groups were also calling for ratification. For example, see: “Church Groups Appeal to United Nations to Speed Convention Outlawing Genocide,” *New York Times*, February 11, 1948; “Church Unit Appeals to U.N.,” *New York Times*, September 22, 1948; “Genocide Pact Backed,” *New York Times*, June 18, 1949. It is also noted that support for the Genocide Convention by women organizations was also a feature of the narration by the *NYT*. For instance, see: “Millions of Women Urge Genocide Ban,” *New York Times*, June 25, 1949; “Mrs. Spain Chosen by Jersey Women,” *New York Times*, May 12, 1950; “U.S. Urged to Back Genocide Treaty,” *New York Times*, June 21, 1950; “Supporter Assails Genocide Pact Foes,” *New York Times*, October 15, 1952.

⁷⁴ For example, see: U.S. Congress, *Executive*, 645-646.

considered to be an unnatural imposition on them, as expressed by Senator Smith:

I can't understand what it all means, and I think others are troubled by it, and it is the definition of this new idea, and the biggest propagandist for this that has been around seeing me and other people is a man who comes from a foreign country who has been the subject of this sort of thing, and why we are putting all the heat of propaganda on a foreigner who speaks broken English to try to force this on us I cannot understand. I know of many people who have been irritated no end by this fellow running around. He is a very nice fellow, and I am sympathetic with the Jewish people, but they ought not to be the ones who are propagandizing it, and they are.⁷⁵

For some unspecified reason, Lemkin, who had been sent to faraway Nuremberg by the United States government to observe the trial there, did not make the trip from New Haven, CT, to appear before the Senate subcommittee in Washington, DC, and instead expressed his support for ratification by way of telegram communications.⁷⁶ Currently, the popular retrospective view of the public debate on ratification shows Lemkin as a morally driven independent actor, and the portrayal of what was allegedly his cause as being dismissed and disrespected by the American political system strengthens the display of dissociation between “genocide” and power.⁷⁷

⁷⁵ Ibid., 645.

⁷⁶ Ibid., 369. In Power's presentation of the matter, she makes an unsourced claim that Lemkin was not invited. See: Power, “*Problem*”, 68. However, it is here considered that Lemkin may have not been able to conduct a conversation in English at the level of articulation and pace that is expected at an appearance before a subcommittee of the Senate, and the employment of a translator would have called attention to the uncredited authorship of his written publications. Thus, it is possible that Lemkin did not defend his position about ratification at the Senate because it would have compromised the credibility of his role in the discourse. Lemkin's limited English was not a secret, but having Lemkin attempt to speak at the Senate risked displaying before the public an incapacity to communicate in English to the extent of attracting disbelief regarding Lemkin's image as an influential author in English.

⁷⁷ According to Power's centralization of Lemkin's perspective, there was “congressional opposition” to what she presents as “his convention.” See: Ibid. Within this framing of the events, it is possible for her to claim that “It was hard to see how it was in the U.S. [*sic*] interest to make a state's treatment of its own citizens the legitimate object of international scrutiny,” and adding that “international law offered few rewards to the most powerful nation on earth.” See: Ibid., 69. In this, Power's role as an agent of information is in line with the soft-power instruction that in order for public opinion to favor international law it should not appear as a project of American power in service of American interests. Power eliminates from consideration the possibility of American authority behind international law by making it seem like international law did not even fit with the American vision for the post-WWII international order.

By relating “genocide” to Lemkin, the discourse presented the pressure to ratify the Genocide Convention in the United States as having a strong sense of international invasiveness, and, thereby, domestic political considerations within the United States were amplified in contrast to global affairs. Even though the discourse included arguments that illustrated how the ratification might improve the state of international relations,⁷⁸ the very presentation of them as lying on the other side of the debate from the national spirit in the United States,⁷⁹ and in disharmony with the workings of Washington politics,⁸⁰ gave the appearance that the promotion of “genocide” as a crime was not

⁷⁸ For instance, the *NYT* advertised the Genocide Convention as a treaty or pact for the people. In one article, the rationale for the Genocide Convention is expressed by the claim that “individual men as well as the state must be held to account for evil acts against society.” See: “A Treaty for the People,” *New York Times*, October 11, 1947. A detailed article following the adoption in the United Nations, not only ascribed the Genocide Convention to Lemkin, but described it as “his ‘treaty for the people’” to give it a grass-roots appeal. See: Samuels, “U.N.,” *New York Times*. Similarly, in a later article it was argued that “the average person whom the convention is designed to protect” understands that the Genocide Convention “simply provides that he and his family, as individuals or as family or national groups, shall not be destroyed because of racial, religious or national differences.” See: “Pact for the People,” *New York Times*, December 16, 1951. The idea that this treaty is for the people was also conveyed in a text under Lemkin’s name, in which it is mentioned that “a leading American newspaper ... called the genocide convention ‘a treaty for the people.’” See: Lemkin, “Genocide as a Crime” (1948), 71. In other words, there was an effort to convey the positive elements of the Genocide Convention, but ultimately the discourse was structured to direct public sentiment against ratification.

⁷⁹ It was suggested to the American public that the pressure to ratify the Genocide Convention in the United States meant that “Our heritage of individual liberty under law is challenged as never before.” See: Holman, “Challenge,” 22.

⁸⁰ The distance between the Department of State and the Senate was illustrated as part of the narration about there being a delay in the ratification. See: “The Genocide Treaty,” *New York Times*, June 12, 1949. While the Department of State is typically associated with representing American interests abroad, the Senate is thought to be representative of the American people’s sentiment. Accordingly, the suggestion that there might be disagreement between the Department of State and the Senate feeds the notion that public opinion in the United States is formed independently of policy interests and protected from it. Whenever public opinion is seen as resisting policy—especially foreign policy—interests, it strengthens the believability of the democratic process. Hence, this narration is also seen as helpful for governance in the United States from this perspective. Moreover, partisanship regarding the Genocide Convention’s ratification surfaced as a late rationale for the fading of the debate from the public discourse. It served as a natural domestic explanation for nonratification being that the Genocide Convention was adopted by the United Nations during the time of a Democratic administration under President Harry Truman, who personally recommended it for ratification by the Senate, and it became seen as a partisan agenda by the time that Dwight Eisenhower became the president and established a Republican administration. For relevant articles in the *NYT*, see: “Pact Ratification Asked,” *New York Times*, June 17, 1949; “Text of the Democratic Party’s Resolution on Platform,” May 17, 1950; “Lehman Criticizes Lodge on Genocide,” *New*

American, neither as an interest nor as an idea. Consequently, international law in general was made to appear less American. Thus, the discourse executed the soft-power tenet that for information to be effective, the effort at instilling a certain belief cannot be seen as connected to a source of authority that stands to gain from it. The public debate in the United States about ratification, and its aftermath of no ratification in the next four decades, had the effect of allowing American power to exercise control over how “genocide” was to be used, without being perceived as doing so. Even George Finch, the director of the division that oversaw CEIP’s publication of *Axis Rule* and the introduction of “genocide” to the public, played a role in presenting the ratification of the Genocide Convention in the United States as a matter of debate, as if the incorporation of “genocide” into international law was not an American idea in which he was personally involved.⁸¹

However, a view of the program for international law as expressed by the same Finch just a few years prior to the public debate on the ratification of “genocide” in the United States reveals that the Genocide Convention embodied American legal foresight. In 1944, the Division of International Law of CEIP released a publication on the future of

York Times, November 5, 1953. The *NYT* even generated information about Lemkin’s support of Averell Harriman as the Democratic candidate for the presidency due to the latter’s expressed view on the ratification of the Genocide Convention. See: “Claims,” *New York Times*.

⁸¹ George A. Finch, “Editorial Comment: The Genocide Convention,” *American Journal of International Law* 43, no. 4 (October 1949): 732-738. For instance, Finch was involved in making the approval of the Genocide Convention in the United States seem debatable. See: *Ibid.*, 733. In similar writings, legal experts called the ratification into question without necessarily opposing it directly. For example, see: Orie L. Phillips, “The Genocide Convention: Its Effect on Our Legal System,” *American Bar Association Journal* 35, no. 8 (August 1949): 623-625; Carl B. Rix, “Human Rights and International Law: Effect of the Covenant on Our Constitution,” *American Bar Association Journal* 35, no. 7 (July 1949): 551-554, 618-621; John Foster Dulles, “International Criminal Law and Individuals—A comment on the Principles Involved in the Human Rights Covenant and Genocide Convention,” in *Proceedings of the Section of the International and Comparative Law: St. Louis Meeting, September 5-6, 1949* (Chicago: American Bar Association, 1950), 23-25.

international law several months before publishing *Axis Rule*. This publication was the product of a shared effort by the leaders of American thought on international law, and among the principles that were offered in “a draft of a declaration concerning the international law of the future which might be adopted by a competent international authority,”⁸² was the following principle: “Each state has a legal duty to see that conditions prevailing within its own territory do not menace international peace and order, and to this end it must treat its own population in a way which will not violate the dictates of humanity and justice or shock the conscience of mankind.”⁸³ In contrast to the information that conceals the American origin of “genocide,” this text points at the American discursive fountainhead from which international law flowed toward a level in which any member state “may be called upon to place its own house in order.”⁸⁴

In keeping with this destination for international law, the public debate about ratification in the United States did not just give a semblance of dissociation between the program for “genocide” and an American global vision, it also provided a platform for the dissemination of information about the direction of international law toward an expansion of involvement in the internal affairs of states without it having a detectable

⁸² CEIP, *International*, 3. In the foreword, George A. Finch describes this work as “reflecting a community of views.” See: *Ibid.*, v-vi. Among the participants in this project were: Frederic R. Coudert, who at the time was the president of ASIL; John Foster Dulles, who would later serve as the secretary of state in the Eisenhower administration, and whose sister Eleanor was acknowledged in the preface of *Axis Rule* for an unspecified role; George A. Finch, the director of the international law division of CEIP; Robert H. Jackson, Justice of the United States Supreme Court, who represented the United States government as its chief prosecutor at the Nuremberg Trials; Philip C. Jessup, who at the time was a professor of international law at Columbia University but would later hold different government positions; Arthur K. Kuhn, Associate of the Institut de Droit International; Edgar Turlington, who was then the secretary of the section of International and Comparative Law of the American Bar Association; Robert R. Wilson, who was a professor of political science at Duke University and credited in the preface of *Axis Rule* for an unspecified role; and Quincy Wright, a professor of international law at the University of Chicago. See: *Ibid.*, x-xx.

⁸³ *Ibid.*, 7.

⁸⁴ *Ibid.*, 45.

measure of forcefulness. The occasion of the ratification presented a public question that led to a publicized disagreement through which the process of familiarizing the future of international law was carried out. As the information did not appear as coming directly from the government to the people but as freely gathered from a debate between pundits, public opinion was set to slowly but steadily internalize the direction of international law toward greater involvement in domestic matters of member states. The American Bar Association (ABA) led the opposition to the ratification from a position of credibility on what would be the legally wise opinion for the American public to adopt, and the suddenly vocal leadership of Frank E. Holman as the president of the ABA at that point in time removed from public memory the previous instrumentality of the ABA leaders in the promotion of international law.⁸⁵ In turn, the credible arguments against the

⁸⁵ The overall connection between the ABA and the American efforts toward the establishment of international law seemed to be negated by Holman's tenure as president of the ABA. While Holman was the president during the publicized debate about the ratification of international treaties in American law, it is notable that among the previous presidents of the ABA were David Dudley Field, who may have both mothered and fathered modern international law—if one is inclined to assign parental titles—by writing and issuing the draft for it in the early 1870s, and Elihu Root, who may have done more than anyone else to convert Carnegie's support and finances into practical use for the advancement of international law in the early 1900s. However, in 1948, the public discourse suggested separation between the ABA and international law. According to Holman, Judge William L. Ransom had said to him that it was his "duty as incoming President of the A.B.A. to alert the American people to the dangers of the U.N. 'Treaty Law' proposals." See: Frank E. Holman, *The Life and Career of a Western Lawyer, 1886-1961* (Baltimore: The Port City Press, 1963), 373. As the following pages of the book suggest, Holman travelled extensively across the country to perform this alleged duty. See: *Ibid.*, 374-376. Holman engaged in writings that assumed the voice of the public, claiming that it was "confused and bewildered because pressure groups are urging their political, social and economic programs under some effective generality or slogan, as, for example, there they claim to be acting in the interest of Social Justice, Human Rights, prevention of 'Genocide,' the Common Man or in the interests of World Peace." See: Holman, "A Challenge," 22. The claim that "The public is anxious for intelligent leadership," facilitated his argument that "the lawyers of today owe a duty of leadership," and that the supposed protection of the American public from the alleged harms of international treaties would be a manifestation of such leadership. See: *Ibid.* Furthermore, the sense of separation between the ABA and the leading promoter of international law, CEIP, was narrated by the *NYT*. See: C. P. Trussell, "Bar Group Accused by Carnegie Fund," *New York Times*, October 15, 1950. Much like the effect that Holman's presidency had in leading public perception away from recognizing that the ABA had historically been led by active organizers of international law, this article by the *NYT* presented CEIP's financial grant to the ABA as a source of conflict that lends credibility to the public debate. In the article, it was claimed that CEIP "has accused" the ABA "of using funds granted for impartial work for peace and law through the United Nations to fight one of the Administration's principal world-wide programs." See: *Ibid.* Meaning, rather than show CEIP's funding of the ABA as suggesting that

internationalization of American law paved the way for the publicized campaign by Republican Senator John W. Bricker of Ohio, whose efforts to amend the United States Constitution—through what became known as the Bricker Amendment—could then be seen as reflective of genuine public concern.⁸⁶ The Bricker effect was to bundle “genocide” together with human rights in a basket of foreign intrusions, thus inspiring belief that the facilitation of norms by the United Nations was a threat to the American people, even though this legal mechanism had been created and empowered by the legal elite of the United States.

This display of separation between innovation from within the United States and the function of the United Nations conceals the significant direct link between the American vision of international law and the constitution of the post-WWII intergovernmental organization. The draft of the principles and proposals for the development of international law as published under the title *The International Law of the Future* by CEIP in 1944 contains the blueprint for the principles and manner of organization as listed in the Charter of the United Nations (UN Charter), which was signed on June 26, 1945. For instance, compare Principle 1 of the CEIP text with the UN Charter’s Article 2(2):

Each State has a legal duty to carry out in full good faith its obligations under

the latter had been subservient to the former’s will, and that, therefore, the suggestion of separation between them on the ratification of international treaties lacks credibility, the *NYT* framed the story as an act of rebellion by the ABA. The *NYT* had a leading role in the narration of the ABA’s opposition to the ratification of the Genocide Convention. For instance, see: “State Bar Debates U.N. Rights Plans,” *New York Times*, June 25, 1949; William M. Blair, “Bar Group Rejects U.N. Genocide Plan,” *New York Times*, September 9, 1949.

⁸⁶ For the narration of the Bricker initiatives in connection to the Genocide Convention, see: “D.A.R. Intensifies War against U.N.,” *New York Times*, April 22, 1953; Arthur Krock, “In the Nation: The Present Status of the Genocide Treaty,” *New York Times*, June 11, 1953; Arthur Krock, “In the Nation: A Procedural Substitute for Bricker’s Amendment,” *New York Times*, November 6, 1953.

international law, and it may not invoke limitations contained in its own constitution or law as an excuse for a failure to perform this duty.⁸⁷

All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.⁸⁸

Compare Principle 6 of the CEIP text with the UN Charter's Article 2(3):

Each State has a legal duty to employ pacific means and none but pacific means in seeking to settle its disputes with other States, and failing settlement by other pacific means to accept the settlement of its disputes by the competent agency of the Community of States.⁸⁹

All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.⁹⁰

Compare Principle 7 of the CEIP text with the UN Charter's Article 2(4):

Each State has a legal duty to refrain from any use of force and from any threat to use force in its relations with another State, except as authorized by the competent agency of the Community of States; but subject to immediate reference to an approval by the competent agency of the Community of States, a State may oppose by force an unauthorized use of force made against it by another State.⁹¹

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.⁹²

Compare Principle 8 of the CEIP text with the UN Charter's Article 2(5):

Each State has a legal duty to take, in cooperation with other States, such measures as may be prescribed by the competent agency of the Community of States for preventing or suppressing a use of force by any State in its relations with another state.⁹³

⁸⁷ CEIP, *International*, 7.

⁸⁸ UN Charter, chap. 1, art. 2(2).

⁸⁹ CEIP, *International*, 8.

⁹⁰ UN Charter, chap. 1, art. 2(3)

⁹¹ CEIP, *International*, 8.

⁹² UN Charter, chap. 1, art. 2(4).

⁹³ CEIP, *International*, 8.

All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.⁹⁴

Compare Principle 10 of the CEIP text with the UN Charter's Article 2(6):

Each State has a legal duty to refrain from entering into any agreement with another State, the performance of which would be inconsistent with the discharge of its duties under general international law.⁹⁵

The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.⁹⁶

In addition, there are similarities between the proposals in the CEIP text and other articles in the UN Charter. For instance, compare Proposal 2(1) of the CEIP text with the UN Charter's Article 9(1):

A General Assembly, in which all States should be entitled to representation, should be established to serve as the general representative and deliberative organ of the Community of States.⁹⁷

The General Assembly shall consist of all the Members of the United Nations.⁹⁸

Compare Proposal 2(2) of the CEIP text with the UN Charter's Article 10:

The General Assembly, meeting as occasion may require and at least once each year, should have general power to deal with any matter of concern to the Community of States. Except as may be expressly provided otherwise, its decisions should require only a majority vote.⁹⁹

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the power and function of any organs

⁹⁴ UN Charter, chap. 1, art. 2(5).

⁹⁵ CEIP, *International*, 8.

⁹⁶ UN Charter, chap. 1, art. 2(6).

⁹⁷ CEIP, *International*, 9.

⁹⁸ UN Charter, chap. 4, art. 9(1).

⁹⁹ CEIP, *International*, 9.

provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.¹⁰⁰

Compare Proposal 9(1) of the CEIP text with the UN Charter's Article 24(1):

The Executive Council should have power, with the concurrence of the General Assembly, to adopt general provisions for preventing or suppressing the use of force by States in their relations with other States.¹⁰¹

In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.¹⁰²

Regarding the advent of a centralized international court, compare Proposal 12 and

Proposal 17(3) of the CEIP text with the UN Charter's Article 92 and Article 94(2):

The Permanent Court of International Justice should be maintained as the chief judicial organ of the Community of States, and its Statute should be adapted to the organization of the Community of States.¹⁰³

In the event of a failure by any State to comply with a judgment of the Court, the Executive Council should have power to take such action as it may deem to be necessary for giving effect to the judgment. If the State which has failed to comply with a judgment of the Court is represented in the Executive Council, it should not be entitled to vote when the matter is under consideration.¹⁰⁴

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.¹⁰⁵

If any party to a case fails to perform the obligations incumbent upon it under a

¹⁰⁰ UN Charter, chap. 4, art. 10.

¹⁰¹ CEIP, *International*, 12.

¹⁰² UN Charter, chap. 5, art. 24(1).

¹⁰³ CEIP, *International*, 13.

¹⁰⁴ *Ibid.*, 15.

¹⁰⁵ UN Charter, chap. 14, art. 92.

judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measure to be taken to give effect to the judgment.¹⁰⁶

Meaning, not only did CEIP instruct the United Nations on the Genocide Convention in principle (Principle 2 in *The International Law of the Future*) and in theory (the introduction of “genocide” in *Axis Rule*), but it actually produced the template for the UN Charter itself.

Moreover, despite the prominence of Holman’s arguments as the president of the ABA against the idea of having to ratify a treaty of human rights following the Universal Declaration of Human Rights (UDHR) in the early years of the United Nations,¹⁰⁷ the promotion of human rights through the charter of an intergovernmental organization was nonetheless an American concept. The incorporation of the purpose to encourage “respect for human rights” in Article 1 of the UN Charter,¹⁰⁸ is a later version of Postulate 2 in the CEIP text that encourages “continuous collaboration by States to promote the common

¹⁰⁶ Ibid., art. 94(2).

¹⁰⁷ For example, the idea of ratifying the UDHR was put in terms of incongruity with American “concepts of law and government,” claiming that “it would be a sad day for the people of the United States if they were to permit themselves to be led so far astray from their own traditional concepts of government by the activities of those who are completely out of sympathy with important and cherished features of our own system of government.” See: Frank E. Holman, “President Holman’s Comments on Mr. Moskowitz’s Reply,” *American Bar Association Journal* 35, no. 4 (April 1949): 362. Assuming that Eleanor Roosevelt had been instrumental in the drafting of the UDHR and not just its main ambassador, Holman pointed out as a matter of concern that “She is not a person in any sense trained in legal draftsmanship.” See: Frank E. Holman, “An ‘International Bill of Rights’: Proposals Have Dangerous Implications for U.S.,” *American Bar Association Journal* 34, no. 11 (November 1948): 984. He further claimed that she and the other representatives of member states in the effort toward the UDHR were “social and economic reformers” who were driven by “a missionary spirit” that risked exposing American law to “United Nations intervention” and “many international irritations and provocations.” See: Ibid., 985. In addition, Holman appealed to xenophobic sentiment by warning that inevitably “foreign standards of interpretation of these rights will be applicable to the American people,” as opposed to the American Bill of Rights that represents American “peculiar concepts of justice and propriety.” See: Ibid., 986.

¹⁰⁸ UN Charter, chap. 1, art. 1.

welfare of all peoples.”¹⁰⁹ In between the lines, it was possible to read that the discourse about the ratification of international treaties in the United States—despite being dominated by strong fearmongering tactics that swayed the American public against the idea of ratification—directed the existence of the otherwise legal term *genocide* to being constitutive through education rather than adjudication. A hint at this being the favored and chosen direction is offered in the statement that “We may well find that the road of education and public opinion is a better road in the long run than that of the avenue of the criminal law.”¹¹⁰

This constitutive role of the Genocide Convention points at how the constitutional function of the UDHR had been left unresolved at the closing of the public debate on ratification in the United States. While the Genocide Convention had been adopted as an international treaty by the United Nations on December 11, 1946, the UDHR was adopted as a set of “guiding principles” that are not legally binding.¹¹¹ However, as such, the UDHR was considered to be a potential continuation of the UN Charter, which is itself an intergovernmental constitution. Within the public debate on the capacity of international treaties to become the law of the land in the United States under Article 6 of the Constitution,¹¹² the case of *Shelley v. Kraemer* and its interpretation drew attention to

¹⁰⁹ CEIP, *International*, 5.

¹¹⁰ Carlston, “Should,” 39.

¹¹¹ Josef L. Kunz, “The United Nations Declaration of Human Rights,” *American Journal of International Law* 43, no. 2 (July 1949): 317. This is a reiteration of a statement made by Eleanor Roosevelt who was publicly associated with the UDHR. See: *Ibid.*, 321.

¹¹² The relevant text in the Constitution of the United States declares that “This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.” See: U.S. Constitution, art. 5.

whether or not provisions of the UN Charter, including the UDHR, are as binding on American courts as the American Constitution.¹¹³ While the United States Supreme Court did not incorporate the UDHR into its decision-making, and the constitutional function of the UDHR faded from the public discourse in the United States, the declaration of principles inspired the adoption of the Convention for the Protection of Human Rights and Fundamental Freedoms by the Council of Europe in 1950, which called in Section 2 for the establishment of the European Court of Human Rights that has since executed the convention as a matter of law.¹¹⁴

The genocide discourse has advanced the general concept of justice in international law in ways that presented an alternative to the discourse on human rights. Even though the Genocide Convention was set as international law to protect members of particular groups as such from mistreatment, it is also a protector of human rights in the indirect way that an individual's belonging to any of the listed identity types is generally regarded as a human right. In the United Nations, it was the Genocide Convention, rather than the UDHR,¹¹⁵ that acted as a stimulus for considerations of an international court.¹¹⁶

¹¹³ In one article it was argued that the provisions of the UN Charter, as treaty provisions, "are undoubtedly binding on our courts." See: Paul Sayre, "Shelley v. Kraemer and United Nations Law," *Iowa Law Review* 34, no. 1 (November 1948): 4. This view was not that of the United States Supreme Court in the case, leading Sayre to lament that "In the Shelley case we ignored the Charter entirely" and "broke a solemn treaty of this Government." See: *Ibid.*, 11.

¹¹⁴ Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, sec. 2, arts. 19-51.

¹¹⁵ Holman warned that the UDHR, if "ratified as a treaty and under our Constitution is to become the supreme law of the land," will eventually be "implemented against all of us by the decrees of a new International Court of Human Relations." See: Holman, "'International'," 985. However, the UDHR has not led to a human-rights treaty that might sanction the establishment of a United Nations court in its spirit.

¹¹⁶ Already in the early work on "genocide," it was suggested that "Since a country which makes a policy of genocide cannot be trusted to try its own offenders, such offenders should be subject to trial by an international court." See: Lemkin, "Genocide: A Modern," 43. This idea was reiterated on the pages of the *NYT* in the form of a letter that is ascribed to Lemkin, in which it was said, under the section title "Special Court Possible," that "The possibility of trying members of governments or political leaders guilty of the

As it turned out, since the UDHR remains a mere declaration and not a treaty in the United Nations, the Genocide Convention, as a treaty in the United Nations, has assumed a constitutive quality, even though it centers on the prevention and punishment of one made-up crime.¹¹⁷ In other words, the Genocide Convention—instead of maintaining its status as an astounding agreement among nation-states to oppose a unique crime—was forced into becoming the source of a more usable application to make up for the lack of a human-rights convention in the United Nations.

Remarkably, the repurposing of the Genocide Convention for frequent usability of the genocide accusation to affect public opinion already started to manifest itself in the initial debate about the convention's ratification in the United States. The notion that the legal effect of the Genocide Convention could turn into a Soviet threat was made eminent through examples of what may befall Americans upon ratification both outside the domain of their country and from within it. It was commonly suggested that Americans may be charged with genocide abroad,¹¹⁸ and the public discourse depicted a prospect of

crime of genocide by a special international court is also envisaged." See: Raphael Lemkin, "For Punishment of Genocide: Adoption of Convention Advocated as Step to Safeguard Civilization," letter to the editor, *New York Times*, June 12, 1947. The *NYT* raised awareness of this possibility in its own reports. For example, see: "The 'Genocide' Convention," *New York Times*, February 7, 1948; "Court for Genocide Opposed by Russian," *New York Times*, April 13, 1948. In his article on the Genocide Convention, Finch pointed out that "It provides no international court before which governmental transgressions of the international law declared in the Convention may be challenged." See: Finch, "Editorial," 733. While it is accurate that the Genocide Convention does not call for the establishment of an international court, the Genocide Convention did, significantly, invite publicized considerations of the need for a fitting international court, as illustrated by Finch's very discussion of the matter.

¹¹⁷ Before it became apparent that the UDHR would not be incorporated as a treaty, it was thought that "The Genocide Convention is but the first of several conventions being designed better to secure fundamental human rights and security throughout the world community." See: Myres S. McDougal and Richard Arens, "Genocide Convention and the Constitution," *Vanderbilt Law Review* 3, no. 4 (June 1950): 686. Dulles lumped Genocide Convention and the idea of a human-rights convention as similar efforts to promote "the compulsion of agreed international standards ... which are enforceable by the courts, not by armies." See: Dulles, "International," 24-25.

¹¹⁸ For instance, see: Rix, "Human," 552; Phillips, 624. This aspect was raised by Senator Smith in the Senate debate: "I would like to ask one question, whether a national of the United States might conceivably

local unrest through charges of genocide for the treatment of African Americans. This mainly involved fears that lynching, aggressive responses to race riots, and the general segregated experience of African Americans might trigger charges of genocide.¹¹⁹ The counterarguments, which sought to allay concerns about such use of genocide charges against Americans may have seemed convincing to some,¹²⁰ but they had the effect of only adding to the totality of information in which the ratification of the Genocide Convention was thematically associated with alarming claims by African Americans in the context of the Soviet Union's interests. This perception of danger was strengthened

be in a certain country and, whether he has done anything or not, he might be charged with the crime of genocide and tried there as poor old Mindszenty was tried, and he would not have a Chinaman's chance." See: U.S. Congress, *Executive*, 644.

¹¹⁹ Legal experts raised these as questions. See: A. A. White, "Tomorrow One May Be Guilty of Genocide," *Texas Bar Journal* 12, no. 5 (May 1949): 227; Kenneth S. Carlston, "The Genocide Convention: A Problem for the American Lawyer," *American Bar Association Journal* 36, no. 3 (March 1950): 207; Holman, "Challenge," 21. According to a report in the *NYT*, "Opponents of the United Nations genocide convention" contended that "Americans involved in race riots or lynchings would be liable under the convention to trial by an international tribunal instead of the courts of their own states." See: "Bar Leaders Score Genocide Compact," *New York Times*, January 25, 1950.

¹²⁰ For example, it was suggested by a highly regarded proponent of international law that "the lynching of Negroes in the southern states of the United States may arouse a humanitarian revulsion in other countries as well as the United States itself, but there are not large, organized, politically active groups of Negroes in other states to take up the cudgels on behalf of the fellow members of their race." See: Jessup, *Modern*, 182. Furthermore, it was argued that the Genocide Convention "should not be classified as for the protection of human rights, but for the preservations of international peace." See: Arthur K. Kuhn, "The Genocide Convention and State Rights," *American Journal of International Law* 43, no. 3 (July 1949): 499. In addition, it was claimed that "the concept of genocide does not apply to race riots and other outbreaks of mob violence which sometimes occur in the United States." See: Edgar Turlington, "The Genocide Convention Should Be Ratified," in *Proceedings of the Section of the International and Comparative Law: St. Louis Meeting, September 5-6, 1949* (Chicago: American Bar Association, 1950), 27. Also, in a letter to the *NYT* that was ascribed to Lemkin it was said that the crime of genocide does not apply "when one frightens a Negro," and that "Very often discrimination against individuals, which is dealt with by U.N. Human Rights projects, has been confused with the Genocide Convention, which deals with annihilation." See: Lemkin, "Nature," *New York Times*. In the Senate discussion, a telegram from Lemkin stated that "A thorough analysis of the Genocide Convention proves conclusively that the Convention does not apply either to lynching or to rights." See: U.S. Congress, *Executive*, 369. The telegram contained assertions that dismissed the association of either lynching or race riots with the crime of genocide. See: *Ibid.*, 370. In the conversation that followed, John D. Hickerson, who was then the United States assistant secretary of state for United Nations affairs, said that "if there is a lynching case, if this treaty goes through, Russia probably will charge that genocide has been committed in the United States," to which Senator Smith responded: "I would expect it as early as they could find something." See: *Ibid.*, 400.

by the publication of *We Charge Genocide* in 1951.

Though the charge of genocide against the United States might seem damaging to the American image, the entrance of this genocide accusation into the public discourse successfully led the public to understand and mostly agree with the nonratified status of the Genocide Convention. Meaning, it served the narration of a nonratification. Accordingly, not only did the *NYT* advertise the book,¹²¹ it narrated the escapades of William L. Patterson who was recognized as the leader of the charge and editor of the book,¹²² although the book had been written by Americans of European descent.¹²³ The story of this genocide charge had affected public opinion without ever becoming a concrete legal matter. Correspondingly, the stage was set for many public appearances by genocide accusations as part of the discourse that was dominated by the Cold War, and through these, international norms would be advocated without the crime of “genocide” having to be truly adjudicated.

¹²¹ “Books Published Today,” *New York Times*, November 21, 1951.

¹²² It presented Patterson as the leading figure in the petition to the United Nations, and also informed the public that Lemkin was strongly opposed to it. See: “U.S. Accused in U.N. of Negro Genocide,” *New York Times*, December 18, 1951. For other instances that highlighted Patterson as the leader of the genocide accusation, see: “‘Rights’ Agent’s Passport Reported Voided by U.S.,” *New York Times*, December 25, 1951; “Patterson Defies U.S.,” *New York Times*, December 27, 1951; “W. L. Patterson Says U.S. Bars Him at U.N.,” *New York Times*, January 1, 1952; “Negro Issue Pressed on U.N.,” *New York Times*, January 17, 1952; “W. L. Patterson on Way Here,” *New York Times*, January 23, 1952; “U.S. Seizes Passport of W. L. Patterson,” *New York Times*, January 24, 1952; “2,500 Greet Leftist,” *New York Times*, January 28, 1952.

¹²³ In the book’s opening page, Patterson is described as the editor while the staff consisted of professional writers. See: William L. Patterson, ed., *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government against the Negro People* (New York: Civil Rights Congress, 1951). One of the staff writers was the prolific author, Howard Fast, who had been employed by the United States Office of War Information during WWII before becoming associated with Communism. See: Howard Fast, *Being Red* (Boston: Houghton Mifflin Company, 1990), 1-2, 16. This means that while the public discourse showed Patterson, an African American, as leading an African American claim, the wording of the genocide charge was the work of European Americans. The commissioning of non-African American writers to perform this task may have been related to a greater strategy that had been chosen for dissemination by the United States government as part of the public discourse on the Cold War.

Popularity by Vilification of Communism

Through the Cold War, and throughout it, “genocide” became usable as information that may be characterized as soft power. The Genocide Convention did not immediately increase the actual legal power of international law, but rather it provided moral credibility for the mobilization of groups toward political ends. The more genocide claims were made in the press, the more the term *genocide* became familiar to the public and utilizable as rhetoric in international affairs. The publicized charge that genocide was committed against African Americans, which was supposedly made on their behalf, was a controlled exhibition that allowed for “genocide” to become both familiarized as a marker of an international standard and stay nonratified in the United States for the period of intense ideological rivalry with the Soviet Union.

This loose rather than legal use of “genocide” is captured well in the following narration of the “Negro Genocide”: “Dr. Lemkin said the accusations were a maneuver to divert attention from the crimes of genocide committed against Estonians, Latvians, Lithuanians, Poles and other Soviet-subjugated peoples.”¹²⁴ As an empowered agent of information about “genocide,” Lemkin was used to affect public opinion in several ways without a single visit to a courthouse: one, the notions of “genocide” in the African American context were debunked by the man who was said to have invented the term and drafted the convention; two, the crime of genocide was adjudicated on the spot by this supposed legal professional who acts as judge and jury as he claimed that genocide is, as a matter of fact, being committed by the Soviet Union against several groups of people; and three, the accusation against the United States was portrayed as a Soviet tactic,

¹²⁴ “U.S. Accused,” *New York Times*.

thereby reducing the credibility of the “African American” genocide charge while increasing the credibility of the Soviet threat. While Lemkin was quoted as saying that attention was being diverted from what he described as cases of genocide, the effect of this publication by the *NYT* was to amplify the attention to the term *genocide*.

Unlike the hollow and detached genocide claim that was made in the name of African Americans, the ones that were produced by American information against the Soviet Union were politically potent. The groups that were allegedly victims of genocide by the Soviet government had the potential of a national organization and a territorial claim. By relating genocide accusations to such groups, their identity became inherently political because it was built around the defiance of Soviet rule. The agreement on the Genocide Convention gave moral weight to the use of “genocide” that, when put into use, could popularize notions of victimhood to the attainment of two major effects: one is that the “genocide” victimhood can turn a politically nonexistent group into a group that not only believes in its right to be sovereign but is also convinced that the sources of such political belief are inherent to the group’s identity rather than the work of American soft power; and the other major effect is that it equips already existing power considerations with a heightened sense of moral duty in the eyes of both the American public and the allegedly victimized group.

A method of a genocide accusation that was typical of the Cold War may be identified. First, there had to be an idea that it is beneficial to have the crime of genocide be associated with the Soviet government. Second, information, which appears in the form of mere reports, is generated to invite interpretation that genocide is being committed. Third, American organizations of moral clout and seemingly independent

experts make the interpretation that genocide is being committed. Fourth, members of the victimized group are encouraged and empowered to accuse the Soviet government of genocide. Finally, the victimized group itself, under its American-based national organization, makes public statements that call upon the United States government and the international community to act on behalf of the group toward its political liberation at the expense of Soviet sovereignty. This management of information creates a situation in which the interests of the American political elite are served by a mobilized identity group: the genocide accusation goes full circle by traveling from the interests of the American political elite to appearing as being made in the interests of the supposedly victim group itself but still in service of the American political elite.

Seeing that the *NYT* publicized this information, it provides a source for the analysis of this methodical circle of genocide accusation. First, Adolf A. Berle, an exemplar of the American political elite,¹²⁵ is said to have charged that genocide “exists today in the Soviet Baltic states and parts of the Ukraine.”¹²⁶ Second, a report by C. L. Sulzberger, an influential foreign correspondent who was a member of the family that owns the *NYT*,¹²⁷ laid out the framework for multiple genocide accusations by listing that hundreds of thousands of non-Slavic peoples, such as the Armenians, Greeks, Iranians,

¹²⁵ Aside from holding positions such as an assistant secretary of state and the ambassador to Brazil, Berle wrote Franklin D. Roosevelt’s lines for public speech and was a member of the “Brain Trust” that influenced his presidency. See: Davis W. Houck, “FDR’s Commonwealth Club Address: Redefining Individualism, Adjudicating Greatness,” *Rhetoric and Public Affairs* 7, no. 3 (Fall 2004): 259-260.

¹²⁶ “Berle Says Reds Practice Genocide,” *New York Times*, March 9, 1949. This charge of genocide was made before members of the ABA of the City of New York. Nearly two years later, when Berle was the chairman of the International Law Committee of the ABA of the City of New York, the *NYT* reported that according to him “the Soviet Union was engaged in genocidal acts against the populations of the Baltic Republics—Lithuania, Estonia and Latvia.” See: “Berle Chides,” *New York Times*.

¹²⁷ See: Robert D. McFadden, “C. L. Sulzberger, Columnist, Dies at 80,” *New York Times*, September 21, 1993.

Jews, and Turks, were forced out of “the Ukraine, the Crimea, the Baltic states and the Black Sea coast of the Caucasus,” and that, “Even before the current drive, seven entire nationality groups were uprooted from their homes and shipped eastward,” which the report claimed to have included “five Caucasus peoples—the Chechens, Ingush, Kalmucks, Karachayevts and Balkans—as well as the Volga Germans and the Crimean Tatars.”¹²⁸ Third, in addition to Lemkin’s opinion,¹²⁹ a letter, which was signed by several church leaders, was published by the *NYT* in the context of the Genocide Convention’s ratification, and in it the article by Sulzberger is interpreted as having reported genocide: “In September, 1949, your correspondent Cyrus L. Sulzberger reported new waves of genocide perpetrated by the masters of the Kremlin on the Armenian, Estonian, Greek, Iranian, Jewish, Latvian, Lithuanian, Turkish, Ukrainian and White Ruthenian peoples.”¹³⁰ Fourth, certain members of these groups were promoted to form a leadership that is then afforded means of national organization and platforms, mostly in New York, on which the genocide accusation against the Soviet government may be issued by them as if an authentic expression of the group’s ethos.¹³¹ Finally, the

¹²⁸ C. L. Sulzberger, “More Non-Slavs Shifted by Soviet,” *New York Times*, September 12, 1949.

¹²⁹ For example, in an article that presents Lemkin as an authoritative figure—“the father” of the Genocide Convention—he is said to have determined that the “Communist persecution of the Jews’ . . . is clearly an example of the crime of genocide.” See: “Lemkin,” *New York Times*. The article’s emphasis that Lemkin is the man who coined the term *genocide* creates an expectation that the readers would find his opinion to be persuasive. Also, this particular use of “genocide” points at a double standard when compared to Lemkin’s publicized position on the condition of African Americans. Instead of seeing it as a reflection of one person’s inconsistency, the double standard may be explained as a manifestation of the interests behind the production of the information about “genocide,” which are consistently of the American political leadership.

¹³⁰ Michael L. Kruszal et al., “To Outlaw Genocide,” letter to the editor, *New York Times*, October 24, 1949.

¹³¹ For instances in which the *NYT* published genocide accusations against the Soviet Union that were made by diplomats-in-exile, governments-in-exile, or American-based organizations, see: “Latvians Here Urge Freedom for Nation,” *New York Times*, June 18, 1950; “Genocide in Baltic by Soviet Charged,” *New York Times*, July 28, 1950; “Plea by Baltic Exiles,” *New York Times*, October 7, 1950; “Freedom Is Asked for

group's leadership turned its efforts to addressing the United States and the conscience of humanity, thereby enlisting the support of public opinion and giving members of their own group a motivational boost under the hope that help was to be expected.¹³²

At this time and in this context began the practice of a detailed suggested comparability to Nazi policies as part of an effort to make genocide accusations more persuasive. This comparison was seen as being made by representatives of victimized nationality groups, but the narration was American. For example, the *NYT* presented the information within a comparative frame, stating that "Witnesses" from "nationality groups" appeared on Capitol Hill to retell "the story of the sufferings under dictators and conquerors, in Nazi Germany" and "in Soviet Russia."¹³³ In a separate article, it was declared about the Soviet policy to remove "a potentially hostile population from the new Soviet military zones" that "This is as clear a case of genocide as any committed by the Nazis."¹³⁴ Furthermore, the *NYT* promoted a book that set out to give "An account of the occupation of Latvia, Estonia, and Lithuania by German Nazism and Russian

Baltic Nations," *New York Times*, November 19, 1950; Will Lissner, "Soviet Is Accused of Abusing Jews," *New York Times*, March 22, 1951; "Ukraine Genocide by Soviet Alleged," *New York Times*, November 11, 1951; "Anti-Red Rally Held by Ukrainian Group," *New York Times*, November 12, 1951; "Hungarian Exiles Call on U.N. to Act," *New York Times*, December 2, 1951; "Deportation by Reds is Called Genocide," *New York Times*, December 24, 1951; "Ukrainians Attack Reds," *New York Times*, September 8, 1953.

¹³² For examples of American-based representatives of victim groups directing their attention to urging action by the United Nations or the United States, see: "Genocide Inquiry on Soviet Is Urged," *New York Times*, November 25, 1951: 16; "Hungarian Exiles Call on U.N. to Act," *New York Times*, December 2, 1951; "Republicans See Soviet Genocide," *New York Times*, January 13, 1952; "Lithuanians Urge Policy," *New York Times*, February 16, 1952; "Polish Unit Asks U.S. to Cut Ties to Russia," *New York Times*, June 1, 1952; "Ukrainians Pressing Drive for Freedom," *New York Times*, July 5, 1952; "Action Urged on Genocide Clause," *New York Times*, March 27, 1953; "Firm Plan on Reds Urged," *New York Times*, November 28, 1953.

¹³³ "A Genocide Treaty—Now," *New York Times*, April 2, 1950.

¹³⁴ "Genocide in the Baltics," *New York Times*, April 25, 1950.

communism.”¹³⁵ In this book, the Soviets are compared to the Nazis as invaders,¹³⁶ occupiers,¹³⁷ Russifiers,¹³⁸ planners of deportations,¹³⁹ but with one note of exception about how “the Reds” who “base their regime and expansion on large-scale annihilation of ‘undesirable’ elements” as a rule do not waste “manpower” as the Nazis did in the execution of “mass slaughters and cremations.”¹⁴⁰ This difference, which was pointed out briefly without identifying the group identity of the Nazis’ victims who are described as wasted manpower, was presented as a mere note, and not as a reason to discard the project of suggesting that the Soviet Union was being genocidal like Nazi Germany.

The points of comparison did not delve into the realm of finding similarity with the degree of Jewish victimization in WWII,¹⁴¹ but focused on the Nazi policies of

¹³⁵ “Books Published Today,” *New York Times*, June 15, 1951. This book—and generally the American campaign of genocide accusations regarding the Soviet government’s policies in the Baltics—is not commonly featured by the genocide scholarship in its depiction of the term’s history. Unlike *Axis Rule*, this book by a refugee who escaped from Eastern Europe to Sweden during WWII was specifically credited to an “editor” whose native language was English. The editor of the book, Walter Arm, was mainly known for being “the deputy police commissioner in charge of community and press relations for the New York City Police Department from 1955 to 1965.” See: “Walter Arm, 75, Dies; Ex-Police Press Chief,” *New York Times*, November 11, 1984.

¹³⁶ Albert Kalme, *Total Terror: An Exposé of Genocide in the Baltics*, ed. Walter Arm (New York: Appleton-Century-Crofts, 1951), 9.

¹³⁷ *Ibid.*, 10.

¹³⁸ *Ibid.*, 122. The idea that the Soviet government was trying to “Russify the Baltics” is the rhetorical continuation of the references to the Nazis’ efforts to Germanize occupied Europe in WWII. For instance, see: Tolischus, “Twentieth-Century,” 24; Lemkin, “Genocide: A Modern,” 39.

¹³⁹ Kalme, *Total*, 140. The text uses the term *extermination* in the context of the Nazi plans for Poland without distinction from mass deportation or denationalization.

¹⁴⁰ *Ibid.*

¹⁴¹ When the *NYT* publicized the voice of “Jews” in 1953 through words uttered by the leader of an American organization, it directed specific attention to the Jewish group as victims of the Soviet government. The Soviet treatment of its Jews was related to Nazi practices not in terms of evident comparability with them but rather as an effort to avoid recurrence of the Nazi practices: “Rabbi Irving Miller, president of the Zionist Organization of America, declared Russia should open its doors to a ‘commission from the small neutral nations’ to investigate whether the Soviet Union was ‘persecuting its Jewish population along Nazi lines.’” See: “Jews Here Assail Policy of Soviet,” *New York Times*, February 16, 1953. This lent credibility to the narration by the *NYT* that the events within the Soviet area of control

consolidation. While the term *genocide* was defined in *Axis Rule* to negate the Nazi government's political successes, the later agreement on the wording of the Genocide Convention may have been more directly inspired by the magnitude of the Jewish suffering, which is far less comparable than the suffering caused by Nazi efforts in order to consolidate control over occupied territories through assimilation.¹⁴² The definition of genocide was sourced by American power, but the adoption of the Genocide Convention was more influenced by the moral reaction, which has suppressed the knowledge of the term's power-based origin as focusing more on obstructing the Nazis than preventing Jewish suffering. It is here considered that what is significantly comparable between the Nazi and Soviet cases, as accusations of genocide rather than as genocides, is that in both an American discourse bolstered the national identity of groups that did not exercise self-rule at the time of the accusations.

When the use of genocide accusations against the Communist agenda spread to describe situations in East Asia or Central Europe, they further emphasized an ideological basis for perpetration rather than practical efforts at establishing federal authority. The Korean War, which was also described as fratricide,¹⁴³ presented a case that led to genocide accusations in the United States even though most of the Korean civilian

might become comparable to Nazi practices or are even likely to become so: "We are watching the unfolding of another great human tragedy, comparable to nazism [*sic*] at its worst." See: "Communist Anti-Semitism," *New York Times*, January 18, 1953.

¹⁴² It may be phrased in the following distinctive fashion: Jews under Nazi control were not forced to assimilate but were exterminated in a manner that complemented the assimilation of other groups under Nazi control.

¹⁴³ "'We Must Do Our Part'," *New York Times*, July 9, 1950. In this article, it was argued that this "fratricide" was "being cruelly fomented by a United Nations member, the Soviet Union," thus suggesting that it had a genocidal aspect to it.

population that suffered from the violence shared the same markers of group identity—as the Genocide Convention defines them—with the equally Korean perpetrators.

Accordingly, the sameness of perpetrator and victim identity in this instance was negated by claims that they were of differing and competing ideologies. As such, the genocide accusations were not only directed at the Soviet Union, but also against Communist China. In other words, the alleged genocide was not perpetrated by the leadership of one government, but by “Reds” in general.¹⁴⁴ In line with its habit of making genocide assertions through Lemkin, the *NYT* made the following comment: “The Chinese war of aggression against the United Nations and South Koreans is a planned totalitarian effort to eliminate democratic influence from Asia and is an expression of the genocide technique, Dr. Raphael Lemkin of the Yale Law School said yesterday.”¹⁴⁵ In addition, it was suggested in a separate article that a threat of genocidal quality existed on account of religious identity because the lives of “700,000 Christians in the South Korean territory” were being controlled “by the North Korean Communist forces,”¹⁴⁶ whose Communist allegiance was generally portrayed as being godless.¹⁴⁷ Still, the main thrust of these

¹⁴⁴ For instance, it was reported that the “leaders of the Soviet Union, Communist China and North Korea” were all charged by the Republic of Korea “with a criminal conspiracy to commit mass murder and destroy the Korean nation.” See: A. M. Rosenthal, “Genocide by Reds in Korea Charged,” *New York Times*, May 4, 1951. The text gives no heed to the absence of intent to destroy the Korean nation as such.

¹⁴⁵ “Dr. Lemkin Honored for Genocide Fight,” *New York Times*, January 19, 1951. The greater context of this article was the depiction of Lemkin as supported and promoted by a Jewish organization that pressed for the ratification of the Genocide Convention.

¹⁴⁶ “South Korea Sees Red Genocide Aim,” *New York Times*, August 22, 1950.

¹⁴⁷ This characterization was made in a resolution by B’nai B’rith, a Jewish organization that is based in the United States. The resolution was in the context of the “trials of Jews behind the Iron Curtain.” See: “Red Anti-Semitism Hit,” *New York Times*, February 4, 1953. Oddly, the resolution used the phrasing “coldly calculated genocide” less than three weeks after it had been used in an editorial in the *NYT*. For comparison, see: “Communist,” *New York Times*. This suggests that the narrator and actor have a common voice, and points at a shared discursive purpose between the *NYT* and the Jewish organization.

genocide accusations regarding East Asia implied that to the makers of these accusations the meaning of “genocide” included government measures against political and economic opposition.¹⁴⁸ This expansion of the meaning of “genocide” to include as victims group identities that inherently challenge a particular form of government was also seen in relation to claims of a genocidal purge in Hungary.¹⁴⁹

The use of genocide to engage in a fight against Communism as a different civilizational approach to government harked back to the preconvention definition of genocide at a postconvention time. In the early days of “genocide” development, it was said in an article under Lemkin’s name that genocide was “used by the Nazi regime to strengthen the alleged unity and totalitarian control of the German people as a preparation for war.”¹⁵⁰ Also, by reference to Lemkin’s work in the *NYT*, the term *genocide* was related to “that modern monstrosity known as totalitarian government.”¹⁵¹ The Genocide Convention itself does not mention totalitarianism or any form of government as genocidal in spirit, nor does it describe the victim groups of genocide as possibly identified for being economic or political in nature. However, as the term *genocide*

¹⁴⁸ One article in the *NYT* reported that the Republic of Korea accused “the North Koreans of carrying out genocide” both “against the professional men of Korea” and “against Christians in Korea.” See: “Korea Charges Genocide,” *New York Times*, October 10, 1950. The major innovation in this accusation was that professionals, as a class, were assumed to have an identity as such that makes their victimization qualify as a case of genocide. Along these lines, the *NYT* publicized a statement by the Free Trade Union Committee of the American Federation of Labor in which it was claimed that “the Communist regime in China has been responsible for the execution or violent death of approximately 14,000,000 persons in the past five years” and that “There is no better example” of genocide “than what is happening in Red China.” See: “Killing in Red China,” *New York Times*, October 24, 1952.

¹⁴⁹ It was argued that “mass deportations” from Hungarian cities was based on the people’s previous status as “middle-class Hungarians,” and that “The ultimate goal of these deportations is, of course, the extinction of all those whose past records make them suspect as opponents of the regime.” See: “Purge in Budapest,” *New York Times*, June 20, 1951.

¹⁵⁰ Lemkin, “Genocide,” 228.

¹⁵¹ Tolischus, “Twentieth-Century,” *New York Times*.

became usable through American soft power during the Cold War, the departure from the legal document that defined genocide also included a return to an association between the crime and totalitarianism, and this is reflected in the following statement about

“genocide,” which was written for publication at least twice by the same member of the ABA in 1950: “the crime is one that has characterized the policy of totalitarian states.”¹⁵²

Taking the argument a step further, Finch claimed that in its current wording the Genocide Convention “is really a cloak for the commission of genocide by totalitarian nations.”¹⁵³

Nowadays, it has become popular to point out that political and economic groups are not among the list of victim groups in the Genocide Convention because of a Soviet resistance to it,¹⁵⁴ but the so-called exclusion of these groups was not simply a totalitarian interest. The workability of the convention would have been jeopardized by committing international law to defend political groups whose operation might be directly against the sovereignty of the state. Moreover, the basic incentive for governments to sign the convention in the first place would have been undermined by the insistence that the

¹⁵² Compare: Carlston, “Should,” 37; Carlston, “Genocide,” 208.

¹⁵³ “Backs Genocide Ban Pact,” *New York Times*, February 5, 1950. In this article, the text describes Finch as being “of the American Bar Association,” without reference to his role as director of the international law division of CEIP. Mentioning his involvement in the introductory production of “genocide,” among other efforts toward international law, would have possibly confused the newspapers’ readership and interfered with the smooth narration of the public debate about the convention’s ratification. Finch’s perspective in this article is in keeping with his statement in 1949 that “The Convention is selective among the groups it would protect in whole or in part” and that “Political and economic groups were apparently not considered as needing or worthy of protection.” See: Finch, “Editorial,” 734. However, like the newspaper article, that text does not disclose that Finch—as part of his great role in the advancement of international law—oversaw the publication of the book in which genocide was first defined without including political and economic groups as victim groups of genocide. The effect of this is to create greater separation between international law and its American source of empowerment.

¹⁵⁴ For a discussion of this here, see: Chapter 2, note 162.

aggressive treatment of such groups, whose very purpose as political might be to defy the rule of the government, could be subjected to charges of genocide and held as an international crime. This would have given added incentive for a great power such as the United States to organize rebellious political groups because international law would have then facilitated the destruction of existing governments almost at will. Such a convention would have been self-defeating for governments that value their sovereignty.

The claim that political groups are not mentioned in the Genocide Convention calls attention to just how unexamined the General Assembly Resolution 96 (I) of December 11, 1946, is in comparison to the definition of genocide in the convention that was adopted two years later. It is misleading to present “The exclusion of political groups” in the Genocide Convention as “a deviation from the General Assembly Resolution 96 (I).”¹⁵⁵ The definition in the United Nations document in 1946 is much more generally different from the convention in 1948. It regards genocide as “a denial of the right of existence of entire human groups,”¹⁵⁶ suggesting that any human group would be considered a victim of genocide. Moreover, it claims that “Many instances of such crimes of genocide have occurred when racial, religious, political and other groups have been destroyed, entirely or in part.”¹⁵⁷ Meaning, the inclusion of “political” in the text is

¹⁵⁵ Nehemiah Robinson, *The Genocide Convention: A Commentary* (New York: Institute of Jewish Affairs, 1960), 59. This perspective has been adopted by the genocide scholarship.

¹⁵⁶ United Nations General Assembly, “The Crime of Genocide,” res. 96 (I), December 11, 1946.

¹⁵⁷ *Ibid.* The inclusion of “entirely or in part” is noteworthy in connection to the existence of “in whole or in part” in the Genocide Convention and the semblance of distance between the United States government and the drafting of the convention. In the Department of State Memorandum on the Genocide Convention that was submitted as part of the Senate hearing about ratification in the United States, it is pointed out that “the words ‘in whole or in part’ were inserted at the instance of the Norwegian delegate.” See: U.S. Congress, *Executive*, 365. However, the essence of these words had already been captured by “entirely or in part” in the resolution that preceded the wording of the convention, and it is unclear what could have been the Norwegian innovation. This suggests that there had been an effort to make the process of drafting appear more international.

worth noting but is nonetheless eclipsed by the idea that “other” unspecified groups were also considered to be victims of genocide according to this definition.

While the claims for independence and anti-Soviet resistance made it seem convincing that the Soviet Union would be motivated to block the inclusion of “political groups” in the Genocide Convention,¹⁵⁸ this perception is the product of framing that has the effect of turning attention away from other considerations. One such consideration is that in the 1946 document “political” seems to be occupying the place of “national.” The seeming interchangeability of “political” and “national” points at an emphasis on protecting nation-states. With the experience of Nazi Germany’s occupation of Europe in mind, the drafters of both the resolution and the convention sought to guarantee that existing states would not be swallowed up by imperial policies. However, the soft-power use of “genocide” as a marker of the Cold War shifted the discussed meaning of a “political group” from its original idea to a focus on the persecution of political groups that aspire to establish independent states in defiance of their existing sovereign. Also, as more time passed from WWII and the Nazis experience, it is found that even in a text under Lemkin’s name in 1947 it was argued that “political groups” do not belong in the Genocide Convention:

Genocide is essentially an ethnic-cultural concept. Racial, national or religious groups are better defined in international law than political groups. They are predominantly groups of an unchangeable nature whereas a political group is a more fluctuating notion. Moreover, in the actual ideological division of the world it might be difficult for all nations to agree on the inclusion of political groups. In

¹⁵⁸ The claims of genocide were part of direct efforts to “restore independence to the three Baltic countries now in the Soviet orbit.” See: “Freedom,” *New York Times*. A group such as “the Ukrainian National Government in exile” is mentioned in the context of “hope of anti-Soviet resistance.” See: “Ukraine,” *New York Times*. The Soviet government’s motivation to stop such a group from being seen as a victim of genocide then becomes apparent, but what remains unmentioned is that including such a group within the genocide definition would render the Genocide Convention dysfunctional for any government that seeks to protect its sovereignty.

this case the omission of political groups will not stand in the way of adopting the genocide convention.¹⁵⁹

The impracticability of political groups counting as victims of genocide was also demonstrated by its conflict with the major American project of Germany's post-WWII denazification. Germany's National Socialist party was a political group, whose physical and cultural destruction as such, in a time of peace, by the United States, was both of documented intent and sweeping results.

Even though "political groups" did not become a part of the Genocide Convention, "genocide" became a substantial part of the political culture in international relations. Through these accusations, the term *genocide* became known and absorbed. Many of the reports about the accusations included explanations of what "genocide" means in the form of loose and abbreviated versions of it, such as "the extermination of a nation,"¹⁶⁰ a "technical name for mass murder,"¹⁶¹ and the "murder of a whole people."¹⁶² The result was that "genocide" was acquiring the semblance of being a term of the people that was used by people. It was soft power that gave the impression that "genocide" was available for bottom-up usage rather than being a top-down phenomenon. "Genocide" was not shown as a lowered down law but as reflective of a human plea that emerged and

¹⁵⁹ Lemkin, "For Punishment," *New York Times*. This position, as related to Lemkin, is not commonly considered in the genocide scholarship. Despite this text, when the question of ratification in the United States gained momentum in the 1980s, Samuel Lemkin, the cousin of Raphael Lemkin, argued in a letter to the *NYT* that "From my discussions with Raphael Lemkin, who originated it, I can say it was within his contemplation that the word may be defined as the mass destruction of a group because of whatever uniqueness it may possess," which includes "politics." See: Samuel Lemkin, "What Lemkin Meant," letter to the editor, *New York Times*, May 6, 1985.

¹⁶⁰ "Korea," *New York Times*.

¹⁶¹ Tolischus, "Twentieth-Century," *New York Times*.

¹⁶² "7 Million Koreans Held Facing Death," *New York Times*, December 15, 1951.

emerges from the “conscience of mankind.”¹⁶³ The Cold War even inspired the narration of Turks as victims of genocide by the Soviet government,¹⁶⁴ but the same Cold War also presented advantages for the United States in having the Turkish ally bear the brunt of a venomous and voluminous genocide accusation.

The Armenian Issue

Amidst the many claims of genocide that were facilitated by American infrastructure, one group’s relationship with the genocide accusation was being developed gradually by American instruction from the Armenian ground up, with more time to grow and become integrated into the group’s core identity, before becoming advertised prominently and having a lasting effect on the public discourse. The worldwide political shakeup of WWII made it advantageous for the American political leadership to produce a second act for the Armenian Question. While it is widely known as an Armenian issue, it is fundamentally an American project. It was created and raised in the United States. There are mainly four American interests that may be considered as being served by the construction of what eventually turned into a self-sustaining genocide-centered Armenian ethos.

¹⁶³ The phrase appeared in two important texts in 1946. First, in an article under Lemkin’s name it was stated about “genocide” that “The conscience of mankind has been shocked by this type of mass barbarity.” See: Lemkin, “Genocide,” 228. Then, it also appeared in a similar wording that claimed genocide “shocks the conscience of mankind.” See: <https://documents-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/033/47/IMG/NR003347.pdf?OpenElement> (accessed, 11/12/2016). Already prior to these references, the phrase “shock the conscience of mankind” appeared in 1944 as part of Principle 2 in *The International Law of the Future*, which articulated the legal duty regarding a state’s treatment of its own people. See: CEIP, *International*, 7.

¹⁶⁴ Olaf Caroe, *Soviet Empire: The Turks of Central Asia and Stalinism* (London: Macmillan, 1953), 171-172. Also, the book was promoted by an article in the *NYT*. See: Hasan Ozbekkan, “A People’s Tragedy in Central Asia,” *New York Times*, November 29, 1953.

First, it made Turkey run to American arms. Although Turkey did not participate in WWII as an official belligerent, it was the subject of American strategy for the war's aftermath. Turkey was being co-opted into performing an international role. The Turkish Institute of International Law was established on May 14, 1943, and to encourage its acceptance by Turkey's leadership the American narration placed the event within a placating version of Turkish history.¹⁶⁵ In particular, the control over the two straits within Turkish territory, the Bosphorus and the Dardanelles, were critical aspects of international law that, from an American perspective, had to be agreeably administered by the local sovereign.¹⁶⁶ Thus, it was declared that "The American Society of International Law cannot but feel gratified and look forward to a profitable collaboration in the high task of the development and reinforcement of the science of the law of

¹⁶⁵ For instance, in an article that was published in *AJIL*, it is stated that in the days of the Ottoman government, "concession to the Christians ... was magnanimously granted by the Turks"; that the Capitulations were the "grievous" outcome of "duress by the European Powers"; and that "Turkey" had already become a member of "the Family of Nations" in 1856 through the Treaty of Paris but without it resulting "in the status of complete independence." See: Philip Marshall Brown, "The Turkish Institute of International Law," *American Journal of International Law* 37, no. 4 (October 1943): 640. In addition, the text praises the "brilliant leadership" that formed the Republic of Turkey, upon its "amazing achievements." See: *Ibid.*, 641. In a reversal of the manner in which Turks were described by proponents of Christian rule over Ottoman land when the Turks appeared as standing in the way of international law, they were regarded on this occasion as "a people of sterling character" who greatly strengthen the Family of Nations. See: *Ibid.*, 642. Brown was the president of the American Peace Society, which was one of the main American organizations that sought to promote international law. Andrew Carnegie contributed financially to its operation, and was honored by the title of its vice president between 1908 and 1917. See: L. Whitney Edson, *The American Peace Society: A Centennial History* (Washington: American Peace Society, 1928), 259. The book may be seen as a useful road map for further historical research on the American efforts toward international organization since long before WWI.

¹⁶⁶ The voice of Turkish approval and receptivity was conveyed through two articles by Cemil Bilsel, the former rector of the University of Istanbul, which was the site of the new institute of international law. In these articles, Bilsel calls attention to the Straits and rationalizes the Turkish agreement with the American vision. See: Cemil Bilsel, "International Law in Turkey," trans. L. Nezhil Manyas, *American Journal of International Law* 38, no. 4 (October 1944): 552; Cemil Bilsel, "The Turkish Straits in the Light of Recent Turkish-Soviet Russian Correspondence," trans. by L. Nezhil Manyas, *American Journal of International Law* 41, no. 4 (October 1947): 727-747. In the latter, it is stated that "The factor which makes the Straits problem such a difficult one is the ambitious and conquest-seeking policy of Soviet Russia." See: *Ibid.*, 745.

nations.”¹⁶⁷ Flattery, though it made the Turkish society more amenable to American influence and less attentive to American involvement in anti-Turkish efforts, was not the only form of leading Turkey into signing the North Atlantic Treaty and joining NATO as a member in 1952. On top of the favorable view of the United States, there was an immediate sense of reliance that pressed Turkey to commit itself to this American-led alliance, which in turn would allow the United States to have an even greater role in shaping Turkey’s identity.¹⁶⁸

Turkey was driven into attaching itself to NATO and American influence by the fear that in the post-WWII international scene, the Soviet Union would develop an appetite for Turkish territory. The American influence on Turkey would not have been the same without the Soviet Union’s part in striking fear among Turks, first by denouncing “the Russo-Turkish treaty of friendship of 1925,”¹⁶⁹ and then by demanding that in a new bilateral treaty Turkey would cede “areas of Kars and Ardahan to Soviet

¹⁶⁷ Brown, “The Turkish,” 642. An example of the efforts to develop Turkey’s willingness to cooperate with the precepts of international law, is found in the presence of Robert R. Wilson in Turkey following WWII. Wilson, whose career included both United States government employment and university work, and whose exact contribution to both *Axis Rule* and *The Future of International Law* is unknown, gave a series of lectures in Istanbul, in which he sought to promote Turkish awareness of international law. See: Robert R. Wilson, *International Law in Treaties: Lectures Given at the Faculty of Law of Istanbul* (Istanbul: Publications of the Turkish Institute of International Law, 1949). For more here on Wilson’s role, see: Chapter 4, section titled “Genocide.”

¹⁶⁸ The treaty’s Article 2 specifies an institutional commitment, and Article 5 specifies a military commitment. See: North Atlantic Treaty Organization, “The North Atlantic Treaty,” arts. 2, 5. However, this document, in which the conditions of NATO membership are detailed, does not have the capacity to reflect the tremendous impact that Turkey’s willingness to become a NATO member has had on the formation of Turkish identity and the attainment of American interests.

¹⁶⁹ C. L. Sulzberger, “New Russian Pact with Turkey Looms,” *New York Times*, March 22, 1945.

Armenia,”¹⁷⁰ as narrated by the *NYT*.¹⁷¹ This fear was based on a threat whose vividness in Turkish eyes was intensified by the narration of an Armenian desire to possess these areas, as played out by the Armenian National Council of America (ANCA),¹⁷² which, as its name suggests, was set up as an American organization.¹⁷³ In other words, the second act of the Armenian Question served an American interest by illustrating the Soviet threat and making it seem more real. By superimposing the label “genocide” on this cultivated Armenian sentiment, the threat to Turkey’s territorial integrity became more pronounced and self-perpetuating, thereby instituting a system of an abusive relationship. In this relationship, Turkey had become conditioned to look away from how the main provider

¹⁷⁰ C. L. Sulzberger, “Russo-Turkish Straits Talk Halted as Ankara Rejects Three Demands,” *New York Times*, August 4, 1945.

¹⁷¹ The phrasing by Sulzberger also included a double effort to make this Soviet agenda seem more credible by using the cliché about Russian naval needs: “Bottled up in the Black Sea, Russia long has wanted a free outlet to the Mediterranean”; “the traditional Russian desire to move toward warm water in the Mediterranean and the Persian Gulf.” Compare: Sulzberger, “New,” *New York Times*; Sulzberger, “Russo-Turkish,” *New York Times*. His text described the Turks as “nervous about their eastern as well as their northern borders.” See: *Ibid*. This points at a Soviet-American cooperation in which the Soviet government created the news and then the *NYT* appeared more than willing to play a leading role in turning it into influential information.

¹⁷² Consider the oddity of an American newspaper article narrating the activities of an American-based organization that is dedicated to defining Armenian national aspirations, which involved a meeting in London as reported by Russian newspapers: “After a considerable period of silence about affairs in Turkey, Moscow newspapers published today a petition from the Armenian National Council of America to the London meeting of the Council of Foreign Ministers for the return of the Kars and Ardahan regions to Soviet Armenia.” See: “Armenians in U.S. Appeal,” *New York Times*, September 22, 1945.

¹⁷³ The previous time that ANCA had been featured by the *NYT* was in 1919, to report that the organization’s chairman, Miran Sevasly, stated, as if on behalf of all Armenians, that “the people of Armenia, as well as Armenians in America and Europe, desired that the United States act as mandatory for their country, and that, while they would have to accept the will of the majority nations, they did not wish to have a European nation as mentor.” See: “Armenians Desirous of a United Country,” *New York Times*, March 6, 1919. Between then and the publication of the article in September, 1945, there had not been a reason for the *NYT* to make use of this organization’s services in order to voice out Armenian sentiment. At the conclusion of WWI, this organization was also used to lead public acceptance toward favoring an international court by quoting the chairman of this American organization—again speaking on behalf of all Armenians—who expressed an Armenian lack of “trust in justice being meted out by Turkish judges, who were themselves either actual participants in the Armenian massacres or were in sympathy with them.” See: “Armenians Issue Protest,” *New York Times*, December 30, 1918.

of its armament and sense of security is the source of its Armenian problem and sense of threat. In concealment of this, the public discourse these days—mainly through the genocide scholarship—popularizes the argument that the United States government has not officially labeled the Armenian victimhood in WWI as “genocide” because of political pressure that is applied against it due to Turkey’s NATO membership, but in actuality the American propping of the Armenian claim against Turkish territory played a role in persuading Turkey to join NATO in the first place and remain a loyal member.

Second, the ability to establish through its narration of Armenian identity a measure of influence within the Soviet area of control is seen as an American interest. By being able to inform Armenians worldwide through content and organization on who they are as a collective entity, the United States was shaping the attitude and behavior of a group in a strategically potent region. Accordingly, Sulzberger’s report of the Soviet intent to renegotiate its relationship with Turkey in March, 1945,¹⁷⁴ is seen here as sharing the same context as Lemkin’s first reference to the Armenian massacre “by the Turks” as an instance of “states expressing their concern about another state’s treatment of its own citizens,” which was also published in March, 1945.¹⁷⁵ In October, 1946, it was the *NYT*, rather than a Lemkin-ascribed article, in which it was first suggested that the Armenian experience was not just one of several instances but one among Lemkin’s

¹⁷⁴ Sulzberger, “New,” *New York Times*.

¹⁷⁵ Lemkin, “Legal,” 268. The text also mentions the Greeks as being massacred by Turks. The instances that were first mentioned in the passage were “the ghastly pogroms” for which “The United States rebuked the governments of czarist Russia and Rumania.” See: *Ibid*. It is notable that in this initial stage of incorporating the Armenian experience into the genocide discourse, it was not presented as a case of genocide, and certainly not as a name, which is how “Armenian Genocide” had come to be used. Also worthy of note is that the text refers to Jewish pogroms that have not become the subject of a systematic campaign to call them cases of genocide. The same set of examples was later offered in a text by the *NYT*. See: “Genocide,” *New York Times*. Also, see the comparison between the two texts in this chapter above.

inspirations for coining genocide:

Attempts at the wholesale extermination of a population had been made before and after Rome reduced Carthage to ruins. The wars waged by the Crusaders and Mohammedans of old were largely wars of extermination. The Turks in their time did their best to destroy the Armenians. It was to identify such crimes that Professor Lemkin coined the word genocide.¹⁷⁶

This line of historical portrayal was then followed, but without the suggestion that the Armenian case was particularly inspiring when the term's coining occurred.¹⁷⁷ In 1948, a Lemkin-text in an official United Nations publication referred "to the extermination of the Armenians," as one of several historical events that were "The most widely known cases of genocide."¹⁷⁸

As part of this campaign to incorporate Armenian victimhood into the genocide discourse, Lemkin appeared in a CBS interview and attempted to articulate a connection between the term *genocide* and the politically loaded sense of injustice done to the Armenians.¹⁷⁹ In the television interview Lemkin mentioned the Armenian case in his answer to a question about why he became interested in "genocide," but a portrait item in the same year by his friend Gertrude Samuels for the *NYT* narrated that two cases in 1933 "shocked" Lemkin "into changing the course of his life"— "the destruction of 600

¹⁷⁶ Kaempffert, "Science," *New York Times*. This shows the influence of the *NYT* in signaling the change from describing "genocide" as singularly carried out by the German Nazis to making it appear as having occurred in other historical cases. This was the seed of what later developed into the fictional dialogue between Lemkin and his professor or professors in the two versions that are discussed in this chapter above.

¹⁷⁷ "Genocide Before the U.N.," *New York Times*, November 5, 1946; Lemkin, "Genocide," 227; Lemkin, "Genocide: A New," 367; Lemkin, "For Punishment," *New York Times*.

¹⁷⁸ Lemkin, "Genocide as a Crime" (1948), 70. Thus, the United Nations is seen as collaborating with the use of the charge of genocide in ways that defy the prescription in Article 6 of the Genocide Convention to make such charges through a competent tribunal.

¹⁷⁹ "Lemkin Referring to the Armenian Genocide, Full Interview, CBS, 1949," in Vimeo, <https://vimeo.com/125514772> (accessed, 1/26/2017). This title is not that of the interview itself.

Christians in Iraq” and “Hitler’s plan to annihilate European Jewry”—without mentioning the Armenian experience in this context.¹⁸⁰ Samuels’ version was cast aside by the effort to genocidize the Ottoman Armenian experience through claims regarding this one man’s intellectual arrival at inventing “genocide,” while his function as a cultural agent of American power would receive little to no consideration. The attraction of attention to Lemkin’s expressed beliefs about Armenian victimhood and genocide has had a misleading effect on the study of how American power at the time endeavored to agitate the Armenians. Indeed, once removed from the framing that shows Lemkin’s opinion as a genuine reflection of Armenian history, it is seen that his publicized voice regarding the Armenian issue was part of a greater American effort to stir up the Armenians against Turkey by creating information that lent credibility to Armenian feelings of injustice and vengeance.

This campaign has dominated Armenian political identity to this day, and most Armenians who brandish such an identity find the stories about Lemkin readily available while the masterful organizational work of Edwin S. Smith toward instituting the political identity of Armenians remains outside the popular narrative. Smith was skilled at writing and mobilizing people, and was chosen by the White House for government roles.¹⁸¹

¹⁸⁰ Samuels, “U.N.,” *New York Times*.

¹⁸¹ According to an article in the *NYT*, Smith, who was born in Brookline, Massachusetts, and graduated from Harvard University, worked as a reporter for newspapers before becoming “a specialist in labor relations.” See: “Roosevelt Sets Up a New Labor Board,” *New York Times*, July 1, 1934. In a book that Smith authored in 1943, the note on the author says that he was the commissioner of labor and industries for the state of Massachusetts between 1931 and 1934, before being “sent by President Roosevelt as one of our special observers to the International Labor Conference in Geneva, Switzerland,” and then being “appointed by President Roosevelt as a member of the first National Labor Relations Board.” See: Edwin S. Smith, *Organized Labor in the Soviet Union* (New York: National Council of American-Soviet Friendship, 1943).

During WWII, Smith became the executive director of the National Council of American-Soviet Friendship, and in relation to his involvement in Soviet affairs he formed the American Committee for Justice to the Armenians late in 1945, before changing the organization's name to the American Committee for Armenian Rights (ACAR).¹⁸² Smith had both the ability and the power to lead in wording an Armenian viewpoint and convincing the Armenian people that it is their own.

As made into public knowledge by the *NYT*, ACAR under Smith's control was designed to “insist that the Armenian provinces in Turkey, which constitute nine-tenths of historic Armenia, be incorporated within the Armenian Republic.”¹⁸³ One form through which this message literally echoed in the collective Armenian mind was the gathering of a large number of Armenians under one roof, as was done on April 28, 1946, in a rally at Carnegie Hall,¹⁸⁴ and then have it be reported as news by the *NYT*.¹⁸⁵ The ads alone for this event were identity-building, as one of them claimed that the Armenian Question “has never been solved.”¹⁸⁶ Another ad reveals how the identity-building process was still under construction at the time, by being placed on April 24 without any

¹⁸² Ibid; “Seeks to Aid Armenians,” *New York Times*, December 22, 1945; “U.N. Is Urged to Act on Armenian Issue,” *New York Times*, April 29, 1946.

¹⁸³ “Seeks,” *New York Times*.

¹⁸⁴ It is said that Carnegie Hall was intended to serve mainly as an auditorium for musical performances, and thus it is labeled as a music hall. See: Lester, *Forty*, 87-88. However, it is here emphasized that Carnegie Hall had tremendous serviceability in terms of soft power, especially during a time that preceded social media and even television. It provided an elegant and specious venue for congregating large samples of communities, also known as “groups” in the language of the Genocide Convention, and co-opt the representatives of the community through their shared presence into one unified voice.

¹⁸⁵ The report by the *NYT* completes the effect by narrating the call for “Turkey to return the Armenian provinces to Armenian jurisdiction,” as if authentically Armenian.

¹⁸⁶ “Ad 539,” *New York Times*, April 21, 1946.

mention of this date having any commemorative significance for the Armenian people.¹⁸⁷ Following the event, the *NYT* published a letter by Smith, in reiteration of statements that were made in one of the ads, which narrated that “Armenian organizations and friends of Armenia all over the world have become articulate in their demands for the restoration of Armenian territory by Turkey,” under the belief that these are the “demands of humanity and justice.”¹⁸⁸

The agitation project also included an American effort in 1949 to organize a regular literary source of Armenian information under the title *Armenian Affairs*. This journal, whose first publication was promoted by the *NYT*,¹⁸⁹ concealed the American identity of its production by claiming that its purpose was to keep the “English-speaking world” informed about Armenians.¹⁹⁰ Smith also contributed an article to this short-lived journal, and declared that “It will be a happy day for all the Armenian people when they become united territorially, economically and culturally under the beneficent and progressive way of life which Soviet Armenia has so ably developed during the thirty years of its existence.”¹⁹¹ The journal produced only one volume, and neither of its four issues contained a title that mentions genocide. Instead, the American development of “genocide” through and within Armenian identity was going to be based on deeper

¹⁸⁷ “Ad 171,” *New York Times*, April 24, 1946.

¹⁸⁸ Edwin S. Smith, “Armenian Question Discussion: The Return of Lost Territory Held Necessary to Exiled People,” letter to the editor, *New York Times*, May 4, 1946.

¹⁸⁹ “Books—Authors,” *New York Times*, February 16, 1950.

¹⁹⁰ “Foreword,” *Armenian Affairs: A Journal on Armenian Studies* 1, no. 1 (Winter 1949-1950): 2.

¹⁹¹ Edwin S. Smith, “Re-awakened Armenia as an American Saw It,” *Armenian Affairs: A Journal on Armenian Studies* 1, no. 3-4 (Summer-Fall 1950): 250.

seeding. As the first American effort at an Armenian journal was scratched, the groundwork began to be laid for “genocide” to have stronger roots under the cultivation of American academia.¹⁹² In 1955, following the establishment of “a program of Armenian studies” at Clark University,¹⁹³ the National Association for Armenian Studies and Research (NAASR) began its efforts to raise funding, with promotional help by the president of Harvard University, Nathan Pusey, and the *NYT*.¹⁹⁴ It was “founded by a group of prominent Greater Boston Armenian Americans and Harvard University professors in order to foster Armenian studies in America on an active, continuous, and scholarly basis,” which led to the advent of several endowed professorships and programs in American universities.¹⁹⁵ The impetus to this project is said by NAASR to have been provided by Richard N. Frye,¹⁹⁶ a professor at Harvard University whose past

¹⁹² Until then, American academia only offered a minimal contribution to the public discourse on Armenian sentiment. In one example of a non-Armenian work of American scholarship, it was stated that “The eastern or ‘Armenian’ provinces of Turkey, since 1945 again the object of Russian claims, have long been of the sensitive spots occupying the attention of European statesmen.” See: Roderic H. Davison, “The Armenian Crisis, 1912-1914,” *The American Historical Review* 53, no. 3 (April 1948): 481. While having a framing effect on the public discourse, such an effort lacks the capacity that an Armenian authorship has in terms of being absorbed as an Armenian voice on history.

¹⁹³ “Education Notes,” *New York Times*, January 10, 1954.

¹⁹⁴ “Armenian Study Aided,” *New York Times*, October 31, 1955.

¹⁹⁵ National Association for Armenian Studies and Research. *Recent Studies in Modern Armenian History* (Cambridge, MA: Armenian Heritage Press, 1972), 137.

¹⁹⁶ National Association for Armenian Studies and Research, “About Us: History,” <http://naasr.myshopify.com/pages/history> (accessed, 1/26/2017). According to Frye, he and Robert Pierpont Blake were the ones who engaged in the early attempt toward establishing “an Armenian Chair either at Harvard University or at any other leading American university,” but the idea of “Armenian Studies” at that time “had failed to excite and fire the Armenian community in the United States.” See: Richard N. Frye “Armenian Studies and NAASR: Reminiscences and the Future,” *Journal of Armenian Studies* 1, no. 1 (Autumn 1975): 3. Meaning, not only were the Armenians led into this venture by Blake and Frye, but they were found to be initially disinterested. Furthermore, Frye urged Armenians that “Whether you like it or not, Armenian Studies are no longer in any ghetto—they have become international and this is the way it should be, and this is the way by which progress will be made.” See: *Ibid.*, 2. He encouraged the NAASR to work toward greater international influence: “NAASR must show the way to other organizations by bringing people together from all over the world, so that it will become the base for international exchanges, groups of people who are interested in Armenian Studies no matter from where they come.”

employment by the United States government in its “Secret Intelligence branch of the Coordinator of Information”¹⁹⁷ is not typically considered in connection with his role in setting up Armenian information through American academia.

Third, controlling historiography through the particularized direction of Armenian studies and research is also considered as an American interest, and “genocide” punctuated the effect of such a control. The sparking of Armenian scholarship and the supervision of the initial work of Armenian American scholars meant that American historiographical preferences were to be served by information agents that seemed doubly credible for being seen as independent experts and as Armenian by descent. Giving an account of modern world history through what passes as an Armenian perspective was a favored practice even before it became institutionalized, mainly for how it diverts attention from American involvement in the national organization of Armenians in the Ottoman Empire. On the eve of WWII, an American publication by an Armenian covers the history of the Armenian Question without considering the political significance of the American missionaries there or that the native people did not call themselves Armenian until they came under American influence.¹⁹⁸

In 1943, a book was published under the claimed authorship of Simon Vratzian,

See: Ibid, 3. This shows Frye as a driving force in leading the NAASR to have an impact that goes beyond study and research. Also, a note on the author in this article states that Frye was “the only non-Armenian” who acted as a member of the NAASR’s board of directors. See: Ibid., 1.

¹⁹⁷ Beth Giudicessi, “Professor Richard N. Frye Dies at 94,” *Harvard Gazette*, April 4, 2014. <http://news.harvard.edu/gazette/story/2014/04/professor-richard-n-frye-dies-at-94/> (accessed, 1/26/2017).

¹⁹⁸ A. O. Sarkissian, *History of the Armenian Question to 1885* (Urbana: University of Illinois Press, 1938). This narration of modern Armenian church history without articulating the extent of American influence is also seen in another work that preexisted the organization of Armenian study and research in American academia. See: Leon Arpee, *A Century of Armenian Protestantism, 1846-1946* (New York: Armenian Missionary Association, 1946), 61-71.

who was the premier of the First Republic of Armenia when it turned Bolshevik in 1920. The text maintained the same historiographical omission of American involvement in the raising of the Armenian Question in the nineteenth century, and, significantly, added to it aspects that would later become regular features in the discourse on Armenian victimhood in WWI, such as constructing the narration on sources by interested parties without recognizing that they are so,¹⁹⁹ and noting April 24, 1915.²⁰⁰ The meaning that the text gave to its narration of Armenian victimhood in WWI was also prototypical of the political message that would accompany the historical narrative in the years to come, namely that the Armenian Question had not been solved; that not only were the Armenians wronged at the time of perpetration but they are also victims of an ongoing injustice; that their rights and the promises that were made to them have remained unfulfilled; and that this is the subject matter of Armenian “hopes and expectations” as “Armenia anxiously awaits the justice which is due her.”²⁰¹ While it is noted in the book that the text had been translated, no account is offered to explain how a non-English speaker such as Vratzian would be able to read through, and quote passages from, untranslated material in English.²⁰² It is therefore considered here that the believability of

¹⁹⁹ The readers of the book are directed to James Bryce’s *The Treatment of Armenians in the Ottoman Empire*, Johannes Lepsius’ *Deutschland und Armenien*, and especially Henry Morgenthau’s *Ambassador Morgenthau’s Story*. See: Simon Vratzian, *Armenia and the Armenian Question*, trans. James G. Mandalian (Boston: Hairenik Publishing Company, 1943), 3-4, 30.

²⁰⁰ *Ibid.*, 27. However, this date did not at the time become adopted as a narrative marker, let alone the subject of symbolic commemoration.

²⁰¹ *Ibid.*, viii.

²⁰² The book contains references to sources in English, most notably Morgenthau’s text, without addressing how precisely the suggested author of the book managed to locate, read, and understand material in a language that was foreign to him. For instance, see: *Ibid.*, 3-4, 28, 84. This also includes the belief that Vratzian himself managed to sort through telegrams in English. For example, see: *Ibid.*, 92.

Vratzian's authorship is low. By having a leading political figure appear as the author of such a book, the material therein had the high capacity of becoming absorbed as representative of Armenian attitude, before being translated into Armenian action.

Through the work of NAASR since the 1950s, upon its American orientation, the historical curiosity regarding how the Haik became Armenian and what the American interests were in the Armenian conflict with the Ottoman government had no existence within that which was held to be Armenian studies and research in American universities. Even before the infrastructure of the genocide scholarship was set, the combination of published scholarly material and its favorable acceptance by the scholarly community was put into effect. Sarkis Atamian's historiographical work in 1955, which, among other details, introduced the notion that Ziya Göklap was "the intellectual father of the design for genocide,"²⁰³ was followed up by a review that described the work as a "well-documented study,"²⁰⁴ and amplified the book's message about "the present political attitudes of a large part of the Armenian community in the United States" being affected by the sense of a sacrifice and a failure to fulfill "President Wilson's territorial arbitration in favor of an independent Armenia."²⁰⁵ Not only does this information create pressure on

²⁰³ Sarkis Atamian, *The Armenian Community: The Historical Development of a Social and Ideological Conflict* (New York: Philosophical Library, 1955), 181. Aside from this reference to "genocide," the text does not flood the historical narrative with this label, though the label is used in a section title. See: *Ibid.*, 188.

²⁰⁴ E. Sarkisyanz, review of *The Armenian Community*, by Sarkis Atamian, *The Russian Review* 15, no. 2 (April 1956): 141.

²⁰⁵ *Ibid.*, 142. Wilson's "arbitration" was also featured in ACAR's ad for the rally at Carnegie Hall as well as in Smith's letter to the *NYT* following the event. See: "Ad 539," *New York Times*. Smith, "Armenian," *New York Times*.

Turkey by positing an American obligation to keep a promise to Armenians,²⁰⁶ it also presents the American president as an arbitrator, a position which by its essence invites the historiographical assumption that the United States government was not an interested party in the dispute. Still, the “genocide” narrative was not as systematic as it later became.²⁰⁷

Even before the term *genocide* turned from being a mere occasional accompaniment in the historical narration to a central feature of it, the controlled historiographical framework was already leading toward this transition. While it is telling that throughout the 1950s and 1960s Armenian-authored works on modern history did not mention the term *genocide* even once,²⁰⁸ these narrations exhibited a controlled direction of Armenian modern history toward an effect on how the present political situation of Armenians is to be seen.²⁰⁹ The knowledge that a scholar such as Richard G. Hovannisian

²⁰⁶ While this obligation might seem like unwanted pressure from an American perspective, it gives the United States government leverage in its relations with Turkey, and a pretext for involvement in a Soviet area.

²⁰⁷ For instance, Atamian did not mention April 24, 1915, but rather focused on the “first shot” that was “fired by the Turks on the 20th of April, 1915” in relation to the events in Van. See: Atamian, *Armenian*, 189.

²⁰⁸ For examples of such works on the relevant historical period that were authored by scholars of Armenian descent without mentioning the term *genocide*, see: Malachia Ormanian, *The Church of Armenia: Her History, Doctrine, Rule, Discipline, Liturgy, Literature, and Existing Condition*, 2nd ed., ed. Terenig Poladian, trans. G. Marcar Gregory (London: A. R. Mowbray, 1955); Louise Nalbandian, *The Armenian Revolutionary Movement: The Development of Armenian Political Parties through the Nineteenth Century* (Berkeley: University of California Press, 1963); Leon Surmelian, *Daredevils of Sassoun: The Armenian National Epic* (Denver: Alan Swallow, 1964); Virginia A. Tashjian, *Once There Was and Was Not: Armenian Tales Retold* (Boston: Little, Brown and Company, 1966); Richard G. Hovannisian, *Armenia: On the Road to Independence, 1918* (Berkeley: University of California Press, 1967). This means that the current Armenian usage of the term *genocide*—and insistence on that usage—is the product of a discursive development and was not reflective of Armenian sentiment during a certain period after the term *genocide* had already become known.

²⁰⁹ These works carried political messages that continued Smith’s agitation about a national awakening. In one, it was claimed that “The Turks were rewarded at the expense of a Christian nation.” See: Ormanian, *The Church*, 76. In another, it was argued that “in 1915, the Turks brutally massacred Armenian men, women, and children on an unparalleled scale and drove the remaining survivors from Turkish Armenia.” See: Nalbandian, *The Armenian*, 184.

wrote an entire book on Armenian modern history in the context of Armenian political independence without mentioning genocide at all casts a shadow on his later efforts to portray the label of “genocide” as authentically Armenian.²¹⁰ One of the gaping holes in the construction of the Armenian narrative on genocide is that Hovannisian leads the charge against alleged genocide denialism when he himself did not use the term in his work until after certain conditions for using it ripened.²¹¹ However, the absence of “genocide” in these historiographical works does not detract from their historiographical effect at the time; these works facilitated the later insertion of “genocide” into the narrative without it appearing foreign or like a diversion from other aspects of Armenian modern history.²¹² They created a culture of historiography in which American involvement in the Armenian fate is systematically omitted.²¹³ In this, even a supposedly

²¹⁰ For instance, Hovannisian used terms other than “genocide” in a framed historical narrative that would later invite the superimposition of the genocide label. He referred to the events of 1915 as “the massacre or deportation,” “the cataclysm,” “deportations,” “the deportation and massacres,” “the Armenian tragedy,” and “the Armenian deportations.” See: *Ibid.*, 48-49, 53-54, 274 (note 51). In the last reference, Hovannisian even declared April 24, 1915, as an “inaugural date” without mentioning “genocide” in his characterization of the events that were supposedly inaugurated on that day. These avoidances of “genocide” are odd when compared to his later work. For comparison, see: Richard G. Hovannisian, ed., *The Armenian Genocide, History, Politics, Ethics* (New York: St. Martin’s, 1992); Richard G. Hovannisian, ed., *Remembrance and Denial: The Case of the Armenian Genocide* (Detroit: Wayne State University Press, 1998).

²¹¹ For example, in one text Hovannisian mentioned scholars who do not use the term *genocide* to describe the Armenian victimhood in WWI before proceeding to state that “deniers are shameless.” See: Richard G. Hovannisian, “Confronting the Armenian Genocide,” in *Pioneers of Genocide Studies: Confronting Mass Death in the Century of Genocide*, ed. Samuel Totten and Steven L. Jacobs (New Brunswick, NJ: Transaction Publishers, 2002), 34. More recently, Hovannisian was credited for an entire article about the alleged denialism. See: Hovannisian, “Denial,” 228-247. In his discussion of denialism, Hovannisian does not address the absence of “genocide” in his earlier work. The possibility that he might be in denial of this aspect of his career has not been examined by the genocide scholarship.

²¹² Despite the absence of “genocide,” Hovannisian’s text in 1967 did establish the argument of the genocide claim by incorporating into his narrative the belief that “the deportations and massacres were calculated, irresponsible and brutal crimes.” See: Hovannisian, *Armenia*, 53.

²¹³ In contradiction to the information in the works of American missionaries who wrote about their experiences while the transformation of Armenian identity was still in its formative phase, the works of Armenian modern history have diminished or even concealed knowledge of the role that these Americans played. For instance, Ormanian explained the new regulations regarding Ottoman Armenians in 1863 not as driven by the American guidance on how the Ottoman Armenians governed their affairs but instead he

pro-Turkish historiographical response participated.²¹⁴

Fourth, it is here suggested that in the interest of power particularization there was an American preference to advance international law by education rather than adjudication through the Armenian victimhood as the primary subject of “genocide” usage. The pleas of the Armenian people as a victimized group presented the potential for a more convincing reflection of “the conscience of mankind” than having morality be

offered the following explanation: “These regulations, which may be regarded as the outcome of the intellectual progress which the masses had acquired, gave, in their turn, the motive power towards national development, thanks to that spontaneous evolution which is ever innate in the intellectual and social sphere, whereby action creates action, each in turn being the cause of new results.” See: Ormanian, *The Church*, 74. This expresses a way to use vagueness and a general notion of natural progress to divert attention from the actual American influence on the Ottoman Armenians. Another manner of diversion involved the ascription of influence to non-Americans such as the French. In one work, knowledge of the American influence on Armenian identity was concealed by a text that presents the French as the main source of Western ideas among Armenians. See: James Etmekjian, *The French Influence on the Western Armenian Renaissance, 1843-1915* (New York: Twayne Publishers, 1964), 115. The very existence of such a book strengthens the notion that there was a “Western Armenia” and an “Eastern Armenia” prior to the American handling of Armenian identity. See: *Ibid.*, 8. Also, while the works of American missionaries, as discussed here in Chapter 4, state that the “Armenians” were largely undeveloped according to the standards of the Euro-Christian civilization prior to the arrival of the Americans, this text gives an opposite impression, or at least takes an opposite direction, by highlighting that Armenians had been “studying in various parts of Europe since at least the sixteenth century.” See: *Ibid.*, 94. Also, in Nalbandian’s text the disinterest in the American effect is not only manifested in the absence of research but in the description of the “Protestant” organization—when it is briefly mentioned—without relating it to Americans. See: Nalbandian, *The Armenian*, 25-26. In addition, Nalbandian deleted from memory the impact that the Americans had on the advent of the modern Armenian use of the Armenian language. See: *Ibid.*, 33-34. The discrepancies between these American publications of Armenian modern history and the American missionaries’ own description of their work and effect on Armenians while it was still critically taking place is material for further historical study. The examples that are here given are sufficient for making the point that the framing of this history for a genocide accusation has blocked from view the American involvement and the political stakes that would explain the American strategy toward international law.

²¹⁴ While the text, which set out to criticize the Armenian historiography, directed attention to the peculiarity of the Armenian territorial claim when the people themselves did not call themselves Armenian, it nonetheless did not connect the appearance of the name to the influence of American culture on the identity and political purpose of the people. See: Kamuran Gürün, *The Armenian File: The Myth of Innocent Exposed* (London: K. Rustem and Weidenfeld & Nicolson, 1975), 1-2. The text noted the “conversion of Armenians to Protestantism by American missionaries,” but did so without consideration of the political ramifications of this conversion and without considering that the shift to becoming “Armenians” paralleled the “conversion.” See: *Ibid.*, 30. Also, when considering the interests of great powers regarding the conflict between the Armenians and the Ottoman government, the text considered Austrian, British, French, German, and Russian perspectives without even hinting at there being American interests in this context. See: *Ibid.*, 65-71.

instructed by the powerful United States government directly and without illustration.²¹⁵ By making the popularity of “genocide” become an Armenian cause, the term acquired the semblance of a bottom-up usage that could be interpreted more readily as a display of genuine moral concern. In this way, “genocide” was set to become known as a crime that expresses a people’s sense of injustice rather than be associated with American global strategy. Hence, not only the usage of “genocide” was to be removed from its American source, but so was the history of “genocide.” The association between Lemkin, the term’s perceived coiner, and the Armenian victimhood, the term’s popular carrier, blotted out the element of American planning and thereby kept “genocide” from being seen as the product of American power.

A possible addition to this list of effects through the American utilization of the Armenian issue as a vessel for popularizing “genocide” involves the fascinating relationship between the genocidization of Armenian history and the genocide accusations that surfaced during the American war in Vietnam. The Vietnam War triggered an instrumental public discussion on the meaning of “genocide” that enhanced

²¹⁵ For instance, in the Vratzian text it was suggested that the conditions of the Armenians “long disturbed the conscience of mankind.” See: Vratzian, *Armenia*, 7. Similarly, the ad that was posted by ACAR under Smith’s leadership to announce its rally at Carnegie Hall highlighted a moral appeal in stating that “The systematic massacre of Armenians by the Turks for nearly two generations, resulting in more than a million deaths, shocked the conscience of the civilized world.” See: “Ad 539,” *New York Times*. Smith then reiterated the use of “conscience” in a letter to the *NYT*, in which he claimed that “The conscience of the American people cannot permit the Armenians’ cause to be shelved because of political balancing within the august frame of the United Nations.” See: Smith, “Armenian,” *New York Times*. Later, when the commemoration of April 24, 1915, became a public event in the United States, an ad made reference to “conscience” in the following way: “The outraged conscience of humanity demands justice for the Armenian.” See: “Ad 716,” *New York Times*, April 24, 1966. When the American Senate lent its influence on the American public to associate the term *genocide* with the Armenian claim, Hovannisian was given an opportunity to appear before the subcommittee and say in connection to the “ruthless annihilation of the Armenian population” that “the ‘conscience of mankind’ did not shudder for long.” See: *Investigation into Certain Past Instance of Genocide and Exploration of Policy Options for the Future: Hearings before the Subcommittee on Future Foreign Policy Research and Development of the Committee on International Relations, House of Representatives, Ninety-Fourth Congress, Second Session, May 11; August 30, 1976* (Washington: United States Government Printing Office, 1976), 49.

the gravitas of the term, and the Armenian use of “genocide” became more effective and useful as a result of it. While the debate on the Vietnam War empowered the Armenian issue by inspiring the meaning of “genocide” in public discourse, the Armenian issue, in turn, dispelled the memory of the discourse on “genocide” regarding the war in Vietnam. In other words, the popularity of the genocide accusation in association with the Vietnam War damaged American image at the time, but it promoted the awareness of international law and lifted up the significance of the genocide label in time for its domination by the Armenian issue to the effect of marginalizing other genocide connotations, including the attack on Vietnam. Even though the popular use of “genocide” in the context of the Armenian issue canceled out the lasting effects of the accusation against the United States government over its policies in Vietnam, both of these had a unified and cumulative impact on the meaning of “genocide.” The discourse in the United States created momentum for the characterization of civil wars as cases of genocide.

Civil Wars

Vietnam’s status during the American military campaign there can be interpreted as a part of the quest to establish international standards of governance, but also as imperialism. There is a distinction between the advancement of rules among nations according to an American vision and the domination of foreign lands by American force. There is a difference between wanting a country such as Vietnam to share the American concept of governance and using Vietnam as a buffer zone for the protection of interests in other lands as indicated by the following observation in the *NYT* at a time that preceded the American direct engagement in Vietnam: “Bigger stakes are involved in

Indo-China than the country itself. Indo-China is the gateway to the rich and teeming lands of Southeast Asia. Communist control of it would pose an immediate threat to Burma and Thailand and bring increased pressure on India.”²¹⁶ The straightforwardness of the desire to control such economic resources does not mean that it is a bigger stake than the dialectical process of attaining international order.

In terms of IR theory, the experience of Vietnam enabled the public discourse to emphasize the sense of dichotomy between the justification of the great-power mentality, known as realism, and the justification of intervention for social progress, known as liberalism. Despite this classification, it is the latter that might be more realistic and practical in the management of American foreign policy. The one that is branded as realist serves the interest of the world’s strongest military by directly prescribing aggressive pursuits in international politics, whereas the other serves the status quo of power relations by looking to maintain it indirectly through ideological appeal to the public’s controlled set of values. It is the framing of their distinguished and competing qualities on a theoretical level, as instructed by the IR discourse, that calls attention away from the commonality of their purpose. While one speaks to power, and the other speaks to morality, both are utterances of hard power through soft power.

Especially during the Vietnam War, political realism and international idealism, even by way of criticism against American policy, were two sides of the same coin: the power to generate a discourse about the governance of affairs globally. On one side of it,

²¹⁶ “Attack in Indo-China,” in “The World,” *New York Times*, April 19, 1953. Any claims that the United States lost the war does not follow the suggestion that is made by the passage, according to which the American motivation in the campaign was not to control Vietnam as much as it was to incapacitate the ability of others to interfere with “the rich and teeming lands,” Burma and Thailand, through Vietnam. A broader interest may have been the internationalization of affairs in the region through sparking a local interest in the Euro-Christian standards of governance.

Hans Morgenthau argued before the Senate Committee on Foreign Relations that the situation in Vietnam was really about “the preservation of the world balance of power,” and that, to him, “the United States could not countenance the conquest of Asia by China after the model of the conquest of Europe by Hitler.”²¹⁷ Famously, Morgenthau expressed a view of the campaign in Vietnam as being misguided, claiming that “The United States can no more contain Chinese influence in Asia by arming South Vietnam and Thailand than China could contain American influence in the Western Hemisphere by arming, say, Nicaragua and Costa Rica,”²¹⁸ but less known is the part of the discourse in which he promoted a greater American operation in the region. The venture in Vietnam was criticized by him for not being effective, but the general goal was justified by the belief that it is a ground on which the United States is battling China’s imperial rise.²¹⁹ Thus, in consideration of China’s cultural as well as political influence in the region, Morgenthau recommended the following: We have to strike at the power of China itself. We have to destroy China. We have to go to war with China. I think this is the inevitable logical

²¹⁷ U.S. Senate Committee on Foreign Relations, *U.S. Policy with Respect to Mainland China: Hearings before the Committee on Foreign Relations United States Senate, Eighty-Ninth Congress, Second Session, March 8, 10, 16, 18, 21, 28, 30, 1966* (Washington: United States Government Printing Office, 1966), 553.

²¹⁸ Hans J. Morgenthau, “The Vietnam Crisis and China,” *Bulletin of the Atomic Scientists* 21, no. 6 (June 1965): 27.

²¹⁹ In his major work on international politics, *Politics among Nations*, Morgenthau adjusted the language on imperialism in a manner that mirrored the American power superiority and the Chinese power growth. In its early post-WWII mode, the first edition of the book defined the “objective of imperialism” as being one of three: “the domination of the whole politically organized globe,” “hegemony of approximately continental dimensions,” or “a strictly localized preponderance of power.” See: Morgenthau, *Politics*, 36. However, in a later edition, the text was changed to instruct that only “A nation whose foreign policy aims at acquiring more power than it actually has, through a reversal of existing power relations—whose foreign policy, in other words, seeks a favorable change in power status—pursues a policy of imperialism.” See: Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 3rd ed. (New York: Alfred A. Knopf, 1960), 39. Meaning, Morgenthau’s definition of imperialism changed to consider only a power that is on the rise as conducting imperialist policies, while a power that endeavors to control its domination of global affairs was no longer defined by him as imperialist.

conclusion to be drawn from the assumption that the paramountcy of the Chinese power on the Asian mainland is incompatible with the interests of the United States.”²²⁰ On the other side of the discourse, the project of international law gained credibility through the believability of a public debate in which international law was portrayed as an independent entity that is a basis for humanity’s voice even when confronted by questionable American conduct in war situations.

For the American advancement of international law, the Vietnam War presented a challenge, but also an opportunity. It challenged the notion that international law may ever be applied against the United States, but at the same time it offered a possibility for a revamped public discourse about international law that ultimately would prove favorable for the enhancement of a global pursuit of an international coded behavior. A major advantage for the engagement of the public about international law through soft power was found in the persuasiveness with which the critiques about the American policy in Vietnam appeared as distinct from the interests of the United States government or even as anti-American. This state of affairs meant that the criticism of the American activity in Vietnam was based on tenets of international law that were themselves an American creation. In the heat of the public debate about Vietnam, it could not be seen that the

²²⁰ U.S. Senate Committee on Foreign Relations, *U.S.*, 555. Morgenthau later clarified that his perspective on Vietnam was not in tension with his “general philosophy of politics and foreign policy.” See: Hans J. Morgenthau, *Vietnam and the United States* (Washington: Public Affairs Press, 1965), preface. Despite this, Morgenthau’s position on Vietnam has been largely promoted as a critique of American intervention rather than as an advocacy of a more aggressive foreign policy, even in a work that sets out to place Morgenthau’s view on Vietnam within his theoretical work on international politics. For example, see: Lorenzo Zambarnardi, “The Impotence of Power: Morgenthau’s Critique of American Intervention in Vietnam,” *Review of International Studies* 37, no. 3 (July 2011): 1335-1356. Zambarnardi provides reference to other works that also reflect how the discourse highlights the idea of a critique by Morgenthau while suppressing that in his appearance before members of the United States Senate he called for a direct military confrontation with China.

disapproval of the American destruction of lives and livelihood in Vietnam through controlled information actually had the effect of popularizing international law in the public sphere. From this perspective, “genocide,” as the catchy criminalizing word that denotes the crime of crimes, was a serviceable tool of attraction. As long as the specific labeling of the Vietnamese case as genocide could later be removed from the public eye, the turning of “genocide” against the United States would not have lasting effects on public opinion. Thus, the appeal of “genocide” was able to draw attention to the debate about international law while affirming the notion that the term *genocide* is reflective of the defenseless people’s voice rather than being the product of the United States government’s will. In turn, “genocide” would be lifted up publicly in time for its entry to a phase of greater informational credibility in the form of scholarly literature.

In the context of the American military campaign in Vietnam, there was an opportunity to stage the first publicized illustration of how a “genocide” verdict in an international tribunal might be executed.²²¹ Until that time, “genocide” was purely the subject of public accusations—some were highly promoted by the American mainstream media while others were not—without any resemblance to a court’s handling of a genocide case. The performance of a publicized mock trial that was associated with the name of Bertrand Russell, a reputable British scholar, provided a dramatization of an international tribunal, and thereby vivified the legal procedure through which international courts that are empowered by intergovernmental agreement might dispense

²²¹ In the publicized Eichmann trial that was administered by Israel’s district court of Jerusalem in 1961, Adolf Eichmann’s charges included “crimes against the Jewish People, crimes against humanity, and war crimes,” but not genocide. See: The Nizkor Project, transcript of judgment in the trial of Adolf Eichmann, <http://www.nizkor.org/ftp.cgi/people/e/eichmann.adolf/transcripts/ftp.cgi?people/e/eichmann.adolf/transcripts/Judgment/Judgment-001> (accessed, 1/26/2017).

justice on matters of international crime. It offered convincing use of language and setting without authority and enforceability, and therefore amounted to soft power without legal power but toward it. The criticism that it expressed against the United States empowered its believability as an inspiration to future legal practice.

Accordingly, the information that was produced by the tribunal or about it was couched with references to a loaded courtroom term such as “evidence,”²²² and filled with sharp accusations against the United States. The language attached an imperialist meaning to American foreign policy, stressing that its objects were “domination, markets, cheap labour, raw materials, conscript of armies and strategic points from which to control or threaten.”²²³ Not only did Russell dismiss the moral argument of “American intervention,” he expressed the view that “The racism of the West, especially that of the United States” explains the handling of another people’s affairs.²²⁴ From its venues in Stockholm and Copenhagen, the International War Crimes Tribunal (IWCT), which was also known as the Russell Tribunal, issued a judgment that was presented as if uttered by moral reason “in the interest of humanity and the preservation of civilization.”²²⁵ As in the power sourced narratives that previously sought to promote the knowledge of

²²² For instance, see: Bertrand Russell, *War Crimes in Vietnam* (London: George Allen and Unwin; New York: Monthly Review Press, 1967), 126; Ralph Schoenman, *A Glimpse of American Crimes in Vietnam* (London: Bertrand Russell Peace Foundation, 1967), 1; Bertrand Russell, introduction to *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal*, ed. John Duffett (New York: Bertrand Russell Peace Foundation, 1968), 3. By using the term *evidence*, the IWCT acquired the credibility of the term’s usage in an investigation that is carried out in a judicial trial even though the IWCT’s accumulation of material as proof was not sanctioned by a credible authority.

²²³ *Ibid.*, 4. By describing a “world system of exploitation” that facilitates “the consolidation of the American empire,” Russell’s language about the United States is reminiscent of how Nazi Germany’s efforts were described in the context of its conquests in Europe. See: *Ibid.* To Russell, the American objective in Vietnam is laced with “financial greed” and is a part of a race to “world hegemony.” See: *Ibid.*

²²⁴ Russell, *War*, 9.

²²⁵ “Aims and Objectives of the International Crimes Tribunal,” in Duffett, *Crime*, 14.

“genocide” as a crime, the narration by the IWCT spoke on behalf of “The conscience of mankind.”²²⁶ Moreover, Russell called for arousing conscience and challenging mankind, and warned that “silence is complicity, a lie, a crime.”²²⁷ Among its decisions, the IWCT declared that by unanimous vote it was found that the United States government is guilty of committing genocide against the Vietnamese people,²²⁸ but the streaming together of a genocide charge and the voice of humanity in this soft-power production was practically being channeled toward human-rights advocacy. In this instance, the charge of “genocide” was a form of education on human rights through an image of adjudication. The judgment that “the crime of Genocide is daily committed in Vietnam,” was used as an affirmation of the principle that “Each people has its own rights and among these is the right to choose its own way of life.”²²⁹

Also for the first time, through the criticism of the American war in Vietnam, “genocide” became the subject matter of discussion by renowned philosophers such as Russell and Jean-Paul Sartre.²³⁰ Following the IWCT, Sartre performed a great service to the standing of “genocide” in the public discourse by producing an unprecedented essay in which someone of his internationally recognized stature philosophizes about the meaning and application of the term *genocide*. Sartre’s essay starts with what is seen here

²²⁶ Claiming that it was “profoundly disturbed by the war waged in Vietnam.” See: *Ibid.*

²²⁷ Bertrand Russell, “Bertrand Russell’s Final Address to the Tribunal, Copenhagen, December 1967,” in *Crime*, Duffett, 653. He added that “The most lasting barrier to genocide is the unity of all peoples to whom justice is more than an empty phrase, and courage an indispensable attribute of morality.” See: *Ibid.*, 654.

²²⁸ “Summary and Verdict of the Second Session,” in Duffett, *Crime*, 650.

²²⁹ Lelio Basso, “Summation on Genocide,” in Duffett, *Crime*, 634.

²³⁰ The IWCT had three presidents. Russell was the honorary president, Sartre was the executive president, and Vladimir Dedijer was the president of sessions. See: Duffett, *Crime*, 17.

as one of the talking points of the genocide discourse: “The word ‘genocide’ is relatively new ... But the fact of genocide is as old as humanity.”²³¹ This suggests that Sartre’s framing of “genocide” was aligned with that of the powerful American narrator, the *NYT*: after describing “genocide” as a “new word” that “was needed to define the particular crimes of which the leading Nazis were found guilty,”²³² the newspaper started to narrate that the term was “a ‘new legal formulation’ for the ancient crime of annihilation.”²³³ While appearing to challenge the American campaign in Vietnam, Sartre echoed the American-led popular discourse on “genocide.” Similarly, the rhetorical decision to start a sentence with “Every case of genocide is a product of...”²³⁴ means that Sartre lent his credibility to making “genocide” seem like a concrete phenomenon that has its place in popular usage. In other words, Sartre took part in persuading the public that “genocide” is an existing matter, rather than showing it as a legal idea that was created in Washington, DC, which is the home of the same government that he supposedly sought to criticize.

This unity of purpose with the American promotion of “genocide” was made less perceptible because of the text’s direct criticism of the United States. Sartre’s criticism

²³¹ Jean-Paul Sartre, “On Genocide,” *Ramparts*, February 1968, 37. It is also notable that with this quote, Sartre is seen as adding to the impression that genocides are facts. In between the two components of the quote, there was a sentence that provided inaccurate information: “It was coined by the jurist Raphael Lemkin between the two world wars.” See: *Ibid.* “Genocide” did not appear in a published text until after WWII had been fought for a few years.

²³² Kaempffert, “Science,” *New York Times*.

²³³ Fenton, “Approval,” *New York Times*. For more examples of this here, also see: note 25 in this chapter. This idea—that the term *genocide* is new but the practice of genocide is old—has become a feature of the narrative by the genocide scholarship. For example, see: Jeffrey S. Morton and Neil Vijay Singh, “The International Legal Regime on Genocide,” *Journal of Genocide Research* 5, no. 1 (March 2003): 48; Fettweis, “War,” 234. In one article, the phrasing “Genocide is as old as human history” is used. See: Cushman, “Is,” 528. This phrasing is quite similar to Sartre’s phrasing in his alignment with the popular narration.

²³⁴ Sartre, “Genocide,” 37.

revisited themes that had been considered by Russell, such as American racism, hegemony, and imperialism, while assuming the voice of humanity.²³⁵ He pointed at American capitalism as an ideological source of what he defined as “imperialist genocide.”²³⁶ Nonetheless, by implying that this accusation of an American “conditional genocide” has no juridical validity,²³⁷ and questioning the ability to verify American intentions,²³⁸ Sartre dulled the edge of a genocide claim that was never going to have legal ramifications. In effect, this text promoted awareness of “genocide” as a reflection of public sentiment, but also carried a sense of doubt regarding its legal applicability. As Carl Oglesby, an American member of the IWCT, wrote in his introduction of Sartre’s essay in *Ramparts*: “In a sense, it does not really matter whether American action in Vietnam is fixed with the term ‘genocide.’”²³⁹ To put it differently, Sartre’s analysis did much more for the prestige of “genocide,” than it did for Vietnamese legal justice.

“Genocide” added an air of intensity to the exhibition level of the accusations against the United States. The references to extermination,²⁴⁰ and the recollection of

²³⁵ Ibid., 41-42.

²³⁶ Ibid., 42.

²³⁷ Ibid., 40.

²³⁸ Ibid., 39, 41.

²³⁹ Ibid., 36. Similarly, there were works that attempted to appear critical of the American aggression in Vietnam while promoting the use of terms such as “atrocities” or “ecocide,” which rivaled the popular usage of “war crimes” or “genocide.” For example, see: Edward S. Herman, *Atrocities in Vietnam: Myths and Realities* (Philadelphia: Pilgrim Press, 1970); Barry Weisberg, “On Ecocide,” in *Ecocide in Indochina: The Ecology of War*, ed. Barry Weisberg (San Francisco: Canfield Press of Harper & Row, 1970), 1-14.

²⁴⁰ For instance, see: Russell, *War*, 126-127; Basso, “Summation,” 627, 632; Sartre, “Genocide,” 40; Bertrand Russell, “Aims of the Tribunal Agreed at the Constituting Session, London, 15 November 1966,” in *Prevent the Crime of Silence: Reports from the Sessions of the International War Crimes Tribunal Founded by Bertrand Russell*, ed. Ken Coates, Peter Limquenco, and Peter Weiss (London: Allen Lane and Penguin Press, 1971), 60.

Adolf Hitler and Nazism,²⁴¹ framed the statistical data and images as a matter that has to be addressed by humanity. Particularly vivid is the reference to the victimization of the Vietnamese by way of poison and experiment, as described by a local named Dr. Nguyen in a book that was published by the Bertrand Russell Peace Foundation:

I must say to you that the policy I have observed is one of extermination of our people, of extermination and of experimentation. They have used various kinds of poisons which I have analysed. The poisons are chemicals, gases, bombs or phosphorus and napalm bombs. I understand that the U.S. authorities state that these chemicals are intended to clear trees and grass. The truth is that these chemicals combine heavy toxic concentrations, which affect fatally both human and animal life.²⁴²

Even though such a description provokes condemnation of the United States government, it was unrelated to actual legal possibilities regarding the American wartime activities. Its function was to invite discussion on how international standards may be better articulated and maintained in keeping with a changing world. The shock value of symbols that reminded the public of Nazi German perpetration was converted to an enlivened debate on the new meeting-place between international law, sovereignty, technology, and warfare.

While attempting to clear the legal haze by answering numerous quandaries regarding American perpetration of war crimes in Vietnam,²⁴³ the information that was

²⁴¹ For example, see: Russell, *War*, 125; Sartre, "Genocide," 37-38, 40, 42.

²⁴² Schoenman, *Glimpse*, 8. Dr. Nguyen then proceeds to describe the chemicals that he found there.

²⁴³ A few years after the dust of the war began to settle, Guenter Lewy produced a set of responses to many of the aspects of criticism that had been brought up throughout the American military's operations in Vietnam. For instance, he pointed out that the IWCT "in large measure, relied on evidence supplied by VC/NVA sources or collected in North Vietnam by persons closely aligned politically with the communist camp." See: Guenter Lewy, *America in Vietnam* (Oxford: Oxford University Press, 1978), 224. Also, Lewy addressed claims that the United States violated international treaties regarding war conduct. For example, in the matter of the commitment to protect civilians at war, Lewy argued that Vietnamese women and children sometimes were participants in the war effort, and concluded that "It is well established that once civilians act as support personnel they cease to be noncombatants and are subject to attack." See: *Ibid.*, 232. Lewy's account of the debates on international law included the genocide charge, and he clarified that even

produced at the time about international law also had to offer up a moral lesson to the United States and the rest of humanity. The memory of the Nuremberg trial was evoked and reengaged for its ability to mark the legal discussions about the Vietnam War as intellectual space for a core reevaluation and reaffirmation of international law.²⁴⁴ The critics of the United States government's war popularized the following quote by the chief prosecutor of the United States at the Nuremberg trial, Justice Robert Jackson: "If certain acts and violations of treaties are crimes, they are crimes whether the United States does them or whether Germany does them. We are not prepared to lay down a rule of criminal conduct against others which we would not be willing to have invoked against us."²⁴⁵ Meaning, even though it had never become a matter of official acknowledgement that the United States government is guilty of war crimes in Vietnam, it was offered within the information about the war that the United States is to be reminded of a normative commitment that is essential to the credibility of international law. This was not contradicted by the American efforts to seize the moment for reform in international law.

"Some critics of American policy in Vietnam had to conclude—almost regretfully, it seems—that the UN definition of genocide did not quite fit the conduct of American military forces in Vietnam." See: *Ibid.*, 300.

²⁴⁴ In this context, the Nuremberg Trials began to function in collective memory as a critical marker in the history of international law. The discourse on the Vietnam War had the effect of calling attention to the end of WWII as the foundational time for international law while diminishing the memory of the American involvement that preceded it. For example, it was said that "As the principal sponsor, organizer and executant of the Nuremberg trials, the United States is more deeply committed to their principles than any other nation." See: Telford Taylor, *Nuremberg and Vietnam: An American Tragedy* (New York: Bantam Books, 1971), 14.

²⁴⁵ For instance, see: Russell, *War*, 125; Coates, Limqueco and Weiss, *Prevent*, epigraph. The quote also appeared in a version that starts with "If certain acts in violation..." For example, see: Erwin Knoll and Judith Nies McFadden, eds., *War Crimes and the American Conscience* (New York: Holt, Rinehart and Winston, 1970), 1, 7.

As the renowned philosophers were preparing for the legal spectacle in Scandinavia, the leaders of ASIL were making headway in utilizing the public's increased attention to Vietnam in order to develop a discourse on civil war and intervention within the confines of international law. Wolfgang Friedmann called upon "every student of international law to re-examine ... the question of the reality and value of international law in the conduct of international affairs,"²⁴⁶ and it was argued that "the fact that the overwhelming majority of the new states were weak, poor and in a state of social turmoil, accentuated the social and civil war aspects of international conflict."²⁴⁷ Since cases of civil war meant a challenged sovereignty, it became pertinent to consider the quality of a civil war under the belief that the involvement of a member state in another country's civil war does not qualify as an international war, and therefore the United Nations does not have a clearly defined role in such a situation.²⁴⁸ A vacuum was identified, and it was maintained that the "decision whether a particular conflict is essentially a phase of civil war or of foreign aggression ... rests with the Powers directly concerned."²⁴⁹ Filling in the void, the American legal scholar Quincy Wright exemplified the power of the pen by determining that "hostilities in Viet-Nam should be regarded as civil strife."²⁵⁰

²⁴⁶ Wolfgang Friedmann, "United States Policy and the Crisis of International Law: Some Reflections on the State of International Law in 'International Co-operation Year'," *American Journal of International Law* 59, no. 4 (October 1965): 871.

²⁴⁷ *Ibid.*, 861.

²⁴⁸ *Ibid.*, 865.

²⁴⁹ *Ibid.*, 866.

²⁵⁰ Quincy Wright, "Legal Aspects of the Viet-Nam Situation," *American Journal of International Law* 60, no. 4 (October 1966): 759.

Commissioned by the Carnegie Corporation's grant to ASIL, Richard Falk was tasked with rounding up relevant information during the Vietnam War in what was named the Civil War Project of ASIL.²⁵¹ As specified by Falk himself, the support by the Carnegie Corporation was geared toward "a reinterpretation of the international law of civil war adequate to the needs of current international life."²⁵² In its capacity to allow a great power such as the United States to intervene in the internal affairs of another state without it being seen as an international crime, civil war became a serviceable term in international law. It was thought that if wars such as the one in Vietnam can be identified as in-fighting, then the involvement by powers to settle them cannot amount to war crimes in international law because the violence in such cases is not seen as being between member states of the United Nations.

Falk had a leading role in entering the supposed empty space in international law, and proposing ways to have it accommodate the experience of Vietnam as a genre. His stated aim was not to explain how international law might keep the United States from becoming involved in the internal affairs of another country, but to stress how the United States might learn from this experience so as to follow a foreign policy that adheres to international law.²⁵³ Along with the recommendation that "These sorts of conflict should be left alone by the United States,"²⁵⁴ Falk described the opportunity that was afforded by

²⁵¹ "Note of Acknowledgements," in *The Vietnam War and International Law*, ed. Richard A. Falk (Princeton, NJ: Princeton University Press, 1968).

²⁵² Richard A. Falk, introduction to *Vietnam*, Falk, 9.

²⁵³ Richard A. Falk, *The Six Legal Dimensions of the Vietnam War* (Princeton: Center of International Studies at Princeton University, 1968), 2.

²⁵⁴ *Ibid.*, 52.

the conflict as “a time when it is important to try to restructure expectations about what is permissible and impermissible in the context of a category of conflict of which the Vietnam war is the most prominent instance to date.”²⁵⁵ Not only did the conflict provide a platform for another account of international-law history that omits American dominance, but it also presented a case study for a program of civil-war engagement.²⁵⁶

Once the concept of civil war was identified as the legal entryway through which American military campaigns such as the one in Vietnam may be carried out without contradicting international law, the use of “genocide” began to adjust accordingly. This was a watershed moment for the term *genocide* because the focus of its accusations spread from targeting leaders of the powerful state, such as Nazi Germany and Soviet Russia, to including leaders from within the collapsing state. This change was given its public signal at a roundtable in 1972 that was jointly sponsored by ASIL and the United States Institute of Human Rights, in which Louis Henkin of Columbia University directed the discussion toward what he described as “manifestations of genocide in civil war.”²⁵⁷ This statement marked the new phase of “genocide” in American-produced information. By presenting civil wars as cases of genocide, great foreign power was to be served in two main ways: first, the source of the criminal and punishable violence would be shown as internal rather than external; second, the external use of force would not only be seen as within the law but actually publicly advocated as part of prevention campaigns. This

²⁵⁵ *Ibid.*, 53.

²⁵⁶ Falk used the occasion to raise a question about how to affect civil wars within the framework of international law, but not about how the effort to construct an international law in accordance with international order might be related to what causes civil wars. See: *Ibid.*, 29.

²⁵⁷ Edward M. Kennedy et al., “Biafra, Bengal, and Beyond: International Responsibility and Genocidal Conflict,” *American Journal of International Law* 66, no. 4 (September 1972): 95.

agenda of genociding civil wars also explains the popularity of the claims within the genocide scholarship that political groups should be considered as victims of genocide, even though the Genocide Convention does not state that they are within the definition of genocide.

Therefore, the momentary accusations of genocide against the American operations in Vietnam are seen as having been advantageous for the soft-power promotion of international law in the sense that they gathered momentum for the popularity of “genocide” just before its usability would become systematized in a controlled scholarly discourse. Accordingly, the Armenian issue became the subject of a leading narrative on genocide. The anti-Ottoman narration of history that had been put in place to enliven the Armenian feelings of injustice was ready to become inundated with the term *genocide*. There are two main reasons that explain why the context of the Vietnam War called for the systematic popularization of the Ottoman Armenian victimhood as a case of genocide: first, the Armenian claim’s massive domination of “genocide” usage in the discourse allowed for the genocide accusation in the Vietnam context to fade away from public memory without it seeming deliberate;²⁵⁸ second, by labeling a case of rebellion not only as one of many examples of genocide but as a classic case of genocide, the Armenian issue was empowered to become the bulldozer that cleared the path for the assignment of “genocide” to civil wars. The information had to show the Armenian case not just as claimed genocide but as assumed genocide in order

²⁵⁸ An example of this effect is found in comparing the availability of guiding information on the Armenian case and the Vietnamese case. As tested on 11/20/2016, by typing “Armenian” in Bing and Google searches, “Armenian Genocide” is automatically produced as a possible search item, whereas “Vietnamese ge...” has to be typed before “Vietnamese Genocide” is suggested as a possible search item.

for cases of civil war to be built up as “genocide” on its strength. Thus, it became popularly known as assuming “genocide” by its very name. Similarly, it became popularly known as the first genocide in the twentieth century. The framing of information regarding the Armenian issue, and the attraction to it, also included a denial-accusation gimmick, which seeks to add to the genocide label’s persuasiveness through prejudice. At its core, the systematic popularization of information on the Armenian experience as genocide was programmed to be generated successfully through typically credible agents of knowledge such as educators and researchers who operate within a designed network of scholarship. Only after scholars were positioned to pass this information as academic, and even scientific, did the narration of “genocide” in the Armenian case also become echoed and bolstered by a plethora of celebrities and politicians.

The Scholarly Discourse

Broad reforms in American education enabled the federal government to control the information on the meaning of “genocide.” As the violence in Vietnam escalated, the ability to determine what discourse is promoted nationwide as a subject of instruction was greatly improved by the Higher Education Act of 1965.²⁵⁹ Its design to “strengthen the educational resources” in colleges and universities across the country, meant that the control over the information that is taught would tighten. Specifically, Title IV Part C, empowered the federal government to promote programs within states.²⁶⁰ Similarly,

²⁵⁹ U.S. Congress, “Higher Education Act,” November 8, 1965, <https://www.gpo.gov/fdsys/pkg/STATUTE-79/pdf/STATUTE-79-Pg1219.pdf> (accessed, 1/26/2017).

²⁶⁰ *Ibid.*, Sec. 441.

under Title III of the Elementary and Secondary Act of 1965,²⁶¹ the National Diffusion Network (NDN) was established in 1974 in order to disseminate information that is chosen by a federal panel. NDN was set to function as a “national system for delivering information” that allowed for programs that are developed within one state to spread more easily among other states.²⁶² Such programs were not only funded toward their success, but also required their developers “to train teachers and other staff members in the adopting schools.”²⁶³ In addition, this federal network was directed to employ “state facilitators” who would actively link schools with programs.²⁶⁴ Another legislative effort toward achieving a higher level of cohesiveness in the information that is taught across the United States was the Department of Education Organization Act of 1979.²⁶⁵ According to Title I of this legislation, it sought to advance “the management and coordination of Federal education programs” and negate the results of dispersed education programs.²⁶⁶

These infrastructural developments facilitated the consistency with which the content on “genocide” would train the public to associate the Armenian victimhood with the meaning of “genocide.” Vahakn N. Dadrian was the primary agent through whom this

²⁶¹ U.S. Congress, “Elementary and Secondary Education Act,” April 11, 1965, <https://www.gpo.gov/fdsys/pkg/STATUTE-79/pdf/STATUTE-79-Pg27.pdf> (accessed, 1/26/2017).

²⁶² Helen P. Bain and J. Ronald Groseclose, “The Dissemination Dilemma and a Plan for Uniting Disseminators and Practitioners,” *Phi Delta Kappan* 61, 2 (1979), 102.

²⁶³ *Ibid.*

²⁶⁴ Shirley Boes Neill, “The National Diffusion Network,” *Phi Delta Kappan* 62, no. 10 (June 1981): 726.

²⁶⁵ U.S. Congress, “Department of Education Organization Act,” October 17, 1979, <https://www.gpo.gov/fdsys/pkg/STATUTE-93/pdf/STATUTE-93-Pg668.pdf> (accessed, 1/26/2017).

²⁶⁶ *Ibid.*, Sec. 101.

content would be produced to seem authentically Armenian and scholarly. Oddly enough, his public foray into the genociding of Armenian history was not in an academic endeavor, but rather it was facilitated by the *NYT* on May 30, 1964. In a peculiar publication of a letter to the editor,²⁶⁷ the text by Dadrian introduced to the masses some of the elements that would become the main features of the Armenian narrative on genocide: the forcing of comparison to the Holocaust, the basing of knowledge on biased Anglo-American information, and the fomenting of Armenian rage against Turks by the accusation of genocide and its denial. Through the publication of this letter, the *NYT* popularized among Armenians and the general public the belief that it is an Armenian conviction that they were “victims of the first modern example of genocide.”²⁶⁸ A second letter by Dadrian in the *NYT* repeated the genocide accusation with the generalizing wording that “the Turks”—as if to accuse all of them indiscriminately—“committed and escaped retribution,” and was more direct in the effort to prepare Armenian minds for the first major Armenian event in which the term *genocide* would be the central theme.²⁶⁹ On

²⁶⁷ Vahakn N. Dadrian, “Massacre of Armenians: Turkey Accused of Failure to Atone for Atrocities,” letter to the editor, *New York Times*, May 30, 1964. This letter is described here as peculiar because of its length, timing, and tone. It was exceedingly lengthy in comparison to other such letters, and appears to be roughly double the length of each of the other letters that were published that day. Also, it appears to have addressed an editorial from April 29, and a report from May 9. See: “Witness,” *New York Times*, April 29, 1964; “Nazis Rewarded for Slaughter in Auschwitz, Camp Doctor Says,” *New York Times*, May 9, 1964. This means that the time between the letter and the news item to which it referred was a matter of weeks. Since other such letters are typically published a few days following the news item, the timing of Dadrian’s letter stands out as unusual. In Dadrian’s case, the subject matter of Nazi atrocities appeared as a mere launching pad for the information that was passed on through him. Furthermore, in this letter, the *NYT* published in the following an unfounded generalization that carried the potential of inspiring prejudice and resentment: “the Turks persist in accusing their defenseless and trapped victims of massacres.” See: Dadrian, “Massacre,” *New York Times*. Regardless of the opinion expressed in the letters that are published by the *NYT*, they do not tend to use such irresponsible language.

²⁶⁸ *Ibid.*

²⁶⁹ Vahakn N. Dadrian, “For a Free Armenia: Denial of Territories Attributed to Unscrupulous Diplomacy,” letter to the editor, *New York Times*, August 10, 1964. The following statement shows that the letter functioned as a rallying call: “The forthcoming campaign may afford unique opportunities to explore

April 24, 1965, the *NYT* publicized information regarding an unprecedented Armenian commemorative event through which the genocide label was to be advertised.²⁷⁰

Moreover, on the same day it reported that “A Soviet newspaper today accused Turkey of genocide in western Armenia 50 years ago.”²⁷¹ Through this narration, Armenian consciousness became intensely infused with the idea of genocide victimhood.

An American facilitation of Armenian voices popularized the genocide rhetoric, and gave it the semblance of a bottom-up expression. This involved a top-down imposition on the Jewish voice. The effect of publishing an article in *Commentary* that portrays the Armenians not only as victims of genocide but a forgotten genocide²⁷² co-

this paramount issue which touches on crucial national interests.” See: *Ibid.* As the title suggests, the connection to Armenian political claims against Turkey was immediate.

²⁷⁰ “Armenia Remembers,” *New York Times*, April 24, 1965. It is noticeable that the rhetoric in which conviction is related to Armenia or Armenians has the effect of persuading the readers that this knowledge reflects Armenian sentiment. In the next two days, the *NYT* continued its coverage of the event. See: “Armenians Mark a Tragic 1915 Day,” *New York Times*, April 25, 1965; “Concert Honors Armenians Massacred by Turks: Church Sponsors Program on 50th Anniversary Descendants of Martyrs Are the Major Participants,” *New York Times*, April 26, 1965. Meaning, the unprecedented coverage of the event was spread over three consecutive days.

²⁷¹ “Soviet Article Accuses Turks,” *New York Times*, April 24, 1965. The news item added that “Armenian students, attempting to show their solidarity with the article, planned a demonstration in front of the Turkish Embassy, but were forced by the police to move away.” It was also stated that “The article appeared in the newspaper Soviet Armenia.” The information by the *NYT* did not include an explanation of what led the newspaper Soviet Armenia to make the accusation, and specifically, how the accusation might have been influenced by American sources. The connection between American influence and the information that affects Armenian opinion dates back to the days of the American missionaries in the Ottoman Empire during which the Americans introduced, among other literary products, the use of the newspaper toward giving the Ottoman Armenian community a group identity that centered on challenging the government. At any rate, this incident and the unprecedented coverage of Armenian commemoration to highlight the claim of genocide are seen here as related to the agitation of the Armenian public via Dadrian’s two letters in 1964.

²⁷² Housepian, “Unremembered,” 55-61. This is recognized as a rhetorical manipulation that has the effect of embedding the notion of “genocide” in relation to the Armenians, as if a matter of fact. By inviting readers to ask themselves if a genocide is forgotten or not, the author leads them to assume that there was a genocide. Again, the account of history is based on biased Anglo-American sources (Lepsius was German, but his production of information was subject to Anglo-American support). Even when based on this biased information, the labeling of “genocide” is not a natural reading of these sources. The suggestion that it is “unremembered” has the effect of sustaining the spark of activism, by giving Armenian readers a notion that a vital aspect of their collective identity is not communicated as much as it should be.

opted the opinion of Jews on a matter of victimhood and made it seem as if it had a Jewish seal of approval. Moreover, while the *NYT* was narrating that Armenians are publicly claiming to have been victims of genocide, *The New Yorker* published three extensive installments of a personal account that incorporated the genocide discourse into one Armenian's deliberations about his identity,²⁷³ thereby serving as an instructive model for Armenian readers. The sentiment about "genocide" that was injected into the hearts and minds of Armenians made the genocide claim a part of the public discourse. Consequently, academic writings could begin to address the notion of genocide in connection to the Armenian victimhood not on any legal ground but simply because Armenians were caused to talk about it as such.

The infiltration of genocide claims in the form of assumptions into academia involved a method of tampering with the meaning of "genocide" that does not meet academic standards. A flurry of articles on "genocide" by Dadrian were published in academic formats in the 1970s, and in some of them Dadrian declared his own definition of genocide, as in the following examples:

Genocide is the use of deliberate, systematic measures toward the extermination of a racial, political, or cultural group.²⁷⁴

Genocide is the successful attempt by a dominant group, vested with formal authority and/or with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision of genocide.²⁷⁵

²⁷³ See: Michael J. Arlen, "Passage to Ararat: I—The Face in the Window," *The New Yorker*, February 3, 1975; Michael J. Arlen, "Passage to Ararat: II—Voices," *The New Yorker*, February 10, 1975; Michael J. Arlen, "Passage to Ararat: III—The Fields of Yellow Flowers," February 17, 1975.

²⁷⁴ Vahakn N. Dadrian, "Factors of Anger and Aggression in Genocide," *Journal of Human Relations* 19, no. 3 (1974), 394.

²⁷⁵ Vahakn N. Dadrian, "Common Features of the Armenian and Jewish Cases of Genocide: A Comparative Victimological Perspective," in *Victimology: A New Focus*, vol. 4, *Violence and Its Victims*,

These presented detectable differences from the definition of genocide as in the Genocide Convention. Dadrian's assumption of authority as he changed the definition of genocide to meet an agenda was supposed to appear scholarly but is profoundly unscholarly. It laughs in the face of the idea that social sciences are committed to describing rather than inventing a phenomenon. The agenda through Dadrian's work used the academic platform for its inherent credibility as he proceeded to create a new meaning of "genocide." This act was even more extreme than creating something out of nothing because Dadrian's definition of genocide dismissed the existence of "genocide" as it is known in international law.

Such an aggressive impudence was accommodated by power. While Dadrian is recognized as Armenian, his redefinition of genocide was made possible by an ability to publish and the will to abuse academic standards when it is convenient. Moreover, the reception of Dadrian's writings as a credible matter of science is as betraying of academic integrity as was the very publication of the material. Yet, the genocide scholarship has built itself on citing Dadrian as an authority on the meaning of "genocide," and praising him as an eminent scholar. The scholars who were carefully positioned to comment about Dadrian's work had a role in this foul play: the references to his work did not state its unscientific quality but rather supported the work,²⁷⁶ and even imitated the practice of inventing new meanings of "genocide."²⁷⁷ From this perspective, it is almost a moot point

ed. Israel Drapkin (Lexington, MA: D. C. Heath, 1975), 4:99-100; Vahakn N. Dadrian, "A Typology of Genocide," *International Review of Sociology* 5, no. 2 (Autumn 1975): 203.

²⁷⁶ For example, see: Irving Louis Horowitz, *Genocide: State Power and Mass Murder* (New Brunswick, NJ: Transaction, 1976), 45-48.

²⁷⁷ For instance, see: Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust* (New York: Free Press, 1979), 8. Fein is another sociologist who was empowered to publish a self-made definition of genocide.

to discuss Dadrian's use of sources. They are profoundly unreliable for academic use, but serve as another indication that his work was backed by power. The contestation of the sources on which the Armenian case relies might seem to be redundant because Dadrian's work did not need to prove "genocide" in the standard of legal procedure but only to popularize the notion that it is proven.

Dadrian's function in the scholarly discourse even included an odd effort to absolve the United States government from responsibility in genocidal terms regarding its treatment of the country's precolonial population, also known as American Indian or Native American. Not only did he refer to "the perpetrator group" as "the White settlers" rather than as Americans,²⁷⁸ but he concluded that the "victimization involved regionally instigated, rather than centrally legitimized and authorized perpetrations; coercive methods rather than lethal violence; more dislocation than immediate and direct destruction; in terms of a general trend, more assimilative disintegration than exclusionary obliteration; and finally, more temporal, segmental and sporadic destruction than typical genocide."²⁷⁹ In other words, the American power to produce information on genocide utilized the status that it gave Dadrian as a supposedly credible expert on genocide to say that what happened to the precolonial population when confronted by the United States government was not genocide. The identification of the agenda of the source of his empowerment as a scholar would be one way to explain what could possibly have driven him to write such an article. Its awkwardness might be why there is

²⁷⁸ Vahakn N. Dadrian, "The Victimization of the American Indian," *Victimology: An International Journal* 1, no. 4 (Winter 1976): 518.

²⁷⁹ *Ibid.*, 535.

an absence of reference to it in the genocide scholarship. The same scholars of genocide who describe Dadrian as a pioneer in their field have acted like the article does not exist.

An understanding of soft power can offer an explanation as to how otherwise random subjects of comparison and whimsical points of comparison pass as social science and become published, as was the case in Dadrian's treatment of the Holocaust in comparison to the Ottoman Armenian experience. Dadrian brandished methodology in the title of his work, and yet this comparison is based on pure framing. According to his supposedly scientific finding, the "Primary Importance Common Features" of "the Armenian and Jewish Cases" are that both were during "global wars" and that in both "the conception, design, and execution" was orchestrated by "political parties (Young Turks and Nazis) who invested themselves with monolithic power and literally took the functions of their respective states over."²⁸⁰ Neither of these points of comparison corresponds directly with the Genocide Convention. This comparison would be the equivalent of comparing apples and oranges because both are round and of this world, but Dadrian's points of comparison, while equally random and general, are not as accurate. Such sheer framing is the product of power. The quality of the comparison is not in the subjects of comparison themselves, but in the ability to promote a discourse that is based on their comparison. Instances of what is commonly referred to as self-plagiarism are another marker that Dadrian's articles were productions to propagate information rather

²⁸⁰ Vahakn N. Dadrian, "Methodological Components of the Study of Genocide as a Sociological Problem," in *Recent Studies in Modern Armenian History* (Cambridge, MA: Armenian Heritage Press, 1972), 84. In a manner that adds to the framing of the Holocaust together with the Armenian experience, Dadrian referred to them both as "acts of genocide" and "holocaust" while leading the readers to perceive such descriptions as casual. See: *Ibid.*

than an individual's earnest intellectual endeavor.²⁸¹ The talking points about comparing the Holocaust to the Armenian experience were such urgent components of the genocide discourse that they were duplicated.

Dadrian's work was nowhere near being challenged from within academia, especially not about the comparison of the Holocaust and the Armenian experience, which was part of a greater set of efforts to promote the Armenian case as genocide and open up "genocide" for comparative study. In parallel to Dadrian's efforts, an educational program for this comparison was being hatched. The National Curriculum Research Institute of the American Association for Jewish Education produced in 1973 a guide for the study of genocide and in it the Armenian experience was not only presented as genocide, but as the only highlighted example of it.²⁸² The text used the *New Catholic Encyclopedia* rather than the Genocide Convention as its source on the definition of genocide,²⁸³ and the content through which it elaborated on this instruction that the Armenians suffered a genocide was a single article by a rabbi,²⁸⁴ in which Armenians were shown as similar to Jews and described as "victims of a genocide."²⁸⁵ In 1977,

²⁸¹ Compare: Dadrian, "Methodological," 84-85; Dadrian, "Common," 4:106-107. Another instance in which identical material appears without note in Dadrian's articles involves his typology of "genocide." Compare: Dadrian, "Common," 4:100-102; Vahakn N. Dadrian, "Typology," 205-210.

²⁸² Albert Post, *The Holocaust: A Case Study of Genocide* (New York: Commission on Jewish Studies in Public Schools of the American Association for Jewish Education, 1973). It is here pointed out that while the title of this organization suggests an association with the Jewish society, its existence enables American power to inform the public through a supposedly Jewish voice. For believability, it was by far more effective for this information to be produced by an organization that is representative of a group that is popularly recognized as having been victimized rather than by the Department of State.

²⁸³ *Ibid.*, 3.

²⁸⁴ *Ibid.*, 5.

²⁸⁵ Stanley Rabinowitz, "'Are Ye Not as the Children of the Ethiopians unto Me?'" *Jewish Heritage* 13, no. 2 (1971): 18. The article also carried a political message of support for the Armenian ambition to achieve "their Zion." See: *Ibid.*, 21.

Facing History and Ourselves, an organization that was funded by the United States government's Title IV Part C,²⁸⁶ produced a guide for teachers that similarly based its definition of genocide in accordance with that of the *New Catholic Encyclopedia*,²⁸⁷ and also cited the same article by the same rabbi as the basis for presenting the Armenian experience as not only a case of genocide but as the only one that is discussed as such.²⁸⁸ This was a top-down comparative narration under construction. Facing History and Ourselves would appear as a bottom-up educational organization from Brookline, Massachusetts, but due to the combination of funds through Title IV and promotion by NDN,²⁸⁹ it reached a level of national and international influence.²⁹⁰

After the ground had been prepared for the education of comparability between the Armenian and Jewish sufferings, and the public voice of both groups was made to appear as if in agreement with the sentiment that both were the two main cases of genocide in modern history, the future growth of this American policy as a scholarly discourse was made official by the United States President's Commission in 1979.²⁹¹ The President's Commission had the effect of concealing the preexisting policy to harness the meaning of the Holocaust for a controlled discourse on "genocide," as well as boosting the policy by giving it a formal sanction and making it appear as if a group of highly

²⁸⁶ For more on this here, see: note 50 in this chapter.

²⁸⁷ Strom and Parsons, *Facing* (1982), 279.

²⁸⁸ *Ibid.*, 280.

²⁸⁹ *Ibid.*, 18.

²⁹⁰ For more on this here, see: note 51 in this chapter.

²⁹¹ Wiesel, *Report*. This publication is discussed here in Chapter 2.

esteemed academic experts and community leaders were calling for it from the standpoint of erudition and morality. It also established Elie Wiesel, who was made the chairman of the commission, as the main representative of the voice on how the Holocaust ought to be remembered and educated. As part of this empowerment, information was produced to lend credibility to his function as the central spokesperson for the Holocaust, such as the dubious claim that he “was the first to give the term ‘Holocaust’ a modern usage.”²⁹² Through the power that was invested in him, Wiesel imparted authority to outlets of controlled information on the Holocaust and “genocide” without it being seen as an American manipulation. One foundational example of this is Wiesel’s role as the president of the organizing committee behind the first international conference that promoted the comparability of the Armenian case as genocide with the Holocaust.²⁹³

²⁹² See: Elie Wiesel, *And the Sea is Never Full: Memoires, 1969-*, trans. Marion Wiesel (New York: Alfred A. Knopf, 1999), 18. Wiesel stated that this was what “Some scholars contend,” as if he did not himself seek to call attention to it or claim it as true. Nonetheless, it did become an advertised matter of information, which he confirmed indirectly by asking “Why did I choose that word over another?” See: *Ibid.* According to a search in the database of the *NYT*, the first time that the *NYT* reviewed a book about the Jewish experience under Nazi control in Europe that featured “Holocaust” in its title was in the review of Alexander Donat’s *The Holocaust Kingdom: A Memoir*. See: Gertrude Samuels, “The Will to Live,” *New York Times*, March 21, 1965. Furthermore, the search found that the first appearance of “Holocaust” in a title of an article in the *NYT* was in the following: Israel Shekner, “The Holocaust: Did God Want It?” *New York Times*, June 6, 1974. The first association between Wiesel’s work and “Holocaust” in the *NYT* was in the following: Elie Wiesel, “Survivors’ Children Relive the Holocaust,” trans. Iver Peterson, *New York Times*, November 16, 1975. Not only did the first use of “Holocaust” in association with Wiesel’s name in the *NYT* come after other references to the event had been made, but the translated text itself did not carry the word. Meaning, it was likely the editing work by the *NYT* that added “Holocaust” to the article title to describe a work by Wiesel that itself did not mention “Holocaust.” This suggests that when the *NYT* was already mindful of addressing the event as the “Holocaust” the use of the word in this context was still absent from Wiesel’s work. Meaning, the later perception of Wiesel’s authoritative status regarding Holocaust memory is the function of an empowerment by a popular discourse, which then allowed him to make influential statements about Holocaust memory and the comparability of the event in the context of “genocide.”

²⁹³ See: Charny and Davidson, *Book*, 7. Charny’s narration of events that surrounded the conference, under the title “The Conference Crisis: The Turks, Armenians and the Jews” gives the impression that, aside from promoting the comparison of the Holocaust to the Armenian victimhood as a matter of academic practice, the conference was used as a publicity stunt to attract attention to the genocide discourse by vilifying the Turkish government. See: *Ibid.*, 17-20, 269-315.

The President's Commission not only recommended the creation of infrastructure toward controlled education on genocide, but its report also engaged in approving content that directs the public toward treating the Armenian experience as a case of genocide such as the published material in which Hitler is quoted as having commented about the Armenians.²⁹⁴ It has become commonly known as Hitler's Armenian Quote. In the following passage, the comparability of the Armenian and Jewish cases is embedded as an assumption:

Although we have no guarantees that those who remember will not repeat history, the failure to remember the past makes repetition more likely. Nothing more clearly illustrates this claim than Hitler's alleged response to those in his government who feared international opposition [*sic*] to genocide. "Who remembers the Armenians?," he asked. Indifference to that earlier twentieth-century attempt at genocide may well have fortified those who later questioned the impact of extermination if not its wisdom or necessity.²⁹⁵

While the text recognized that this is an "alleged response," it nonetheless promoted the wording of the comment through rhetorical manipulation to utilize what is claimed to have been the Nazi perspective, such as the anachronistic suggestion that Hitler's government members feared an international reaction to "genocide" or the liberty of adding "remembers" to the quote. In its backhanded style, the text in the report managed to instill the notion of comparability between the Armenian and Jewish contexts without having to address the details surrounding this quote.

There is no available German source for this quote, and, it is therefore regarded as an "alleged" comment. The text from which it was taken had not been published by an

²⁹⁴ Another display of support to the comparison between the Holocaust and the Armenian experience was the suggestion of a parallel between the role that Henry Morgenthau Jr. had in shifting American policy "toward the plight of the Jews" in WWII, and that of his father, Henry Morgenthau Sr., in the context of the Armenian victimhood in WWI. See: Wiesel, *Report*, 5.

²⁹⁵ *Ibid.*

official German publication but rather saw light as an American publication that was created by a professional agent of American information, Louis Lochner. In the first publication of the text by Lochner, the saying was ““Who, after all, speaks today of the annihilation of the Armenians?””²⁹⁶ Later, the *NYT* published a different version during the Nuremberg trial without crediting Lochner, in which the saying was ““Who still talks nowadays of the extermination of the Armenians?””²⁹⁷

Since the authenticity of the source is challengeable,²⁹⁸ the attention of those who criticize the usage of this quote has been drawn away from how its popular interpretations create a decontextualized discourse even if a version of these quoted words were truly uttered by Hitler. The context of the comments by Hitler is Germany’s impending conquest of Poland, whose existence as a nation-state had a stifling effect on Germany’s ability to spread its governance of affairs in Europe. Poland was established as an independent state in the aftermath of WWI, in a territory that otherwise would have been likely to come under German influence. The Anglo-American utilization of Poland as a political entity that interfered with Germany’s growth in Europe was similar to the mobilization of Armenians as a human source of interference with the growth of German influence within the realm of the Ottoman Empire. The politicization of the Ottoman Armenian existence by Anglo-American power was used to negate the spread of German influence there: instead of allowing Germany to build up its use of resources on Ottoman

²⁹⁶ Louis P. Lochner, *What about Germany?* (New York: Dodd, Mead & Company, 1942), 2.

²⁹⁷ “Partial Text of Talks on Poland,” *New York Times*, November 24, 1945.

²⁹⁸ One work in particular was laborious in its efforts to question the authenticity of the comments: See: Heath W. Lowry, “The U.S. Congress and Adolf Hitler on the Armenians,” *Political Communication and Persuasion* 3, no. 2 (1985): 111-140.

land through the Ottoman government, the Armenians were being organized toward claiming sovereignty as an independent state that would align with Anglo-American interests.

According to this view of the power struggle, the insistence on self-rule for the Poles on the eve of WWII seemed to parallel the demand for Armenian self-rule on the eve of WWI. Both had the effect of negating German expansion. Due to the reeducation of Germany after WWII, since Germany's loss in that war there has been no unaffected source of German historiography regarding WWI, but it is likely that Germans at the time—not just Hitler—were mindful of how the Armenians were used as pawns by Anglo-American power to prevent Germany from developing Ottoman land. By WWII, the propaganda about Armenian statehood had long ended. There is an assumption in the dominant discourse that Hitler was referring to Armenian victimhood rather than the Armenian political claims. In the 1930s, not even the Armenians were speaking publicly about severing from the Soviet Union and establishing an independent Armenian state. As a contrast to the common belief that Hitler was trying to inspire members of his government into action by claiming that they could get away with group murder, there is sense in considering that the Armenians were mentioned in the quote as an example of the fleeting nature of political claims. The idea of Poland as a nation-state—a political idea—was a similar function of power in international politics.

In asking who speaks about—not who remembers—the Armenians, the allusion was to those who generated the verbiage about an Armenian state on Ottoman land to foil German plans, and then discontinued the propagation of such information when it was no

longer politically relevant.²⁹⁹ In actuality, the lesson of the Ottoman Armenian experience was not forgotten by WWII but rather it taught Germany about the politicization of group identity according to power considerations. There was reason to believe that through military triumph and cultural adjustment the political identity of Poles would fade as well.³⁰⁰ There is currently a popular genocide discourse about the Armenians, but not about the Poles. Even though the quote calls for a comparison between the Armenians

²⁹⁹ For a discussion on the idea of an Armenian state on Ottoman land here, see: Chapter 4, section “The Armenian Question.” For a discussion on the question of Armenian statehood during WWI and in its aftermath, see: Chapter 6, section “‘Genocide’ against the Turkic People.”

³⁰⁰ The direction of public attention to a discourse on the comparability of the Holocaust and the Armenian experience through the supposed Armenian Quote has had the effect of distracting from the similar functions that both the Armenians and the Poles had in the attempt to form political barriers that would stop Germany from extending its governance through Eastern Europe to the Persian Gulf. One significant difference between the two cases is that as WWI broke out, Armenians did not have an Armenian state, whereas a Polish state existed prior to WWII. Another difference is that while in the case of the Armenians a part of the Anglo-American claim was that an Armenian state would help advance Western civilization, in the case of the Poles the promotion of a nation-state by the Anglo-Americans did not involve the suggestion that the Poles would better serve civilizational progress than German governance. However, just as the Armenians were used in an effort to establish a political barrier within the Ottoman Empire on the eve of WWI, so was Poland seen as a political barrier on the eve of WWII. Their function as such is highlighted by the following circumstances: Armenians were promised a state prior to, and throughout, WWI, and were the subject of a public debate on their statehood in the aftermath of WWI in consideration of that state’s worth as a political barrier; Poland was a post-WWI phenomenon that reflected the Anglo-American will to prevent Germany from spreading eastward and contesting Anglo-American foreign interests. Bryce’s involvement in the Polish national cause during WWI may serve as a marker of the commonality between the Armenian and Polish national organizations. A glimpse of Bryce’s role is offered in a letter that was sent to him on March 16, 1916, by Israel Zangwill, author of the play *The Melting Pot* (1908), and a political activist for Zionism and Jewish rights. Zangwill was “rather perturbed” to learn that Bryce presided over a lecture “given by Roman Dmowski at King’s College.” Zangwill described Dmowski as “one of the most dangerous anti-Semites in Europe.” Zangwill further noted that Dmowski “is chief of the anti-Semitic party in Poland; it was he and his party who mobilized the cruel boycott which nearly ruined the Jews of that country before the war, and it was he also who was chiefly responsible for the cruel calumnies of the Jews during the war which resulted in the expulsions, pogroms and massacres from which the Jews have lately been suffering.” This was of concern to Zangwill especially because Dmowski was leading the effort to persuade “the public men in Western Europe that the Jews shall be condemned to perpetual disabilities in the autonomous Poland that is likely to come out of the war.” See: MS. Bryce 156, fols. 145-146, Catalogue of the Papers of James Viscount Bryce. While Zangwill expressed a sense of surprise in learning about this connection between Bryce and Dmowski’s form of Polish nationalism and anti-Semitism, it is here considered that the connection fits within a general view of the Anglo-American effort to rally national groups to be in position to foil German plans for expanding its territory in Europe and influencing the Ottoman Empire. Despite Zangwill’s reaction, it seems rather unsurprising that Bryce, with whom he collaborated to promote Jewish nationalism, was supportive of other efforts toward cultivating national units.

and the Poles, the genocide discourse has used the quote as a launching pad for comparing the Armenian suffering to that of the Jews in the Holocaust.³⁰¹ During WWII, “genocide” was devised to protect a nation-state such as Poland from forceful annexation by the German government, and Lemkin gave the term *genocide* a Polish face, but by the time that the genocide discourse about the Armenians became systematically featured in scholarly works and the popular media in the absence of customary law, the Holocaust had become the starting point for a conversation about “genocide.”

By having an Armenian narrative dominate the scholarly discourse on “genocide,”³⁰² soft power shifted the meaning of “genocide” to be mostly defined by

³⁰¹ The systematic use of the quote in the discourse points at its quality as a feature of controlled information. For examples of this quote being used, see: Dadrian, “Massacre,” *New York Times*; Housepian, “Unremembered,” 61; Rabinowitz, “Are,” 21; Richard F. Shepard, “1915 Genocide Is Still Vivid to Armenians Here,” *New York Times*, April 24, 1975; Strom and Parson, *Facing* (1977), 283-284; A Fein, *Accounting*, 3; Abraham L. Sachar, foreword to *The Armenian Holocaust: A Bibliography Relating to the Deportations, Massacres, and Dispersion of the Armenian People, 1915-1923*, ed. Richard G. Hovannisian (Cambridge, MA: Armenian Heritage Press, 1978), xi; Strom and Parsons, *Facing* (1982), 10, 319; Charny and Davidson, *The Book*, 318-319; Richard D. Kloian, *The Armenian Genocide: News Accounts from the American Press, 1915-1922*, 3rd ed. (Richmond, CA: ACC Books, 1985), xx; Margot Stern Strom, *Facing History and Ourselves: Holocaust and Human Behavior* (Brookline: Facing History and Ourselves National Foundation, 1994), 497, 503; In a translated edition of an Armenian text a note that was likely added by an American editor misleadingly states that Hitler made the comment “While planning the Nazi genocide of Jews.” See: E. K. Sarkisian and R. G. Sahakian, *Vital Issues in Modern Armenian History*, trans. Elisha B. Chrakian (Watertown, MA: Armenian Studies, 1965), 28 (note).

³⁰² In addition to the work by scholars of Armenian heritage, there were some works of support by non-Armenians who backed the American-controlled version of Armenian historiography. In one such text, it is stated that “The unfolding evidence of Armenian genocide was too palpable to be subject to Ottoman distortion.” See: Howard M. Sachar, *The Emergence of the Middle East, 1914-1924* (New York: Alfred A. Knopf, 1969), 101. Sachar had previously worked with the United States Foreign Service, and received government funds from the United States Department of State in 1965 for the Jacob Hiatt Institute in Jerusalem. See: SFUCHS, “All in the Family: Dr. Howard Sachar and the Jacob Hiatt Institute,” *Brandeis Hoot*, September 11, 2009, <http://www.thebrandeishoot.com/articles/6474>. In another example, it is argued that “Resettlement of refugees is too complicated a process to be conjured out of the air; the frequency with which it occurs in 1915 highlights again the deliberateness of government policy.” See: Christopher J. Walker, *Armenia: The Survival of a Nation* (New York: St. Martin’s Press, 1980), 203. Walker’s version of history is exemplary of the prevalent historiography that erased from historical accounts the American involvement in creating an organized Armenian entity that acted against the Ottoman Empire toward establishing a nation-state. Walker did not mention the American influence, but instead that “The situation of Armenians was intolerable,” and that they “began to organise themselves politically.” See: *Ibid.*, 125-126. In contrast to the accounts of American missionaries, Walker did not indicate that the Americans breathed life into the Armenian language, but instead pointed out that “Armenian printing had begun as long ago as 1512.” See: *Ibid.*, 49. In addition, there was an effort to mimic the IWCT that was set up in the

association with the policies of a struggling state, thereby increasing the believability that civil wars are typical contexts for genocide. This was not a natural interpretation of genocide, considering that the Genocide Convention does not mention political groups as possible victims of genocide. The discursive emphasis on civil wars in the general context of international law helped to bring the Vietnamese experience into view as a case of internal chaos rather than a foreign onslaught, but in the case of Cambodia the label of “genocide” as a result of civil war was particularly effective in not just diminishing American responsibility but laying the responsibility on a local government.

The transformation in Ben Kiernan’s writing on Cambodia is instructive of how the label of “genocide” became usable in the Cambodian case, not simply because of the sensationalist value behind knowing that a leading figure in the genocide discourse on Cambodia was once sympathetic to the government he now accuses of genocide, but mainly because it reveals how the power to frame the scholarly discourse in a certain manner goes a long way in dictating what might soon after become widely held, and even legally held, as genocide. In his observation of revolutionary Cambodia in 1976, Kiernan considered that the governing group is not locally known as Khmer Rouge but as Angkar Padevat;³⁰³ that Cambodia was “historically a Buddhist society;”³⁰⁴ that because of

Vietnamese context by creating the Permanent Peoples’ Tribunal for the Armenian experience, and through it promote Hovannisian’s work as “evidence” that the Armenians suffered “a crime of genocide” of which “the Young Turk government is guilty.” See: Permanent Peoples’ Tribunal, *A Crime of Silence: The Armenian Genocide* (London: Zed Books, 1985), 218, 227.

³⁰³ Kiernan, “Social,” 371 (note 2). While Kiernan informed his readers that the group’s name in English was the “Revolutionary Organization,” rather than “Red Cambodians” as suggested by the name Khmer Rouge, he did not offer information on whether or not their association with the color Red was designed to enhance the sense in the West that this is a Communist group.

³⁰⁴ *Ibid.*, 372. This stands in sharp contrast to the information in a recent article by the genocide scholarship in which it is stated: “Ben Kiernan and others have shown that the Buddhist, Vietnamese, and Muslim populations of Cambodia were not simply assimilated; they were massacred and tortured.” See: Travis, “Original,” 41-42. Meaning, from initially observing that Cambodians were mostly Buddhist, Kiernan

“heavy casualties” the local government was becoming “increasingly unable to administer their expanded zones;”³⁰⁵ that thousands of their troops are being bombarded to death;³⁰⁶ that many Cambodian refugees in Thailand were being “trained and financed by the CIA”;³⁰⁷ that the government is credited for an effective irrigation program that was designed to increase and modernize the living standards; and that the government’s “emphasis on hard work, sacrifice and asceticism” had caused some dismay.³⁰⁸ Kiernan’s switch from commending the government to condemning them as genocidal does not make his original detailed observations disappear, but the genocide discourse carries on as if they were never made.

Thus, while three years later Kiernan explained his change of mind by stating that he was “wrong about an important aspect of Kampuchean communism” and that he was “late in realizing the extent of the tragedy in Kampuchea after 1975 and Pol Pot’s responsibility for it,”³⁰⁹ the details on which his original analysis was based were not negated by such a realization. Remarkably, the process through which Kiernan prepared public opinion for a genocide discourse regarding the Khmer Rouge government was similar to how this was constructed in the Armenian case through the works of Nalbandian and Hovannisian: first, the historical framework of genocide was laid out

became the agent through whom information is generated toward the belief that Buddhists were victims of genocide in Cambodia.

³⁰⁵ Kiernan, “Social,” 373.

³⁰⁶ *Ibid.*, 375.

³⁰⁷ *Ibid.*, 377.

³⁰⁸ *Ibid.*, 384.

³⁰⁹ Kiernan, “Vietnam,” 19.

without mention of genocide; then, when the term began to be used as the subject matter of sociologists, the combination of the historiographical framing and the sociological treatment made the usage of the term seem readily acceptable to the readership. This explains why even after his change of perspective Kiernan did not immediately use the label genocide, but toiled to construct a narrative that called attention to Pol Pot.³¹⁰ After the work of framing history for a genocide accusation had been completed, the readers became mentally prepared for the use of “genocide” when future writers filled in the “genocide” blanks that were left by the historians. Following this, the history books would simply add the genocide characterization to the discourse that was designed for it.

In the early days of the American discourse on “genocide” in Cambodia, Pol Pot was not the subject of focus that he later became through the work of scholars such as Kiernan. In 1977, the title of an American book carried the accusation of genocide against the Cambodian government, before it became popularly named Khmer Rouge in the West, but in this book Pol Pot was barely mentioned.³¹¹ Prior to the genocide scholarship’s mention of Pol Pot alongside Hitler’s name,³¹² the genocide discourse on Cambodia focused on the Angka Loeu, which meant “the Organization on High,” to

³¹⁰ Kiernan, *How*. The absence of “genocide” in this work is conspicuous when considering the prominence of “genocide” in his future works. For instance, see: Ben Kiernan, *Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79* (New Haven, CT: Yale University Press, 1996); Ben Kiernan, *Genocide and Resistance in Southeast Asia: Documentation, Denial and Justice in Cambodia and East Timor* (New Brunswick, NJ: Transaction Publishers, 2008).

³¹¹ John Barron and Anthony Paul, *Murder of a Gentle Land: The Untold Story of Communist Genocide in Cambodia* (New York: Reader’s Digest Press, 1977), 207-208. One possible explanation to this is that when the book was produced Pol Pot’s position as the leader was still precarious, and it would have made little sense to load the responsibility of the alleged genocide on him personally while it was possible that he would be replaced. When the book was published, Pol Pot had just returned to his leading position from a hiatus, and there was no reason to predict that he would lead the Khmer Rouge government until 1979.

³¹² For example, see: Hiebert, “Theorizing,” 311; Üngör, “Studying,” 70.

epitomize the machinery of a totalitarian state in Cambodia.³¹³ By the 1980s, the genocide discourse about Cambodia united the genocide accusation with a systematic effort to publicize Pol Pot's leadership in its perpetration.³¹⁴ One symbol of how the American control of information on genocide had matured into a scholarly discourse was in the form of Leo Kuper's *Genocide*, which not only supported the Armenian narrative,³¹⁵ but embodied the transition of the genocide discourse from deflecting genocide accusations against the American involvement in bringing "destruction on the peoples of Vietnam, Laos and Cambodia,"³¹⁶ to claiming that genocide was committed by the Khmer Rouge government.³¹⁷

Simultaneously with the stabilization of the scholarly control on the genocide discourse, the public debate in the United States about ratifying the Genocide Convention was finally followed up by making the charge of genocide a matter of American law. In nearly forty years between one United States president's request and another United States president's signature, many publicized opinions were expressed and developments occurred in the movement toward ratification. In particular, the campaign for ratification was narrated as being a Jewish interest. When the Senate finally approved the legislation of the Genocide Convention, it was stated that "The treaty was drafted in reaction to the

³¹³ Barron and Paul, *Murder*, 12, 25-26.

³¹⁴ For instance, see: William Shawcross, *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience* (New York: Simon & Schuster, 1984), 33.

³¹⁵ Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981), 101-117. Kuper stated that his discussion of the Armenian experience relies "appreciably" on the accounts that were produced by Bryce, and also referred to Lepsius and Morgenthau as sources. See: *Ibid.*, 107.

³¹⁶ *Ibid.*, 34-35.

³¹⁷ *Ibid.*, 183.

Holocaust,”³¹⁸ but not that the idea of genocide was created in Washington, DC, to criminalize Germany’s governance of Europe regardless of Jewish suffering. In the same vein, when United States President Ronald Reagan officially signed the ratification of the Genocide Convention on November 4, 1988, the ceremony was organized to show the ratification as a gesture to the Jewish people,³¹⁹ as if to suggest that the signature was prompted by the moral plight of Jews rather than being timed according to the ripening of the conditions in which American power controlled the information on “genocide.”

Conclusion

By its essence and the circumstances that surrounded it, “genocide” was not ready for legal use upon arrival. It was an invented concept of a crime, and there was no international criminal court in which it could be applied. Furthermore, not only did its application require the willingness of nation-states to reconsider their sovereign status, but also its popularization showed itself as being intertwined with the politicization of group identities for the solidification certain claims against existing governments. Its mere existence promoted the idea of an international judicial involvement in the internal affairs of nation-states, and at the same time boosted the topicality of group identity in the context of political independence. Once it was removed from its original American design to criminalize Nazi Germany’s newly acquired territorial control in Europe, the

³¹⁸ Irvin Molotsky, “Senate Votes to Carry Out Treaty Banning Genocide,” *New York Times*, October 15, 1988. A similar viewpoint was offered in the report of the President’s Commission, stating that “The Genocide Convention itself was the outgrowth of the worldwide moral revulsion upon the revelation of the full enormity of the Holocaust.” See: Wiesel, *Report*, 16.

³¹⁹ Steven V. Roberts, “Reagan Signs Bill Ratifying U.N. Genocide Pact,” *New York Times*, November 5, 1988.

information about “genocide” as a concept, and then as the subject of an international treaty, controlled the knowledge on the source of the term so that it could be effectively absorbed by the public as a reflection of humanity’s moral compass rather than considered an instrument of power. “Genocide” had to be believed before it could become instituted. Thus, it has been stated that the term *genocide* was created by a Polish lawyer whose Jewish identity was later accentuated, as if he—rather than great power—was the central element in the promotion of the term in the United Nations.

This chapter’s focus on American activity is not designed to question the legitimacy of the post-WWII international order, but rather to point at how the route of soft power necessitates a denial of being rooted in a particular source of hard power. Attention to how the discourse on “genocide” was carried out without recognition of its source of empowerment illustrates that this process is in keeping with the soft-power requirement to seek effectiveness through the semblance of no connection to its power source. Accordingly, the popularization of “genocide” was made to seem as if coming from an African American voice or through descriptions of Communist policies. In addition, the narration of the debate about the ratification of the Genocide Convention in the United States publicized skepticism regarding the term, which gave the appearance that the American political leadership was dissociated from the origination and promotion of the term *genocide*. This created a culture of popularizing “genocide” through bottom-up imagery for the sake of effective language instillation among the general public. References to “genocide” did not meet standards of legal procedure and lacked accountability, but they had the effect of increasing the relatability of the term along with that of international criminal law.

The overall theme of this chapter is that throughout the Cold War the popular discourse on “genocide” treated the term *genocide* as a tool for education rather adjudication, and it became susceptible to being used as an avenue for the advancement of narrow interests. Consequently, “genocide” was not only an effective concept for the advocacy of human rights but was also used for the instigation of conflict between groups. Just as it was originally created to utilize the carefully defined group identities as political barriers against any imperial growth in Europe, in the early days of the Cold War the genocide accusation was employed in the United States to inspire anti-Communist resistance among different identity groups that were politicized. This direction of the popular usage placed “genocide” in the common language, but made it seem more serviceable as a basis for international polemics rather than international criminal law. Without a stated authority or a clear link to legal performance, the popular usages of “genocide” made the discourse on international law amount to a collection of clashing interests involving the superpowers and newly cultivated national entities.

Narrow and broad interests met and became interlaced in the discourse on the American war in Vietnam. In consideration of that experience, there was incentive to construct arguments for forceful interventions in civil wars, and the popular usage of “genocide” became associated with cases of civil war as one particularly potent argument that would justify hard-power measures by leaders of the international community in future situations such as the one in Indochina. Hence, while the United States was publicly criticized for aggression in its military offensive in the region, the soft-power effect of the genocide discourse following the war in Vietnam was that if the public is made to believe that genocide is perpetrated in a civil war, then the prevention of it would

invite public support for campaigns that are similar to the one in Vietnam that was rebuked. This shift in the usage of “genocide” widened the gap between the legal definition of “genocide” and its popular usage. By placing the term *genocide* at the heart of political conflicts, the genocide discourse began to make claims that directly defied the agreement among nation-states that acts of political contestation, in which a government’s sovereignty is challenged, are not within the legal definition of genocide. In this context, the Armenian experience during the collapse of the Ottoman state in WWI—a case of a professed rebellion against a sovereign—became the main feature of scholarly work and popular usages of “genocide.”

Correspondingly, the meaning of “genocide” became popularly associated with a case of civil war, and drifted further away from its legal definition. Although the Armenian popularization of the term helped to create a sustained general awareness of it in the public discourse, the nature of the information through which the Armenians came to treat the label of “genocide” as a core aspect of their identity is in tension with two critical elements of international law: international cooperation and legal procedure. Despite this, the narration of Armenian victimhood through the term *genocide* had served as the basis for the scholarly discourse on “genocide.” The maturation of this American-controlled genocide scholarship, along with Germany’s successful graduation from its reeducation process and the ending of the Soviet threat, meant that the power of “genocide” was ready to aim at a legal capacity. As a result, the gap between soft power and legal power in the usages of “genocide” would gradually lessen yet become more pronounced. The term *genocide* began to be addressed in courts, but its meaning by that time became dominated by popular depictions that associated the term with cases of

political conflict. A genocided language of international crime had popularized the element of ethnonational identity among groups while the performance of international criminal law itself requires that nation-states would adopt a civic identity as a basis for honoring the rule of law internationally.

CHAPTER 6

TOWARD LEGAL POWER, 1989-2010s

As it became apparent that the United States positioned itself as the only superpower in world politics, the term *genocide* was ready for being used by an unrivaled American capability to influence what it means. In keeping with this development, “genocide” became less about imperial conduct and more commonly used. By the end of the Cold War, the popular discourse about “genocide” directed the public discussion on the crime to focus on cases of contested sovereignties rather than the abuse of group identities by unchallenged state machinery. This shift was carried out even though it negates the definition of genocide in the Genocide Convention, which deliberately avoided the insertion of the political group as one of the groups that is protected by the international treaty. Seeing that the United States was becoming more dominant in the governance of affairs in other regions, the term *genocide* was adjusted to generate analyses that stress innerstate conditions in a simplistic dichotomous language of perpetrator and victim. After the experience in Vietnam, and in anticipation of further global involvement by the United States, “genocide” was subjected to a transformation through which it may be applied in the public discourse to the behavior of local rulers rather than be associated with American aggression in relation to that locality.

The popular usage of “genocide” opened up international law to narrow interests

and threatened to drag the legal performance of international law toward being subjected to influence by information that is itself a source of international conflict. While the term *genocide* acquired legal relevance following the ratification of the Genocide Convention in the United States, its usage has maintained informational allegiance to narrow interests at the expense of the broader vision of an international law that is informed by unified standards of governance. These conditions invite an assessment of how the popular usages of the term *genocide* might be exacting a loss of legal power on the institution of international law. The following sections show how the designed usability of “genocide” in a post-Cold War period of territorial reconfigurations has popularized the idea of criminality in international law but at the same time inspired violence and defied jurisprudence.

“Genocide” against the Turkic People

Without there being a Soviet agenda around the world, the territories that had been run under Russian influence were opened up for political reorganization. This feature of the international scene after the final chapter of the Cold War had been written was not a surprise. In general, the American development of “genocide” was such that the term would have a descriptive and prescriptive capacity in the anticipated hostilities between groups that came across new opportunities for self-governance. Groups that were effectively mobilized into a cohesive unit by information and organization in the years that preceded the dismantlement of the Soviet Union had an advantage over other people when the moment came for claiming land. Being a crime that is largely based on perceptions of group identity, “genocide” was a powerful tool in the narration of the

intergroup events that characterized the period. As a legally sanctioned crime, “genocide” depends on the assignment of group identity, but as a word that is utilized by controlled information, it has the ability to coalesce the identity of a group that is made to believe that it was victimized as such. In particular, the case of the Armenian preparedness for post-Soviet statehood and post-Cold War conquest is explained by the power of “genocide” over Armenian identity. In contrast to the impassioned Armenians, the Azerbaijanis were observed to have suffered from “low morale,” “desertion,” and “lack of discipline.”¹ Since the post-WWII American agitation of its Armenians, and especially after “genocide” was placed as the centerpiece in the construction of Armenian identity, the deeply embedded belief about Armenian territory and Turkish injustice was a driving force when the Azerbaijani-controlled region that is commonly known by its Russo-Turkic name, Nagorno-Karabakh, lost its Soviet arrangement.

The genocide discourse instilled in the Armenians a national fervor that readied them for efficient mobilization when the Soviet authority began to wane, but this is not revealed in the public narration of the Nagorno-Karabakh War. The events that started in February 1988 signaled both an Armenian preparedness to claim Nagorno-Karabakh, and a meticulous American use of language about it. Going by the narration in the *NYT*, “The force of nationalism” appears as if its confrontational quality is self-explanatory because of the religious difference between these two groups “in an ethnically volatile area.”² In a retrospective work of American narration, it is stated that “the initial phase of the

¹ Suha Bolukbasi, *Azerbaijan: A Political History* (London: I.B. Tauris, 2011), 208.

² Philip Taubman, “Soviet Reports Major Unrest in Armenian Areas in South,” *New York Times*, February 24, 1988.

Armenian campaign had been carefully planned well in advance,”³ but the text does not explain how the drive to claim Nagorno-Karabakh became a foundational element of Armenian identity in the first place. Similarly, during the Nagorno-Karabakh War, the Human Rights Watch report, which claimed in this instance to be Helsinki-based but is an offshoot of an American organization, suggested that “The genesis of the current war in Nagorno-Karabakh dates back to February 1988, when Armenians in Stepanakert, the capital of Nagorno-Karabakh, held demonstrations demanding Nagorno-Karabakh’s incorporation into Armenia.”⁴ The information that is readily available about the Armenian motivation does not convey knowledge about how power over the popular discourse guided Armenian conviction toward an assumption of ownership over Nagorno-Karabakh.

Moreover, the limited information about this war has kept it from being considered publicly as a matter of offense against international law. Even though this act of conquest has led to the killing of tens of thousands, the displacement of hundreds of thousands,⁵ and involved the capture of a territory that had been recognized internationally as being under the sovereign control of Azerbaijan since its independence of the Soviet Union,⁶ it has not been subjected to adjudication in an international court for

³ Thomas de Waal, *Black Garden: Armenia and Azerbaijan through Peace and War* (New York: New York University Press, 2003), 15. Instead of considering that the agitation of Armenians over the course of decades began far from the region itself, in the United States, the text informs that “An underground movement for unification with Armenia had existed inside Karabakh for decades.” See: *Ibid.*, 16. The topic of the conflict over Nagorno-Karabakh was an opportunity for de Waal to further cement the status of the genocide label by claiming about the events of Armenian suffering in WWI that “in English, they are customarily called the Armenian Genocide.” See: *Ibid.*, 75.

⁴ Human Rights Watch, *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh* (New York: Human Rights Watch, 1994), 1.

⁵ *Ibid.*, vii-viii.

⁶ *Ibid.*, 90.

possible war crimes and crimes against humanity. While it was known that “many Azeris were killed by indiscriminate fire as they attempted to escape” Armenian forces,⁷ for some reason this information was channeled toward the label of a crisis rather than a crime. It might be claimed that international offenses do not apply in a case of civil war between Azerbaijan and its Armenians, but there has not been a thorough public debate or inquiry into the responsibility of states such as Armenia, or even the United States, for coordination or incitement. This serves as an indication that the road to an international court is paved by a popular discourse that directs the public toward support for the criminalization of international entities. In the case of Nagorno-Karabakh, such a public discourse would not have simply been in disharmony with the image of the Armenian in the Western media, but rather it would have contradicted the tremendous project that for years has dedicated information toward persuading Armenians that they are victims in a manner that emboldened them to perform this act of taking over land in the Caucasus.

The Armenians were agitated to claim Turkic land in both what had been popularized since WWI as “Eastern Armenia” and “Western Armenia.”⁸ Primarily, the

⁷ Ibid., viii.

⁸ The popular depiction of what was considered Eastern and Western Armenia had changed over the years according to American interests and political circumstances in the region. For instance, an editorial in the *NYT* during the Russo-Turkish War of 1877-1878 stated that “The fall of Erzeroum gives to Russia the whole of Eastern Armenia.” See: “Editorial Article 6—No Title,” *New York Times*, November 8, 1877. What had been described as “Eastern Armenia” later became “Western Armenia.” This points at the politicization of the historical claims about the land of “Armenia.” During WWI, the American desire to see an Armenian state further East had shifted the concept of greater Armenia eastward. As part of an effort to establish an Armenian political barrier between the Russians and the Turks, the *NYT* described Baku as being in “Eastern Armenia.” See: “Importance of British Advent in Baku and Turkestan,” *New York Times*, August 18, 1918. Following WWI, the notion of “Western Armenia” in eastern Anatolia was narrated as rivaling “Kurdistan.” See: Arshag Mahdesian, “Armenians Complain of French,” *New York Times*, November 14, 1920. It does not seem plausible that both Erzurum and Baku are of “Eastern Armenia.” This indicates that the claims were subject to political conditioning. When the Russians dominated the Ottoman northeastern front, Erzurum was considered Eastern Armenia, yet when the political climate had changed dramatically in WWI, Erzurum became associated with Western Armenia and the discourse started to describe Baku as the hub of Eastern Armenia.

emphasis was on claiming Turkish land as Armenian. In 1945, Edwin S. Smith's American Committee for Justice to the Armenians announced its insistence "that the Armenian provinces in Turkey, which constitute nine-tenths of historic Armenia, be incorporated within the Armenian Republic."⁹ This focus on Turkey rather than Azerbaijan was more prominent as long as the Soviet Union was maintaining its strength. When Vahakn N. Dadrian's two letters of agitation in 1964 were published in the *NYT* ahead of the first publicized commemoration of 1915 on April 24 in 1965, the focus was still on Turkey. Through Dadrian, the Armenian voice was narrated as asking "on what conceivable grounds can the Armenians be denied the right to reclaim their ancestral territories which Turkey absorbed after massacring their inhabitants?"¹⁰

However, on a different platform of information, Richard G. Hovannisian's work prepared minds toward anti-Turkic sentiment while preparing the historiographical ground for the genocide discourse in an academic publication. His text carefully placed aspects of injustice that were also directed against Azerbaijan. Hovannisian highlighted an Armenian sense of lost territory: he presented an Armenian "hope that the great Plateau from the Euphrates to Karabagh would once more be Armenian;"¹¹ he argued that "the population of Zangezur and Mountainous Karabagh was predominantly Armenian and that it was unjust for Azerbaijan to claim the area."¹² It is seen that before the Zoryan Institute was to become associated with vocalizing Armenian sentiment about the

⁹ "Seeks to Aid Armenians," *New York Times*, December 22, 1945.

¹⁰ Vahakn N. Dadrian, "For a Free Armenia: Denial of Territories Attributed to Unscrupulous Diplomacy," letter to the editor, *New York Times*, August 10, 1964.

¹¹ Hovannisian, *Armenia*, 194.

¹² *Ibid.*, 215.

past, it was through the power of a highly regarded American university press that the notion of “The Moslem masses of Baku ... plundering and killing” thousands of Armenians¹³ reverberated among Armenians and became a formative anti-Turkic sentiment for a new generation of Armenians.¹⁴ Therefore, the power to co-opt the national identity of a group through the production of information has to be considered in relation to the steering of Armenians toward intense feelings of resentment and righteousness decades before the dissolution of the Soviet Union afforded them a chance to take combative action against Azerbaijan. This type of information continued to press on the Armenian mind during the Nagorno-Karabakh War, as exemplified by Robert Melson’s *Revolution and Genocide*, which engaged in the selective framing of comparing the Holocaust and the Armenian experience mainly by presenting both the Nazis and the Young Turks as members of revolutionary regimes.¹⁵

¹³ Ibid., 227.

¹⁴ Not only was the book published by an American university, but Hovannisian was put in a position to function as a tenured professor at the University of California, Los Angeles, in continuation with the initiative that was started by Richard N. Frye and Robert Pierpont Blake. For a discussion of this here, see: Chapter 5, note 196. Also, Hovannisian’s work was given a favorable scholarly review, to elevate his status as a scholar in the public eye. A review of the work in an academic journal did not just praise it as “distinguished” for its “scholarly presentation and marshalling of objective data from all sources,” but even co-opted the reactions of its Armenian readers by stating that “After reading it, one understands better the loyalty felt by Armenians all over the world to their homeland, now constituted as the Armenian Soviet Socialist Republic.” See: David M. Lang, review of *Armenia on the Road to Independence, 1918*, by Richard G. Hovannisian, *The Russian Review* 27, no. 3 (July 1968): 372. A separate work by Hovannisian also received favorable review by the same Lang in a German journal—post-Germany’s American reeducation—in which it was claimed that “Professor Hovannisian is the soundest of the Western scholars working in the field of modern Armenian history today.” See: David M. Lang, review of *The Republic of Armenia*, vol. 1, by Richard G. Hovannisian, *Journal of Asian History* 6, no. 2 (1972): 142. For another such review by this reputable scholar of Caucasian studies, see: David M. Lang, review of *The Republic of Armenia*, vol. 1, by Richard G. Hovannisian, *The Middle East Journal* 26, no. 2 (1972): 204-205.

¹⁵ See: Robert F. Melson, *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (Chicago: University of Chicago Press, 1992), 142-143, 172. In this work, Melson popularized the notion that the attempt to explain what happened to the Armenians by pointing at the threat that they posed to the Ottoman government is a “provocation thesis.” See: Ibid., 10. Melson related this “thesis” to Bernard Lewis’ perspective on the suffering of the Armenians in WWI, and in the process Lewis’ work is falsely represented. In a rhetorical manipulation, Melson suggested that “Lewis is appalled that once friendly relations between Armenians and Turks deteriorated into massacres and genocide.” See: Ibid., 154.

Within the information that is presented before Armenians about their past, the decontextualized focus on the term *Pan-Turanian* is primary in the unification of Azerbaijanis and Turks as villainous in the Armenian mind. The term's first appearance in the *NYT* was in a letter to the editor by "a student of Near Eastern Affairs" who remained nameless, in which it was claimed that "The Turks wanted these districts in order to obliterate Armenia, which separates Anatolia from the Caucasus, so that, in pursuance of their Pan-Turanian policy, they may be able to effect immediate junction with the Turks and the Tartars of the Caucasus, who number about 5,000,000 or about 1,000,000 more than the Turks in Turkey."¹⁶ Strangely, this supposedly random letter by a student inspired an influx of articles in the *NYT* that ascribed to the Ottoman government under CUP an adherence to a previously unmentioned Pan-Turanian policy, and these articles did not express recognition that the term was first used in that letter.¹⁷

This wording is misleading because Lewis did not characterize the event as "genocide." In addition, Melson interpreted Lewis' reference to a "holocaust" as "a clear allusion to the Final Solution." See: *Ibid.* Melson wrote this even though Lewis' text was published before the word *Holocaust* became popularly used to describe the Jewish suffering under Nazi rule in WWII. When Lewis used the term, it was commonly used to describe a variety of catastrophes in nongenocidal contexts. For a discussion here of when the word *Holocaust* began to be used in the Jewish context, see: Chapter 5, note 292. Melson authored the book as Robert F. Melson, but in his later works the name appears without the middle initial.

¹⁶ "Germany in the Caucasus," *New York Times*, March 9, 1918. It is here considered that the introduction of a term that is designed to become popularly used in a letter to the editor is a tactic that has the effect of making the development of the term's usage appear as a bottom-up process, as if in reflection of public opinion rather than in direction of it.

¹⁷ For instance, see: "Turks and Crimean Tatars," *New York Times*, March 27, 1918; "Kill 1,000 Baku Tartars," *New York Times*, April 21, 1918; "Japan and China in New Alliance," *New York Times*, May 19, 1918; "New Ideas in Turkey," *New York Times*, July 31, 1918; "Old Roads of Empire," *New York Times*, September 8, 1918. In the last two sources, it was suggested that this Pan-Turanian policy was "fostered by the Germans after Pan Islamism failed to unite Mohammedans," and that it was an "imitation of Pan Germanism." Following Germany's official defeat and the conclusion of WWI, the association in the public discourse of Pan-Turanianism with Germany shifted to an association of Pan-Turanianism with Bolshevik ambitions as a challenge to Anglo-American interests. It was claimed that the ability of the "Pan Turanian movement" to undermine Britain's influence on the Muslims within its empire might put the Bolshevik government in position to "threaten British control in Mesopotamia and India." See: "The Open Gateway to Asian Turmoil," *New York Times*, February 1, 1920.

The idea that this was a foundational CUP policy later became popularly used by the genocide scholarship as part of its commitment to label the Armenian suffering in WWI as genocide, again without recognizing the informational source of this discourse.¹⁸ The genocide scholarship's many references to a Pan-Turanian program—as if it preexisted the wartime decision to exile the Armenians—is in tension with the knowledge that Pan-Turanianism was only ascribed to CUP since 1918, when considerations of the war's aftermath provided incentive for American information to lead the public into supporting an Armenian state out of concern that a Pan-Turkic union with a great power such as Germany or Russia might challenge Anglo-American interests in Asia. It follows the angle that was pursued by the *NYT* post-WWI, in which it was suddenly argued that “Pan-Turanian propaganda” began in 1908.¹⁹ In connection to the Nagorno-Karabakh War, the discourse developed a belief that “Pan-Turkism took root among many educated Azerbaijanis in the late 1870s.”²⁰

In 1918, there was a renewed effort in the United States to vilify the Turks, and the references to a Pan-Turanian policy were a feature of this new batch of anti-Turkish literature. In this context, a former United States ambassador to Germany stressed that the Armenian is an “Aryan,” and that the Armenian nation has been serving the American faith and civilization.²¹ This harked back to the pre-WWI idea of a civilizational criterion

¹⁸ For example, see: Milivojević, review of *Armenian*, 306; Bauer, “Essay,” 215; Dadrian, “Secret,” 196; Bauer, review of *History*, 333; Levene, “Creating,” 404, 408; Fein, “Genocide,” 52; Feinstein, review of *Ambassador*, 293; Payaslian, “Destruction,” 155; Melson, “Recent,” 314.

¹⁹ W. D. P. Bliss, “Pan-Turanian Movement Menaces Central Asia,” *New York Times*, March 14, 1920.

²⁰ Michael P. Croissant, *The Armenia-Azerbaijan Conflict: Causes and Implications* (Westport, CT: Praeger, 1998), 8.

²¹ James W. Gerard, “Why America Should Accept Mandate for Armenia,” *New York Times*, July 6, 1919.

for the advancement of international law, as it articulated that “Armenians are the only people capable of self-government and of representing us in that land.”²² The text described a “pan-Turanian peril” in a manner that invited the public to support an American-mandated Armenian state, which would have enabled the United States to exert greater influence in the region.²³ By describing the Pan-Turanian union as a menace, the sense of threat was enhanced.²⁴

It was also in 1918 that the former United States ambassador to the Ottoman Empire, Henry Morgenthau, began to contribute to the anti-Turkish literature by publishing an article ahead of the publication of his book. Having in mind that Morgenthau had left his post as ambassador in 1916, it is peculiar that over a year had passed before he began to publish material on what was seemingly an urgent matter of moral concern. However, this notion of peculiarity dissipates if his writings are explained as having a carefully timed political purpose rather than as an articulation of worry on behalf of the Armenian people’s well-being. In similar fashion, the Wilsonian favoring of an Armenian state in the Caucasus—with a port in Trabzon—and the fading of it, may be better explained by power considerations in international politics rather than by a sense of what would be justice to the Armenians.²⁵ As a result, in the information that enthused

²² Ibid.

²³ Ibid.

²⁴ For instance, see: “Importance,” *New York Times*; “Why Armenia Must Be Free,” *New York Times*, December 23, 1919; “Pan-Turanian,” *New York Times*.

²⁵ In the *NYT*, “the problem of Bolshevism” in the Caucasus was stressed because “in Azerbaijan, Georgia and in Persia, the Russians have been making considerable headway, not only with propaganda but by force of arms.” See: Edwin L. James, “President Agrees to Fix Boundaries of New Armenia,” *New York Times*, May 23, 1920.

Armenians about territorial claims in the decades prior to the Nagorno-Karabakh War, there was no recognition that the Wilsonian “Greater Armenia” was only advertised as workable at the time if it were to be administered under an American mandate for American purposes, but not otherwise.²⁶

The use of “genocide” in the narration of the Armenian past epitomizes how the shaping of Armenian memory is defined by political utility rather than historical accuracy. In reaction to the framing of the popular discourse on “genocide” in WWI, Armenians were directed to build their collective identity on feelings of injustice. Armenians were led to believe that the Turkic people have not been adequately punished for past events, and that in these events the Armenians lost land without getting it back. This sense that matters that lie at the heart of the modern Armenian identity have been left politically unresolved was like a call for action. The connection between the genocide discourse and Armenian violence against the Turkic people is apparent yet without critical development. It has been suggested that Armenians started to engage in terrorism

²⁶ The support for this idea was qualified in the *NYT* by the recognition that “President Wilson’s arbitration of the Armenian frontiers, without the assumption of a mandate for Armenia by America, would probably prove a futile undertaking,” and an Armenian autonomy in Turkic territory would only have had a chance to work as a solution to what the Americans portrayed as a Bolshevik problem if “it would be America who would maintain the boundaries Mr. Wilson would lay out.” See: “Paris Hopes America Will Take Mandate,” *New York Times*, May 27, 1920. Despite being only removed a few years from the losses of many Armenian lives, Gerard maintained the same prewar mentality about using Armenians as a political barrier and insisted that “We need have no worry about the ability of the Armenians to take care of themselves, once they are organized.” See: Gerard, “Why,” *New York Times*. He then added that “should Armenia be attacked from without, it becomes the duty of the League of Nations to take joint defensive steps.” See: *Ibid.* Even though the execution of this idea post-WWI was reliant on the interests and capabilities of great powers, there is in existence a narration of a glorious Armenian history that includes the belief that great possession of land had been enjoyed by Armenians in the past and bases modern-day aspirations on it. For example, it is claimed that “Armenia also was a powerful empire for a brief time in the first century B.C.” See: Mark Malkasian, “*Gha-ra-bagh!*”: *The Emergence of the National Democratic Movement in Armenia* (Detroit: Wayne State University Press, 1996), 7. Armenians had become convinced that from their national perspective the conquest of Nagorno-Karabakh meant fulfilment, as in the following statement: “The great dream of generations of Armenians came true in 1991.” See: Stephen Kinzer, “Armenia Never Forgets. Maybe It Should,” *New York Times*, October 4, 1998.

against Turkish officials in the 1970s because they were “Outraged over the alleged genocide,”²⁷ and that “the force behind the first wave of Armenian attacks against Turks in this century” was “Revenge for the events of 1915.”²⁸ However, even the texts that recognize this have the effect of adding more attention to the lore of Armenian commitment to retribution, and further tighten the framing of modern Armenian history around 1915.²⁹ During the time of Armenian terrorism, the *NYT* continued to publish material in which antagonistic sentiment was rationalized, such as a letter by the chairman of the Armenian National Committee, Eastern Region (Boston), in which it was said on behalf of “all Armenians” that they were outraged by “the policies of the present Turkish Government: its denial of the genocide, its continued occupation of western Armenian, its harassment of Armenians in Turkey and abroad and its refusal to even discuss any peaceful resolution of the Armenian question.”³⁰

In the popularization of Armenian victimhood through the genocide label there

²⁷ Michael M. Gunter, *“Pursuing the Just Case of Their People”: A Study of Contemporary Armenian Terrorism* (New York: Greenwood Press, 1986), 1. Gunter adds that “In reference to the massacres of Armenians by the Turks in 1915, one of the gunmen yelled, as he fired at his victims: ‘More than a million of us died! What’s the difference if 25 of you die?’” See: *Ibid.*, 4.

²⁸ Francis P. Hyland, *Armenian Terrorism: The Past, the Present, the Prospects* (Boulder, CO: Westview Press, 1991), 21.

²⁹ In the two works listed in the two previous notes, there was a rehashing of Armenian modern history through this prism. For instance, in Gunter’s work it is stated that “No matter what the Turkish apologists argue, the fact remains that the Turkish Armenians virtually ceased to exist in their ancient homeland after World War I.” See: Gunter, *“Pursuing,”* 21. Similarly, Hyland emphasized that “On key points, however, there is little doubt—hundreds of thousands of Armenians perished in 1915,” adding that “Adult men were systematically rounded up, marched off, and murdered.” See: Hyland, *Armenian*, 19. In Hyland’s work, the text also adds to the ethos about April 24 being a date of significance, stating that it is “commemorated with great sadness each year by Armenians worldwide in memory of the events of 1915,” without noting that this ceremonial function was unprecedented until 1965 and was largely affected by American agitation. See: *Ibid.*, 15.

³⁰ Aram Kailian, “The Roots of Armenian Violence,” *New York Times*, August 27, 1983. Such literature carries itself as if in representation of Armenian sentiment, but it cannot be assumed that the *NYT* publishes such claims without an awareness that Armenian sentiment is being molded by them.

was much to spur Armenian aggression against the Turkic people. However, instead of examining how Armenian consciousness is affected by the popular discourse on “genocide,” it is argued that “The history of genocide and the failure of larger powers to abide by their promises and commitments are part of the consciousness of Armenians in Karabagh and elsewhere.”³¹ Meaning, the effect of the discourse has penetrated the language about Armenian identity to the extent that the popular use of “genocide” is assumed to be internal to the Armenian consciousness rather than be questioned as a subject of foreign influence on the collective consciousness. Both Armenian terrorism against Turks and Armenian conquest of Azerbaijan’s land have been described in the dominant discourse as “ethnic violence,”³² which falsely suggests that the conflict is caused by distinct differences that are inherent to the groups themselves. This depiction not only perpetuate the conflict by generating belief that it is natural to the identities of the groups, but it also conceals the role of the information that persuades a group such as the Armenian people that their collective identity is intertwined with revanchism.³³

Nagorno-Karabakh has been described over a dozen times in the *NYT* as an “ethnic Armenian enclave.”³⁴ Furthermore, in a period of over seventeen years, between May 11,

³¹ Levon Chorbajian, introduction to *The Making of Nagorno-Karabakh: From Secession to Republic*, ed. Levon Chorbajian (Basingstoke, UK: Palgrave, 2001), 25.

³² Compare: *Ibid.*, 1; Felicity Barringer, “28 Reported Killed in 2 Weeks in Strife in Soviet Caucasus Region,” *New York Times*, December 1, 1988.

³³ Hovannisian, with his name misspelled in one article, was used by the *NYT* to voice Armenian sentiment that Nagorno-Karabakh “was already a source of dispute when the two republics enjoyed a brief period of independence from 1918 to 1920.” See: Felicity Barringer, “A Dispute with Religious Overtones,” *New York Times*, February 24, 1988. This gave an impression that the conflict has a measure of inevitability.

³⁴ The phrase is found in the following articles: Serge Schmemmann, “Rival Factions in Georgia Raise Level of Clashes,” *New York Times*, December 24, 1991; Steven Erlanger, “Yeltsin Says U.S. Seeks Arms Pact Assuring an Edge,” *New York Times*, June 11, 1992; “Armenia Captures Strategic Sites in Battle Over Caucasus Enclaves,” *New York Times*, April 12, 1993; “Azerbaijan Holds Plebiscite on Army Ouster of President,” *New York Times*, August 30, 1993; “Russian Peacekeeping in the Caucasus,” *New York Times*,

1992, and December 22, 2011, there was not a single title of an item in the *NYT* that featured the name “Nagorno-Karabakh.”³⁵ In the same vein, even when the developments in Nagorno-Karabakh were fresh, *AJIL* neglected to address the legal meaning of the occupation.³⁶ There was no substantial or lasting public discourse in the West about the case of Nagorno-Karabakh as a failure to make international law relevant. The popular discourse in the West is not only biased against the Turkic people in their dealings with the Armenians, but it has harnessed the soft power of “genocide” to mobilize the Armenians against the Turkic people. Without there being an authority behind international law, there is no accountability for the information that affects international

December 6, 1994; Michael R. Gordon, “U.S. Sending Envoys to Seek Peace in Armenian-Held Region,” *New York Times*, March 14, 1996; “News Summary,” *New York Times*, April 27, 1998; “Incumbent Is Expected to Win Vote in Azerbaijan,” *New York Times*, October 11, 1998; “Mr. Bush’s Caspian Diplomacy,” *New York Times*, April 16, 2001; Paul Lewis, “H.A. Aliyev, K.G.B. Officer and Azeri Leader, 80, Dies,” *New York Times*, December 13, 2003; C. J. Chivers, “Hopeful Signs Appear in Solving a Post-Soviet Impasse,” *New York Times*, February 2, 2006; Katrin Bennhold, “Armenia and Azerbaijan Remain Stalled in Talks,” *New York Times*, February 12, 2006; Andrew Kramer, “Armenia to Get a Discount on Russian Natural Gas,” *New York Times*, April 7, 2006; Ellen Barry, “‘Frozen Conflict’ Between Azerbaijan and Armenia Begins to Boil,” *New York Times*, June 1, 2011. A search of the *NYT* ProQuest archival database yielded no results for “ethnic African enclave” in any context. Even though Jackson, Mississippi, is a geographical location in which around 80% of the population is of African heritage, a percentage that is similar to that of the Armenian component in Nagorno-Karabakh’s population prior to the war there, the *NYT* has not commonly referred to it as an “ethnic African enclave.” This suggests that the ethnic situation in Nagorno-Karabakh, which is ethnically similar to that in Jackson, Mississippi, is not itself by necessity a cause of intergroup strife, and much of the turmoil is affected by the language that is used to describe the situation and prescribe the political inclinations of groups, especially by prominent agents of information. As late as February, 2016, the Oxford English Dictionary online defined Nagorno-Karabakh as ethnically Armenian. This definition was mentioned by me at the 36th Annual Turkish American National Leadership Conference on February 26, 2016. My point was that two major institutions of Anglo-American information were leading the public to believe that the land is ethnically Armenian. However, going by a search on December 6, 2016, the Oxford English Dictionary online no longer defines Nagorno-Karabakh as ethnically Armenian.

³⁵ This period is marked by the time between the following two items: “Fighting in Nagorno-Karabakh,” *New York Times*, May 11, 1992; Robert Avetisyan, “Life in Nagorno-Karabakh,” letter to the editor, *New York Times*, December 22, 2011. The publication of the letter was a platform for a representative of the Armenian government in Nagorno-Karabakh to further solidify what is widely believed to be the position of Armenians regarding the conflict.

³⁶ The sense that there has been a neglect is supported by the knowledge that *AJIL* did in the past raise questions about the legality of occupation. For instance, see: Ernest J. Schuster, “The Question as to the Legality of the Ruhr Occupation,” *American Journal of International Law* 18, no. 3 (July 1924): 407-418.

law, and there is no rule of law through which the legal procedure may be safeguarded from being subjected to the power behind the popular discourse.

The Advent of “Ethnic Cleansing”

Azerbaijani losses of life and land were not described in the popular discourse as violations of international law that require urgent action by the international community, but the wording that was used to describe the conflict in Nagorno-Karabakh prepared the ground for the terminology that served as the bridge between the popular language and international law. The insertion of the phrase “ethnic violence” into the popular reports had gradually trained the public to develop an uncritical acceptance of the notion that civil wars were based on cultural differences despite their political stakes.³⁷ Thus, when David J. Scheffer, who had been employed by the United States government in the 1990s to work on the design and execution of policies regarding international criminal law,³⁸ declared in *Foreign Policy*—a popular magazine on international politics that is published by CEIP—that “A dominant feature of the post-Cold War years has been the perpetuation of atrocities during times of war, ethnic violence, and social upheaval,”³⁹ his framing of the events in ethnic terms had a high degree of believability among readers. He then proceeded to connect the phenomenon to an observation that “genocide has

³⁷ The first use of “ethnic violence” as a phrase in the *NYT* was in 1967 to describe the outbreaks of clashes between police forces and African Americans in several American locations. See: “Racial Outbreaks” in “News Summary and Index,” *New York Times*, July 25, 1967. However, this was the only use of the phrase in the 1960s, before being used nine times in the 1970s, climbing to 131 mentions in the 1980s, and peaking with 387 uses in the 1990s.

³⁸ For a discussion here of Scheffer’s foray into the genocide scholarship, see: Chapter 2, note 129.

³⁹ David J. Scheffer, “International Judicial Intervention,” *Foreign Policy* 102 (Spring 1996): 34.

become a growth industry.”⁴⁰ In other words, the prevalence of references to “ethnic violence” in the description of wars has given a convincing background for the assertion that the crime of genocide had become rampant. Alert readers who were mindful that these developments were happening soon after the United States had ratified the Genocide Convention may have sensed that Scheffer expected them either to have forgotten about the timing of the American ratification or to suppose that the sequencing of genocide ratification in the United States and genocide occurrences internationally are merely coincidental. Scheffer’s aim was to describe a flooding of “serious violations of international humanitarian law” to make the case that “A permanent court with jurisdiction over” such offenses “is needed and should be created.”⁴¹ A natural argument for favoring the establishment of an international criminal court, which was suggested to member states of the United Nations shortly after Scheffer’s article, and not without his involvement, is that an international crime such as genocide is being committed.

Before the term *genocide* was to be used flexibly in international tribunals, the legal definition of “genocide” had already become adjustable by American efforts. Those who wanted to make “genocide” usable in trials needed to draw a connection in public consciousness between international events and international crime. The efforts to effectively change the meaning of “genocide” despite the wording of the Genocide Convention had begun during the Cold War,⁴² but they only reached the capacity of legal impact after the United States officially had become a party to the treaty at the Cold

⁴⁰ In this context, Scheffer also took the opportunity to describe the events in Cambodia as an “unforgettable genocide.” See: *Ibid.*

⁴¹ *Ibid.*, 50.

⁴² For a discussion of this here, see: Chapter 5, section titled “The Scholarly Discourse.”

War's end. In a work that immediately followed the American ratification and has been thoroughly promoted by the budding genocide scholarship, the practice of altering the meaning of an international agreement, and doing so in the guise of social science,⁴³ received a major boost. In 1990, Frank Chalk and Kurt Jonassohn did not just present a competing version of the phenomenon that they allegedly sought to study, but they turned the practice of doing so into a phenomenon unto itself,⁴⁴ thereby rationalizing, legitimizing, and promoting it. Instead of showing these alternative genocide definitions as defiance of a written, signed, and ratified international contract between many state parties, a prestigious academic publication—Yale University Press published the book by Chalk and Jonassohn—essentially glorified the dismissal of a significant international document's wording.⁴⁵

Hence, the applicability of the Genocide Convention from paper to procedure became subjected to an extrajudicial influence. In facilitation of bringing “genocide” to international trials, Chalk and Jonassohn changed the definition of genocide into “a form

⁴³ In parallel to the project of changing the definition of genocide through academic literature, Ann-Marie Slaughter led a campaign to transfer more power to political science in the study of international law. She argued that “If social science has any validity at all, the postulates developed by political scientists concerning patterns and regularities in state behavior must afford a foundation and framework for legal efforts to regulate that behavior.” See: Anne-Marie Slaughter, “International Law and International Relations Theory: A Dual Agenda,” *American Journal of International Law* 87, no. 2 (April 1993): 205. In her statement lies an assumption that all forms of political science as generated over the years are convincingly representative of social science. Also, Slaughter's discussion promotes the belief that there had been a “polarity of law and power” in American politics, in line with the traditional IR narration of a dichotomy between realists and idealists. See: *Ibid.*, 207.

⁴⁴ Prior to unveiling their definition of genocide, Chalk and Jonassohn surveyed past publications by scholars who were empowered to articulate a different definition of genocide. See: Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990), 13-23.

⁴⁵ For example, in a recent work of the genocide scholarship, the definition that had been created by Chalk and Jonassohn was actually used as the preferred information on the meaning of “genocide,” in replacement of the wording in the Genocide Convention. See: Ostler, “‘Just’,” 2-3.

of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator.”⁴⁶ This changed the meaning of “genocide” in four main ways: “one-sided” warfare was introduced as an act of genocide; “state or other authority” replaced “persons” in the designation of perpetrator; “a group” supplanted the particular groups that are listed as protected victims; and the group identity—though it does not seem to matter much in this definition—became subject to determination by the perpetrator’s definition of the victim group. Meaning, through the definition by Chalk and Jonassohn, “genocide” was being shaped to fit civil wars in which the groups are divided by cultural traits and one party emerges as dominant.⁴⁷ This definition enhances the ability to convict state actors in international law because even if the violence is over political control, any group may be considered a victim of genocide as long as it is perceived as a group by the perpetrator.

Chalk and Jonassohn added that they had decided against “the utility of coining a new term,”⁴⁸ but the public discourse within which they were operating did proceed to do just that. While the work of the genocide scholarship brought public opinion closer to accepting a different definition of genocide, the *NYT* and other American means of influencing the discourse popularized a new term that would serve a purpose of terminological transition from the language of media reports to the language of international crime that is symbolized by “genocide.” For the advancement of international law by way of an international criminal court, “genocide” was to be utilized

⁴⁶ *Ibid.*, 23.

⁴⁷ For example, the expression “one-sided,” which Chalk and Jonassohn sought to associate with “genocide,” was later used in the language that the *NYT* employed in its description of the war in the former Yugoslavia as “A one-sided war.” See: “The World Watches Murder,” *New York Times*, June 24, 1992.

⁴⁸ *Ibid.*

for promotional value both because and despite its aura as a rare and ultimate crime. The gap between the political nature of civil wars, which by their definition are caused by an innerstate conflict over governance, and the legal definition of genocide was narrowed by manipulations of the term's meaning, but was to be filled by the use of a new term: "ethnic cleansing."

Bosnian Muslims were the victims whose narration as such would acquaint the public with the concept of "ethnic cleansing." Two editorials in the *NYT* familiarized the term by placing it within the discussion of the events in Bosnia and Herzegovina.⁴⁹ Then, on May 30, 1992, the correspondent Chuck Sudetic reported that Serbian forces were "expelling thousands of Muslim Slavs," and he made the claim that this is what "they call 'ethnic cleansing' operations."⁵⁰ This was the first suggestion that the term was authentically Serbian. Following this, Thomas L. Friedman contributed to the promotion of the term by incorporating it into his vocabulary.⁵¹ The status of the term was then elevated by the claim that the subjection of a community to it is "reminiscent of the Nazis."⁵² The term was made more graphic by a report that 50,000 people died for "ethnic cleansing' operations."⁵³ When the term made its first appearance in a title of an article in the *NYT* on August 2, it was mentioned more than once in this one item, and

⁴⁹ "Shame in Our Time, in Bosnia," *New York Times*, May 21, 1992; "'Hello, 911? This is Bosnia'," *New York Times*, May 28, 1992.

⁵⁰ Chuck Sudetic, "Serbian Gunners Pound Sarajevo," *New York Times*, May 30, 1992.

⁵¹ Thomas L. Friedman, "It's Harder Now to Figure out Compelling National Interests," *New York Times*, May 31, 1992.

⁵² "World," *New York Times*.

⁵³ John F. Burns, "Bosnian, Pressing for Help, Will Meet Bush in Helsinki," *New York Times*, July 8, 1992.

described as a policy whose etymological origin comes from “the Serbs of Bosnia.”⁵⁴ Finally, on August 23, there was a first attempt by the *NYT* to treat the term as a phenomenon, by including a dash and an explanation of what the term means: “the Serbian practice of ‘ethnic cleansing’—driving Muslims and Croats out of communities where their people had lived for decades, even centuries.”⁵⁵ In this fashion, “ethnic cleansing” penetrated public consciousness while the narration claimed that the term was derived from authentic usage by the local assailants in the scene of the violence.

However, it is found that when “ethnic cleansing” first appeared in the *NYT* the term seemed to be used casually in the words of an unnamed “Western diplomat,” who was quoted as saying regarding the condition of the “Muslim Slav populations” that “There is a lot of ethnic cleansing going on’.”⁵⁶ This peculiarity of the report is even more pronounced because the reporter is Sudetic, the same one who would later claim that the term had a local origin and do so without recognizing his previously contradictory report. Moreover, it was Sudetic who in another article related the term to yet another source. In this version of the term’s usage, it was in the words of the “residents” in Bosnia and Herzegovina, who were said to “talk fearfully of a final attack and of campaigns of ‘ethnic cleansing’.”⁵⁷ In yet another competing version of who was using the term before it became a phenomenon, Barbara Crossette’s report ascribed

⁵⁴ Michael T. Kaufman, “‘Ethnic Cleansing.’ Europe’s Old Horror, with New Victims,” *New York Times*, August 2, 1992.

⁵⁵ David Binder, “U.S. Finds No Proof of Mass Killing at Serb Camps,” *New York Times*, August 23, 1992.

⁵⁶ Chuck Sudetic, “Breaking Cease-Fire, Serbs Launch Attacks into Bosnia,” *New York Times*, April 15, 1992.

⁵⁷ Chuck Sudetic, “Fear of Serb Onslaught Increases as Europe’s Monitors Quit Bosnia,” *New York Times*, May 13, 1992.

“ethnic cleansing” to the rhetoric of the Bosnian foreign minister, Haris Silajdzic.⁵⁸ It is strange and significant that the information in the *NYT* designated the Serbians as the source of “ethnic cleansing” after it had already published articles in which it was being used by other sources, and it is especially odd that the first source was not even local. It could have been claimed that the term was simply translated without making it known at first how the “Western diplomat” came to use it, but the suggestion that the term was translated so consistently by different reporters of the *NYT* and adopted by the editors without design would have still been hard to believe. Even this incredible claim has not been made and the newspaper has not recognized these contradictions about the initial introduction of “ethnic cleansing.”

The scholarly works that have attempted to put “ethnic cleansing” into analytic and historical perspective did not shed much light on the circumstances in which the term came into being, and are even found to be misleading. Norman N. Naimark wrote about “ethnic cleansing” that “This term exploded into our consciousness in May 1992 during the first stage of the war in Bosnia.”⁵⁹ The reference to an explosion does not reveal the source of its origin, and the time reference fails to note that Sudetic’s report introduced the term in April. His note directs readers to a work that does not disclose information on any decision-making regarding the introduction of the term, but instead uses a passive verb to describe the origination: “Then, in May, a new term entered the international political vocabulary.”⁶⁰ This form of grammar and the same verb that does not identify an

⁵⁸ Barbara Crossette, “Bosnian, in U.S. to Seek Aid, Assails Inaction,” *New York Times*, May 20, 1992.

⁵⁹ Norman M. Naimark, *Fires of the Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, MA: Harvard University Press, 2001), 2.

⁶⁰ Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (New York: TV Books, 1996), 244.

actor behind an action is adopted in another work in this context: “It soon entered the standard vocabulary of the English and other languages.”⁶¹ Even though the term came to have its influence in English, it is still maintained that “ethnic cleansing” had “its origin in the language of the perpetrators.”⁶² Similarly, in another scholarly work the grammatical formation of the sentence suggests that the contribution of the new term was done by the war itself.⁶³ Therefore, “ethnic cleansing” became a term that was utilized as soft power in the advancement of international law, and the absence of clear reference to its origin had the effect of narrating a lack of design behind its usage. This contributed to the creation of a perception that in matters of international crime, the language is reflective of reaction to events rather than their direction.

Nonetheless, it is within the framework of this work to inquire into how the use of “ethnic cleansing” has rendered international law exposed to soft power. In consideration of the attempts in the genocide discourse to treat the persecution of political groups as genocidal—despite the absence of the political group from the list of protected groups in the Genocide Convention, and in denial of the blatant tension with the idea of sovereignty that such a definition of genocide presents—it is seen that “ethnic cleansing” functions as a nonlegal vehicle for effective accusations that genocide is committed against political

⁶¹ Cathie Carmichael, *Ethnic Cleansing in the Balkans: Nationalism and the Destruction of Tradition* (London: Routledge, 2002), 1.

⁶² Gregor Thum, “Ethnic Cleansing in Eastern Europe after 1945,” *Contemporary European History* 19, no. 1 (February 2010): 75. Thum also avoided the identification of a human source for the popularization of “ethnic cleansing,” as he claimed that “The horrors of ‘ethnic cleansing’ ... found worldwide attention.” See: *Ibid.* It is as if the horrors themselves are seen by him as the actor in the dissemination of information about the events.

⁶³ This is seen in the sentence: “The continuing war in Bosnia and Herzegovina has contributed to the vocabulary of international relations with the expression ‘ethnic cleansing’.” See: Drazen Petrovic, “Ethnic Cleansing: An Attempt at Methodology,” *European Journal of International Law* 5, no. 3 (1994): 342.

groups. This effectivity has been demonstrated in the transition of information about “ethnic cleansing” to court convictions of genocide. The conflation of “genocide” and “ethnic cleansing” is executed in influential academic articles that define a discursive reality, which then affects the language that is used by judges in trials. John Webb’s article in 1993 is particularly instructive of this phenomenon. The title of his work brings “genocide” and “ethnic cleansing” together, and his argument relies on the assumption of “ethnic violence,” which is corroborated by the language in the popular media. His explanation of “what has become known as ‘ethnic cleansing’”⁶⁴—again, a passive form of grammar is used to describe the origin of the term—relies on the claim that in the case of former Yugoslavia “ethnic violence erupted into civil war.”⁶⁵ Once it is established in the information that the groups that are persecuted are identified as ethnic, the political context fades from public consciousness, and the argument about “genocide” acquires a much more convincing quality. Thus, Webb posited that “The alleged incidents of ‘ethnic cleansing’ in the former Yugoslavia would provide the ideal working model for application of article II of the Genocide Convention.”⁶⁶ It is illuminating to examine how he words his coupling of “ethnic cleansing” and “genocide”:

The following indispensable elements of article II are present in the situation in the former Yugoslavia and should be explored in a judicial proceeding: (1) an established identifiable national, ethnic, racial or religious group as the victim; (2) an intent to destroy the group or groups in whole or in part; and (3) identifiable acts in conjunction with the intent to destroy the identified group victim.⁶⁷

⁶⁴ John Webb, “Genocide Treaty-Ethnic Cleansing-Substantive and Procedural Hurdles in the Application of the Genocide Convention to Alleged Crimes in the Former Yugoslavia,” *Georgia Journal of International and Comparative Law* 23, no. 2 (1993): 379.

⁶⁵ *Ibid.*, 378.

⁶⁶ *Ibid.*, 398.

⁶⁷ *Ibid.*

Webb left out a critical aspect of article 2 in the Genocide Convention: the destruction of the group “as such.” These two words constitute a significant difference, which Webb ignored, between “ethnic cleansing” and “genocide.” Their concealment is the basis for the consolidation of the two terms. Even if the soft-power measures manage to persuade the public that the violence is between distinct ethnic groups, the intent to destroy was on account of the political conflict between them and not based on their separate ethnic identity. When this difference is heeded, that which is presented as “ethnic cleansing” cannot count as “genocide,” but Webb omitted this differentiation.

The effect of “ethnic cleansing” in the discourse is to establish a preparedness to consider civil war in terms of intergroup strife that is based on group identities that are mentioned in the Genocide Convention, and then once there is mental acceptance of the events’ narration in genocidal terms, the final argument is that even in the midst of politically driven violence against a group, the treatment of noncombative civilians within the group is possibly a matter of genocide. This is displayed in the following statement by Webb:

When the acts focus on the identified civilian group, then the charge of genocide is appropriate. Thus where the facts are clear, that “ethnic cleansing” is directed at a civilian population within one of the described groups, ulterior motives such as political or territorial gain should not form an appropriate defense to the charge of genocide.⁶⁸

In other words, the report that “ethnic cleansing” is occurring was a soft-power act of bypassing the restrictive language of the Genocide Convention upon which the member states of the United Nations had agreed. It was made possible to claim that the persecution of civilian members of an ethnic group in a political conflict—which

⁶⁸ Ibid., 401.

ordinarily would make the group a political one for all intents and purposes—is genocidal and subject to a criminal charge of genocide in an international trial. As a result, cases of violence that is instigated by political contestation have been inducted into the scope of “genocide.”

Webb’s effort is fortified in other works, which articulate ideas to convert the popularity of the term into a greater impact in international law. Soon after the advent of the “ethnic cleansing,” Drazen Petrovic argued that it “should not be limited to the specific case of former Yugoslavia,”⁶⁹ and that it should find broader usability because it “fundamentally represents a violation of human rights and international humanitarian law.”⁷⁰ According to Damir Mirković, the term “overlaps” with “genocide,” and he phrased this poignantly in his mention of a “genocidal policy of ethnic cleansing” as a phenomenon.⁷¹ Over a decade removed from the advent of the term, Michael Mann connected it to the main project of the genocide scholarship, the Ottoman government’s treatment of its Armenians during WWI. He put forth the argument that the Armenians did not constitute the political threat that the Ottomans supposed they did, and through this example the desired gray area between ethnic cleansing and genocide is achieved.⁷² These uses of “ethnic cleansing” point at a discursive utility that makes the origin of the term better explained by informational design than happenstance.

⁶⁹ Petrovic, “Ethnic,” 358.

⁷⁰ *Ibid.*, 359.

⁷¹ Damir Mirković, “Ethnic Conflict and Genocide: Reflections on Ethnic Cleansing in the Former Yugoslavia,” *Annals of the American Academy of Political and Social Science* 548 (November 1996): 197.

⁷² Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005), 178-179.

As the Yugoslavian case shows, once “ethnic cleansing” serves the purpose of leading public opinion to see the conflict in ethnic, immoral, and systematic terms—even if the intent of the perpetrators is markedly over political control of territory rather than destruction of an ethnic group in whole or in part—the information can then point at “ethnic cleansing” as inadequate to create a sense of a legal void that is to be filled by the application of “genocide.” In the scholarly information on ethnic cleansing that offers a retrospective view of the Bosnian victimhood, it has been suggested that “ethnic cleansing” is “a euphemism for genocide.”⁷³ Thus, “ethnic cleansing” is lifted up for an informational purpose, and then lowered down for the criminalization of actions in civil war as genocide. Uninhibited by the requirement to prove the “intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such,” the term functions as a rhetorical carrier of “facts” to the legal destination of a genocide charge.⁷⁴ It establishes a discursive genocidal context in ways that the legal definition of genocide does not permit “genocide” itself to do, considering that intent can only be established after facts are collected and examined and not before or during the fact-gathering process.

The judgment of the International Criminal Tribunal for the former Yugoslavia (ICTY) in *The Prosecutor v. Radislav Krstić* amounted to a conviction of genocide in consideration of events in Srebrenica, and it illustrates how the popularity of “ethnic

⁷³ Naimark, *Fires*, 3. Naimark also referred to “ethnic cleansing” as “imprecise,” which along with the suggestion of it being a euphemism, is similar to how Cathie Carmichael described “ethnic cleansing”: “its usage often appears to be both euphemistic and imprecise.” See: Carmichael, *Ethnic*, 1. In addition, another scholar regards the term as having the quality of understating a crime: “Despite its euphemistic character ... ‘ethnic cleansing’ is now the widely accepted scholarly term used to describe the systematic and violent removal of undesired ethnic groups from a given territory.” See: Thum, “Ethnic,” 75.

⁷⁴ While the claim of “genocide” ahead of evidence raises suspicion of bias because it is a legal term, the use of “ethnic cleansing” in the language serves as a tool for concealing bias by presenting a nonlegal term that can gradually prepare minds for a genocide label.

cleansing” in the discourse gave the events a genocidal context. In the matter of “the attack of the Serbian forces on the town of Srebrenica in July 1995,”⁷⁵ it was found that the Serbian General Radislav Krišić was “guilty of genocide” for his role in “the plan to conduct mass executions of all the men of fighting age” in the town.⁷⁶ Even though in this civil-war battle not all the men of fighting age were killed; the attack occurred after children, women, and the elderly were transferred away; and negotiations were held in the midst of the fighting,⁷⁷ the judgment was that genocide had been committed. The decision disregarded the absence of intent to destroy the group as such, and instead constructed a genocide conviction with “ethnic cleansing” at the foundation of its narration. It was argued that “a decision was first taken to carry out ‘ethnic cleansing’ of the Srebrenica enclave,” and that “what was ethnic cleansing became genocide.”⁷⁸ The idea that ethnic cleansing may transition into genocide is not inspired by the Genocide Convention but by the popular information on the events. The judgment’s reasoning is foreign to the document upon which member states of the United Nations agreed to criminalize genocide. Significantly, it is stated by the judges that they were “unable to clarify” the “reasons” for the killing. This is tantamount to saying that they could not identify the intent of the attackers. Moreover, the judgment expressed an unevenness by

⁷⁵ *The Prosecutor v. Radislav Krišić*: “Radislav Krišić Becomes the First Person to Be Convicted of Genocide at the ICTY and Is Sentenced to 46 Years Imprisonment” (Press Release, issued by the International Criminal Tribunal for the former Yugoslavia, of the United Nations, The Hague, August 2, 2001), 2, http://www.icty.org/x/cases/krstic/tjug/en/010802_Krstic_summary_en.pdf (accessed, 12/21/2016).

⁷⁶ *Ibid.*, 10.

⁷⁷ *Ibid.*, 6-7.

⁷⁸ *Ibid.*, 7.

declaring a lack of choice regarding the sparing of lives as falling within the definition of genocide rather than considering the lack of choice as an indication that there was no intent to destroy the group as such because the killing was conditioned by the fight for political control over the territory.⁷⁹ As a result of the status that information sources such as the *NYT* had given “ethnic cleansing” prior to the establishment of the ICTY, the decision in this particular trial was not perceived as being in discord with the Genocide Convention.

In view of this decision, the impression is that the popular description of the events, as disseminated through scholarly articles and in the press, has affected the judicial execution of international law. The judges who were expected to perform a legal interpretation of the Genocide Convention in the context of the events had become affected in their capacity to do so by soft power, and interpreted the law according to the direction set by this information. The influence of information did not just impact the decision, but it was also crucial in controlling public opinion in reaction to it. Hence, the genocide scholarship was inclined to keep the consensus view from questioning the application of genocide by claiming that the opposite is possibly true and suggesting that the ICTY generally exercised leniency in its treatment of Serbian perpetrators.⁸⁰ The

⁷⁹ This involved hypothetical determinations regarding an intent to kill the Bosnian men of fighting age who left the location unharmed. The judgement stated the following: “The Trial Chamber observes that although Bosnian men from Srebrenica were able to escape the hands of the Serbian forces after the fall of the enclave, this was due to chance or the Serbian forces’ inability to prevent the passage of the end of the column into territory under Bosnian Muslim control given the operations in which it was engaged elsewhere.” See: *Ibid.* Oddly, rather than conclude that in Srebrenica, as in typical warfare, once the territory was captured the violence quelled, the judges in the ICTY seemed committed to assuming that this typical nongenocidal ending of violence with the completion of conquest was not a matter of Serbian choice or even against Serbian wishes.

⁸⁰ For example, see: Marko Attila Hoare, “A Case Study in Underachievement: The International Courts and Genocide in Bosnia-Herzegovina,” *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 94.

commentary on the performance of the judges is influential as it seeks to narrate the progress of international law, and impose a certain perception of it. Not wanting to call attention to its own power, the leading information on the progress of international law congratulated such a decision for its “soft power,” which is stated to be derived from the judges’ “perceived legitimacy as guardians of justice and accountability in much of the international community.”⁸¹ While the dominant information might create an assumption that a tribunal such as the ICTY has soft power, in actuality the utilization of “ethnic cleansing” indicates that it was the popular discourse that had directed the jurisprudence. The ICTY’s decision has influence, but it is a half-truth to say that it *had* soft power; it *was* soft power. Going by its performance, it functioned as a seemingly independent entity through which soft power rather than legal power determined the judgment. A truly independent tribunal cannot be seen as being predisposed to align itself with interested information on “genocide.” Put simply, a tribunal that is guided by American soft power is not the same as one that has independent legal power.

Following Kristić’s conviction by the ICTY, the word *Srebrenica* was made into a symbol of genocide in an otherwise nongenocidal civil war, and its quality as a perceived genocide within a generally political conflict is itself indicative of a framing that defies context. The practice of isolating a particular battle as genocidal within a larger war effort may offer a method for international law to criminalize war conduct in civil wars that do not count as international wars, but they do not—by the very context of material-based war between groups—present situations of an intent to destroy a group as such. It may

⁸¹ Victor Peskin, *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation* (Cambridge: Cambridge University Press, 2008), 237.

happen that genocide occurs during war when members of a group that is not a party to the war, as such, are systematically exterminated during the war, but if a group is a party to the war, with clear indications of it by the group's leadership, then the abuse of civilian populations is typically reasoned by an intent to win the war rather than an intent to destroy a group as such. As the leading interpretation of the Vietnam situation has argued, since civil wars are not engaged between member states of the United Nations, international law is not readily applicable in such conflicts, even if similar conduct in international wars may amount to war crimes.

By singling out a particular battle zone within a civil war as a case of genocide, the ICTY's decision indirectly calls attention to the massacres in My Lai. If looking at a separate incident within a civil war as a unit, then for the consideration of whether or not genocide was committed the proportion of the killing in the incident is more significant than the mere number of those exterminated. This would serve as an indication to what extent the intent was to destroy the group either in whole or in part, but still it does not necessarily reveal that the intent was to destroy the group as such. Unlike what was reported about Srebrenica, in My Lai there were no negotiations with the villagers; there was no evacuation of certain members of the community prior to the attack; and there was no warlike focus on the men of fighting age. The destruction of My Lai was so severe that even the following sympathetic American account of it does not conceal the thoroughness with which the American soldiers assaulted the village: "They demolished every house in the hamlet. They polluted every well. When they departed, not an animal remained alive. Countless women had been raped and otherwise sexually abused. Worst

of all, perhaps as many as 500 Vietnamese civilians lay dead.”⁸² Unlike the Americans, the Serbians did not have the luxury of controlling the information about the attack in Srebrenica and exploring the criminality of the perpetration in their own terms. The American narration of American acts of perpetration in My Lai was able to claim that the soldiers were emotionally distraught;⁸³ that there was confusion;⁸⁴ that orders were not followed;⁸⁵ that there was a failure to control the soldiers;⁸⁶ and—a more familiar claim after the recent American military campaign in Iraq—that “Part of the problem was bad intelligence.”⁸⁷ In no way has the event been subjected to international adjudication, yet Srebrenica became representative of genocide. This serves as another confirmation that the information on intergroup violence and the application of genocide is a function of power. Public opinion and the performance of international law are determined by the dominant characterization of events rather than by the events themselves.

Srebrenica mainly reflects how international law is subordinated to American soft power, and that its legal language is still under construction. The assignment of “genocide” to Srebrenica contributed to the American effort to promote the idea of state responsibilities to prevent genocide. Due to the application of “genocide” regarding Srebrenica, the ICJ was given an opportunity in 2007 to echo that “acts of ‘ethnic

⁸² Michael R. Belknap, *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley* (Lawrence: University Press of Kansas, 2002), 78.

⁸³ *Ibid.*, 59.

⁸⁴ *Ibid.*, 60-61.

⁸⁵ *Ibid.*, 60.

⁸⁶ *Ibid.*, 68.

⁸⁷ *Ibid.*, 61.

cleansing' may occur in parallel to acts prohibited by Article II of the Convention, and may be significant as indicative of the presence of a specific intent (*dollus specialis*) inspiring those acts.”⁸⁸ In addition, it sought to establish that “the Yugoslav federal authorities should, in the view of the Court, have made the best efforts within their power to try and prevent the tragic events then taking shape.”⁸⁹ Thereby, an attempt was made to show Srebrenica as a cautionary tale about genocide prevention.

Despite this effort, it might be the inadequacy of the “genocide” assignment regarding Srebrenica that carries more potential for advancing international law. While the legal information on the former Yugoslavia did introduce a precedent for a heightened state responsibility in taking action to stop civilian suffering, its employment of the term *genocide* did not elucidate the meaning of “genocide” prevention or persuade all governments that the use of “genocide” is independent of a designed discourse. Indirectly, though not necessarily inadvertently, the inadequate labeling of genocide to describe the events in Srebrenica promoted a discourse on international law by generating momentum for the expansion of criminal terminology. The sense that the term *genocide* is inapplicable or ill-applied served as a basis of support for retooling the concept of “crimes against humanity” toward its greater role in international criminal law. The legacy of the decision about Srebrenica might turn out to be an illustration that “genocide” was overstretched. The carnage in Rwanda would receive a similar legal treatment, but with an added emphasis on soliciting the international acceptance of

⁸⁸ *Bosnia and Herzegovina v. Serbia and Montenegro*: “Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide, Judgement (26 February 2007), International Court of Justice,” par. 190, <http://www.icj-cij.org/docket/files/91/13685.pdf> (accessed 12/21/2016).

⁸⁹ *Ibid.*, par. 438.

“genocide prevention” as a cause for intervention.

Intervention for Genocide Prevention

To be packaged as a persuasive argument for genocide prevention, the events in Rwanda had to be narrated not only as a story of genocide in a civil war, but also as a genocide that could have been stopped or at least mitigated. Support for genocide prevention means that intervention in the internal affairs of states, especially as they struggle against groups that challenge their sovereignty, becomes warranted. If public opinion accepts such interventions as reasonable, then the government that possesses the strongest military force is invited to plan ahead and clandestinely organize and agitate groups against governments that do not yield to its interests. By the establishment of the International Criminal Tribunal for Rwanda (ICTR), the language of international criminal law could thicken.

There is a detectable uniformity of message among the popular works of analysis on the events in Rwanda, and that is seen as an indicator that there was a concerted effort to use the discourse about Rwanda to generate persuasion about genocide prevention. In true soft-power form, the information maintained some distance from the United States government, and even presented a measure of criticism against its actions so that it would not appear as if the government is instructing itself to become a more aggressive intervener. The Carnegie Commission on Preventing Deadly Conflict (Carnegie Commission) was a leading source of such information, and it stated that in Rwanda “a genocidal plot ... went unheeded by countries and international organizations in a

position to thwart the plot.”⁹⁰ The International Commission on Intervention and State Sovereignty, asked for “no more Rwandas” in slogan fashion,⁹¹ and described a failure by “key member states” as well as “the leadership of the UN.”⁹² Its language was bent on showing the events in Rwanda as instructive of the need for greater and faster intervention: Rwanda “laid bare the full horror of inaction,”⁹³ and Rwanda confirmed a lack “of timely response.”⁹⁴

Moreover, it presented the idea of humanitarian intervention as a right.⁹⁵ Michael Barnett’s popular monograph on the events described the conduct of “the international community” as inexplicable,⁹⁶ and issued an accusation that the United Nations suffers from an “indifference to genocide.”⁹⁷ Much like the Carnegie Commission’s argument that “even a small trained force ... could have largely prevented the Rwandan genocide,”⁹⁸ Barnett’s work calls attention to the “absence of troops” as damaging to “the

⁹⁰ Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report with Executive Summary* (Washington: Carnegie Commission on Preventing Deadly Conflict, 1997), 4.

⁹¹ Gareth Evans and Mohamed Sahnoun (cochairs), *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Center, 2001), viii, 70, <http://responsibilitytoprotect.org/ICISS%20Report.pdf> (accessed, 12/21/2016).

⁹² *Ibid.*, 73.

⁹³ *Ibid.*, 1.

⁹⁴ *Ibid.*, 21.

⁹⁵ *Ibid.*, vii.

⁹⁶ Michael Barnett, *Eyewitness to a Genocide: The United Nations and Rwanda* (Ithaca, NY: Cornell University Press, 2002), 1.

⁹⁷ *Ibid.*, 4.

⁹⁸ Carnegie Commission, *Preventing*, 5.

cause of intervention.”⁹⁹ In what is probably the most incredible effort among the popular information on Rwanda that was produced by the United States, Jared Cohen issued an excitable rebuke of the United States government while holding a position in the United States Department of State’s Office of Policy Planning.¹⁰⁰ His repetitive criticism of the United States government in the context of Rwanda reads like the execution of a policy to persuade the public that American interventions are desired, while making it seem as if the United States government itself is not all that interested in intervention.¹⁰¹

Conveniently for the United States government, the lesson to be learned from Rwanda, according to Cohen, is that it should be better positioned to intervene.¹⁰² Alan J. Kuperman’s work is seen as skeptical of humanitarian intervention,¹⁰³ but it too played a valuable role in the discourse by popularizing the information via the semblance of a polemic, amplifying the focus on civil wars in the context of genocide, and shifting attention away from American involvement in creating crises by suggesting that the debate ought to be about how to respond to them.

Significantly, the dominant information on the events in Rwanda did not just

⁹⁹ Barnett, *Eyewitness*, 103.

¹⁰⁰ U.S. Department of State Archive, “Jared Cohen: Biography,” <https://2001-2009.state.gov/s/p/72899.htm> (accessed, 2/13/2017).

¹⁰¹ For instance, Cohen wrote that “The Rwanda genocide was one of humanity’s greatest failures, with the U.S. government leading the charge for non-intervention.” See: Jared Cohen, *One Hundred Days of Silence: America and the Rwanda Genocide* (Lanham, MD: Rowman & Littlefield Publishers, 2006), 2. He added that “The United States acknowledged its failure to intervene during the Rwandan genocide.” See: *Ibid.*, 9. In another such statement, Cohen claimed that “The U.S. refusal to intervene in the Rwandan genocide was blatant and obvious.” See: *Ibid.*, 175.

¹⁰² *Ibid.*, 182.

¹⁰³ Alan J. Kuperman, *The Limits of Humanitarian Intervention: Genocide in Rwanda* (Washington: Brookings Institution Press, 2001), 109.

endeavor to justify American intervention to prevent genocide, but sought to persuade the public that civil wars are warning signs of genocide. This meant that the information would have to overcome the basic knowledge that civil wars are conflicts of a political nature. Having in mind the American experience in Vietnam, it would be a coup for the United States government to finally systematize an ability to depose regimes while the public remains convinced that it is done as a service to humanity. Accordingly, Nicholas A. Jones wrote that premeditated and planned extermination lies “Under the cover of civil war”,¹⁰⁴ Cohen sequenced that “The genocide in Rwanda was preceded by four years of civil war”¹⁰⁵ and suggested that there was an “inability to distinguish between the civil war and the genocide”,¹⁰⁶ Scott Straus promoted the notion that without a civil war, “genocide would not have happened” in Rwanda.¹⁰⁷ Barnett reported that in the view of the United Nations Security Council (UNSC) “the civil war was responsible for creating the conditions for the genocide”;¹⁰⁸ Kuperman stated that “civil war leads to genocide”;¹⁰⁹ and Mahmood Mamdani declared that in Rwanda “The Genocide was born of civil war.”¹¹⁰ If it were to catch on completely, this framing of genocide within civil

¹⁰⁴ Nicholas A. Jones, *The Courts of Genocide: Politics and the Rule of Law in Rwanda and Arusha*. Abingdon, UK: Routledge, 2010), 6.

¹⁰⁵ Cohen, *One*, 4.

¹⁰⁶ *Ibid.*, 176.

¹⁰⁷ Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006), 7.

¹⁰⁸ Barnett, *Eyewitness*, 142.

¹⁰⁹ *Ibid.*, 118.

¹¹⁰ Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001), 202.

war would have the effect of giving the United States incentive to construct a narration of criminality for governments regularly. In essence, the United States would become licensed by international law to employ campaigns of genocide accusation and prevention according to its own interests in the protection of political groups.

As in the case of Srebrenica, the information about Rwanda as genocide was set to overcome the absence of political groups in the Genocide Convention by popularizing a language that describes civil war in ethnic terms, knowing that the ethnical designation is among the protected groups in the treaty. In the *NYT*, the civil war in Rwanda was explained as ethnic “strife,” “tension,” “warfare,” and “violence.”¹¹¹ Mamdani formulated the concept of “a bifurcated state” to articulate a separation between the “civic and ethnic” in the African postcolonial state,¹¹² thereby suggesting that in Rwanda the ethnical component presents its own form of governance and cannot be distinguished from the political. The colonial angle in the literature on the civil war in Rwanda was taken up by references to France’s association with the Hutu elite,¹¹³ thus stressing the agency of the designated perpetrator while leaving the connection between external power and the leadership of the supposed victim group unexplored.¹¹⁴ By dimming the

¹¹¹ For instance, see: Clifford Krauss, “Rwanda Invaders Said to Gain Ground,” *New York Times*, October 4, 1990; Paul Lewis, “2 Africa Leaders Die, U.N. Says; Rocket May Have Downed Plane,” *New York Times*, April 7, 1994.

¹¹² Mamdani, *When*, 28.

¹¹³ Daniela Krosiak, *The Role of France in the Rwandan Genocide* (London: Hurst, 2007), 4; Paul Schmitt, “The Future of Genocide Suits at the International Court of Justice: France’s Role in Rwanda and Implications of the Bosnia v. Serbia Decision,” *Georgetown Journal of International Law* 40, no. 2 (2009): 585.

¹¹⁴ Mamdani added to the imbalanced language in the discourse by developing the phrase “Hutu Power,” and using it in a manner that invites a focus on Hutu agency. See: Mamdani, *When*, 185, 190. The disregard for details on the influence of external power on the leadership of the alleged victim group is also characteristic of the genocide scholarship’s treatment of the Armenian experience.

space between political and ethnic causes of violence, the information on Rwanda managed to pass an intent to terminate a rebellion as the perpetration of genocide.

In the style of the scholarly discourse on the Armenian experience, there was an effort to offer the Rwandan case more credibility as a genocide by way of suggested comparability to the Holocaust. The call “never again” was invoked to draw a connection between the post-Holocaust pledge and the civil war in Rwanda.¹¹⁵ According to Mark Levene, “the scale, scope and intensity of the genocide in Rwanda in 1994 invites comparison with the Holocaust.”¹¹⁶ Barnett pointed out that the massacres in Rwanda had “the macabre distinction of exceeding the rate of killing attained during the Holocaust.”¹¹⁷ A particularly egregious attempt to compare the events to the Holocaust as part of the discourse against nonintervention is found in his quote of the Czech Ambassador Karel Kovanda, who is said to have “pointedly observed that ‘it was like wanting Hitler to reach a cease-fire with the Jews.’”¹¹⁸ In reality, the Jews of Germany were not organized as a political group that challenged the Reich’s sovereignty, and there was definitely no civil war in the conditions that existed prior to WWII. The Jewish leadership did not issue territorial claims regarding German land, nor were such claims made in their name by a great power, and they most certainly did not carry out organized

¹¹⁵ For example, see: Howard Adelman, “Preventing Genocide: The Case of Rwanda,” in *Genocide: Essays toward Understanding, Early-Warning, and Prevention*, ed. Roger W. Smith (Williamsburg, VA: Association of Genocide Scholars, 1999), 161; Krosiak, *Role*, 2; Fred Grünfeld and Anke Huijboom, *The Failure to Prevent Genocide in Rwanda: The Role of Bystanders* (Leiden: Martinus Nijhoff, 2007), xi, 1; Robert Skloot, *The Theatre of Genocide: Four Plays about Mass Murder in Rwanda, Bosnia, Cambodia, and Armenia* (Madison: University of Wisconsin Press, 2008).

¹¹⁶ Mark Levene, “Connecting Threads: Rwanda, the Holocaust and the Pattern of Contemporary Genocide,” in *Genocide*, Smith, 27.

¹¹⁷ Barnett, *Eyewitness*, 1.

¹¹⁸ *Ibid.*, 134.

attacks against the Nazi government. The forced juxtaposition between the Holocaust and the brutality in Rwanda illustrates the disparity between the original Nazi German context of the Genocide Convention and the modern-day application of “genocide” to cases of civil war. Unlike the Nazis’ use of government machinery intently to destroy the Jews under their control without it being a matter of the government’s survival, the Hutu-led government of Rwanda intended to put an end to Tutsi offensives against its existence as a sovereign. While the Hutu and Tutsi had been distinguished by nonpolitical traits, the ruthless violence was caused by political differences, and was not directed against members of a nation-state, ethnicity, race, or religion, for being that.

Furthermore, past reports on the relations between the two Rwandan tribes show that a sense of racial superiority was a sentiment that existed among members of the Tutsi tribe, whom the genocide discourse portrays as the victim group, toward members of the Hutu tribe, who are shown by the genocide discourse as the perpetrator group. Decades before the genocide label was placed on the Rwandan intergroup conflict, depictions of the relations between the tribes, which were then described as Watusi and Bahutu, reveal that the long-termed rule of the Tutsi tribe was accompanied by racial disdain toward others. In 1938, it was reported in the *NYT* that the Tutsi are “giants” who rule as “autocrats” over millions of people in the land that “they conquered in the course of a Hamitic invasion from the north,” and that they consider “the original owners of the soil” to be “an object of repulsion and horror.”¹¹⁹ In the 1950s, the descriptions were that the “aristocratic Watusi ruled like feudal barons,”¹²⁰ and that “the peasant population of the

¹¹⁹ George Hallatt, “Colony of Giant and Pigmy,” *New York Times*, July 3, 1938.

¹²⁰ Richard P. Hunt, “Mwami of Ruanda Looks to Role as Constitutional Ruler in Congo,” *New York Times*, April 19, 1957.

Bahutu” had been governed “for centuries” by “the Watusi” who functioned as “the country’s overlords.”¹²¹ However, in the later public discourse about the conflict in Rwanda, the “small, privileged group” suddenly became descriptive of the Hutu elite,¹²² whereas the Tutsi came to be known as a “minority.”¹²³ From there, the dominant information was able to put the events in genocidal terms by describing them as “the systematic annihilation of Rwanda’s Tutsi minority.”¹²⁴

Postcolonialism might suggest the freedom of certain native populations from the previous colonial rule, but the political independence of territories such as Rwanda has been suffering from a persistent dependency that is perpetuated by foreign creations of innerstate intergroup divisions. Violence between the Hutu and the Tutsi tribes had already been reported in 1959, and though it involved the burning and sacking of villages the popular discourse did not label the events as genocide.¹²⁵ To the contrary, the point was made that the violence was political, as it was stated that “The main reason for the flare-up is the fear of the Bahutu tribesmen that when independence is granted to the

¹²¹ “Troops Sent to Ruanda,” *New York Times*, November 9, 1959. Since the label of genocide has placed the Rwandan case as a subject for comparison to the Holocaust, it is here noted that Jews never engaged in a civil war against the German government, and there was certainly no history of Jewish lordship over Germanic tribes in the years that led to the Holocaust as in the case of the Tutsi victimhood.

¹²² Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York: Human Rights Watch, 1999), 1.

¹²³ For the first reference to “Tutsi minority” in the *NYT*, see: C. L. Sulzberger, “China in the Heart of Darkness,” in “Foreign Affairs,” *New York Times*, April 4, 1964. A ProQuest search of the *NYT*’s database shows that in the 1990s the phrase “Tutsi minority” appeared 112 times, and that number is nearly double the combined times of the phrase’s appearance in four other decades, the 1960s, 1970s, 1980s, and 2000s.

¹²⁴ Straus, *Order*, 1.

¹²⁵ “Troops Impeded in Ruanda Riots,” *New York Times*, November 10, 1959. Already at that time the conflict was described in the context of civil war, but that was before American information began to systematically treat a political contestation under that title as a habitat of genocide.

country the Watusi again will rule them with an iron hand.”¹²⁶ As the country was being relieved from direct subjugation to foreign power, it was burdened by servitude to external interests indirectly because of the inner-Rwandan political contestation.

The imperialist act of manipulating group traits to turn them against one another for preferable scenarios is known as the method of “divide and rule.”¹²⁷ This method creates a dependency that is less apparent than the straightforward rule of a colony, and it is successfully applied when a great power can persuade leaders of a group that another group within the same country is their rival while also convincing the general public that the conflict is inherent to the characteristics of the groups themselves rather than politically conditioned. Thus, when the group is drawn into epidemical warfare, it develops a constant reliance on the great power for the enhancement of its capabilities in combat, and becomes inclined to serve the great power’s interests. “Genocide” caters to this method because it has the quality of limiting the discourse to a simplistic dichotomy of local perpetrator and victim groups while abandoning notions of third-party instigation by great power.

Cases of “divide and rule” do not meet the legal definition of genocide because in them the intent of the great power supersedes the intent of the smaller groups it has driven into seeing each other as political rivals, but if such cases of “divide and rule” are nonetheless labeled as genocide then they benefit the great power by concealing its intent and calling attention to the intent of the smaller groups. The genocide discourse is

¹²⁶ Ibid.

¹²⁷ The method is also known as “divide and conquer.” For a reference to this term here, see: Chapter 5, note 16.

particularly effective in keeping the extent of the great power's role in a conflict between two weaker groups hidden from the public eye due to the assumptions it creates about the innocence of perceived victims. Since the genocide discourse emphasizes the victim group as a sufferer of violence, the inquiry into the great power's influence on the victim group's role in the conflict is discouraged. The genocide scholarship is empowered to reject and even vilify works that examine the actions of the group that is popularly seen as the victim of genocide by claiming that it is insensitive to the emotional toll of those who suffered from the event as a group, but the effect of this practice is to deny the understanding of how great power, which in the post-WWII international scene has been typically or especially American, may exploit the victim group by leading its members to a dangerous political conflict in service of interests that are foreign to the group. If a great power enjoys a mechanism that allows it to take advantage of conflict and victimization, then that not only betrays the mission to improve international standards of governance, it even rewards the dominant power for instigating turmoil. Such will be the power of "genocide" as a term if the dominant information, be it produced in scholarly writings or in the courtroom, falsely carries itself as if the Genocide Convention includes the designation "political" in its list of protected groups.

In the Rwandan case, information has not been produced on the American involvement in the fashioning of identities toward political rivalry there, and the genocide discourse has negated knowledge regarding the circumstances in which the political tension between Hutu and Tutsi members turned into a violent conflict in October 1990. The manner in which the genocide label frames the registry of the events in the public discourse has had a diminishing effect on the memory that the Hutu-led government, who

is now popularly associated with the perpetration of genocide, was forced into warfare by a Tutsi attack from Uganda. The invasion into Rwanda was said to be executed by an army of 5,000 to 10,000 Tutsi refugees, carrying weapons and wearing uniform, and led by General Fred Rwigyema, who was identified as a Tutsi refugee himself, but in practice he had been a loyal Ugandan and had recently served as Uganda's deputy defense minister.¹²⁸ Strangely, at the time of this onslaught on Rwanda by Ugandan troops, both Juvenal Habyarimana and Yoweri Museveni, the presidents of Rwanda and Uganda respectively, were in New York. Another oddity is that in its report on the next day, the *NYT* claimed that the "refugee army" numbered "more than 1,000 fighters," without recognizing that this is a substantially different estimation from what was reported in the newspaper on the previous day. At any rate, this was a significant offensive by Ugandan-trained soldiers, who were immediately narrated in the popular discourse as being Tutsi refugees.

The planning behind this massive operation has been kept out of focus by the genocide discourse, earning only minimal and decontextualized references in the genocide-centered literature: the description of the event is characterized by brevity in the references to the Ugandan affair and the labeling of the invading troops as members of the Rwandan Patriotic Front (RPF).¹²⁹ This remarkable turning point in the intergroup relations is treated as almost inconsequential because a recognition of its importance would have presented the events in Rwanda as nongenocidal. Despite the gravity of this

¹²⁸ "Thousands Invade, Rwanda Reports," *New York Times*, October 3, 1990.

¹²⁹ For instance, see: Carnegie Commission, *Preventing*, 4; Des Forges, *Leave*, 3; Kuperman, *Limits*, 8; Kroslak, *Role*, 282.

military attack in October 1990, the literature has marked the reaction to the killing of Habyarimana in a plane crash as the constitutive event of the violence, with emphasis on April 1994 as the beginning of the civil war.¹³⁰ The controlled narration of the events assumes that the RPF was an independent organization, and even the rare reference to Ugandan responsibility maintains a vagueness of meaning that does not engage in a study of how great-power leverage in Uganda at the time is connected to the planned invasion of Ugandan troops into Rwanda in 1990. There are indications that the United States had an increasing amount of influence on the Ugandan government in the time that led up to the mobilization of Ugandan soldiers as Tutsi members and the staging of their attack on Rwanda. In the summer of 1989, the United States Agency for International Development “almost quadrupled its aid” to Uganda by raising it from \$8 million to \$30 million in two years,¹³¹ “plans to open a stock exchange” in Uganda were initiated,¹³² and even the concept of creating “national parks” was being introduced.¹³³ These markers of American power in Uganda have been ignored and washed away by a genocide discourse that inspired and supported the criminalization of the Hutu-led government, and narrated it as a cautionary tale against nonintervention.

Instead of defending the Genocide Convention, the ICTR proved to be unfaithful to the prevention of subversive groups from receiving genocide-victim status, and, as a result, showed itself as subservient to soft power. The implications were that a

¹³⁰ For examples of this, see: Kuperman, *Limits*, 12; Barnett, *Eyewitness*, 1; Straus, *Order*, 7; Cohen, *One*, 1.

¹³¹ Jane Perlez, “Uganda after Its years of Terror: A New Political Stability Emerges,” *New York Times*, June 15, 1989.

¹³² “Uganda Stock Exchange,” *New York Times*, August 31, 1989.

¹³³ “Uganda Opens Wildlife Parks,” *New York Times*, September 4, 1989.

legal body of customary law in matters of international criminality was being built up in accordance with a popular framing of what “genocide” means and how it is to be applied. The qualities of internationality and legality were combined to give the ICTR an air of authority and legitimacy, but the content that was produced on “genocide” through the tribunal was aligned with the promotion of international law itself. Its treatment of “genocide” demonstrated an approach that is fundamentally similar to that of the American-based genocide scholarship, with the major difference being that an international tribunal is expected to be a more effective production of soft power than the genocide scholarship for its higher degree of perceived independence, and for its immediate appearance as the language of international law itself.

The ICTR’s alignment with the popular treatment of “genocide” was apparent in the decision by the tribunal chamber in 1998 that it was “satisfied beyond a reasonable doubt that” a Rwandan mayor by the name of Jean-Paul Akayesu “had the intent to directly create a particular state of mind in his audience necessary to lead to the destruction of the Tutsi group, as such.”¹³⁴ By ignoring the significance of General Rwigyema’s mobilization of soldiers to attack Rwanda, and the question of who it was that directed the collective state of mind that possessed thousands among the Tutsi tribe to challenge the Rwandan government, the tribunal displayed strong bias against the local government of a weak state. It overlooked greater strategies and overriding intents that use existing group differences to disguise the political nature of challenges against existing governments. The nongenocidal became incorporated into international law as

¹³⁴ *The Prosecutor V. Jean-Paul Akayesu*: Judgment, par. 674, <http://unictr.unmict.org/sites/unictr.org/files/case-documents/ictr-96-4/trial-judgements/en/980902.pdf> (accessed, 12/21/2016).

genocidal just as the adjudication of international crime was about to acquire a sense of permanence through a central international criminal court.

The House that “Genocide” Built

Both the ICTY and the ICTR, in their capacity as ad hoc organs for the adjudication of crime in international law, have illustrated the homelessness of “genocide,” as a crime whose legal procedure was without a permanent address. The contract that would call for the establishment of an international criminal court would not only centralize the execution of international criminal law, but also provide an opportunity to strengthen the authority of its administration, reintroduce an international criminal code, and regulate the proceedings. The contingent and loosely woven process that empowered the two international tribunals both reflected the void of a legal mechanism and acted as a necessary initial maneuver toward it. The ICTY was established by way of a UNSC resolution that relied on previous resolutions,¹³⁵ and did not even mention Chapter 7 of the United Nations Charter, which was then stated as the basis for the resolution to establish the ICTR.¹³⁶ Having this tentativeness in mind, the advent of the Rome Statute is seen as having a measure of inevitability if the American conception of international law was going to be solidified.

As indicated by the literature that was produced around the time of the Rome Statute, the desire to nurture the controlled growth of “genocide” as a legal term was

¹³⁵ United Nations Security Council, Resolution 808 (1993), [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/808\(1993\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/808(1993)) (accessed, 12/21/2016).

¹³⁶ United Nations Security Council, Resolution 955 (1994), [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/955\(1994\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/955(1994)) (accessed, 12/21/2016).

complemented by housing its adjudicative development. In their analysis of the state of international law's treatment of atrocities, Steven R. Ratner and Jason S. Abrams expressed a commitment to expand the legal definition of "genocide" through "judicial interpretation" and despite "the political hurdles."¹³⁷ They argued that "the most promising route for the future evolution of international law on genocide would be through clearer expansion of customary international law."¹³⁸ As the wording of the Rome Statute suggests, this expansive function of "genocide" was going to be facilitated indirectly by offering space for the legal information on genocide to be produced rather than attempting to directly change the legal definition of the term. Instead of presenting the plans to expand the use of "genocide" before the member states for the renegotiation and reconsideration of the Genocide Convention itself, the Rome Statute's impact on the term is transformative in its direction of the environment in which "genocide" can gradually and less noticeably be molded through popular information. Hence, the increasing applicability of "genocide" may be navigated by soft power without risking the loss of the term's unique legal status as the subject matter of a rarely attained universal agreement on an international crime and as a catchy word of a highly attractive quality. The sense that the power of "genocide" cannot be restructured or replaced explains why the detectable changes in its applicability have been reserved by the Rome Statute for customary law under the guidance of the ICC.

Domestic procedure is another manner through which the Rome Statute enabled

¹³⁷ Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy*, 2nd ed. (Oxford: Oxford University Press, 2001), 45.

¹³⁸ *Ibid.*

the legal applicability of the term *genocide* according to external sources of soft power. The Rome Statute's Article 1 declares that the ICC "shall be complementary to national criminal jurisdiction."¹³⁹ Moreover, a scholarly work has claimed that "the International Criminal Court empowers state sovereignty more than ever before by giving states that have ratified the Court's statute the first right to try their own nationals for serious violations of international humanitarian law."¹⁴⁰ The emphasis on customary international law that is achieved by the ICC lends credibility to the applicability of "genocide" by individual states in local trials. Complexly, Article 6 of the Genocide Convention, which empowers the adjudication of genocide charges by "a competent tribunal of the State in the territory of which the act was committed,"¹⁴¹ leaves Article 2 exposed to piecemeal abuses by popular information if an organ such as the ICC cooperates with the alteration of Article 2, and thereby inspires and supports the state tribunals that follow the same line of interpretation. A recent example of an exposure to such abuse is seen in Guatemala. There, the Genocide Convention's Article 2, which had already been abused by a local penal code that omitted the words "as such" from the legal definition,¹⁴² was interpreted to fortify the ICTR's work toward presenting civil war as genocide.¹⁴³ In promotion of

¹³⁹ "The Rome Statute of the International Criminal Court," https://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf (accessed, 12/21/2016).

¹⁴⁰ Peskin, *International*, 247.

¹⁴¹ United Nations, "Convention on the Prevention and Punishment of the Crime of Genocide," <http://www.hrweb.org/legal/genocide.html> (accessed, 3/22/2017). The other environment to try charges of genocide is an "international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction." See: *Ibid*.

¹⁴² Oglesby and Nelson, "Guatemala's," 138.

¹⁴³ *Ibid.*, 139.

this decision's effect on the worldwide meaning and application of genocide, the genocide scholarship declared the Guatemalan trial's genocide verdict in 2013, which had to be retried, as "a vindication for victims" and a "milestone for showing that the judicial system could prosecute cases at the highest level."¹⁴⁴ The idea of more domestic applications of "genocide" received scholarly support in the argument that "domestic prosecutions of international crimes provide some comparative advantages over international prosecutions."¹⁴⁵

Therefore, it is becoming apparent that the Rome Statute has enhanced the American ability to alter the legal purpose of the term *genocide* through soft power, and without having to change a single word of Article 2 in the Genocide Convention. In other words, the governments, whose agreement to ratify the Genocide Convention had given "genocide" its legal status, are powerless as the applicability of the term is being shaped indirectly yet steadily to have a different meaning. The flagrancy of shifting the definition to protect political groups that actively engage in violent defiance of governments is imposed without the agreement of member states that agreed to become parties to the treaty as it had been worded. This is the direction to which the genocide scholarship has pushed the legal development of genocide: the description of civilians who are associated with a political group as victims of genocide. The outlook appears to be that this would be the function of "genocide" unless or until international criminal law is further developed. When William A. Schabas noted that the Rome Statute's definition of

¹⁴⁴ Ibid., 138.

¹⁴⁵ Nancy Amoury Combs, *Fact-finding without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions* (Cambridge: Cambridge University Press, 2010), 367.

genocide “is essentially a copy of Article II of the Genocide Convention,”¹⁴⁶ he phrased himself accurately but failed to disclose the omission of Article 1’s clarification that “genocide” is applicable as a crime “whether committed in time of peace or in time of war.”¹⁴⁷ Even though Schabas does consider elsewhere that genocide was originally distinctive from “crimes against humanity” for not being confined to “international armed conflict,”¹⁴⁸ his work has called attention away from how the omission by the Rome Statute’s definition affects the ability of the public to detect the connection between the original context of the Genocide Convention and the new international criminal code. According to Schabas, the public is to consider that “The distinction between genocide and crimes against humanity is less significant today, because the recognised definition of crimes against humanity has evolved and now unquestionably refers to atrocities committed in peacetime as well as in wartime,”¹⁴⁹ as if this has happened without design. He focused on the current status of the terms without informing his readers about how or why “genocide” has served as a fertile ground for the codification of “crimes against humanity.”

Until the Rome Statute came into force, the definition of “crimes against humanity” had not been documented in a contract through the United Nations, and had been limited to times of war. The emphasis on this limitation at the time of the Nuremberg trial served as one of the main arguments for the need to draft a convention—

¹⁴⁶ William A. Schabas, *An Introduction to the International Criminal Court*, 2nd ed. (Cambridge: Cambridge University Press, 2004), 37.

¹⁴⁷ <http://www.hrweb.org/legal/genocide.html> (accessed, 3/22/2017).

¹⁴⁸ Schabas, *Introduction*, 36.

¹⁴⁹ *Ibid.*, 37.

the Genocide Convention—that would be relevant to times of peace in addition to times of war.¹⁵⁰ By using “genocide” in its indictment but not in its judgment, the Nuremberg trial primed the term for elevation in the public discourse yet reserved its use for the convention. The success of the campaign to draft, adopt, and ratify the Genocide Convention would have been put in doubt had “genocide” not been seen as distinct from “crimes against humanity.” Now that “genocide” has become a prominent term, the distinction is mainly helpful for the ability to trace the development of international criminal law accurately.

The argument that the definition of “crimes against humanity” has simply evolved into its current meaning ignores the element of design in the use of genocide’s popularity to introduce an extended criminal code that is the equivalent of the Genocide Convention’s Article 2 but without the restrictive insistence on special intent and group identity. Slyly, the discourse that was generated by the events in the former Yugoslavia and Rwanda, through their dramatization to show genocide as a scourge, has been converted to a narration of a public demand for better handling of genocide-related crises. As a result, there was wide support for a statute to establish the ICC, but this statute also included the codification of new crimes. The Rome Statute, which was the fruit of the “genocide” campaigns in the 1990s, did not just establish the ICC, but provided an opportunity to define the crimes within the ICC’s jurisdiction and thereby give legal sanction to crimes that were previously undocumented in this manner.¹⁵¹

¹⁵⁰ For a discussion of this here see: Chapter 5, section titled “The Reeducation of Germany.”

¹⁵¹ Art. 5(1) of the Rome Statute presents a list of crimes that is headed by “The crime of genocide,” but also includes “Crimes against humanity,” “War crimes,” and “The crime of aggression.”

According to the framework of analysis that is offered here, it is found that the soft-power capacity of “genocide” has made it possible for “crimes against humanity” to be incorporated into a binding document of international law, and allowed for definitions of crimes upon which there was no agreement in a convention to have legal effect. While it might be claimed by the genocide scholarship that “crimes against humanity” simply turned applicable outside the realm of international wars, the definition of “crimes against humanity” in the Rome Statute is tantamount to a much more applicable definition of genocide. Article 7(1) of the Rome Statute defines “crimes against humanity” as a set of acts that are “committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack,” and it further states that these acts include persecutions against any group on political grounds. The effect of the Rome Statute could be felt while it was still in the process of coming into force. In 2000, the Statute of the Special Court for Sierra Leone, by way of an agreement between the United Nations and the government of Sierra Leone, empowered the special court to try persons for committing “crimes against humanity” while engaged in a civil war.¹⁵² Hence, it is considered that while the ICC was constructed by the attractive power of “genocide,” the capacity of the Rome Statute to drastically extend the scope of criminal prosecution in international law lies in its placement of an applicable set of “crimes against humanity” at the core of the new international criminal code. An indication of this being the trend is found in the Rome Statute’s accompaniment by the release of books whose title is *Crimes*

¹⁵² “Statute of the Special Court for Sierra Leone,” <http://www.rscsl.org/Documents/scsl-statute.pdf> (accessed, 2/13/2017). It is notable that William A. Schabas, the former president of the American-based International Association of Genocide Scholars, was positioned as a member of the Sierra Leone Truth and Reconciliation Committee (2002-2004). See: Totten, “State,” 215.

against Humanity.¹⁵³

From this perspective, it might be appropriate to say that the ICC is a house that was built through the popularity of “genocide” in a controlled discourse. It would be misleading to claim, as the dominant narration of events seems to do, that occurrences of genocide have themselves generated agreement about the need for a permanent court as the ICC. “Genocide” has functioned as the vessel that carried momentum to the Rome Statute, and metaphorically built the house from which “crimes against humanity” can have its quieter yet more spreadable effect on criminal convictions in international law. Much like “genocide,” the ICC is an attractive feature on the surface of international law. The power of “genocide” to inspire legal procedure is reflective of the indispensability of a codified crime for the creation of a court, and is not accidental, but rather a precondition that is vital for customary law and the life of any law, be it domestic or international.

Even before “genocide” was introduced to the public in 1944, and long before the Rome Statute called in 1998 for the establishment of the ICC, an attempt had been made to combine a criminal code and a criminal court for the advancement of international law. To this effect, two international conventions were issued on the same day—November 16, 1937—by the League of Nations for signature by member states: one was the Convention for the Prevention and Punishment of Terrorism (Terrorism Convention); the other was the Convention for the Creation of an International Criminal Court (ICC

¹⁵³ The following two books showcase the term as the main title: Geoffrey Robertson, *Crimes against Humanity: The Struggle for Global Justice* (New York: New Press, 2000); Larry May, *Crimes against Humanity: A Normative Account* (Cambridge: Cambridge University Press, 2005). Interestingly, the two works called attention to “crimes against humanity” in starkly different ways. Robertson promoted the use of the term *crimes against humanity* by predicting that in the twenty-first century the human rights movement “will go on the offensive.” See Robertson, *Crimes*, 453. May advanced the term *crimes against humanity* by presenting a minimalist approach to the usage of “genocide” in international criminal law. See: May, *Crimes*, 4, 254.

Convention).¹⁵⁴ While the references to the protection of minorities in a number of new nation-states post-WWI is a significant precedent to the Genocide Convention,¹⁵⁵ so is the Terrorism Convention. Even less imagination is required to consider that the ICC Convention was a prototype for the statute that established the ICC more than sixty years later.¹⁵⁶ The two pre-WWII conventions were offered in tandem, and are instructive of how the Genocide Convention and the Rome Statute are tied at the hip.

Though of a particular criminal focus that is different from that of the Genocide Convention, the Terrorism Convention was a significant trailblazer in the development of international criminal law. It introduced a state duty “to refrain from any act designed to encourage terrorist activities directed against another State and to prevent and punish activities of this nature and to collaborate for this purpose.”¹⁵⁷ The acts of terror were seen as “criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public.”¹⁵⁸ Noticeably, the advent of the Terrorism Convention sought to create international standards of civilian protection while at the same time protecting the state from a terrorist

¹⁵⁴ The reason for using the acronym ICC here in reference to this convention is not meant to confuse between the pre-WWII vision and that which was articulated in the Rome Statute, but rather to point at their fused quality.

¹⁵⁵ For a discussion of this here, see: Chapter 4, section titled “The League of Nations”; Chapter 5, section titled “Lemkin’s Intellectual Property.”

¹⁵⁶ It is possible that because there had already been an ICC Convention, a decision had been made to highlight the location of the statute instead of the court itself. The Rome Statute of the International Criminal Court was named this way after “the headquarters of the Food and Agriculture Organization of the United Nations in Rome” served as the meeting place on July 17, 1998, in which “120 States” voted to adopt the statute. See: Schabas, *Introduction*, ix.

¹⁵⁷ “Convention for the Prevention and Punishment of Terrorism,” in *International Legislation: A Collection of the Texts of Multipartite International Instruments of General Interest*, ed. Manley O. Hudson (Washington: Carnegie Endowment for International Peace, 1941), 7:865, art. 1(1).

¹⁵⁸ *Ibid.*, art. 1(2).

attack by a nonstate entity. While the Genocide Convention does not itself negate such a protection of the state, the manner in which the convention was applied through the ICTR markedly criminalized a government for its reaction to an attack by a nonstate entity. Akayesu was convicted of public incitement to create a genocidal state of mind, but the Terrorism Convention would have sought to protect him and his government from the conspiracy and incitement that created “a state of terror” in Rwanda. An American-sponsored Uganda had its soldiers—under the claim of being a nonstate entity—invade Rwanda, yet, despite these markings of conspiracy and incitement toward terrorism against a state, popular information in the form of the genocide discourse has covered up the significance of this event with the cooperation of a United Nations sanctioned organ of adjudication. In this, the United Nations has completely negated the work of the League of Nations. It could be that the Terrorism Convention had not been designed to last, for it was abolished soon after its ratification with the termination of the League of Nations, and was not reintroduced by the United Nations in the aftermath of WWII. Furthermore, by not being a member of the League of Nations, the United States was able to remain unaffected by the Terrorism Convention without having to deny the convention by withholding its signature.

In view of the long-running American commitment to advance international law through soft power, the Terrorism Convention is seen as having provided an invaluable service because it functioned as launching pad for the ICC Convention without appearing as an American agenda. In other words, even though it was cancelled by the war and the replacement of the League of Nations with the United Nations, the Terrorism Convention still had the effect of preparing minds for the ICC that was finally established decades

later. The great amount of time that had passed before the Rome Statute picked up where the ICC Convention left off reflects how necessary it was to take a gigantic step—in a rehearsal—prior to WWII. The preparatory value of the ICC Convention did not simply lie in making the idea of an international criminal court more realistic, but also in the immediate connection that it drew between crime and court. Through its very first article, the ICC Convention made it known that its international criminal court would be set up for trying “persons accused of an offence dealt with in the Convention for the Prevention and Punishment of Terrorism.”¹⁵⁹ Similarly, the text of the ICC Convention stipulated that the accession of member states to the convention was “conditional on the deposit by the same High Contracting Party of an instrument of ratification of, or accession to, the Convention for the Prevention and Punishment of Terrorism.” Meaning, the ICC Convention did not even have to come into force in order for it to establish a blueprint for the Rome Statute that similarly intertwined the establishment of the permanent and central court with the acceptance of a new criminal code.¹⁶⁰

However, the full extent of American planning and directing that went into the development of “crime” as a concept in international law has been kept from clear sight. This hiddenness is in keeping with the style of soft power, which generates desired effects by employing persuasive and indirect means. Accordingly, in the volume that was published by CEIP to record such conventions, the editor Manley O. Hudson added in an editorial note of context regarding the Terrorism Convention and the ICC Convention that both conventions were inspired by the French government’s reaction to “the

¹⁵⁹ “Convention for the Creation of an International Criminal Court,” in *International*, Hudson, 880, art. 1.

¹⁶⁰ Unlike the Terrorism Convention, the ICC Convention was never brought into force. See: *Ibid.*, 878.

assassination of King Alexander I of Yugoslavia at Marseilles on October 9, 1934.”¹⁶¹

This style of narration is now practiced by the genocide scholarship, which in the cases of the former Yugoslavia and Rwanda has sought to convince the public that a necessary development for the advancement of international law, such as the production of customary international law on “genocide,” was the direct result of this or that crisis rather than the result of indirect influence.

In addition, the meaning of these two conventions is not considered in the public discourse because of the decontextualized framing by the dominant literature on the history of genocide and international criminal law. The genocide scholarship has distorted history by employing extreme exaggeration to present Lemkin’s proposal to the international conference in Madrid in 1933 as outstanding, instead of recognizing that his rejected proposal was a minute contribution within a vastly greater project to arrive at the predetermined destination of a convention on terrorism.¹⁶² The genocide scholarship does not consider the power relations that enabled the execution of a strategy to promote international law, but unfolds a misleading narrative because of its moral appeal. Likewise, scholars, who molded the historiography of international law in an effort to put the inauguration of the ICC in perspective, have framed their timeline to show the Nuremberg Trials as the symbolic beginning of international criminal law, and do so while showing the Nuremberg procedure as if a direct reaction to what happened in WWII rather than as a manifestation of a strategy to construct international law.¹⁶³ In a

¹⁶¹ Ibid., 862, 878.

¹⁶² For a discussion of this here, see: Chapter 5, section titled “Lemkin’s Intellectual Property,” and especially note 39.

¹⁶³ For instance, Ratner and Abrams premised their book on the idea of a Nuremberg legacy, as indicated by the work’s subtitle. See: Ratner and Abrams, *Accountability*. Similarly, a memorandum to the United

phrasing that shows how the reference to Nuremberg and Lemkin leads the public away from considering that power motioned the progress of international law, it is stated that “In the wake of the Nuremberg trials, Rafael [*sic*] Lemkin’s effort to outlaw the crime of genocide finally succeeded.”¹⁶⁴

The attachment of the ICC Convention to the Terrorism Convention as its sole criminal code shows that “crimes against humanity” had not been conceived as a subject of international criminal law before WWII. However, there have been efforts in the scholarly works on international law to criminalize the Ottoman Empire by ascribing the origin of “crimes against humanity” to the suffering of the Armenians in WWI. It has been suggested that “the first” use of the term in some way was in relation to the wartime massacres of Armenians on Ottoman land.¹⁶⁵ The source to which reference is made in

States President starts its narration of the background to the establishment of the ICC with reference to how “After World War II, the international community, outraged at the atrocities committed by the Nazi regime, took action at Nuremberg against many of the leaders responsible.” See: Anne-Marie Slaughter, “Memorandum to the President,” in *Toward an International Criminal Court? Three Options Presented as Presidential Speeches*, ed. Alton Frye (New York: Council on Foreign Relations, 1999), 5. For another work that shares the same framing effect, see: Antonio Cassese, “From Nuremberg to Rome, International Military Tribunal to the International Criminal Court,” in *The Rome Statute of the International Criminal Court: A Commentary*, ed. Antonio Cassese, Paola Gaeta, John R. W. D. Jones (Oxford: Oxford University Press, 2002), 1:3-19.

¹⁶⁴ Benjamin N. Schiff, *Building the International Criminal Court* (Cambridge: Cambridge University Press, 2008), 25. Not only did Schiff produce a phrasing that makes Lemkin appear as the main actor in the progression of “genocide” within international law, but his description presented a reality that is devoid of a grand strategy.

¹⁶⁵ For example, much of the attention to “crimes against humanity” in this context is due to references in two influential publications. See: William A. Schabas, *Genocide in International Law: The Crimes of Crimes* (Cambridge: University of Cambridge Press, 2000), 16-17; Antonio Cassese, “Armenians (Massacres of),” in *The Oxford Companion to International Criminal Justice*, ed. Antonio Cassese (Oxford: Oxford University Press, 2009), 249. Both texts present the accusation as “the first” in some way: “It has been suggested that this constitutes the first use, at least within an international context, of the term ‘crimes against humanity’”; “Thus, for the first time, the notion of crimes against humanity was propounded and it was also asserted that those involved in such crimes would be held criminally responsible.” Compare: Schabas, *Genocide*, 16-17; Cassese, “Armenians,” 249. Schabas misleadingly presents this dug-up wartime document as “a joint declaration” in the context of his legal discussion even though it was a nonlegal warning against a belligerent, and he incorrectly claims that the term *crimes against humanity* was used as such in the communication. In addition to making the wartime communication into a feature in the discourse, Cassese italicizes his version of the quote to highlight “new

this regard was not a legal document, but a relayed diplomatic message, in which hyperbolic language is used in a communication that was meant for the Ottoman government in the context of the Allied Powers' desire to affect the Ottoman participation in the war.¹⁶⁶ Furthermore, the now famous quote does not even use “crimes against humanity” as a term: “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 Government and those of their agents who are implicated in such massacres.”¹⁶⁷ It reveals a language that looked to create a discourse on international law through the suffering of the Ottoman Armenians.

Within the modern-day wave of scholarly efforts to build a case against the Ottoman government in the reconstruction of a genocidal context, focus has been kept away from another statement in the communication, according to which there is no knowledge that the Ottoman government itself organized the massacres: “For about a month the Kurd and Turkish population of Armenia has been massacring Armenians with

crimes” and “against humanity” for effect on readers, and he does not explain that by saying “propounded” he refers to a communication that is far removed from having legal relevance. This is not a reliable narration of international law’s history. Interestingly, Schabas’ work of reimagining the significance of “crimes against humanity” in relation to WWI and the Armenian experience is found in a book that came out soon after “crimes against humanity” received a repurposing treatment in the wording of Article 7 in the Rome Statute of the International Criminal Court in July, 1998. See: United Nations, “Rome Statute of the International Criminal Court,” http://legal.un.org/icc/statute/99_corr/cstatute.htm (last accessed, 1/24/2017). Dadrian’s treatment of this document is even more misleading because his false suggestion that “crimes against humanity” as a term “has its origin in the public recognition of the Armenian genocide by the three principal Allies in World War I,” was accompanied by the false presentation of the term as the “equivalent” to “genocide.” See: Vahakn N. Dadrian, *Key Elements in the Turkish Denial of the Armenian Genocide: A Case Study of Distortion and Falsification* (Cambridge, MA: Zoryan Institute, 1999), 34.

¹⁶⁶ It does not appear unusual for belligerents to use threatening words as part of an effort to discourage a wartime enemy.

¹⁶⁷ U.S. Department of State, *Papers Relating to the Foreign Relations of the United States, 1915 Supplement: The World War* (Washington: United States Government Printing Office, 1928), 981.

the connivance and often assistance of Ottoman authorities.”¹⁶⁸ The text points at the existence of what in the current criminal code fits the description of a crime against humanity, but the casual claims by scholars that this was the first legal expression of the term *crimes against humanity* is misleading. In actuality, there was not nearly enough contextualization for an evaluation that meets legal standards; the reference was to the concept of crimes against humanity, and it was not stated as the legal term that it is today nor was it a legal term at the time; the concept of crimes against humanity or civilization had already been used on the pages of the *NYT* in other instances prior to this depiction of the Armenian victimhood.

This last point is significant because it brings into view how the concept of these crimes had been developed through popular usage in the United States, and how the claim that the Ottoman government’s conduct warranted a “first” instance of “crimes against humanity,” internationally or in general, amounts to misinformation, and might indicate bias in the presentation of Ottoman history in influential scholarly works. The term *crime against humanity* was popularly used in condemnation of the slave trade in 1854.¹⁶⁹ In the context of the Dallas Treaty in 1857, it was argued that a war between Britain and the United States would be “a crime against civilization, which the Christian nations ought never to forgive.”¹⁷⁰ In 1860, references to “crimes against humanity” were

¹⁶⁸ Ibid. Neither Schabas nor Cassese mentions that the communication does not issue a direct accusation against the Ottoman government regarding the massacres. It is also notable that this part of the communication blatantly ignores Ottoman sovereignty by referring to the land as “Armenia.”

¹⁶⁹ “The Slavery Question—The Issue and the Arguments,” *New York Daily Times*, July 7, 1854. In a later article, still in the 1850s, it was reiterated that the slave trade was “a crime against humanity” and “a sin against God.” See: “The African Slave-Trade,” *New York Times*, June 2, 1858.

¹⁷⁰ “The Dallas Treaty,” *New York Daily Times*, February 11, 1857.

made in relation to the actions of “the Miramon faction” in Mexico.¹⁷¹

During the American Civil War, the *NYT* published an article from the *Memphis Avalanche* that carried an accusation of “crimes against humanity” by the North, whose war tactics were described as paralleling those of “the Sepoys of India and the Druses of Syria.”¹⁷² As expressed in an article titled “Crimes against Civilization,” the United States government was engaged in converting the events of the Civil War into a language of war crimes.¹⁷³ In reaction to the “burning and shelling of an unprepared Japanese city [Kagosima], containing 180,000 inhabitants, against whom there was no war, by the British Admiral” in 1863, the British parliament was accused of a “barbarous crime against humanity.”¹⁷⁴ Similarly, by the close of the nineteenth century, the popular usage of “crimes against humanity” was also made regarding the acts of guards in “the penitentiary system of the Southern States”;¹⁷⁵ Irish Americans who were suspected of setting “explosions in London”;¹⁷⁶ the Russian government in the treatment of Jews within its territory;¹⁷⁷ Americans in an insurrection against Hawaiian officials;¹⁷⁸ and the

¹⁷¹ “Mexican Intrigue at Washington,” *New York Times*, January 6, 1860. Another reference to “crimes against humanity” in this context was made in a later article. See: “Mexican Affairs,” *New York Times*, May 30, 1860.

¹⁷² “News from Rebeldom,” *New York Times*, January 18, 1862.

¹⁷³ “Crimes against Civilization,” *New York Times*, August 13, 1865. Also, for similar considerations in an article that mentions “crimes against humanity,” see: “The Farce of Parole as Applicable to the Jailer Wirz,” *New York Times*, August 27, 1865.

¹⁷⁴ “British Barbarity,” *New York Times*, November 24, 1863.

¹⁷⁵ “A Disgrace to Humanity,” *New York Times*, November 23, 1880.

¹⁷⁶ “The Irish-American Question,” *New York Times*, May 10, 1883.

¹⁷⁷ Frederic Harold, “An Indictment of Russia [VII],” *New York Times*, October 26, 1891.

¹⁷⁸ “The Hawaiian Oligarchy,” *New York Times*, June 3, 1895.

Cuban Conservative Party “during the war of 1868-78.”¹⁷⁹

Even in the context of international law or WWI in particular, the Ottoman Armenian case did not present the first reference to crimes against humanity or civilization. The concept of “laws of humanity” was put into language in the conferences at The Hague before WWI.¹⁸⁰ In the beginning of WWI, before Ottoman Armenians were driven from their homes and exposed to the harshness of an unruly wartime environment, “A Crime against Humanity” was the title of an article by the *NYT* in which it was stated that “The dropping of bombs into the City of Antwerp from a German Zeppelin airship is a crime against humanity of which civilized nations should take notice by earnest protests to the German Government.”¹⁸¹ Meaning, the popular discourse about international war was directing public opinion toward adopting a language of international law through the notion of a crime or crimes against humanity or civilization ahead of the Armenian suffering.

It was in correspondence with the priming of “crimes against humanity” for greater use through the Rome Statute that the literary works began to circulate the misleading suggestion that the term originated in the Entente’s reaction to the Ottoman treatment of its Armenians. This has become a part of the standard narration of the

¹⁷⁹ “Cuba’s Autonomist Party,” *New York Times*, October 2, 1895.

¹⁸⁰ The Hague convention of 1907 reiterated the statement made in 1899, with minor adjustments, stating that: “Until a more complete code of the laws of war has been issued, the high contracting Parties deem it expedient to declare that, in cases not included in the Regulations adopted by them, the inhabitants and the belligerents remain under the protection and the rule of the principles of the law of nations, as they result from the usages established among civilized peoples, from the laws of humanity, and the dictates of the public conscience.” See: James Brown Scott, ed., *The Hague: Conventions and Declarations of 1899 and 1907, Accompanied by Tables of Signatures, Ratifications and Adhesions of the Various Powers, and Texts of Reservations* (New York: Oxford University Press, 1915), 101-102. It is notable that despite the prominence of the word *forbidden* regarding certain actions by states, the word *crimes* was not featured in the language that was used in the two conventions at The Hague before WWI.

¹⁸¹ “A Crime against Humanity,” *New York Times*, August 27, 1914.

history behind the establishment of the ICC,¹⁸² aside from having a place in the general narration of international law's history. Before the Rome Statute created an incentive to reimagine the history of "crimes against humanity," Georg Schwarzenberger commented in reference to "crimes against humanity" and "crimes against peace," that "Prior to the Charters of the International Military Tribunals of Nuremberg (1945) and Tokyo (1946), these forms of extraordinary jurisdiction were unknown to international law."¹⁸³ The false belief that "crimes against humanity" originated in the Ottoman Armenian experience is a foundational element in how the structure of international law is commonly understood.

Through the recent reimagining of the term's history, the information about the progression of international law maintains the semblance of distance between the penetration of "crimes against humanity" to an international criminal code and soft power. The grammar that is used to communicate this narration persuasively is itself revealing of this purpose as it relates verbs to events rather than to powerful actors. For example, in a discussion about WWI, it is stated that "The war provoked criticism by many of both the outrageous behavior by a government towards its own citizens (Turkey) and aggression against other nations (Germany)."¹⁸⁴ This is representative of how the style of the language itself is structured to lead the public into believing that the codification of crimes, as in the case of "crimes against humanity," is a reaction to events rather than a strategy to institute power effectively. As long as "crimes against humanity"

¹⁸² For example, see: Schiff, *Building*, 20.

¹⁸³ Georg Schwarzenberger, *International Law and Order* (New York: Praeger Publishers, 1971), 248.

¹⁸⁴ Jackson Maogoto, "Early Efforts to Establish an International Criminal Court," in *The Legal Regime of the International Criminal Court: Essays in Honour of Professor Igor Blishchenko*, ed. José Doria, Hans-Peter Gasser, and M. Cherif Bassiouni (Leiden: Martinus Nijhoff Publishers, 2009), 10. Similarly, the next line in this work starts with "The devastation of the war provided..." See: *Ibid.*

is presented as an old term that originated in reaction to events, then it is less likely to be considered as a newly documented set of crimes that makes the construction of international criminal law appear as a function of power.

There are parallels between the public discourse about the nonratification of the Genocide Convention in the United States,¹⁸⁵ and the one about the nonratification of the Rome Statute. In both cases, the debate comprised of liberal voices that pointed at international interests and moral appeal on one side, and conservatives in the House of Representatives, the Senate, and the Pentagon who expressed concern for the safety of Americans abroad and the United States constitutional soundness on the other. In the cycle regarding the Rome Statute, the *NYT*'s narration made the following key references to create a sense of a debate:

“Delegations are twisting themselves into pretzels to bring the Americans in,” said Richard Dicker, a lawyer at Human Rights Watch and an expert on the court. The Pentagon has demanded guarantees that no American soldier or official on duty abroad could ever be tried by the court, a stipulation that President Clinton, while professing to support the court, has shrunk from overruling. In Congress, opposition among Republican leaders has been extremely strong.¹⁸⁶

Within this debate, the *NYT*, in its capacity as an opinion-giver, expressed its support when the United States added its signature to the adoption of the statute, stating that “In signing the treaty establishing an international criminal court, President Clinton served American interests and the cause of justice worldwide.”¹⁸⁷ Then, just as the narration made it seem as if the switch to the Eisenhower administration was part of the

¹⁸⁵ For a discussion of this here, see: Chapter 5, section titled “American Display of Dissociation.”

¹⁸⁶ Barbara Crossette, “U.S. Accord Being Sought on U.N. Dues and on Court,” *New York Times*, December 7, 2000.

¹⁸⁷ “A Step toward International Justice,” *New York Times*, January 3, 2001.

explanation why the United States drifted toward nonratification of the Genocide Convention, so did the narration regarding the nonratification of the Rome Statute claim that “Washington’s cooperation is under attack from conservatives in Congress and members of the incoming Bush administration.”¹⁸⁸ A scholarly instrument of narration was provided in the form of a book that was published by the Council on Foreign Relations, in which Ann-Marie Slaughter led the public away from considering that the Rome Statute is an American project of soft power. She did this by marking the delay of the ratification as the middle ground between ratification and rejection of the ICC.¹⁸⁹ The effect of this public debate is that it strengthens the ability of the Rome Statute and the ICC to function as soft power that is not considered to be associated with American interests or an imposition of authority. By this depiction of the United States as a hesitant party, the public is invited to believe that this major development in international law is not a matter of American design, but an echoing testament of humanity’s consciousness.

Once the public debate on the nonratification of the Rome Statute effectively created an impression that the United States government is not sufficiently active and involved in the fight against international crime and in the prevention of humanitarian disasters such as genocides, public opinion was opened up for literary products that would reignite a passion for intervention, and in the process promote even further the view of the United States as a responder rather than a designer. Accordingly, it was

¹⁸⁸ Ibid. Also, see: “Attack on the International Court,” *New York Times*, May 21, 2001. As the topic faded from the public eye in both cases, the dominant information did not address why the Democratic Kennedy administration, which followed Eisenhower’s in the context of the Genocide Convention, and the Democratic Obama administration, which followed Bush’s in the context of the Rome Statute, did not continue the agenda of the previous Democratic administration and process the ratification. Both Kennedy and Obama started their presidency with a Democratic majority in the Senate.

¹⁸⁹ Slaughter, “Memorandum,” 3-4.

claimed that “many Americans, as a matter of conscience, principle, and national interest, believe it is time to end America’s policy of formal hostility to the Court and replace it with a clear and unequivocal policy to support the Court in its important mission of bringing perpetrators of mass atrocities to justice.”¹⁹⁰ This belief “that the United States should support the Court”¹⁹¹ not only disseminated the assumption that the ICC is not an American project, but created the sense that the United States has not been doing enough to support the ICC. Consequently, the public is impassioned to develop an inclination to participate in human-rights activism and “call a savage a savage.”¹⁹² Through literature that appeals to the public’s perception that “tyrants” are perpetrating crimes against innocent victims,¹⁹³ a government that possesses a globally dominant military is able to have its public hold the opinion that it should intervene militarily in civil wars as part of the commitment to prevent and punish genocide and a growing list of other crimes.

Misleading the Masses

American soft power continues to dominate the meaning of “genocide” and its application despite the introduction of unprecedented international organs of law to interpret the Genocide Convention and the establishment of the ICC. Moreover, it may even be formulated that American soft power has become better equipped to dominate how the term *genocide* is defined and used through these new means of producing

¹⁹⁰ Lee Feinstein and Tod Lindberg, *Means to an End: U.S. Interest in the International Criminal Court* (Washington: Brookings Institution Press, 2009), 3.

¹⁹¹ *Ibid.*, 9.

¹⁹² Robertson, *Crimes*, 453.

¹⁹³ *Ibid.*

information about “genocide.” Independent scholars whose expertise is genocide studies, together with the American influence on the most popular avenues of information, have functioned as agents of American soft power and created a popular genocide discourse. These days, the ongoing status of this genocide discourse functions as a source of analytical inspiration for legal information that is conveyed by judges in tribunals that are recognized as competent has taken the level of persuasiveness to a higher level.

If soft power is strengthened by the degree of separation between its manifestation and its origin, then the creation of customary international law on genocide has allowed the popular discourse to grow much more effective. The semblance of distance between the genocide scholarship and its source of power had already been widely believed by the public, and the distance between international judges and the influence of American soft power appears as even greater. These judges are informed by the work of the genocide scholarship, and the information that they produce is influenced by the popular discourse in a way that is not directly linked to a source of power and is likely to be more persuasive. If the judges in cases that consider indictments of genocide, be it in ad hoc international tribunals, domestic trials, or the ICC, digest and process information that is largely affected by American perspectives as they interpret the international treaty that gave the term its legal definition, then their impact on international law is even more damaging than that of the genocide scholarship itself. Legal power is not to be found in a system that enables an interested party¹⁹⁴ to influence the quality of customary law to

¹⁹⁴ By referring to the United States as an interested party in international law, there is no intention to assume a unity of mind among many American perspectives, but to point at the totality of information that is produced from within the United States or under American influence in relation to other nation-states that are supposedly equal units before the law. If international law becomes more about the relationship between governments and the governed and less about the conflict between nation-states, then the perspectives of those who share allegiance to one national government would not be considered as amounting to one interested party.

undermine the wording of international treaties. Instead of witnessing an arrival at legal power, soft power has become more sophisticated, and more pervasive, in its ability to influence attitude and behavior with an indirectness that negates the accountability of law.

Rather than reserve the information on genocide to thoroughly independent judges, the introduction of legal procedures in international criminal law has had the effect of opening up the meaning of “genocide” to even greater influence by the popular discourse. While the genocide scholarship has been directly affecting the judges’ opinions on genocide on a case by case basis, the place of “genocide” in popular information has added a dimension of influence that affects judgments more indirectly, through public opinion. Since much of the international information is affected by the United States, and since judges are committed to considering major trends in public sentiment, it becomes possible for the judges’ performance to be subjected to soft power both by way of the genocide scholarship that produces the research that is then used as evidence, and the popular discourse on “genocide” that sways public opinion about cases before investigations or trials are held. Much like the international judges, the popular discourse is informed by the genocide scholarship, and has the effect of elevating the scholarly works and predetermining the voice of the judges. As a result of this multiplicity of voices on “genocide”—scholars, judges, and pundits—the element of a singular biased source of soft power over these affairs remains out of clear sight.

Samantha Power’s main argument in *“A Problem for Hell”* is that over the course of a century the United States has been generally idle in its responses to what she

describes as genocides,¹⁹⁵ but the main effects of her book—it is claimed here—have been to establish an association between the United States and responses to crises rather than responsibilities for their creation, and to further popularize the genocide scholarship’s determination of what counts as genocide. As Power claims to survey “the major genocides of the twentieth century,” her evaluation of the American performance in reaction to humanitarian crises invited the public to think of the United States as a responder.¹⁹⁶ The emphasis on the United States as a responder means that she propagated an assumption that the question of American involvement in these crises only pertains to the catastrophic violence without offering detailed accounts about what preceded it. Thereby, Power created a proclivity to rule out that American involvement is an antecedent that affected the event. She used language to frame the public’s perception of the American role within notions of an initial American neutrality. Power struck a moralistic tone as she called attention to the United States as a bystander to genocide and called attention away from considerations of how American power might instigate violent conflicts and then label them as a genocide that is perpetrated by officials of the local government.

The structure of Power’s book reflects how the popular discourse on the Armenian experience as genocide was foundational to the genocide discourse in general, and, as such, it is also at the heart of that which is misleading about it.¹⁹⁷ Power’s project

¹⁹⁵ See: Power, “*Problem*”, 504.

¹⁹⁶ For examples in which Power expresses her focus on the American role in terms of responding or reacting, see: *Ibid.*, xvi-xvii, xix-xx, 503-504. The depiction of the United States government in the role of a responder is a major theme in the book.

¹⁹⁷ Two later monographs developed Power’s portrayal of the Ottoman Armenian experience within the frame of humanitarian intervention. Like Power, Gary J. Bass described the American role in terms of “responses.” See: Gary J. Bass, *Freedom’s Battle: The Origins of Humanitarian Intervention* (New York:

of exploration starts with her version of the genocide scholarship's narrative about the Armenian victimhood. The title of her book's first chapter exclaims "Race Murder,"¹⁹⁸ and it opens with a second-hand delivery of an unsourced fable.¹⁹⁹ The use of "race murder" is sensationalist, and it is a reference to Henry Morgenthau's hyperbole,²⁰⁰ but Power invites her readers to believe that this is a fair description of what happened.²⁰¹ Much like the genocide scholarship, Power quoted Morgenthau's narration about the uprooting of "peaceful Armenian populations,"²⁰² as if free from power considerations. In line with the genocide scholarship's disinterest in the American strategy behind "genocide" and international criminal law, Power's delivery of Morgenthau's words was unaccompanied by the consideration that the text was deliberately constructed in this manner to cater to an American design to thicken the body of international law in the war's aftermath by issuing information on war crimes.

As a study of the post-WWI American efforts does show, this is precisely what ended up happening in the form of CEIP's report under the title *Violation of the Laws and Customs of War* in 1919, which shows a design to use the war as a launching pad for a

Alfred A. Knopf, 2008), 42. In a work that attempted to show humanitarian interventions as a European concept, Davide Rodogno discussed the rise of nationalism among the Ottoman Christians without mentioning Robert College, which was the hub of American influence on future political leaders among these Christian groups. See: Rodogno, *Massacre*, 171. There is no reference to Robert College in the book's index. For a discussion of Robert College here, see: Chapter 4, section titled "The Eastern Question," and notes 116-119.

¹⁹⁸ Ibid., 1.

¹⁹⁹ For a discussion of this here, see: Chapter 5, section titled "Lemkin's Intellectual Property."

²⁰⁰ Power, "Problem," 6.

²⁰¹ Ibid., 14. Not only did Power choose to highlight the idea of it being "race murder" by placing it as the title of the first chapter, she also referred to the Armenians as "survivors of 'race murder'." See: Ibid.

²⁰² Ibid., 6.

criminal code. In consideration of the American work toward international law that preceded WWI, it would be in agreement with such endeavors to create a documentation of the war in a language that makes the wartime events fit into brackets of war crimes such as “murders and massacres,”²⁰³ “deportation of civilians,”²⁰⁴ and “attempts to denationalise the inhabitants of occupied territory,”²⁰⁵ all of which were listed in the report by CEIP, and included references to particulars involving cases other than the case of the Ottoman Armenians. In order to overcome the mental barrier that is presented by the genocide scholarship, and was bolstered by Power, one has to consider that American strategy preceded these events whose narration has served to promote the progress of international law, especially as it pertains to crimes. Events need to transpire and be narrated as crimes before they can be convincingly codified as crimes. Since the American plan to codify such laws preceded their occurrences, it is considered that there was a strategy to narrate them in preparation for their presentation as crimes. The most likely power-based explanation—that Morgenthau’s narration was designed to criminalize Germany through the Ottoman government and generate information that could be later used to develop international law—is one that Power eliminated from consideration.

Since the existence of international criminal law has been explained indirectly, as if the reaction by the conscience of humanity—rather than as an American strategy for instituting its power—is the main cause for it, the genocidization of the Armenian

²⁰³ CEIP, *Violation*, 29.

²⁰⁴ *Ibid.*, 35.

²⁰⁵ *Ibid.*, 39.

experience has come to function as the frontline of power concealment. As long as the treatment of the Armenians by the Ottoman government is widely considered to have been a genocide, the details regarding the American strategy to codify international war crimes remain unexplored and largely unknown. This explains why the genocide scholarship has propagated the notion that the Armenian experience is the first genocide of the twentieth century as part of a greater effort to instill as knowledge that genocide happened in history. The effect of this literature, which was further popularized by Power's thoroughly promoted book,²⁰⁶ has been to lead the public into believing that genocides existed as a phenomenon long before the term *genocide* was invented in Washington, DC, and separately from American power considerations.

In addition to the prominent placement of the Armenian experience within this history of "genocide" in works of the genocide scholarship itself,²⁰⁷ the genociding of

²⁰⁶ As the reprint of Power's book shows, the existing infrastructure of book promotion was employed to elevate the book's place in public consciousness. The elements of promotion included some of the most highly regarded brands and names in the popular discourse. See: Samantha Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2013 [2002]), a-h, i-ii.

²⁰⁷ For instance, within a project that sought to show "genocide" as having a history, it was claimed that "most (but not all) specialists agreed that the mass murder of the Armenians by the Young Turks was genocide, perhaps even the first twentieth-century case." See: Robert Gellately and Ben Kiernan, "The Study of Mass Murder and Genocide," in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan (Cambridge: Cambridge University Press, 2003), 4. The suggestion that not all "specialists" agree is seen here as an attempt to appear credible by some measure of fairness, but the overall mission is to direct the discourse to be occupied by the consideration that the Armenian experience was the first case of genocide in that century. As an example of the manipulative nature of such a project, the authors highlight that "the distinguished historian Arnold J. Toynbee" was an influential person who "spoke out against these atrocities" without mentioning that his original treatment of the Armenian case was in the context of his employment by the British Foreign Office during WWI, as discussed here in Chapter 4, note 179. Even when the topic is described as "controversial," it is accompanied by the description "Armenian genocide" as if the designation is a fact. See: Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians* (Oxford: Oxford University Press, 2005), vii. Bloxham's treatment of the Armenian experience is particularly misleading because he refers to "The 'international context'" in his work. See: *Ibid.*, 17. This has the effect of inviting the readers to falsely believe that the text addresses the non-Ottoman influences. However, as indicated by the title that Bloxham chose for his book's fifth chapter, "The USA: From Non-intervention to Non-recognition," much like Power, he called attention to the United States within the frame of its reaction to events. See: *Ibid.*, 185.

the Armenian experience is further cemented by general works of WWI history. These works mostly offer a cursory presentation of the events, yet the brevity of their analysis within the context of the war has the capacity to offer a different kind of persuasiveness that complements the efforts of the niche works by the genocide scholars. Books on the topic of WWI are commonly believed to be reflective of the mainstream historiography when they are offered on the shelves that are designated for information on WWI by a dominant bookseller such as Barnes & Noble. In their supportive role of the discourse by the genocide scholarship, they function as confirmation of knowledge, and instill in the readers an unexamined conviction that the use of genocide regarding the Armenian experience is a matter of course. In such promoted and readily available books about WWI, the following references are made to the Armenian experience as genocide:

...the most obvious example being the Turkish genocide of the Armenians.²⁰⁸

...except in Turkish Armenia, no population was subjected to genocide...²⁰⁹

...Turkey's unparalleled genocide against the Armenian people—the first holocaust of the twentieth century...²¹⁰

Successive Turkish governments continued into the twenty-first century not only to deny that an Armenian genocide ever occurred but to prosecute any Turk who dared to write of it.²¹¹

To take one example which has been much in the news lately: Armenian groups around the world argue that Turkey should not be allowed into the Europe Union

²⁰⁸ Niall Ferguson, *The Pity of War: Explaining World War I* (New York: Basic Books, 1999), 210.

²⁰⁹ John Keegan, *The First World War* (New York: Alfred A. Knopf, 1999), 8.

²¹⁰ Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (New York: Alfred A. Knopf, 2005), 308.

²¹¹ G. J. Meyer, *A World Undone: The Story of the Great War, 1914 to 1918* (New York: Bantam Dell, 2007), 337.

until it has admitted that it conducted genocide more than ninety years ago.²¹² Jay Winter's reference to "the Armenian genocide" as part of his general narration of WWI presents yet another example of how the popular texts that offer a broad view of history have adopted and fortified the genocide discourse,²¹³ but his voice on the Armenian experience invites a closer inspection. He has been a promoter of the notion that WWI was "a European civil war,"²¹⁴ which is a phrase that shares the use of the phrase "Armenian genocide" in the effect of leading the public away from considering aspects of American strategy regarding WWI. At least in one instance, the United States government funded the dissemination of Winter's presentation of the Armenian experience as genocide.

In a film that was released on November 10, 1996, by the British Broadcasting Corporation, KCET of Los Angeles, and the Public Broadcasting Service (PBS), under the title *1914-1918: The Great War and the Shaping of the 20th Century*, Winter said the following about WWI and WWII, in reference to the Armenian experience and the Holocaust: "It is no accident in my mind that both of them were marked by genocide."²¹⁵

²¹² Margaret MacMillan, *Dangerous Games: The Uses and Abuses of History* (New York: The Modern Library, 2008), 97. While MacMillan provides the information about the Armenian experience as genocide indirectly, her text still has a framing effect that is similar to that of the other texts in which the historians make the claim of genocide directly.

²¹³ For example, see: Jay Winter, *Remembering War: The Great War between Memory and History in the Twentieth Century* (New Haven, CT: Yale University Press, 2006), 209.

²¹⁴ Jay Winter and Antoine Prost, *The Great War in History: Debates and Controversies, 1914 to the Present* (Cambridge: Cambridge University Press, 2005), 204.

²¹⁵ "Episode 3: Total War," *1914-1918: The Great War and the Shaping of the 20th Century*, https://www.youtube.com/watch?v=bKfsWtJ8R_c (accessed, 12/21/2016). In this same part of the film, the narrator claims that Adolf Hitler "told his inner circle: 'Who remembers the Armenian massacres today?'" even though the original version of the quote does not include "remembers." For a discussion of the quote that American information has related to Hitler, see: Chapter 5, section titled "The Scholarly Discourse."

At the time of the film’s production, PBS was funded by the United States government via the Corporation for Public Broadcasting and the National Endowment for the Humanities.²¹⁶ In addition, the film’s coproducer, KCET, has also produced the annual “Armenia Fund Telethon,”²¹⁷ in which it collected “over \$120 million of infrastructure development assistance and humanitarian aid for Armenia and Nagorno Karabakh.”²¹⁸ It is said that the money raised in KCET’s Telethon in 2013 was specifically for “the construction of the Vartenis to Martakert Highway” so that it may function as a link between Armenia and Nagorno-Karabakh.²¹⁹ Ties exist between the United States government’s funding, the work of a leading American historian, and the fortification of land that was taken by force from Azerbaijan.

Works by scholars of Armenian heritage, especially when seen as published or promoted by an Armenian-themed organization such as the Zoryan Institute, enjoy even greater credibility as they omit significant details about the American role in the creation of the modern Armenian identity. Scholars of Armenian descent were first empowered by American institutions and organizations to frame the modern history of their ancestors,

²¹⁶ For information on their empowerment by the government, see: Corporation for Public Broadcasting, “Public Broadcasting Act of 1967,” <http://www.cpb.org/aboutpb/act> (accessed 2/13/2017); National Endowment for the Humanities, “National Foundation on the Arts and the Humanities Act of 1965 (P. L. 89-209),” <https://www.neh.gov/about/history/national-foundation-arts-and-humanities-act-1965-pl-89-209> (accessed, 2/13/2017).

²¹⁷ IMDb, “KCET [us]” http://www.imdb.com/company/co0070382/?ref=tt_dt_co (accessed, 2/13/2017).

²¹⁸ The source for this quote is no longer accessible online. See: https://www.armenianfund.org/about_us/overview.php. However, a google search shows the text as quoted among the suggested links. See: https://www.google.com/?gws_rd=ssl#q=%22over+%24120+million+of+infrastructure+development+assistance+and+humanitarian+aid%22 (accessed, 12/21/2016).

²¹⁹ Armenia Fund, “Armenia Fund Telethon 2013,” <https://www.armenianfund.org/telethon-2013/> (accessed, 3/18/2017). The quote appears near the top of the page, but it is necessary to scroll down in order to find it.

and have kept out of this frame an examination of how Americans had transformed members of the Haik ethnoreligious community in the Ottoman Empire into an Armenian nation that was organized toward self-rule and whose leadership pressed for the political replacement of Ottoman sovereignty. Built on this framing, the genocidization of this part of the Ottoman past has directed the public discourse away from considerations of relevant offenses against the Ottoman government during a time of peace. Ronald Suny's commitment to "understand the causes" of the events in the 1890s and in 1915 invokes the memory of "the war of 1877-1878,"²²⁰ which leads to a focus on Russian rather than American interests as a generative force for the events that followed. This was echoed in Raymond Kévorkian's work.²²¹ Aside from the misleading nature of Dadrian's general approach to the events of 1915 through the simplistic and narrow prism of "a conflict between perpetrator and victim-group,"²²² he also shifted attention away from powers that destroyed the Ottoman government to Germany, which was in the process of practically modernizing governance in the region on the eve of WWI: to him, "the distribution of power relations in national and international arenas" explains why German responsibility for the Armenian suffering "remained obscure and vague."²²³

The effort to conceal knowledge of foreign influence on Armenian identity

²²⁰ Ronald Grigor Suny, *Looking toward Ararat: Armenia in Modern History* (Bloomington: Indiana University Press, 1993), 28-29. The reference in the title to a geographical landmark that is part of Turkish territory does not just establish an immediate political intensity, but also gives the work a more believable Armenian voice while distracting from the purpose of concealing American agency in the history of the people who now regard themselves as Armenian.

²²¹ Raymond Kévorkian, *The Armenian Genocide: A Complete History* (London: I.B. Tauris, 2011), 9.

²²² Vahakn N. Dadrian, *Warrant for Genocide: Key Elements of Turko-Armenian Conflict* (New Brunswick, NJ: Transaction Publishers, 1999), 165.

²²³ Vahakn N. Dadrian, *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity* (Watertown, MA: Blue Crane Books, 1996), 1.

toward challenging Ottoman sovereignty is also sustained by a branch of autobiographical writings that has the effect of presenting the genocide discourse as a core element in the Armenian existence. The style of prose by Michael J. Arlen, whose language of intimate Armenian sentiments about WWI was popularized on the pages of *The New Yorker*,²²⁴ was picked up by Peter Balakian in the 1990s. In his first of such works, Balakian called attention to the Armenian household as the narrative's main setting.²²⁵ In the form of first-person narration, he repeatedly described his experience of reading "Morgenthau's memoir," thus presenting this carefully crafted work of American strategy as a personal account of history.²²⁶ Through Balakian's narrative, readers of an Armenian heritage, and the general public, are led to believe that the reading of Morgenthau's text is a ritual of sorts for Armenian American young adults. This has a self-perpetuating quality to it, which has the power to influence many Armenian Americans to adopt the custom of basing their knowledge of the past through Morgenthau's decontextualized work. The narration that Balakian produced was designed to speak on behalf of Armenians through the unassuming voice of one who speaks about personal feelings and experiences, with a high level of credibility. The softness of the approach has the potential of a deep penetration into the collective psyche. The combative direction of such material can be sensed in his remark at the sight of Turkish Americans who showed up to protest the use of "genocide" against Turkish ancestors in an event that was organized to take place in the prominent venue of New York's Times

²²⁴ For a reference to this here, see: Chapter 5, note 273.

²²⁵ For instance, the first three parts of the book are titled "Grandmother," "Mother," and "Father." See: Peter Balakian, *Black Dog of Fate: A Memoir* (New York: Basic Books, 1997).

²²⁶ *Ibid.*, 169, 174.

Square. He wrote the following words to describe his emotions at the time:

My ancestors had been driven off the earth they had lived on for twenty-five hundred years, had been killed one by one, and the things they had built with care over centuries of tradition had been confiscated or destroyed, and now the grandchildren of those Turkish people were stalking the United States in order to prevent Armenians from telling their story. The perpetrators trying to silence the victims and their descendants.²²⁷

This emotional framing has the power to inspire a heated intergroup rivalry for years to come. The readers of this text, be they Armenians or Turks, are expected to feel resentment toward the other group upon reading such a description, and become all the more distracted from the power behind this narration. As long as Armenians and Turks argue about the agency of their own ancestors, a unique entryway for knowledge about American agency in the strategy to stifle Germany and establish international law remains shut. It is seen here as primarily an American-produced text that vilifies Turks while looking away from what effect Americans had on the Ottoman Armenian situation. Not only are Armenians presented as victims who are prevented from doing something, and not only are Turks presented as perpetrators and stalkers; also, the United States is described as a passive and exploited space, and that leads attention away from considering the American activity regarding this conflict.

Even works by scholars of Armenian descent that engage in the cultural transformation of the Ottoman Armenians in the decades that preceded their conflict with the Ottoman government have not engaged in a detailed study of what precisely the Americans had accomplished among the Armenians politically. Gerard Libaridian

²²⁷ Ibid., 266. In a later work of similar effect, Balakian's narrative toiled to separate between the advent of the genocide-centered commemorations by Armenians and their origins in American design. For instance, see: Balakian, *Burning*, 211, 378.

discussed the developments within the “Armenian communities” in the 1840s and 1850s, but in utter contradiction to the reports by American missionaries at that time, he chose to relate the introduction of “Textbooks and poetry” without regard to the Americans but instead stating that they were “published in Constantinople and Moscow.”²²⁸ Simon Payaslian’s circumspection of the foreign influence on Armenian national identity is more complex because his work directly focuses on American policy regarding the Armenians. While he did convey to his readers that at the time of initial contact between the American missionaries and the Ottoman Armenians the Armenian version of Christianity was different from the American version of it,²²⁹ he did not delve into the effect that the newly Americanized religious organization of Ottoman Armenians had on Armenian political identity. Moreover, he drove a wedge between the critical years of American influence in the midnineteenth century and the development of Armenian political aspirations against the Ottoman government. According to Payaslian, the political rift is to be explained by developments “After the Crimean (1854-56) and the Russo-Turkish (1877-78) wars,”²³⁰ but by then the American reconfiguration of the Haik identity had already been set in motion.

When Payaslian presented an analysis about the American perspective during the actual warring between the Armenians and the Ottoman government, especially during WWI, he backed the common information that shows the American stance as neutral.²³¹

²²⁸ Gerard J. Libaridian, *Modern Armenia: People, Nation, State* (New Brunswick, NJ: Transaction Publishers, 2004), 14.

²²⁹ Simon Payaslian, *United States Policy toward the Armenian Question and the Armenian Genocide* (New York: Palgrave Macmillan, 2005), 13-14.

²³⁰ *Ibid.*, 4.

²³¹ *Ibid.*, 46, 73.

It is here considered that the official position of governments, or how that position is commonly presented in the prevalent historiography, does not preclude the possibility of soft-power influence. As exemplified by Payaslian's work, the discourse does not show an exploration of the influence on the Ottoman Armenians from within the Ottoman territory by foreign cultural agents such as the American missionaries. The stated neutrality of the United States government until April 1917 does not mean that Americans did not interfere during a time of peace between the American and Ottoman governments with the Ottoman ability to govern its own people. Ottoman Armenians were affected in apparent ways by the wartime efforts of the Russian government in 1877-78 and of the Entente in WWI, but there has been a disinterest in studying the less visible exertion of influence on the Ottoman Armenian identity as an indirect form of offense against the Ottoman government.

The avoidance of heed to the offenses against the Ottoman government during a time of peace that preceded the much discussed violence is also supported by the works of scholars whom the genocide scholarship portrays as representative of pro-Turkish leanings and genocide denial. Without having to employ or support the label of "genocide," these works are nonetheless instrumental in keeping a discursive focus on 1915. The rebuttal itself of the genocide characterization has a part in the popularization of the discourse on the Armenian suffering in 1915 by lending itself to a publicized debate. The research directions of these so-called denialist texts avoid the consideration of offenses against the Ottoman government during a time of peace just as the genocide-centered works do, and no substantial alternative to "genocide" is offered in the realm of the criminal code in international law. Both sides of the debate share the tendency to

focus on the Russian agency that is associated with ambitions of conquest, and just as the Armenian American narration is noticeably disinterested in unearthing knowledge about soft-power impact on Armenian identity, it is also found that those who are said to be apologists for the Turkish government have handicapped the defense of Ottoman history by looking away from the indirect interferences with the Ottoman ability to govern its population.

Some of the better known studies that stress the existence of political conflict between the Armenians and the Ottoman government have done so while leading the public away from considering how foreign power on Ottoman land had directed the Armenians toward becoming organized politically against Ottoman sovereignty. Bernard Lewis described the events of 1915 in nongenocidal terms as “a struggle between two nations for the possession of a single homeland,”²³² but he did so without explaining how or why the ethnoreligious Haik people of the Ottoman Empire turned into an Armenian national unit. Instead of addressing the work of the missionaries, he called attention to “the Russian conquest of the Caucasus” and “The political and cultural impact of Russian Armenia.”²³³ His reference to the religious reorganization of the Armenians did not fully convey the enormity of the transformation. Bloxham, of the genocide discourse, criticized the scholarly efforts by Stanford Shaw and Ezel Shaw, and Justin McCarthy,²³⁴ but they had produced narratives that ignore soft-power offenses against the Ottoman government by a foreign presence during a time of peace just as he does. The work by Shaw and

²³² Bernard Lewis, *The Emergence of Modern Turkey*, 3rd ed. (New York: Oxford University Press, 2002), 356.

²³³ Ibid.

²³⁴ Bloxham, *Great*, 210-211.

Shaw firmly defended the Ottoman government by arguing that their wartime policy regarding the Armenians was preceded by the revolt in Van,²³⁵ but at the same time they weakened the persuasiveness of such a defense by limiting its argument to the Russian influence on the Armenians,²³⁶ and giving no account for the foreign influence on the Armenian collective organization from within the Ottoman territory. As suggested by the subtitle of McCarthy's work on Muslim victimization,²³⁷ it joined the endeavor to introduce the term *ethnic cleansing* into academic discourse following the events in the former Yugoslavia. McCarthy's construction of events shows "Russian imperial expansion" as the only major external cause of change for the intergroup hostilities during the last century of the Ottoman Empire.²³⁸

Along such lines, Erik Zürcher did not use the term *genocide* in his depiction of Turkey's modern history, but he also stayed clear from articulating the process in which the Armenian group identity became nationalized through foreign instruction from within the Ottoman Empire; instead, he posited that the Armenians "Saw in a Russian victory their chance to achieve the establishment of an Armenian state in eastern Russia,"²³⁹ as if to suggest that there was a preexisting Armenian national identity that was triggered by the external influence of the Russian government. In continuation of the Russian theme, Michael Reynolds offered a framing of the events within the context of a "twilight

²³⁵ Shaw and Shaw, *History*, 2:316.

²³⁶ *Ibid.*, 2:200.

²³⁷ Justin McCarthy, *Death and Exile: The Ethnic Cleansing of Ottoman Muslims, 1821-1922* (Princeton, NJ: Darwin Press, 1995).

²³⁸ *Ibid.*, 5.

²³⁹ Erik J. Zürcher, *Turkey: A Modern History*, 3rd ed. (London: I.B. Tauris, 2004), 114.

struggle that the Ottoman and Russian empires waged for the borderlands of the Caucasus and Anatolia.”²⁴⁰ In another display of a focus on Russian influence, Michael M. Gunter related Armenian nationalism to Russia’s wars of conquest in the nineteenth century and the Marxist spirit of the Armenian revolutionary parties that became active later in that century.²⁴¹ The nature of Edward Erickson’s focus on the events of 1915 as a case of counterinsurgency created a framework within which Ottoman wartime policies may be rationalized without having to delve deeply into the foreign-sponsored cultural project that shaped the Armenian group identity from within the Ottoman territory during a time of peace. As Gunter, he mentioned 1887 and the Armenian revolutionary formation by briefly noting the Russian influence of Marxist ideology.²⁴²

Gunter Lewy’s *The Armenian Massacres in Ottoman Turkey*, which has received strong attention and criticism by the genocide scholarship,²⁴³ questioned the popular usage of the genocide label regarding the Ottoman Armenian experience, but he did not engage in a close examination of the relationship between foreign power and the politicization of the Armenian group identity, and he did not consider the cultural influence on the Armenians during a time of peace as an interference with the Ottoman government’s ability to govern them. Lewy barely mentioned the American missionaries

²⁴⁰ Michael A. Reynolds, *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908-1918* (Cambridge: Cambridge University Press, 2011), 1.

²⁴¹ Michael M. Gunter, *Armenian History and the Question of Genocide* (New York: Palgrave Macmillan, 2011), 3-4.

²⁴² Edward J. Erickson, *Ottomans and Armenians: A Study in Counterinsurgency* (New York: Palgrave Macmillan, 2013), 11.

²⁴³ For instance, see: Naimark, review of *Great and Armenian*, 298-303; Kéichichian, “Armenian,” 173; Akçam, “Gunter,” 111-145; Mamigonian, “Academic,” 68-69.

in this book, and in his short reference to them he coupled them together with German missionaries, and regarded them as witnesses rather than as active influencers from decades before the violence.²⁴⁴ Like Gunter and Erickson, Lewy claimed that the Armenian revolutionaries “were influenced by Russian Marxist revolutionary thought” in 1887 without much detail and without giving much heed to the impact of the American missionaries.²⁴⁵

Remarkably, these three scholars, Lewy, Gunter, and Erickson, explain in their texts that *hunchak*, which carried the name of the revolutionary party that led the Armenian challenge against the Ottoman government, means “bell” in Armenian, but they do so without exploring the link between the Armenian choice of symbol to the Liberty Bell, which is a symbol of revolution in the American cultural tradition.²⁴⁶ In other words, the narrations that respond to the genocide claims, much like the narrations of the genocide claims themselves, do not offer a detailed account about the impact of the meeting between American missionaries and the Haik inside the Ottoman Empire. Both the genocidization of this past and the attempt to counter the genocidized discourse leave out a focus on how external cultural influence inside the territory of a sovereign may lead to political conflict between that sovereign and members of its population. The dominance of “genocide” in the narrative on matters that pertain to international law blocks away knowledge regarding how a state’s involvement in the development of a group identity within another state for political purposes is itself a matter that could be

²⁴⁴ Lewy, *Armenian*, 97.

²⁴⁵ *Ibid.*, 11.

²⁴⁶ *Ibid.*; Gunter, *Armenian*, 4; Erickson, *Ottomans*, 11.

subject to investigation as a matter of crime in international law.

Since becoming of greater legal relevance, the genocide discourse has produced literature that is designed to target different markets around the world,²⁴⁷ and within its ability to do so, there has also been an attempt to influence the voice of the Turkish people on the Armenian issue. Taner Akçam's work is representative of this trend. His Turkish origination is regularly advertised alongside his criticism of Turkey, and, thus, his appeal has the capacity to generate a following from within Turkey. His call for Turkish introspection is tantamount to couching the origination of the modern Turkish state in criminalization. In his translated book, the text offered the following grammatically awkward sentence that does not seem to have an equivalent in the Turkish language: "What is crucial is that this ethnic cleansing and homogenization paves the way for today's Republic of Turkey."²⁴⁸ Favorable reviews of the book in the popular

²⁴⁷ For an example of a work that was of special interest to Israelis and American Jews, see: Yair Auron, *The Banality of Indifference: Zionism and the Armenian Genocide* (New Brunswick, NJ: Transaction Publishers, 2000). Another example is found in a work that had a particularly strong reception in Australia and the United Kingdom. See: Geoffrey Robertson, *An Inconvenient Genocide: Who Now Remembers the Armenians?* (London: Biteback Publishing, 2014). Despite the self-assuredness with which the term *genocide* is used to characterize the Armenian experience in these works, neither of the authors was trained as an expert on Ottoman history. Both works disseminated disinformation and misinformation. Auron's work put together a collection of statements by Jews during WWI as if they reflect "the attitudes of the Yishuv." See: Auron, *Banality*, 5. However, he did not expand on the context behind these statements, and for instance conflated the position of the pro-British Nili group, whose very existence was anti-Ottoman, with the moderate views held by the Zionist political leaders who distanced themselves from Nili at the time. He relied on the current glorification of Nili in Israeli memory, to gloss over the separation that existed at the time between the underground group and those who directed Zionism politically. See: *Ibid.*, 12. Robertson placed a visible inaccuracy in the subtitle of his book by popularizing a false version of an already questionable quote about the Armenians that has been related to Hitler and advanced by the genocide discourse. See: Robertson, *Inconvenient*, title. For a discussion of this here, see: Chapter 5, section titled "The Scholarly Discourse."

²⁴⁸ Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*, trans. Paul Bessemer (New York: Metropolitan Books, 2006), 8. The book's stated publisher, Metropolitan Books, is a publishing title within Henry Holt and Company, which had merged with two other companies to become Holt, Reinhart and Winston. The founder of the company, Henry Holt, operated as a publicist within the circle of the Anglo-American political elite. A letter from Holt to James Bryce, which is dated October 21, 1916, offers a glimpse of Bryce's leading role in the Anglo-American cooperation on the production of information even before the United States officially entered WWI. The letter included the following statement by Holt: "I can well understand what you tell me about many subjects being

media provided space for known scholars to show their approval of the narrative.²⁴⁹ The promotion of Akçam's voice in the popular discourse has allowed for scholars, such as Thomas de Waal, to build a narrative that seeks to co-opt Turkish trends and placate Turkish intellectuals. In de Waal's words, for Turks to become accepting of the genocide label is a sign of "growing openness" to be considered as "good news."²⁵⁰ Turkish scholars who welcome a discourse on "genocide" were commended by de Waal, who erroneously described Akçam as the first of such Turkish historians even though he was not trained as such.²⁵¹ This trend marks a soft-power endeavor to convince the Turkish people that they should accept culpability rather than examine their history for the directions it might give toward locating the place of the Ottoman collapse in the past and future of international law. In other words, the genocide discourse has been attempting to

impracticable for yu to treat in an American periodical; but on the other hand, there are many that yu are the best man in the world to treat; and I am still hoping for the satisfaction of having something of yours in my Review—especially hoping for it soon because we are both old men." See: MS. Bryce U.S.A. 15, fols.46-47, Catalogue of the Papers of James Viscount Bryce. It is likely that Holt wrote "yu" instead of "you" in relation to his support of the project to simplify the English language, which was financed by Andrew Carnegie. For a reference here to an article about this project, see: Chapter 4, note 70. The connection between Carnegie's endeavors and Holt's publishing company suggests that Akçam's book falls within a long line of published works on international affairs such as the Armenian issue in accordance with American interests.

²⁴⁹ For instance, see: Gary J. Bass, "Turkey's Killing Fields," Sunday Book Review, *New York Times*, December 17, 2006, <http://www.nytimes.com/2006/12/17/books/review/Bass.t.html> (accessed, 12/21/2016); Michael Oren, "The Mass Murder They Still Deny," *The New York Review of Books*, May 10, 2007, <http://www.nybooks.com/articles/2007/05/10/the-mass-murder-they-still-deny/> (accessed, 12/21/2016). Both reviews start with the reception of information by the United States ambassador in the Ottoman Empire, Henry Morgenthau, which suggests that it is a top priority in the narrative to portray the Americans as witnesses rather than as actors.

²⁵⁰ Thomas de Waal, "The G-Word: The Armenian Massacre and the Politics of Genocide," *Foreign Affairs* 94, no. 1 (January-February 2015): 146. For this article, de Waal was described as "a Senior Associate at the Carnegie Endowment for International Peace."

²⁵¹ *Ibid.*, 182. A similar failure to characterize a scholar's training is found in de Waal's description of Dadrian—an American sociologist—as an "Armenian historian." See: Thomas de Waal, *Great Catastrophe: Armenians and Turks in the Shadow of Genocide* (Oxford: Oxford University Press, 2015), 47. This is indicative of the genocide scholarship's treatment of social science as a vehicle for the propagation of historiographical preferences.

persuade Turks of their own denialism in order to prevent a situation in which Turks become increasingly capable of pointing at denialism about American agency in the decline of the Ottoman Empire.

American Soft Power as International Criminal Law

In the twenty-first century, the treatment of developments in Sudan presented the first major case in which the newly formed relationship between the popular discourse and the ICC was showcased. It showed how in the era of the Rome Statute soft power presses legal performance and overshadows legal power in international law. Sudan's decades-long civil war became the testing ground for both the newly established ICC and the freshly acquired image of the United States as a hesitant actor in international crises. These two added features in the handling of "genocide" complement each other. The ICC may have been the product of American planning and execution but the discourse about the nonratification of the Rome Statute in the United States has given the ICC the semblance of independence from American interests. The ICC's design to follow the guidelines that were set by the Rome Statute would give its function an appearance of an international self-mechanism and allow the United States to employ its soft power as it examines how its influence through reports may lead toward desired results either by influencing the legal process or by subordinating it to public opinion. The Sudanese political turmoil presented yet another case that could be manipulated into a discourse about genocide because it mainly consisted of two rival groups that are distinguishable ethnically and religiously. However, there was much more to this conflict than what the public discourse would have one believe.

Sudan has been politically challenged from the start of its independence and even by the very nature of its statehood. In the post-WWII postcolonial days, an Arab government offered an opportunity for the American-led civilizing mission. In comparison to Sudan's "African pagan south,"²⁵² the Arabs of Sudan who had just freed themselves from being governed by traditional colonialism appeared to be more culturally equipped to govern the land in keeping with the standards of membership in the United Nations. Even prior to Sudan's independence in 1956, and amidst descriptions of tension with the British colonial authority, the *NYT* began to show the Arabs of the territory under a favorable light. Not only did the Arabs have much more experience of interaction with the West than did the African pagan tribes, but they also presented a greater potential for a centralized government because the Muslim faith and the Arabic language united the culture of the "northern two-thirds of the country," whereas the other third was divided by roughly "twenty-six languages, not counting dialects," and practiced "Witchcraft and magic" in an "innumerable" variety of "cults."²⁵³ The British rule gave the Arabs of Sudan their training in political organization, and the rejection of the British provided a vital cause around which the Arabs of the land could unite into a nation. The ability of the Arabs there to function as a nation-state was foundational to the African tribes' civilizing project, and as the Americans knew well from their experience with the precolonial tribes in America, the introduction of a new governance into their lives might lead to violence.

However, the cultural gap was such that resentment and rebellion against the Arab

²⁵² Albion Ross, "Sudan Also a Challenge to Britain," *New York Times*, November 25, 1951.

²⁵³ *Ibid.*

rulers turned out to be the major stimulant toward civilizing the pagan tribes. The repulsion by what was perceived as foreign rule once again provided a social glue, and the need to be armed to achieve secession created a dependency on the civilized powers. Thus, a relationship between the pagan tribes and the West was accomplished, and for its maintenance, civil war was perpetuated and became a regular feature of the Sudanese existence. Put differently, as long as the pagan tribes were fighting against their Arab government, they were being engaged in a civilizing process without having to recognize it. Correspondingly, until the pagan tribes proved to have reached a certain level of group organization in the style of the Euro-Christian civilization, they were depicted as terrorists or rebels rather than victims. Ironically, or rather premeditatedly, the sign that in Sudan a bridge had been formed between the Euro-Christian civilization and the pagan tribes was to be the destruction of the bridge that the Sudanese state was offering its southern residents.

As the Sudanese experience shows, terror organization is a step toward civilization as it advances political organization among people who were not previously inclined to do so. According to the American narration of the events in the 1960s, the “terrorists” were “organized under the name Anya-nya, which means ‘poisonous insect’,” and were led “by a ‘field marshal,’ Lutada Hiller.”²⁵⁴ In other words, the fight against the government had given the public narration an unprecedented occasion to give the many separate tribes a single unified name—though an ominous one—and a ranked leader whose title is taken from the military terminology of the Euro-Christian civilization. The political nature of the violence was stated plainly: “Their goals are secession from the

²⁵⁴ Jay Walz, “Terrorism Grips Southern Sudan’s Bush Country,” *New York Times*, November 30, 1963.

Sudan and territorial independence for the three southern provinces, Equatoria, Upper Nile and Bahr-al-Gazal.” During this time, it was already understood that in the fight against “a spreading rebellion” the Sudanese government had engaged in “ruthless efforts to stamp it out.”²⁵⁵ However, this was not accompanied by claims of genocide. Instead, the *NYT* likened the “insurrection” by the Anya-nya to other efforts by entities that were perceived as unsympathetic in the West, suggesting that the rebels were fighting “with much the same hit-and-run guerrilla tactics as those in Vietnam and the Congo, and with a bitterness and brutality reminiscent of the Mau Mau rebellion in Kenya.”²⁵⁶

Several years later, the civilizational progress of these tribes—now united for some time under a common political cause—was given an ideological impetus: Communism. In the early years of Sudan’s rule under Major General Jaafar Muhammed al-Nimeiry, Communists were first accused of involvement in the political life of the country.²⁵⁷ Then in the 1980s, it was claimed that “the outlawed Communist Party in the north was coordinating with the southern rebels.”²⁵⁸ By this time, the main revolutionary activity was no longer known as the foreign-sounding Anya-nya, but as the Sudan People’s Liberation Army, which is an English name, and led by Colonel John Garang,²⁵⁹ who was American-educated.²⁶⁰ The identification of this group in English reflects an

²⁵⁵ Hedrick Smith, “Sudanese Revolt Spreads in South,” *New York Times*, November 22, 1964.

²⁵⁶ *Ibid.*

²⁵⁷ Raymond H. Anderson, “Sudanese Premier Asks People to Destroy Communist Party,” *New York Times*, February 13, 1971; Raymond H. Anderson, “Sudan Coup Raises Question on Arab-Red Tie,” *New York Times*, July 25, 1971.

²⁵⁸ “Sudanese Speaks of Airlift,” *New York Times*, March 6, 1984.

²⁵⁹ *Ibid.*

²⁶⁰ Judith Miller, “The Future Stalks Sudan’s Rulers: Debt, Civil War, Refugees and More,” *New York Times*, April 15, 1985.

attempt to make the organization seem more relatable to the English-speaking public, and the leadership by a graduate of an American university is symbolic of the tremendous cultural distance from the tribes' past beliefs in supernatural powers. As the southern population of Sudan was becoming increasingly civilized, its representative organization was no longer named after a harmful scaly reptile but the new name reflected the purpose of seeking freedom. In a role that parallels Uganda's role in the Rwandan civil war, Ethiopia functioned as the neighboring state sponsor of the nonstate entity that was leading the rebellion in Sudan. Garang's leadership was described in the *NYT* as "a 'tool' of Soviet-backed Ethiopia."²⁶¹ The association of Garang's organization with the United States' rival of the Cold War did not hinder the civilizational progress of the southern Sudanese, but rather accelerated it. Picking a side during the Cold War was a rite of passage into the civilizational world, and in this context of proxy war the arming of the two sides by the superpowers could become more openly narrated.²⁶² It was made public knowledge that "Washington had a high profile in the Sudan," and that the United States provided the Sudanese government with "the biggest aid package in Africa apart from its support for Egypt."²⁶³

As the Cold War was drawing to a close, the reports' description of group identity shifted to a focus on religious differences, and the new emphasis began to define the division between the rulers and the rebels as that between the Muslim government and

²⁶¹ Ibid.

²⁶² For instance, it was reported that "the Reagan Administration had pledged to begin an airlift of arms and other military hardware to the Sudan in 'the next few days' to help it crush rebel forces backed by Libya and Ethiopia." See: "Sudanese," *New York Times*.

²⁶³ Alan Cowell, "Clamor for Change Is Sounding Across the Sudan," *New York Times*, February 17, 1982.

the population in the south that is mostly “Christian or animist.”²⁶⁴ The conflict was still shown as political, and it was recalled that the rebels “have long sought autonomy from the north,”²⁶⁵ but an added feature to the narrative was that they “want an end to Islamic law,” because they represent a region “where most people are Christians or animists.”²⁶⁶ Until that time, some reports actually showed the Sudanese government as being in tension with Islam, rather than with Christianity or animism, as there was disagreement between President Nimeiry and “the Islamic priests of Omdurman” over “prohibition on alcohol in the city,” and it was added that among those who challenged Nimeiry was “Dr. Hassan al-Turabi, the Sudan’s Attorney General and leader of the Moslem Brotherhood, a powerful urban Islamic group.”²⁶⁷ Previously, it was even reported that the “right-wing Moslem zealots” formed “something approaching national unity” with the “black Christians in the south” and the “die-hard Communists” in their common cause against Nimeiry.²⁶⁸ Moreover, the narration of an ethnoreligious divide was also manifested by changing the religious designation of the southern rebels. From being described as multiple disconnected and cultish tribes, the rebels were suddenly presented repeatedly as animists, which is a unifying term that has the effect of highlighting a sense of a religious divide with the Muslims. No longer was it seen as a case of one organized Muslim

²⁶⁴ Robert O. Boorstin, “Sudanese Guerrilla War is Rooted in Deep Ethnic Divisions,” *New York Times*, August 18, 1986. The description of a “Christian and animist south” had already been introduced before that time. See: Alan Cowell, “Regional Dispute Divides the Sudan,” *New York Times*, February 22, 1982. However, it only later came into frequent usage.

²⁶⁵ *Ibid.*

²⁶⁶ Boorstin, “Sudanese,” *New York Times*.

²⁶⁷ Cowell, “Clamor,” *New York Times*.

²⁶⁸ “An Arab Who Serves as a ‘Bridge’ to the Africans,” *New York Times*, July 22, 1978.

community and tribal practices that lack commonality between them. The Christian label was also used to suggest an easily perceived impression of a religious division, and increased the likelihood of directing public opinion in the West toward support for the rebels' cause.

Under American influence over Sudan, the National Islamic Front acted out the new narrative's design. It was described as a "well-financed, fundamentalist party that has been the most hawkish in pursuit of the war against the mostly Christian and animist southerners."²⁶⁹ Through this Islamic party's role in the narrative, the popular discourse could place an emphasis on the ideological agency of the ruling people rather than that of the rebels. Soon thereafter, Brigadier Omar Hassan Ahmad al-Bashir was introduced as "the country's new military ruler."²⁷⁰ While there was still mention that the rebels held "offices in Ethiopia,"²⁷¹ there were no longer claims that there was a Communist aspect to the rebellion. At this point of the narrative, the demands by Garang and his organization were specifically related to bringing "an end to Islamic law."²⁷² Therefore, it is here considered that the change in the information's focus on group identities in Sudan corresponded with a design for the narration of what remained at its core a civilizing political contestation throughout the years of Sudan's independence. The violence was not based on the groups' ethnoreligious identities, but on the interests of those who wanted the intergroup warfare that created and maintained a dependency by the natives

²⁶⁹ Jane Perlez, "Sudan's Leader Asserts Army Backs Coalition," *New York Times*, March 6, 1989.

²⁷⁰ Alan Cowell, "Sudanese Coup Leader Offers Vote on Islamic Law," *New York Times*, July 2, 1989.

²⁷¹ Alan Cowell, "Military Coup in Sudan Ousts Civilian Regime," *New York Times*, July 1, 1989.

²⁷² "Time to End the Sudan's Wars," *New York Times*, July 8, 1989.

on the Euro-Christian civilization.

As a result of the added emphasis on the Christianity of the rebels, the view of the violence in Sudan as the manifestation of a political conflict gave way to the rise of moral sentiment as the main formulator of public opinion about it. The fighting that had been described as “one of Africa’s most debilitating civil wars,”²⁷³ and “a chronic civil war,”²⁷⁴ became a story of a one-sided aggression. While the narration of the war as a chronic feature of Sudanese politics concealed the foreign interests that shaped the situation, it was nonetheless recognized as political violence. Then, from a language that used to ascribe the suffering to the civil war itself by relating verbs to it,²⁷⁵ the tone changed to blaming the Sudanese government for “bombing civilian targets in the south.”²⁷⁶ This change was also marked by adding the numbers of the dead and the displaced to the information about the war, and the effect was to frame the events within the context of a humanitarian crisis.²⁷⁷ It was then possible for the narration to be advanced by the agency of interest groups, which as groups that are characterized by the Christian faith or concern for human rights were seen as credibly seeking to press the

²⁷³ Cowell, “Regional,” *New York Times*.

²⁷⁴ Boorstin, “Sudanese,” *New York Times*.

²⁷⁵ For instance, it was said that the “southern provinces of the country” were “impoverished by a long civil war.” See: “Sudan Leader Bars Secession of South,” *New York Times*, June 2, 1969. In another article it was reported that it is “the civil war that has caused widespread famine and deaths.” See: Perlez, “Sudan’s,” *New York Times*.

²⁷⁶ Marc Lacey, “At End of Africa Trip, Powell Urges Sudan to Halt Civil War,” *New York Times*, May 28, 2001.

²⁷⁷ For examples of this addition to the narration of the civil war in Sudan, see: “Misguided Relief to Sudan,” *New York Times*, December 6, 1999; Jane Perlez, “Suddenly in Sudan, A Moment to Care,” *New York Times*, June 17, 2001; “Pressure on Sudan,” *New York Times*, July 22, 2001.

United States government into action.²⁷⁸ Thus, the information that the public received about the violence in Sudan created a perception that if the United States were to intervene it would be in reaction to a moral outcry rather than in accordance with its power considerations or plans for the progression of international law.

In a critical juncture for the popular discourse on Sudan, a direct effort was made in the start of 2004 to disconnect between the collective memory of a long civil war and the new narrative of genocidal massacres. Since the war between the government and the rebels had been engaged for decades without any reference to genocide, the persuasiveness of the reports toward a genocide discourse relied on severing from the conflict of the past. Hence, the popular discourse on the events in Sudan presented a direct separation between the previous information about the inevitability of the political clashes in Sudan and new information that would show the government as cruel to its civilians. This was achieved by the following narration: “As Africa’s longest-running civil war comes to a close in one corner of this vast country, a terrifying new theater, fueled by old ethnic divides and old-fashioned greed, opens here in another.”²⁷⁹ Such a text created a new context in which the political premise is associated with the civil war that supposedly ended, whereas the ethnic identity of the groups and the tyrannical character of the regime are stressed toward the making of a genocide discourse. Accordingly, the violence in Darfur was presented as “Sudan’s other war,” but this attempt to drive a wedge between the civil war that has defined Sudan’s existence for

²⁷⁸ For instance, one article pointed out that both “the evangelical Christian right and the Roman Catholic church,” were urging the United States government to take an active approach while recommending different policies. See: Perlez, “Suddenly,” *New York Times*.

²⁷⁹ Somini Sengupta, “War in Western Sudan Overshadows Peace in the South,” *New York Times*, January 17, 2004.

years and the fighting in Darfur is largely unconvincing if one takes into account that Darfur had already been mentioned as a battling ground within the country's perennial civil war. For instance, in 1992 it was reported that the Garang-led "guerrilla force of some 40,000 fighters" was "battling government troops as far north as Renk and Darfur."²⁸⁰ Even though the civil war was stopped for a time, and Garang briefly functioned as vice president of Sudan before his death in a helicopter crash, there was nevertheless still a general unrest in the country.²⁸¹ Meaning, to genocidize the events in Darfur since 2004, the popular narration of Sudan's civil war engaged in a method that amounts to context cleansing.

Following the discourse on the events in the former Yugoslavia, the public ear had been trained to perk at the uttering of "ethnic cleansing," and the events in Sudan were described by Nicholas Kristof as "The most vicious ethnic cleansing you've never heard of."²⁸² As in the case of Srebrenica, the term *ethnic cleansing* was used as a gateway to a genocide discourse. Kristof made the point that "In the 21st century, no government should be allowed to carry out ethnic cleansing, driving 700,000 people from their homes," and at the same time he promoted the notion of comparability "to the Rwanda genocide of 1994."²⁸³ It was Kristof who introduced the name "Janjaweed" to

²⁸⁰ Chris Hedges, "Sudanese Rebels Are Reported to Be Near Defeat," *New York Times*, May 26, 1992. This information was repeated in another article by the same reporter. See: Chris Hedges, "Sudan's Strife Promises to Outlive Rebellion," *New York Times*, July 19, 1992.

²⁸¹ Marc Lacey, "Riot Toll Mounts in Sudan after Rebel Leader's Death," *New York Times*, August 4, 2005.

²⁸² Nicholas D. Kristof, "Ethnic Cleansing, Again," *New York Times*, March 24, 2004. While Kristof authored this article and others that are cited here as Nicholas D. Kristof, his name appears without the middle initial in his more recent publications.

²⁸³ *Ibid.*

the readers of the *NYT*, and referred to them as “lighter-skinned Arab raiders” who at the bidding of the Sudanese government “are killing or driving out blacks in the Darfur region near Chad.”²⁸⁴ Thus, in one writing effort, Kristoff wrote off the political nature of the decades-long conflict and imposed a racial reasoning to explain the conflict. In his next essay in the *NYT*, he made the direct claim that “the government of Sudan is engaging in genocide against three large African tribes in its Darfur region here.”²⁸⁵ Showing that the genocide scholarship is in harmony with the *NYT*, scholarly literature was then produced to define the case as “a form of ethnic cleansing verging on the genocidal,”²⁸⁶ and the claim that there was “evidence of ethnic cleansing” was converted to a claim of genocide.²⁸⁷ Along the lines of such collaboration between the newspaper and academic writing, Human Rights Watch also followed Kristof’s narration, claiming that the Sudanese government and the Janjaweed “are implementing a strategy of ethnic-based murder.”²⁸⁸ As in the 1990s, the reference to “ethnic cleansing” cleansed the information about the conflict of its political terms, and replaced them with terms that are borrowed from the Genocide Convention.

²⁸⁴ Ibid. It is unusual for a columnist to create the news rather than offer an opinion on existing news, but Kristof’s credibility was enhanced by his trip to the region. This was the first of four references to the Janjaweed by Kristof in the *NYT* before anyone else mentioned the militia in the newspaper.

²⁸⁵ Nicholas D. Kristof, “Will We Say ‘Never Again’ Yet Again?” *New York Times*, March 27, 2004. As the title of this article suggests, there was also an effort to associate the story with the post-WWII discourse about the Nazi German destruction of European Jewry. In a later contribution, Kristof added the following reference to “genocide”: “I can’t get the kaleidoscope of genocide out of my head since my last trip to the Sudan-Chad border.” See: Nicholas D. Kristof, “Cruel Choices,” *New York Times*, April 14, 2004.

²⁸⁶ Gérard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca, NY: Cornell University Press, 2005), 4.

²⁸⁷ M. W. Daly, *Darfur’s Sorrow: A History of Destruction and Genocide* (Cambridge: Cambridge University Press, 2007), 285.

²⁸⁸ Human Rights Watch, “Darfur in Flames: Atrocities in Western Sudan,” *Human Rights Watch* 16, 5A (April 2004), 3.

Unlike the circumstances of the ICTY and the ICTR, the post-Rome Statute era of international criminal law presents the legal option of convictions under the term *crimes against humanity*, and this affected the direction of information toward legal procedure. It created a new equation of terms, in which “ethnic cleansing” is used to build “evidence” of criminality, and “crimes against humanity” is used for indictments that are more applicable. In this formation, usage of “ethnic cleansing” may lead to genocide claims of a certain credibility, and the genocide claims may lead to indictments of crimes against humanity. Since the term *crimes against humanity* contains definitions of crime that are not as dependent on more than one level of intention at the time of perpetration, the aura of the genocide accusation is utilized by the popular discourse.

As the Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General of 2005 shows, the conclusion “that the Government of the Sudan has not pursued a policy of genocide” was qualified by the statement that “International offences such as the crimes against humanity and war crimes that have been committed in Darfur may be no less serious and heinous than genocide.”²⁸⁹ Despite this view that no genocide had been committed, in 2009 the Pre-Trial Chamber I of the ICC decided to include “crimes of genocide” along with crimes against humanity and war crimes in its list of the alleged crimes for which there is a warrant for al-Bashir’s

²⁸⁹ United Nations, “Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General,” 4. http://www.un.org/news/dh/sudan/com_inq_darfur.pdf (accessed, 12/21/2016). It is noteworthy that this phrasing in the report suggests that governments are subject to charges of genocide, but Article 4 of the Genocide Convention only mentions “persons” in this context, “whether they are constitutionally responsible rulers, public officials or private individuals.” See: <http://www.hrweb.org/legal/genocide.html> (accessed, 3/22/2017).

arrest.²⁹⁰ This document is reflective of the soft-power utility of “genocide” as it accompanies the more applicable “crimes against humanity.” It also sheds light on the function of the Genocide Convention in relation to Georg Schwarzenberger’s observation that it “is unnecessary when applicable and inapplicable when necessary.”²⁹¹ The utility of “genocide” seems to challenge Schwarzenberger’s assumption of what is “necessary.” While the new status of “crimes against humanity” marks the legal superfluity of the term *genocide*, its function as an attractable device at the hands of those who seek to advance international criminal law makes it a necessary commodity of soft power.

In the case of Darfur, the United States began to employ “genocide” as a form of soft power that increases the likelihood of legal procedure even if the conviction might not include the perpetration of genocide. A close cooperation between the genocide scholarship and the United States government produced information that associated the events in Darfur with “genocide” prior to legal proceedings, and created conditions in which public opinion around the world had created expectations of criminalization before information could be produced by way of administered law. As two genocide scholars have relayed, their work as members of the United States State Department’s Atrocities Documentation Team (ADT) provided the “foundation that led then US Secretary of

²⁹⁰ International Criminal Court, *The Prosecutor v. Omar Hassan Ahmad Al Bashir*: “Alleged Crimes (Non-Exhaustive List).” <https://www.icc-cpi.int/darfur/albashir/pages/alleged-crimes.aspx> (accessed, 12/21/2016).

²⁹¹ William A. Schabas has quoted this statement by Schwarzenberger more than once. For examples, see: William A. Schabas, *Genocide in International Law: The Crimes of Crimes* (Cambridge: Cambridge University Press, 2000), 544; William A. Schabas, “The Crime of Genocide: Recent Problems of Interpretation,” in *International Humanitarian Law: Origins, Challenges, Prospects*, ed. John Carey, William V. Dunlap, and R. John Pritchard (Ardsley, NY: Transnational Publishers, 2003), 1:241; William A. Schabas, *War Crimes and Human Rights: Essays on the Death Penalty, Justice, and Accountability* (London: Cameron May, 2008), 694.

State Colin Powell to accuse the government of Sudan of genocide (September 9, 2004).”²⁹² They recognized that “never before had one nation officially accused another of genocide as the events unfolded,”²⁹³ but did not suggest that this process is legally unsound. The questions in the Questionnaire that was used to glean information from locals leave out the political context of the civil war and do not have the potential to establish an intent to destroy any of the groups that are protected by the Genocide Convention as such.²⁹⁴ Nonetheless, the information that had been collected was described by these scholars as “Evidence.”²⁹⁵ Regardless of whether or not the public is initially convinced that the material collected by ADT does prove genocide or whether or not it is reasonable for American research to determine what counts as evidence, the language in the dominant information determined that it was a case of genocide.

The context of the Summer Olympics that were to be hosted by Beijing in 2008 served as a setting for an extravaganza that co-opted public opinion into relating genocide to Darfur, not because of a close analysis of the events in Sudan themselves but rather because China was popularly accused of enabling genocide. The dominant discourse did not ask whether or not genocide was being committed, but rather assumed genocide by

²⁹² Totten and Markusen, “US,” 279.

²⁹³ Ibid.

²⁹⁴ Samuel Totten and Eric Markusen, eds., “Appendix 1: Darfur Refugee Questionnaire,” *Genocide in Darfur: Investigating the Atrocities in the Sudan* (New York: Routledge, 2006), 241-248. The questions are framed to lead the refugees to elaborate on offenses. The following is one example: “During the attack, were there any particular groups or types of people who were singled out for harm?” See: Ibid., Q15, 244. However, even the act of singling out a group does not mean that there was an intent to destroy them as such in reference to the specific list of groups that are protected by the Genocide Convention. It is found that this example of the work by genocide scholars omits group designation for the promotion of a genocide accusation.

²⁹⁵ Totten and Markusen, “US,” 279.

asking whether or not China will stop facilitating it. Chinese influence in Sudan was not a recent feature of Chinese power, but rather it dates back to the 1960s.²⁹⁶ Just as the United States was involved in arming the Sudanese government, so was China.²⁹⁷ Much like the United States, China had become invested in the production of oil on Sudanese land.²⁹⁸ However, when the narration began to emphasize harsh treatment of civilians by the Sudanese government, China was singled out as the main sponsor of the Sudanese government among the great powers. The occasion of hosting the Summer Olympics—a celebration of China’s place among the nations—had become a launching pad for accusations of genocide and human-rights violations. In the *NYT*, Kristof promoted a campaign to “shame Beijing into better behavior.”²⁹⁹ As narrated by the *NYT*, American agents of soft power such as Hollywood actors and nongovernmental organizations popularized the name “Genocide Olympics” to embarrass China,³⁰⁰ and the discourse in

²⁹⁶ For example, see: Smith, “Sudanese,” *New York Times*.

²⁹⁷ For instance, see: Jane Perlez, “Millions Being Displaced and Relief Is Blocked as Civil War Rages,” *New York Times*, September 16, 1992.

²⁹⁸ In the 1980s, it was reported that Chevron had to suspend its operations in southern Sudan because of “an attack by rebels on the installations.” See: “Sudanese,” *New York Times*. In addition, American allies such as Britain, Canada, France, and Saudi Arabia were accused of profiting from Sudanese oil. See: “Misguided,” *New York Times*. Since the start of the twenty-first century, China became the main draw of criticism regarding its oil-centered relations with Sudan’s government. See: Mark Landler, “China’s No. 2 Oil Company Prepares to Go Public,” *New York Times*, October 12, 2000. This article mentioned that the Sudanese government was “a regime that a United Nations report had accused of genocide,” but there is no specification of the report’s origination within the United Nations.

²⁹⁹ Nicholas D. Kristof, “How Do You Solve a Crisis Like Darfur?” *New York Times*, Mar 13, 2007.

³⁰⁰ For examples of this phrase being used, see: Helene Cooper, “Darfur Collides with Olympics, And China Yields,” *New York Times*, Apr 13, 2007; Jim Yardley, “Beijing ’08: Let the Politics Begin,” *New York Times*, Aug 12, 2007; Ian Buruma, “Political Games,” *New York Times*, Sep 23, 2007; Nicholas D. Kristof, “China’s Genocide Olympics,” *New York Times*, Jan 24, 2008; Helene Cooper, “Spielberg Drops Out as Adviser to Beijing Olympics in Dispute Over Darfur Conflict,” *New York Times*, Feb 13, 2008; Jim Yardley, “China Defends Sudan Policy and Criticizes Olympics Tie-In,” *New York Times*, Mar 8, 2008; Ilan Greenberg, “Changing the Rules of the Games,” *New York Times*, Mar 30, 2008; Harvey Araton, “Stepping Off Soapbox As China Mourns,” *New York Times*, May 23, 2008.

the *NYT* was expanded to include references to a cultural genocide by China against Tibetans.³⁰¹ Without a day in court, the genocide accusation regarding Darfur had managed to turn a case of civil war, which had been instrumental for the American-led civilizing process, into the subject of an informational campaign that swayed public opinion against China while setting up international criminal law for continued susceptibility to American soft power. With such control of the information on “genocide” by American soft power, judgments in courts of law are susceptible to being scripted according to how decisions in the court of public opinion are narrated.

The Abuse of International Law

No high-profile case of alleged genocide has presented such an inappropriate use of international law as the one that regards the governance of Cambodia between 1975 and 1979. In neither of the other contexts is the connection between American soft power and the popular usage of “genocide” so blatantly imprinted on a court ruling. The campaign regarding Darfur has shown how the combined efforts of the United States government, the genocide scholarship, and the mainstream media can lead to a legal procedure by the ICC in the form of a warrant for the arrest of a state leader. However, the Darfur example does not involve a massive academic effort to reframe history, and it still has not reached the level of court procedure. In both cases of the former Yugoslavia and Rwanda, the navigation of information was more indirect as the genocide accusation

³⁰¹ In March, 2008, four articles in the *NYT* within one week worded an accusation of cultural genocide against China by the Dalai Lama. See: Somini Sengupta, “Dalai Lama Condemns China for Suppressing Uprising in Tibet,” *New York Times*, Mar 17, 2008; David Lague, “China Premier Blames Dalai Lama for ‘Appalling’ Violence in Tibet,” *New York Times*, Mar 18, 2008; “Tibet,” *New York Times*, March 23, 2008; “Speak Out on Tibet,” *New York Times*, March 24, 2008.

progressed from news reports and academic processing to international criminal tribunals. Although these cases received a significant legal treatment and produced what is seen as customary law, the influence that American soft power had on the judgments focused on the general matter of how the Genocide Convention is to be interpreted but did not require the acceptance of a contested historiography.

While the popular usage of “genocide” in reference to the Armenian experience is grounded on a biased rendering of historical events according to political preferences, it has not been the subject matter of a judicial decision in a competent tribunal. If an organ that is officially recognized by the United Nations ever executes a conviction of genocide that gives a legal sanction to the popular narration of the Armenian victimhood, then that might result in an impasse for international criminal law. Such a judgment might yet happen without an uproar if political conditions enable the genocide scholarship to exert sufficient influence on Turkey’s governance, and thereby create infrastructure within Turkey for information that would lead the Turkish public not only to accept the genocidized version of the history regarding the Ottoman Empire’s collapse but to absorb it as their own. This scenario has been unfolding in Cambodia. No tumult is noted because the matter has the approval of the current Cambodian government, but it is nonetheless an alarming manifestation of how American soft power can lead to the co-option of international law. The problematic nature of the Cambodian case illustrates the state of American control over international criminal law, and highlights an abuse of international law that might become the norm if allowed to generate a thick body of customary law.

As suggested by the sharp change between Ben Kiernan’s position in 1976 and

that which he held in 1979 on the government of Cambodia at the time,³⁰² the information about the conditions in Cambodia following the American bombardment was not yet controlled in the systematic manner that eventually led to the forming of the ECCC. Before completely changing his view of Cambodia in 1979 and eventually becoming the founding director of Yale University's Genocide Studies Program, Kiernan's work actually reflected an effort to sympathize with the revolutionary organization that governed Cambodia. It is not ruled out that the greater context behind Kiernan's dramatic change of tone is that initially there may have been incentive for emerging scholars to participate in a discourse that offers a favorable narration of Cambodian resilience, and thereby diminish the impact of the American bombardment on the country.

The distance between narrating a hope for a Cambodian rebound and an accusation of genocide could not have been covered immediately, but there is an indication of an early attempt to do so hurriedly. When there was still a scarcity of material that would depict the revolution in Cambodia negatively, American information resorted in 1978 to translating and publishing a book that had been released in French the year before, and superimpose the genocide label on the work. The report of the missionary François Ponchaud, who witnessed the revolution and remained in the country until May, 1975, reveals a different approach from that of Kiernan's original work in 1976, but unlike the literature that followed, it does not have the marking of information that was designed toward a genocide accusation. Ponchaud's account did express that there was a measure of harshness and suspicion in the revolutionary governance of

³⁰² For a discussion of this here, see: Chapter 5, section titled "The Scholarly Discourse," and particularly notes 303-310.

Cambodia, but he also described an intent to improve the conditions of the country and the people. Ponchaud recalled that the “deportees were classified” and asked “to state their identity,” but also that “Those who told the truth would not be punished.”³⁰³ While Ponchaud’s depiction of the revolutionary organization showed an animosity toward “American imperialism,”³⁰⁴ and a heightened suspicion of “enemies within,”³⁰⁵ he nonetheless stated that “The preamble to the Constitution of Democratic Kampuchea” called for

an independent, unified, peaceful, neutral, nonaligned, sovereign and democratic state enjoying territorial integrity, a national society informed by genuine happiness, equality, justice, and democracy, without rich or poor and without exploiters or exploited, a society in which all live harmoniously in great national solidarity and join forces to do manual work together and increase production for the construction and defense of the country.³⁰⁶

This text, which nowadays does not receive much attention from the genocide scholarship, is more akin to *Imagine* by John Lennon than *Mein Kampf* by Adolf Hitler. The conditions in bombarded Cambodia were not conducive to the successful reconstruction of a healthy society, and Ponchaud’s narration showed Pol Pot as focused on “repair work and restoration,”³⁰⁷ and concerned by the knowledge that malaria had infected the vast majority of the working force.³⁰⁸

Despite the substance of Ponchaud’s actual account, the packaging by the

³⁰³ François Ponchaud, *Cambodia: Year Zero*, trans. Nancy Amphoux (New York: Holt, Rinehart and Winston, 1978), 53.

³⁰⁴ *Ibid.*, 60.

³⁰⁵ *Ibid.*, 64.

³⁰⁶ *Ibid.*, 72-73.

³⁰⁷ *Ibid.*, 82.

³⁰⁸ *Ibid.*, 102.

American publisher, Holt, Rinehart and Winston—the same publisher whose division, Metropolitan Books, published the translation of Akçam’s *A Shameful Act*—sought to genocidize the narrative. It is seen that the publisher added to the product material that was not Ponchaud’s own contribution, and this addition is foreign to Ponchaud’s account. The front flap of the book described the Cambodian revolution of 1975 as “one of the most brutal” ever, even though Ponchaud’s report itself did not suggest that he considered the revolution to be one of the harshest in history.³⁰⁹ The back flap of the book presented information that is even more removed from Ponchaud’s view by exclaiming that the Cambodian government “has systematically destroyed its own people and their past.”³¹⁰ Moreover, the back quotes Jean Lacouture’s review of Ponchaud’s work in *The New York Review of Books*, in which it is stated that “The new masters of Phnom Penh have invented something original, autogenocide.”³¹¹

In this manner, the American production of this book, in cooperation with the publication of an influential review that genocidized Ponchaud’s information in a popular magazine, co-opted Ponchaud’s voice on the events by propagating a genocide accusation through his work. In the author’s note for the English translation, Ponchaud shared with his readers that “[Noam] Chomsky was of the opinion that Jean Lacouture had substantially distorted the evidence I had offered,”³¹² but considering that this comment

³⁰⁹ Ibid., front flap.

³¹⁰ Ibid., back flap.

³¹¹ For the full original text of the review, see: Jean Lacouture, “The Bloodiest Revolution,” *The New York Review of Books*, March 31, 1977, <http://www.nybooks.com/articles/1977/03/31/the-bloodiest-revolution/> (accessed, 12/21/2016). Lacouture’s description of the event as the world’s bloodiest revolution does not match Ponchaud’s expressed observations. Furthermore, Lacouture’s discussion of the bloodiest revolution oddly failed to mention the Taiping Rebellion.

³¹² Ponchaud, *Cambodia*, xiii.

was written within the American publication of his monograph, it was not to be expected that Ponchaud himself would reject the co-option of his work. Ponchaud had given his consent to the American packaging of his book, and even added in the author's note an expression of a sentiment that was not expressed in his original text by claiming that "the self-slaughter of the Khmer people" is to be "denounced."³¹³ Much literary material has been generated since the dramatic change of tone by Ponchaud, and the distortion has become the dominant information.

Within the process that genocidized the Cambodian experience of 1975-1979, Gregory Stanton functioned as a liaison between the United States government and the scholarly production of material. In 1980, Stanton was the field director for the Church World Service in Cambodia, and from 1992 to 1999 he was officially employed by the United States government as a foreign-service officer in the Department of State.³¹⁴ After a few years in which he established himself as a scholar, Stanton had a leading position in IAGS, as vice president from 2005 to 2007, and president from 2007 to 2009.³¹⁵ His career embodies the thin line between American interests and scholarly information, as well as their effect on international law. Hence, Stanton's narration is considered here as most reflective of the commitment to rewrite Cambodia's history according to an American agenda to compare the leadership of the revolutionary government in Cambodia to Hitler's leadership of Nazi Germany.

When Stanton and Kiernan were conducting interviews in December 1986 to

³¹³ Ibid., xvi.

³¹⁴ The School for Conflict Analysis & Resolution, George Mason University, "Gregory H. Stanton," <http://scar.gmu.edu/people/gregory-stanton> (accessed, 3/18/2017).

³¹⁵ Ibid.

create a body of information that would eventually be used to criminalize Cambodian action of genocide, they produced the following account from an eyewitness by the name of Huy Rady: “People from the Eastern zone would be known by their scarf. If you were wearing a blue scarf they would kill you. There was a plan to kill all the Eastern zone people. They were not going to spare any of them.”³¹⁶ Based on this claim, which contradicts Ponchaud’s observation that evacuees who cooperated were unharmed, Stanton made the following point of comparison to the Holocaust: “The blue scarf was the yellow star.”³¹⁷ Stanton aimed to establish the Cambodian experience as “one of the worst genocides in human history,”³¹⁸ and in an attempt to genocidize the events there, he incorporated into his language references to intent and the types of groups that are protected by the Genocide Convention in the following way: “Premeditated murder. Genocide as state policy. Intentional killing of all ‘class enemies,’ elimination of cities and city dwellers, destruction of every ethnic and religious minority, mass murder of the Eastern Zone of Democratic Kampuchea, execution of all teachers, doctors, lawyers, soldiers and government officials.”³¹⁹ To complete the framing of information within a comparison with the Holocaust, Stanton offered the following vilifying statement about the Cambodian leader whose work proved to be influential in the revolutionary effort:

³¹⁶ Gregory H. Stanton, “Blue Scarves and Yellow Stars: Classification and Symbolization in the Cambodia Genocide,” <http://www.genocidewatch.org/images/AboutGen89BlueScarvesandYellowStars.pdf> (accessed, 12/21/2016). This text is taken from a lecture given in North Carolina in March, 1987, before being revised for the Annual Meeting of the American Anthropological Association in 1987, and produced in written form for the Montreal Institute for Genocide Studies in April 1989.

³¹⁷ Ibid.

³¹⁸ Ibid.

³¹⁹ Ibid.

“The blue-print for the Khmer Rouge revolution, the *Mein Kampf* of Kampuchea, was written by Khieu Samphan, in his Ph.D. dissertation in economics at a French university.”³²⁰

A study of Samphan’s work reveals that Stanton’s comparison of it to Hitler’s manifesto is a resounding example of flawed information. Samphan obtained his doctoral degree in 1959 at the University of Paris,³²¹ and Stanton’s reference to the Sorbonne—as it is commonly known—as “a French university” is such a tremendous understatement about France’s leading institution of higher education and research that it calls immediate attention to Stanton’s style of information control. Stanton may have considered it unbecoming to suggest that the famous university approved a work that he described as similar to *Mein Kampf*, or he may have concluded that the public would find his claim to be unbelievable because of it. The identity of the university in which Samphan obtained his Ph.D. lends credibility to Samphan’s work, and might suggest that his academic endeavor even had the support of a powerful source.

Contrary to Stanton’s assertion that Samphan’s work was Hitleresque, the translated version of Samphan’s dissertation actually reveals a sober analysis of why the Cambodian economy was not prepared for an American imposition of free trade because it reinforces a “recapitalist structure,”³²² whereas Cambodia’s economic structure still resembled a “precapitalist agricultural economy.”³²³ In Samphan’s assessment, the

³²⁰ Ibid.

³²¹ Khieu Samphan, *Cambodia’s Economy and Industrial Development*, trans. Laura Summers (Ithaca, NY: Southeast Asia Program, Department of Asian Studies, Cornell University, 1979), 21.

³²² Ibid., 31

³²³ Ibid., 32.

American aid to Cambodia in the 1950s was not conducive to developing Cambodia's economy because it tended "to emphasize integration into the world market dominated by the United States of America, integration which underlies current underdevelopment."³²⁴ In stark opposition to Stanton's claim that the Khmer government intentionally sought to kill "all" class enemies,³²⁵ Samphan stated in his dissertation that "We are not proposing to eliminate the classes having the highest incomes," and professed that, instead, "we believe ways can and must be found to bring out their contributive potential by attempting to transform these landlords, retailers, and usurers into a class of industrial or agrarian capitalist entrepreneurs."³²⁶ Samphan recognized that "Cambodia must and can industrialize," but he thought that the success of this process depended on a "structural reform" by the state itself.³²⁷ When his vision was put into practice by the revolutionary government, it was done in the catastrophic conditions that followed the American bombardment. It is unlikely that while writing his dissertation Samphan could foresee the destruction of the Cambodian environment by the American campaign in Indochina, yet Stanton's misleading presentation of Samphan's intentions took advantage of the mayhem to criminalize him and erect a narrative that meets American historiographical preferences.

In consideration of Stanton's history of service to the United States government

³²⁴ Ibid., 47.

³²⁵ This is seen as an attempt by Stanton to depict class enemies as a victim group, though an economic group is not recognized as a group that is protected by the Genocide Convention.

³²⁶ Ibid., 74. Not only is Samphan negating the idea of class elimination, but his use of the word *eliminate* is not taken here to refer to the idea of killing.

³²⁷ Ibid., 112.

and the detectable bias in his narration of the revolutionary experience in Cambodia, knowledge of his role within the United Nations in the establishment of legal procedures to adjudicate genocide casts a shadow of doubt on the separation between American policy and international law. As revealed by Stanton's online biography at George Mason University, while Stanton was an official of the United States government, "he drafted the UN Security Council Resolutions (955 and 978) that created the International Criminal Tribunal for Rwanda," and he also "wrote the Options Paper on how to bring the Khmer Rouge leaders to justice for their crimes in Cambodia."³²⁸ Moreover, while not officially employed by the United States, but as the founder of Genocide Watch, Stanton was "deeply involved in the U.N.-Cambodian government negotiations that have brought about [*sic*] creation of the Khmer Rouge Tribunal, for which he has drafted internal rules of procedure and evidence."³²⁹ This significant disclosure is amplified by the knowledge that Stanton had at one time been employed by both the United States and the United Nations. While assigned by the United States government "to work on the steering committee of the Office of Cambodian Genocide Investigations" with a budget of \$800,000 for an "investigation" of the events,³³⁰ he was also hired by the United Nations "to direct the human rights education and training programs in Phnom Penh."³³¹

The creation of political conditions that were conducive to the establishment of

³²⁸ <http://scar.gmu.edu/people/gregory-stanton> (accessed, 12/21/2016).

³²⁹ *Ibid.*

³³⁰ Gregory H. Stanton, "The Call," in *Pioneers of Genocide Studies: Confronting Mass Death in the Century of Genocide*, ed. Samuel Totten and Steven L. Jacobs (New Brunswick, NJ: Transaction Publishers, 2002), 410.

³³¹ *Ibid.*, 540.

the ECCC are indicated by the production of documents toward it through the United Nations. In 1992, a resolution by the UNSC declared the decision that “the United Nations Transitional Authority in Cambodia shall be established under its authority.”³³² In 1997, a commission that was sanctioned by the United Nations High Commissioner for Human Rights, announced the desire “to assist efforts to investigate Cambodia’s tragic recent history, including responsibility for past international crimes, such as acts of genocide and crimes against humanity.”³³³ Meaning, just a few years after the assumption of authority in Cambodia by the United Nations, the governance of that country was directed toward incriminating its past leaders and genociding its own history. This maneuver was carried out under the claim of being guided by “the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights.”³³⁴ Shortly thereafter, the United Nations Secretary-General Kofi A. Annan reported the reception of a letter from Prince Norodom Ranariddh and Hun Sen, the two prime ministers of Cambodia in which the new leadership of Cambodia essentially reiterated the recommendation by the Commission on Human Rights, and thereby occasioned the written recommendation by Secretary-General Annan that “the assistance of the United Nations” regarding this matter “is necessary.”³³⁵ Thus, it was made to seem

³³² United Nations Security Council, Resolution 745 (1992).
[http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/745\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/745(1992)) (accessed, 12/21/2016).

³³³ “Situation of Human Rights in Cambodia,” Commission on Human Rights, Resolution 49 (1997).
http://cambodia.ohchr.org/WebDOCs/DocUNResolutions/1997/HR_situation_11-Apr-97_eng.pdf
(accessed, 12/21/2016).

³³⁴ Ibid.

³³⁵ United Nations, Letter from the United Nations Secretary-General Kofi A. Annan, addressing the General Assembly and the Security Council.
https://www.eccc.gov.kh/sites/default/files/June_21_1997_letters_from_PMs-2.pdf (accessed, 3/18/2017).

as if the wish to indict the former officials of the Cambodian revolutionary government was local, and that the United Nations was merely responding positively to a request by those who represented the Cambodian people.

Then, when a Group of Experts was empowered by the United Nations to produce a recommendation to “establish an ad hoc international tribunal to try Khmer Rouge officials for crimes against humanity and genocide committed from 17 April 1975 to 7 January 1979,” it could claim to do so “in response to the request of the Government of Cambodia.”³³⁶ This narration of the Group of Experts’ purpose—suggesting that it was produced on behalf of Cambodia—had the effect of negating a recognition that through this report the credibility of the United Nations was used to convert American-controlled information into “evidence.” Nevertheless, the bias in the following consequential statement is observable:

In the view of the Group of Experts, the existing historical research justified genocide within the jurisdiction of a tribunal to prosecute Khmer Rouge leaders. In particular, evidence suggests the need for prosecutors to investigate the commission of genocide against the Cham, Vietnamese and other minority groups, and the Buddhist monkhood.³³⁷

By claiming that there is “evidence” to suggest that the leaders of the Khmer government committed genocide, a procedure of the United Nations facilitated the acceptance of flawed information. This information had been commissioned by the United States government toward controlling the historiography of the people whose country it had bombed. In this, Stanton had a leading role both in the process of constructing a narrative

³³⁶ Human Rights Library, University of Minnesota, “Report of the Group of Experts for Cambodia Established Pursuant to General Assembly Resolution 52/135.” <http://hrlibrary.umn.edu/cambodia-1999.html> (accessed, 3/18/2017). This document was signed by Rajsoomer Lallah, Ninian Stephen, and Steven R. Ratner, and is dated February 18, 1999.

³³⁷ *Ibid.*, par. 63.

that criminalized the leaders of the Khmer government, and in the process of sanctioning this collection of biased information as legal evidence.

As noted in the United Nations document that worded the validation of American-controlled information as legal evidence, the genocidization of Khmer history was based on the “scholarly works” by Elizabeth Becker, Nayan Chanda, David P. Chandler, Karl D. Jackson, and Ben Kiernan. The use of their works in this context strengthens the suspicion that the American control over academic depictions of history may guide the framing of events toward fitting specific crimes in international law. In the case of accusing the revolutionary leaders in Cambodia of genocide, the scholars who are listed above were empowered to generate a narrative that describes the events in proximity to the spirit of the Genocide Convention. Despite the efforts to frame the rule between 1975 and 1979 as genocidal, the events themselves did not correspond with the legal definition of genocide, and, as a result, these historiographical endeavors, especially the suggestions that there was an intent to destroy any of the type of groups that are protected by the Genocide Convention, as such, appear to be forced.

Conspicuously, the Group of Experts relied on the American-controlled information without regard to what the Constitution of Democratic Kampuchea might indicate about the intent of the revolutionary government in its general treatment of diversity. The constitution of 1976 states in Article 12 of Chapter 9: “Every citizen of Kampuchea is fully entitled to a constantly improving material, spiritual, and cultural life.”³³⁸ Article 13 of that chapter declares: “Men and women are equal in every

³³⁸ “Constitution of Democratic Kampuchea,” in Ponchaud, *Cambodia*, 203.

respect.”³³⁹ More specifically relevant to the context of how ethnoreligious groups are to be treated, Article 20 of Chapter 15 clarifies that “Every citizen of Kampuchea has the right to worship according to any religion and the right not to worship according to any religion,” and added that “All reactionary religions that are detrimental to Democratic Kampuchea and the Kampuchean people are strictly forbidden.”³⁴⁰ This is in line with the government’s foreign policy, which, according to Article 21 of Chapter 16, “refuses all intervention in the domestic affairs of other countries,” and is set “to contribute actively to mutual aid and support in the struggle against imperialism, colonialism, neo-colonialism, and in favor of independence, peace, friendship, democracy, justice, and progress throughout the world.”³⁴¹ A fair interpretation of the government’s actions in consideration of its own constitution would recognize that the intent of its officials was not to destroy groups of the kind that are protected by the Genocide Convention but to defend the political existence of the state in the context of civil war and an American aerial assault on the country.

Instead, the decision to establish the ECCC was determined by texts of seemingly independent scholarly works that in actuality presented an American-controlled wording of what happened to match the Genocide Convention. This is particularly visible in the references to the Cham community in the literature that was cited by the Group of Experts as the basis for the genocide accusation. In one effort to give the impression that the revolutionary government in Cambodia had the intent to destroy a religious group as

³³⁹ Ibid.

³⁴⁰ Ibid., 205.

³⁴¹ Ibid., 205-206.

such, the scholar Nayan Chanda insisted that “Over sixty thousand Cham minority people—mostly in the Kompong Chan area—were massacred for their Islamic faith.”³⁴² This was also the view that Stanton—whose name was not mentioned by the Group of Experts among those of the authoritative scholars on the Cambodian experience—presented as fact by stating that “The Cham Muslims were especially singled out for murder.”³⁴³ Along these lines, David Hawk, who wrote in Karl D. Jackson’s edited volume, claimed that “The Cham, an Islamic group of Malayo-Polynesian racial stock, were singled out for especially harsh treatment.”³⁴⁴ Similarly, Elizabeth Becker attempted to relate the events to the language of the Genocide Convention by suggesting that the Chams were “doomed” as a matter of government policy “for their ‘foreign race’ and their ‘reactionary’ faith,”³⁴⁵ and that the revolutionary organization attacked them openly and systematically.³⁴⁶ The unevenness in the body of material about this is found in the absence of such emphasis in David P. Chandler’s work even though it is also listed among the main influences on the Group of Expert’s report.³⁴⁷ Furthermore, while Kiernan’s work played a central role in preparing the historiography for the insertion of

³⁴² Nayan Chanda, *Brother Enemy: The War after the War* (San Diego: Harcourt Brace Jovanovich, 1986), 250.

³⁴³ Stanton, “Blue.”

³⁴⁴ David Hawk, “The Photographic Record,” in *Cambodia, 1975-1978: Rendezvous with Death*, ed. Karl D. Jackson (Princeton, NJ: Princeton University Press, 1989), 212. He then added that “The Khmer Rouge ruthlessly suppressed Islamic practices, and Cham religious and community leaders were executed.” See: *Ibid.*

³⁴⁵ Elizabeth Becker, *When the War Was Over: The Voices of Cambodia’s Revolution and Its People* (New York: PublicAffairs, 1998), 251.

³⁴⁶ *Ibid.*, 252.

³⁴⁷ David P. Chandler, *The Tragedy of Cambodian History: Politics, War, and Revolution Since 1945* (New Haven, CT: Yale University Press, 1991). In this book, there is no reference to the Chams in the index.

the genocide label by associating the Khmer government with a policy of ethnic cleansing and by stressing that the Chams were classified “for racial reasons,”³⁴⁸ it is here considered that in an earlier work he had made references to attacks against the Chams in 1952,³⁴⁹ and in 1973,³⁵⁰ prior to the establishment of the revolutionary government. The stress in these texts on the persecution of minorities was abandoned in the years that followed the report by the Group of Experts, and the developed state of the genocide scholarship has defied the Genocide Convention more directly by claiming that the characterization of genocide is accurate even though the massacres had a political context.³⁵¹ Overall, these scholarly texts that have served as the historiographical basis for genociding the Cambodian experience during the rule of the revolutionary organization between 1975 and 1979 are seen as information that was guided to have this effect.

This historiography was ready for use by the time that the political conditions for the establishment of the ECCC in Cambodia were directed by American power through the United Nations. The Group of Experts’ reference to the “1993 Constitution” of Cambodia shows the significance of the political process that was executed by the United Nations Transitional Authority in Cambodia. The year after the UNSC resolution that empowered this control over the domestic affairs in Cambodia, the new constitution

³⁴⁸ Kiernan, *Pol*, 259.

³⁴⁹ *Ibid.*, 75.

³⁵⁰ *Ibid.*, 381-382.

³⁵¹ For a reference here to examples, see: Chapter 2, section titled “Moralizing an American Agenda,” and especially note 153.

provided “for an independent judiciary through a Supreme Court and lower courts.”³⁵² Once it was possible to establish a special—or, extraordinary—court in Cambodia in the likeness of the one that had been tested in Sierra Leone, the United Nations General Assembly requested,³⁵³ and then decided,³⁵⁴ that the legal determination over the narration of a significant period in history would be opened up for “voluntary contributions.” This means that the United Nations invited interested parties to essentially buy a court that would administer the legal sanctioning of a biased historiography. Entities were enabled to fund the ECCC, and especially those under American influence were obliged to do so. According to the report of the ECCC’s finances in 2013, the total contribution for that year by Japan—a state whose foreign policy has been dominated by American power since the end of WWII—was by a substantial margin the highest single donation, and amounted to 42% of the total contributions.³⁵⁵ Such a management of international law goes beyond auctioning legal procedure for it hands genocide convictions not to the highest bidder but to any bidder. In this fashion, the United Nations encouraged possessors of global and regional interests to purchase world history, and was an active participant in the abuse of international law.

Going by the genocide scholarship that accompanied the advent of the ECCC, to

³⁵² “Report,” par. 123.

³⁵³ United Nations General Assembly, Resolution 57/228 (2002), par. 9. <http://www.unakrt-online.org/sites/default/files/documents/A-Res-57-228.pdf> (accessed, 12/21/2016).

³⁵⁴ United Nations General Assembly, Resolution 57/228B (2003), par. 3. <http://www.unakrt-online.org/sites/default/files/documents/A-Res-57-228B.pdf> (accessed, 12/21/2016).

³⁵⁵ United Nations Assistance to the Khmer Rouge Trials, “Finances,” “ECCC Financial Outlook,” “Donor Contributions.” <http://www.unakrt-online.org/finances> (accessed, 3/18/2017). The figure shown as the total donation by Japan in 2013 is \$78,719,790. Australia was listed as the second highest donor, with a total of \$17,343,582, which amounted to 9% of the total contributions.

genocide scholars this abuse of international law is a source of further empowerment. The decisions of the ECCC have not only confirmed the work of the genocide scholarship, but have enabled it to expand the meaning of “genocide” in greater defiance of the Genocide Convention. In relation to the Cambodian context, Alexander Laban Hinton could advance the claim that genocides arise in situations of “political strife.”³⁵⁶ It also allowed for the discursive separation between the immediate deaths that were caused by the American bombing, which are numbered to be “perhaps as many as 150,000 deaths,”³⁵⁷ and the great suffering that continued to haunt the Cambodian people in its aftermath. Hence, Hinton can mention that the United States hit Cambodia with over half a million tons of bombs,³⁵⁸ yet place the blame for the prolonged suffering that happened following the bombardment as unrelated to American responsibility by way of stressing the agency of “a genocidal regime.”³⁵⁹ In 2008, Kiernan completed a full circle of controlled information by inserting the report by the Groups of Experts into the genocide scholarship’s discourse about the Cambodian experience. After the Groups of Experts lent credibility to Kiernan’s scholarly status by suggesting that according to his work there is cause for the charge of genocide, he lent credibility to the Groups of Experts by highlighting their determination that “The events of 1975-1979 ... fit the definition of the crime outlawed by the UN Genocide Convention.”³⁶⁰ In this manner, one extension of

³⁵⁶ Alexander Laban Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2005), 282.

³⁵⁷ *Ibid.*, 8.

³⁵⁸ *Ibid.*

³⁵⁹ *Ibid.*, 287.

³⁶⁰ Kiernan, *Genocide*, 107.

soft power complements another, and the public discourse is carried out in a manner that predetermines the quality of the legal procedure.

In the *NYT*, the abuse of international law was celebrated rather than criticized. The newspaper urged that the trials of Samphan and other “senior Khmer Rouge leaders” must be “pursued expeditiously” so that “true justice” may be served.³⁶¹ The genocide label has managed to attract a discourse that distracts the public from the responsibility that the American intervention had on the governance of Cambodia. In 2011, the *NYT* quoted Samphan, then at the age of 80, asking ““Can you imagine what the situation was like for the Cambodian people and the country as a whole during such carpet bombings?””³⁶² However, within the dominant information about the events, his plea is made to seem like a denial of his own responsibility.

Through the ECCC, a great amount of data manipulation and dissemination under American control has been put into use. Elderly Cambodians are being subjected to a publicized ordeal because of an American interest in marginalizing the impact of the United States decision to bomb Cambodia as heavily as it did during its military campaign in Indochina. This project also involves a soft-power ambition to affect the collective memory of the Cambodian people.³⁶³ If Cambodians become convinced that

³⁶¹ “Some Justice for Cambodia,” *New York Times*, July 28, 2010.

³⁶² Seth Mydans, “Former Leader of Khmer Rouge Blames U.S. for Its Rise,” *New York Times*, November 24, 2011.

³⁶³ The genocide scholarship reveals an effort to lead Cambodians into accepting the American historiographical version of their experience between 1975 and 1979. One work that sets out to study the reaction to the history among younger generations of Cambodians does so under the belief that “Cambodia needs to recognize its bitter history of genocide in a way that transforms that history’s negative potential.” See: Münyas, “Genocide,” 434. This serves as an indication of an ongoing educational campaign to lead the Cambodians into accepting that the suffering was due to the actions of the local government.

the suffering in the 1970s was mostly the result of a Chinese-inspired Communist party,³⁶⁴ then the genocide discourse would not only register a successful concealment of American responsibility, but also turn local minds against the influence of China in its own region. Therefore, the genocided state of the Cambodian experience is seen as a particularly accentuated abuse of international law. It presents a case in which the government that bombed a people is the one that writes the history of that people according to its own agenda.

Genocide Labels vs. Human Rights

At the core of the effort to treat “genocide” as a crime lies a belief about unified international standards of governance. The Genocide Convention presents an agreement between states that their power to govern comes with a duty to protect their own civilians in the form of an undertaking to prevent violence that might be defined as “genocide” and to punish those who commit it. The crime of genocide is the outcome of particular circumstances in the relationship between governments, between governments and their own citizens, and between governments and other governments’ citizens. The Genocide Convention focuses on the legal labeling of a certain kind of perpetration, but is not worded in a manner that articulates what would prevent the conditions that may lead to genocide or—more likely—to nongenocidal mass suffering. This wording is partly performed by the UDHR. The promotion of the rights of people before states is located on the other side of the same coin that promotes the duty of states toward people. From this perspective, the advancement of human rights in international law is expected to have

³⁶⁴ For an example of a reference to this association, see: Hinton, *Why*, 8.

a preventative effect on conditions of persecution and even the extreme crime that is defined as genocide. However, a critical prerequisite for the development of universal human rights appears to be trust between governments that a powerful state would not use the existence of human rights to influence the affairs of another state from within and thereby seek to replace the acting government of the state with one that would better serve the powerful state's narrow interests. Thus, while both the Genocide Convention and the UDHR are on the same branch of international law that seeks to establish international standards of governance in the relationship between states and citizens, states have only agreed to proceed toward this goal through the criminalization of a drastic and rare state behavior in a treaty, but have not converted the UDHR into such a document.

The "faith in fundamental human rights" is declared as a pillar of the preamble in the Charter of the United Nations,³⁶⁵ yet the UDHR has not been codified for legal procedure within the organization of the United Nations. In 1947, the idea to "write an international bill of rights" was proposed by the United States government before the Human Rights Commission, and the campaign for it was publicly associated with the leadership of "Mrs. Franklin D. Roosevelt."³⁶⁶ The UDHR has not amounted to an international covenant but to two separate ones. Both were adopted on December 16, 1966, but their coming into legal force has not matched the eventual near universal acceptance of the Genocide Convention. One of these, the International Covenant on

³⁶⁵ United Nations, "Preamble," "Charter of the United Nations." <http://www.un.org/en/sections/un-charter/preamble/index.html> (accessed 3/18/2017).

³⁶⁶ "U.N. Bill of Rights for World Urged," *New York Times*, January 30, 1947.

Economic, Social and Cultural Rights,³⁶⁷ which entered force on January 3, 1976, has not been ratified by the United States.³⁶⁸ The other, the International Covenant on Civil and Political Rights declares “freedom of thoughts, conscience and religion,”³⁶⁹ the holding of “opinions without interference,”³⁷⁰ and “freedom of expression,”³⁷¹ to be rights, but the covenant, which was brought into force on March 23, 1976, has not been ratified by China. It is the latter covenant that carries a greater potential of handicapping states in cases of challenges against the government. China’s nonratification of this covenant has been counteracted by criticism in the American-controlled information.³⁷² The lack of agreement, especially between the United States and China, on how to legally define human rights in international law so that their protection may be applied universally reflects a void in the language of international law. As a result, “genocide” has been used in ways that exceed the scope of its legal definition to make up for the vacuum that has been maintained by the absence of a similar convention on human rights. The popularization of the genocide label has enabled American-inspired information to

³⁶⁷ United Nations, “International Covenant on Economic, Social and Cultural Rights.” https://treaties.un.org/doc/Treaties/1976/01/19760103%2009-57%20PM/Ch_IV_03.pdf (accessed, 12/21/2016).

³⁶⁸ For instance, see: Barbara Crossette, “U.S. Casts Doubt on U.N. Rights Accord,” *New York Times*, February 10, 1982; Thomas G. Ehr, “After 40 Years, Let’s Ratify U.N. Bill of Rights,” *New York Times*, January 1, 1989.

³⁶⁹ United Nations, “International Covenant on Civil and Political Rights,” art. 18(1). <https://treaties.un.org/doc/publication/unts/volume%20999/volume-999-i-14668-english.pdf> (accessed, 12/21/2016).

³⁷⁰ *Ibid.*, art. 19(1).

³⁷¹ *Ibid.*, art. 19(2).

³⁷² For examples of this, see: “As China Signs Rights Treaty, It Holds Activist,” *New York Times*, October 6, 1998; Jane Perlez, “Bush Aides Debate Ways to Press China Over Rights,” *New York Times*, February 4, 2001.

renegotiate the demarcation between the specific crime of genocide and the general failure of states to remain faithful to the concept of human rights when they are confronted by challenges to their sovereignty.

However, in the recent case of *Perinçek v. Switzerland*, this overuse of “genocide” for the progression of the American-envisioned international law around the world has reached the point of collision with the international adherence to human rights. Doğu Perinçek, a Turkish national, claimed before the European Court of Human Rights (European Court) that Switzerland had violated Article 10 of the European Convention on Human Rights (European Convention), which states the freedom of expression, when Switzerland’s legal system convicted him of a crime for stating in public his opposition to the use of the genocide label in the characterization of the Armenian experience during WWI. The European Court decided in Perinçek’s favor in December 2013³⁷³ and this decision was later confirmed by the European Court’s Grand Chamber in October 2015.³⁷⁴ In other words, the popularization of a genocide label outside the framework of the Genocide Convention has led to an international environment in which one of the basic human rights of an individual was violated. Hence, the tension between the American-led misuse of “genocide” and the promotion of human rights was manifested in a prestigious European court.

The opposition of these elements in Europe, under the influence of American-controlled information, is embedded in the conflict between the substance of the

³⁷³ European Court of Human Rights, *Perinçek v. Switzerland*, Judgment, December 17, 2013. [http://hudoc.echr.coe.int/eng#{"itemid":\["001-139724"\]}](http://hudoc.echr.coe.int/eng#{) (accessed, 12/21/2016).

³⁷⁴ European Court of Human Rights, Grand Chamber, *Perinçek v. Switzerland*, Judgment, October 15, 2015. [http://hudoc.echr.coe.int/eng#{"itemid":\["001-158235"\]}](http://hudoc.echr.coe.int/eng#{) (accessed, 12/21/2016).

European Convention and the direction taken by parliaments in Europe. While the UDHR, which was adopted on December 10, 1948, has not reached the status of a convention among member states of the United Nations, its instruction on the “freedom of thought, conscience and religion,”³⁷⁵ the “freedom of opinion and expression,”³⁷⁶ and the protection from attacks against one’s “honour and reputation”³⁷⁷ carried over to the European Convention, which was drafted in 1950, and brought into law on September 3, 1953.³⁷⁸ In this document, the “freedom of thought, conscience and religion” is protected by Article 9(1); the “freedom of expression” and “to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers” is protected by Article 10(1), and the “protection of the reputation or rights of others” is stated in Article 10(2).³⁷⁹ Such human rights of Turkish nationals in Europe have been jeopardized by the trend of European parliaments to follow the lead of the genocide discourse and turn into a matter of legislation the popular usage of the genocide label to describe the Armenian experience in WWI. This is an instance in which soft power impacts domestic legislations and threatens to affect international law in a manner that undermines human rights and legal standards.

This practice has reached a moment of emphasis when the Council of Europe

³⁷⁵ “Universal Declaration of Human Rights,” art. 18.
http://www.ohchr.org/EN/UDHR/Documents/UDHR_Translations/eng.pdf (accessed, 12/21/2016).

³⁷⁶ *Ibid.*, 19.

³⁷⁷ *Ibid.*, 12.

³⁷⁸ Council of Europe, “European Convention on Human Rights.”
http://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed, 3/18/2017). The UDHR is stated by the signatory governments as the first consideration in the agreement on this convention.

³⁷⁹ *Ibid.*

claimed that “The Fact of the Armenian Genocide by the Ottoman Empire” had been “recognised” in the parliaments of “Sweden, Lithuania, Germany, Poland, the Netherlands, Slovakia, Switzerland, France, Italy, Belgium, Greece, Cyprus, the Russian Federation, as well as the US House of Representatives and 43 US States, Chile, Argentina, Venezuela, Canada, Uruguay and Lebanon,” to justify its own “call upon all members of the Parliamentary Assembly of the Council of Europe to take the necessary steps for the recognition of the genocide perpetrated against Armenians and other Christians in the Ottoman Empire at the beginning of the 20th century.”³⁸⁰ It was argued in the document that this step was seen as necessary in leading Turkey toward “recognition ... of this odious crime against humanity” and the normalization of its relations with Armenia.³⁸¹ This conflation of “genocide” and “crimes against humanity” is conspicuously in line with the discourse on international criminal law post-Rome Statute. Furthermore, the effect of imposing further official use of this legally unsubstantiated genocide label is that the freedoms of thought and conscience, and opinion and expression, along with the protection of reputation, would be exposed for violations against Turks like Perinçek in countries where the rejection of this label is against the law. This would become a contentious legal issue even though no competent tribunal of the kind that is listed in Article 6 of the Genocide Convention has ever held that genocide had been committed against the Armenians in WWI, nor would this matter have this kind of public discussion if not for the popular information about it.

³⁸⁰ Council of Europe, Parliamentary Assembly, “Recognition of the Armenian Genocide,” <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=19700&lang=en> (accessed, 3/18/2017).

³⁸¹ Ibid.

Despite the legal decision to side with Perinçek's right to freedom of expression, the judgment by the European Court used a language that sustains the soft-power status of the genocide label regarding the Armenian experience, and, thereby, perpetuated the clash between popularized genocide labels and the human rights of those who are affected by such popularization. For instance, in a press release by the registrar of the European Court it was stated that Perinçek was convicted in Switzerland for having publicly challenged "the existence of the Armenian genocide."³⁸² This wording creates an assumption that Perinçek was in denial of the existence of some matter, and it takes the opportunity to promote "the Armenian genocide" as a phrase. Instead of this choice, it could have offered a careful articulation to explain that he was rebutting the characterization of an event, and not an event itself. The court proceedings provided a platform for highlighting that Perinçek "had described the Armenian genocide as an 'international lie',"³⁸³ which, again, was another opportunity to promote the usage of "the Armenian genocide" as a phrase, and decontextualize Perinçek's historiographical perspective. While the European Court pointed out—in defense of individuals who challenge common labels of historical events—that "historical research was by definition open discussion and a matter of debate,"³⁸⁴ it did not recognize the soft-power element in the domination of historical data, the creation of a general consensus among leading historians, and the conversion of the popular discourse to legal sanctioning in courts that

³⁸² European Court of Human Rights, "Press Release, Issued by the Registrar of the Court," "Criminal Conviction for Denial That the Atrocities Perpetrated against the Armenian People in 1915 and Years After Constituted Genocide Was Unjustified," December 17, 2013. <http://hudoc.echr.coe.int/webservices/content/pdf/003-4613832-5581451> (accessed, 3/18/2017).

³⁸³ Ibid.

³⁸⁴ Ibid.

were recognized as competent by the United Nations. Therefore, the publicized language of the European Court's judgment supported the historiographical framing that the genocide scholarship has established.

Significantly, the European Court squandered an opportunity to express its general concern for the abuse of history at the expense of human rights in Europe. In its evaluation of Article 10(2) of the European Convention, which considers the conditions for the restriction of the freedom of expression in keeping with the needs of democratic governance, the European Court determined that Switzerland did not show that there was a "pressing social need" to administer the punishment of "an individual for racial discrimination on the basis of statements merely challenging the legal characterisation as 'genocide' of events that took place within the territory of the former Ottoman Empire in 1915 and subsequent years."³⁸⁵ Yet, the European Court did not consider that the case before it reflected a pressing social need to protect individuals whose group identity puts them in a relationship of historiographical contestation with the dominant narration of history. The Armenians of Europe are not under any threat by the general society because of the common discourse, whereas the Turks in Europe and around the world are. The European Court did not express an interest in protecting the reputation of Turks from accusations of genocide by association and genocide denial in countries where the American-led genocide discourse has dominated the collective beliefs about the history of the Ottoman Armenians.³⁸⁶ The dissenting view of the European Court's Grand

³⁸⁵ Judgment, December 17, 2013, par. 120.

³⁸⁶ The accusation of genocide denial as an underlying assumption of genocide is a major characteristic of the literature that is produced about this matter even in countries where the government has not legislated about the label of "genocide" but is involved in the accumulation of information that presents the genocidization as a historical fact. For instance, the Australian government literally gave its seal of approval to a work that adds to the language about Turkish denial, as it is stated in the copyright page of the

Chamber reserved for itself the ability to make a statement about history in support of the genocide discourse, and even protect this historiography from the decision, by registering the following opinion: “That the massacres and deportations suffered by the Armenian people constituted genocide is self-evident. The Armenian genocide is a clearly established historical fact. To deny it is to deny the obvious. But that is not the question here.”³⁸⁷ This mentality reveals a great distance from recognizing that the mere focus on this aspect of Armenian modern history is an act of historiographical framing.³⁸⁸

On the face of it, the genocide label that has been used against the leaders of the Ottoman Empire might seem like a strictly Turkish problem, but it pertains to the memory of a government that was perceived by the Euro-Christian civilization as representative of Islamic governance. The historiographical characterization of the Ottoman conduct is reflective of the dominant historical narrative that surrounds Muslims and people of Islamic heritage who might not even be active followers of Islam as a

book that “This project has been assisted by the Australian Government through the Australia Council, its principal arts funding and advisory body.” See: Tony Taylor, *Denial: History Betrayed* (Melbourne: Melbourne University Press, 2008). In this government-supported book, readers, and particularly members of the Australian public, are not only introduced to the idea of Turkish denial as a phenomenon, but are led to believe that “The continuing phenomenon of Turkish denial of the Armenian genocide may be put down, at a fairly superficial level, to a national character of stubbornness.” See: *Ibid.*, 24. As a result of such a language in a country that supposedly has not taken a position on this historical event, prejudice about Turks is perpetuated and the discourse on “genocide” is thickened.

³⁸⁷ Judgment, October 15, 2015, “Joint Dissenting Opinion of Judges Spielmann, Casadevall, Berro, De Gaetano, Sicilianos, Silvis and Kūris.”

³⁸⁸ The historical framing is further seen in the following insistence: “Examining the period in question in light of earlier massacres (for example, the Hamidian massacres), we are convinced that there is sufficient evidence (a terribly legalistic word in the present context) to show that Armenian citizens of the Ottoman Empire were subjected to a State policy that resulted in the death and suffering of hundreds of thousands of people (estimates range from 600,000 to 1,500,000) and brought Armenians as a distinct community to the verge of extinction.” See: Judgment, December 17, 2013, “Joint Concurring Opinion of Judges Raimondi and Sajó.” These judges also claimed the following: “We know that when Raphael Lemkin (Axis Rule in Occupied Europe, 1944) coined the term *genocide*, he had in mind the 1915 massacres and deportations.” See: *Ibid.* They stated this without any source to prove the accuracy of the statement. The accumulative effect of statements on the public remains strong even if uttered without being grounded in proof.

religion. This historical narration is intertwined with the national narrative of Euro-Christian states, in which questions are raised regarding the ability of Muslims to assimilate and function as patriotic citizens. Perinçek's experience in Switzerland, which is a country that has been particularly influenced by American education on the Armenian experience,³⁸⁹ shows that in countries of the Euro-Christian civilization there is a severe insensitivity to the offensive parts of historiography that still maintain a vilification of non-Christians as the "other," even though they have become increasingly present among the general society.

The underestimation of the impact that exclusionary narration has on the sense of national belonging among Muslims in countries of the Euro-Christian civilization is noticeable in the academic debate over multiculturalism. As defined by Will Kymlicka, the term denotes a design by state policy "to provide some level of public recognition, support or accommodation to non-dominant ethnocultural groups."³⁹⁰ In the aftermath of the events on September 11, 2001, multiculturalism has come under criticism for facilitating the existence of Muslim communities as independent entities within states that are predominantly representative of the Euro-Christian civilization. As Kymlicka puts it, "multiculturalism has declined as Muslims have come to be seen as the main proponents or beneficiaries of the policy."³⁹¹ In a work that describes "a retreat from multiculturalism wherever Muslims and Islam have come to dominate a country's

³⁸⁹ For a discussion of this here, see: Chapter 5, note 51.

³⁹⁰ Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford and New York: Oxford University Press, 2007), 16.

³⁹¹ *Ibid.*, 126.

integration debate,”³⁹² Christian Joppke and John Torpey suggest that the Muslim presence “is destructive of the liberalism that enables it.”³⁹³ According to them, “the crux of the matter is Islam’s penchant for demanding that its adherents remain entirely and always within its religious framework and to accept secular law only if this is first commanded by religious law itself.”³⁹⁴ They do not consider how the general discourse might exclude Muslims, but prefer the explanation that Muslims are inherently out of place in liberal societies because of Islam’s “orthopraxy.”³⁹⁵ The emphasis on the cultural gap between Muslims and the general society in countries of the Euro-Christian civilization might be misleading because the perceived disinclination of Muslims to adopt the national identity of such countries could be caused by differences in how intergroup relations are remembered and narrated rather than by differences in beliefs and practices. In his defense of multiculturalism in spite of the dominant post-9/11 discourse, Kymlicka not only considers cultural barriers but also historiographical ones. However, even though he recognizes that “perceptions of historic injustice” present an “important obstacle to the adoption of Western models,”³⁹⁶ his examples do not include cases of systematic American-led historiographical discrimination against Muslims, nor is it expected that in the current environment scholars of the Euro-Christian civilization would consider the Turks to have been victims of historiographical abuse.

³⁹² Christian Joppke and John Torpey, *Legal Integration of Islam: A Transatlantic Comparison* (Cambridge, MA: Harvard University Press, 2013), 145.

³⁹³ *Ibid.*, 146.

³⁹⁴ *Ibid.*, 148.

³⁹⁵ *Ibid.*, 147.

³⁹⁶ Kymlicka, *Multicultural*, 188.

In view of *Perinçek v. Switzerland*, it is seen that the historiographical project of the American-led genocide discourse was strengthened by the legal procedure of the European Court regardless of the decision to defend the freedom of expression. The information that was generated by the proceedings amplified the discourse about the Armenian experience as genocide, and offered little consideration of how the dominance of the popular discourse challenged Perinçek's freedom of expression in the first place. While the decision was seemingly for the protection of human rights, the popular information about it created even more damage for the reputation of Turkish individuals. In an exemplary news item about the case, the British tabloid, the *Daily Mail*, drew on the celebrity power of Amal Clooney, who represented the Armenian government before the European Court's Grand Chamber, to attract its readers to information about the case, in an article titled: "It's Amal Versus the Genocide-Deniers: Mrs. Clooney Leads Euro-Court Fight for Turkish MP to be Prosecuted for Calling Death of 1.5 Million Armenians 'a Lie'."³⁹⁷ The decontextualized presentation of the information is occasioned by the legal case, and it appeared before a wide readership. In it, the claim is made that "The killings in 1915 are regarded by many historians as the first genocide of the 20th century, and are said to have inspired Nazi leader Adolf Hitler."³⁹⁸ Alongside images of Amal Clooney in court, the online article features a picture of Perinçek and a picture of a pile of skeletons, under which the caption says the following: "Never forget: An undated

³⁹⁷ Sara Malm, "It's Amal versus the Genocide-deniers: Mrs. Clooney Leads Euro-court Fight for Turkish MP to Be Prosecuted for Calling Death of 1.5 Million Armenians 'a Lie'," *Daily Mail* (Online), January 28, 2015, <http://www.dailymail.co.uk/news/article-2929573/Amal-Clooney-takes-genocide-denying-politician-Human-rights-lawyer-leads-fight-Turkish-MP-prosecuted-calling-death-1-5-million-Armenians-international-lie.html> (accessed, 3/18/2017).

³⁹⁸ Ibid.

photograph showing men standing behind a mass grave containing the remains of Armenian victims slaughtered by the Ottoman Turks during the 1915 genocide.”³⁹⁹ For the members of the public who first became acquainted with Amal Clooney in connection with the famous actor, George Clooney, the perceived image of this court case is that of a familiar human-rights lawyer who is leading an argument against a Turkish genocide denier.

Consequently, the public might be convinced that Amal Clooney was protecting human rights in this litigation, but the very dominance of the discourse against Turks shows how concrete is the threat of genocide misuse against human rights: not only the freedom of expression, but the protection of reputation from the damage that is done by soft power. In this environment, the use of “genocide” becomes a discouraging element in the quest for universal agreement on human rights for it shows that both may be manipulated by soft power. When it comes to the commitment to establish international standards in the relationship between governments and their citizens, the opposing directions between genocide labeling and that of human rights may lead to a loss of way.

Conclusion

Since the ratification of the Genocide Convention in the United States, the term *genocide* has started to have legal effects on international politics. This effort has mainly included a reliance on the credibility that has been lent to the genocide scholarship, the dissemination of guided information on specific events in the popular media, and the establishment of organizational infrastructure for adjudication. In general, the discourse

³⁹⁹ Ibid.

developed and promoted the notion that civil wars provide a common habitat for the perpetration of genocide. This has been carried out in the dominant literature on “genocide,” even though the Genocide Convention does not set out to protect political groups, and civil wars are inherently situations in which the intent is not to destroy groups that do not challenge the sovereignty of the state but to attain or maintain political control within a state.

Despite the designed proclivity to view civil wars as genocide, in the Nagorno-Karabakh War, the Armenians of the region inside the recognized territory of Azerbaijan attacked its civilians with the support of Armenia, but the event did not generate information that would lead the public to expect prosecution within the legal procedures of international law, and it is considered that the American-led discourse on Armenian victimization had emboldened Armenians to pursue an aggressive campaign against the Turkic people and believe that their territorial claims against them are justified. Nevertheless, the warfare in Nagorno-Karabakh did produce information in which language could be used to prepare the ground for genociding civil wars by describing political contestation as ethnic violence. The reports on the war in the former Yugoslavia introduced the term *ethnic cleansing*, which would then be used to transition information toward a genocide claim, as seen in the ICTY’s decision that Serbs had committed genocide against Bosnians in Srebrenica. Regarding the mass killings in Rwanda, the ICTR registered convictions of genocide that criminalized a government that had been drawn into a civil war by a massive act of terrorism when Ugandan soldiers of Tutsi heritage were mobilized as a nonstate entity to invade Rwandan territory. Both of these ad hoc tribunals followed the discursive lead of the American-led genocide scholarship,

and created conditions for an agreement among states on the establishment of the ICC, which had already been desired prior to WWII by those who have been orchestrating the progression of international law.

The Rome Statute not only facilitated this centralized court for international crime, but also reconfigured the criminal code, and presented a new meaning and function for “crimes against humanity.” This significant change was not highlighted in the public discourse, which focused on showing the United States government as hesitant about ratifying the document. Around this time, literary material showed the United States as a reluctant intervener, thereby persuading the public to consider American policy in terms of reactions and responses rather than initiatives and instigations. These works of genocide narration, which were produced following the events of the 1990s, had the effect of leading public opinion to support the idea of American intervention for genocide prevention. The suddenly genocidized quality that was added to the popular depictions of the protracted civil war in Sudan gave the United States the opportunity to test the new tools of international criminal procedure while adhering to a strictly informational capacity in the campaign to label the brutal fighting in Darfur as genocide and use the believability of the label to apply pressure on China. Simultaneously, through the United Nations, the United States was able to create adequate conditions for the establishment of the ECCC in Cambodia as a medium that would give a legal sanction to the project of controlling the historiography of the country that it had bombed by accusing the local leadership of genocide.

Such an abuse of international law was further manifested in the case of *Perinçek v. Switzerland*, which instructs that the growing involvement of “genocide” in

international legal affairs has reached the point where the misuse of the term *genocide* clashes with the protection of human rights. The existence of this conflict defeats the common purpose—or at least potential—of both the Genocide Convention and the concept of human rights in international law, which is to arrive at unified international standards of governance. Therefore, while American soft power has over the course of many years gradually, patiently, and, to a great extent successfully, been used to prepare minds and facilities for the advancement of international law, the temptation of using its ability to popularize the information on “genocide” in a legal context for the sake of serving narrow interests indicates that the American political leadership may have neglected the broad vision of reaching unified international standards of governance. The abuse of international law by American soft power stifles the flow of free judicial information, and it might stop international law from acquiring actual legal power.

CHAPTER 7

CONCLUSION

This dissertation shows how the term *genocide* has functioned as an element of soft power within the vision of international law that was developed during the hard-power contest between the American and German ways of power from the 1870s to the 1940s. Since the genocide scholarship has not expressed recognition that its existence as a source of information on “genocide” is an extension of power, the study of the term *genocide* as a phenomenon has thus far been limited to biased scholarly works that through a popular discourse affect legal affairs without being legally sanctioned. By adhering to a power-based approach to the study of the term *genocide* as an informational tool, this dissertation provides an analysis of the term’s origination and development within the context of the power considerations that inspired the modern quest for the establishment of international law and continue to navigate the progression of international law. Unlike the works of genocide scholarship that present the advent and usage of the term *genocide* as a moral response to violent events, this work offers a view of “genocide” as representing a critical stage in the particularization of power toward the governance of global affairs. The following sections consider the meaning of the findings about the history of “genocide” in a manner that points at the potential of a dialectical progress in which the concentration of hard power, through the persuasiveness of soft

power, might eventually turn into international legal power.

The “Genocide” Story

The story of “genocide” within the history of international law is about how power utilizes group identity for governance worldwide. As soft power, the term *genocide* has played a role in the project to negate hard-power contestation by organizing, politicizing, and sustaining identity groups. For legal power in international law, the language of identity politics through the popular usage of “genocide” cannot continue to dominate the criminal code. In the dialectical progression in which great power is particularized toward international law, group identity was a foundational component of nation-states: the functionality of such states depended on the strength of their national identity. From the perspective of those who seek to establish a global law, nation-building and nation-preserving processes are necessary for internationalism even though they constrain the effort to reach an international legal system that asks of nation-states not only to surpass the conflicting interests between them but to choose unified standards of law over law that is defined by group identity. For international law to work, nation-states are asked to make a difficult choice: international unity over the national unit. The choice of international unity might weaken the national unit, but the national unit might owe its existence to international unity as a destination.

Governance has a utility-based relationship with group identity. Without a common identity among people there is no collective and there is no mobilization. People accept law when it is relatable to their existence as a society. Political leadership is a dialogue with group identity.

However, the intricacy of the relationship between governance and group identity reveals itself when governance evolves toward exercising power over a larger group that includes people who are not of the same ethnic background. This is when governance negotiates with the ethnic group identity in the interest of transitioning toward the more inclusive civic identity without losing the core of the social glue that keeps people responsive as a governable unit. In other words, the goal of a governance that seeks to successfully introduce law over a variety of different identity groups is to promote the element of social activation that is inherent to the group identity but also to limit the sense of exclusivity that might disrupt the interaction with nongroup members within the same evolving larger society. Inclusive governance is effective governance when it maintains intergroup exchanges within a general attitude of a united society.

This negotiation process is complex, and the information through which it finds expression is itself a form of governance that is mindful of group identity. Thus, it is considered that the new electoral trends that have been narrated as a resurgence of ethnonationalism are also a platform for a reminder that civic nationalism has virtue as the preferred political culture. Similarly, on campuses of leading American universities, student organizations are encouraged to maintain group identity as the source of social activism but are discouraged from excluding individuals who do not seem to possess the group members' identity features. These two discourses—one popularizes a populist phenomenon and the other popularizes a progressive phenomenon—actually complement each other. They both advance a notion of passion that is related to group identity as well as an awareness of the dangers that exclusivity presents to a pluralistic society.

The discourses seem like bottom-up phenomena, but such is the way of soft

power. It inspires social engagement in issues of governance without it seeming like a top-down project. The fluctuations of group identity have to seem authentic rather than controlled in order for changes in governance to appear as if they are made by the people. Significantly, when these changes are reflective of the particularization of power toward governance they enable the civic element to keep in check the strong emotions of group identity. In one recent example that presented a compelling argument for group identity on the one hand and general inclusivity on the other hand, it was publicized by outlets of the mainstream media in the United States—including the main avenues of social media—that a woman of no known genealogical African heritage considers herself to have an African identity, and has based much of her social behavior on this belief. While her case might reflect the sentiment of others in American society and her influence on society is largely perceived as a snapshot of a bottom-up social change, it is also considered here that the informational focus on her case is a top-down act. This is the subtle art of the conversation between governance and group identity, and the dissemination of knowledge about this case served governance by highlighting the importance of group identity to people while also emphasizing that the general society's civic identity provides its members with a freedom that overpowers social limitations that are associated with group identity perceptions in a multigroup society. Knowledge of this case both popularized group identity and placed group identity in the context of a society in which group identity is subordinate to the encompassing civic identity.

Governance successfully utilizes group identity when it directs the intense feelings that are inspired by group identity toward the long-term advancement of regulated orderly behavior in a society. Accordingly, through the dominant discourse the

group identity related protest in the United States during the 1960s became popularly known as a civil-rights movement; it was not named after one particular identity group nor was it named the “ethnic-rights” movement. While the mobilization in this case was ethnic-based, the language that was used to describe the movement channeled its meaning toward civil evolution. This is how soft power operates when it leads to legal power.

What is the function of “genocide” within the striving for a delicate balance between governance and group identity? In the international realm, the term *genocide* has been used to popularize international criminal law through the production of exciting information about conflict between identity groups that appeals to groups’ political sense of self. The popular discourse on “genocide” is information toward an increase in the scope and quality of governance, but it is also a term that inculcates a language that marks separation between groups. “Genocide” promotes a language of claims that does not convert into calm. It stresses the selfhood of identity groups as political creatures by offering a link to the popular international discourse, but this very utility popularizes the group identity as a unit. Since the term *genocide* is identity laden, its popular usage has the power to mobilize the national unit, and keep it mobilized. It is likely that most genocide accusations will be argumentative and open-ended without being conducive to adjudication or reconciliation. This means that despite having contributed to the American-led civilizing process through solidifying national identity and advertising international criminal law, the common usage of “genocide” is a challenge to, rather than a mirror of, a civic mentality among nation-states.

When the popular discourse is bent on politicizing the group identities and

confuses—against the spirit of the Genocide Convention—protected groups with rebellious groups, it pushes forward narrow interests of national sentiment through self-assured claims of injustice. In the case of “genocide,” the popular usage of the term does not simply protect the existence of identity groups, it offers a language of exclusivity between the groups about justice. This creates a conflictual and dysfunctional environment between groups that have been politically empowered to be members of the international society. The language of conflicting group claims for justice begs for order, and, hence, promotes the sense of a need for international law, but it has been doing so regardless of legal procedure and without accountable information that would allow for order.

The fervor of group identity is significant for governance locally and globally, but it is harnessed toward effective governance only once it is placed under a civic arch. While in American society the language of group identity is subservient to civic identity, in the international society the popular usage of “genocide” is not restrained by a universal civic identity. As in the United States, the unsettled nature of the relationship between governance and group identity might be an inevitable part of governance internationally, but the lack of structural civic identity for international governance indicates that there is a gap between international law and the accomplishments of interstate law in the American legal system. Once a shared law is wanted among the nations, as it was among the American states, then the information that intensifies national identity may be superseded by information that secures the rule of law internationally. In the United States, elected political leaders profess their allegiance to the Constitution, which embodies the rule of law; they do not declare a loyalty to one

particular group identity within the American society. In the international setting, group identity, as embodied in the term *genocide* and its popular usage, is currently hovering above the law.

By paying attention to what the story of “genocide” tells about power, it becomes observable that international law is still at a developmental stage in its dialectical progression. Governance speaks to group identity, but soft power in international affairs has not transitioned from using a language that strengthens the national unit to offering an expression of international unity under a fair and trusted legal system. Nevertheless, the process toward legal power does not have to match the promise of legal power. As this dissertation suggests, evidently power is being invested in creating information that fortifies the national unit, which is essential to, but not the quality of, international law. Nation-states might find a clearer path to an international civic identity if they develop such an identity within their own borders. Civically insecure nation-states are conditioned to rely on the ability to nourish a dominant group identity. Insecurity is exasperated by the dread of unrest and rebellion that may receive external support in the form of a genocide accusation against members of the government. As this stage of international politics shows, the passion for the national unit is a prerequisite for the peace of international unity; participation within the nation-state is a prerequisite for regulation among nation-states; and the popular calls for justice are a prerequisite for legal performance toward international order.

It could be that the foundations of national identities around the world are not nearly sturdy enough for the popular information to systematically construct knowledge about a civic international identity, but the creation of an international law in full

operation—with the legitimate authority that is legal power—might require it. Even though nation-states have not secured their governance in a way that would afford them distance from identity politics, it is here considered that a shift toward a language that values civic identity on top of national identity can commence without delay. By pointing at the work of soft power in the employment of “genocide” to popularize international law, this dissertation might have the effect of helping the genocide discourse give way to a discourse that is more direct about its power source and process of power particularization. The culture of accountability in international law can start its spurt of growth now alongside a realization of the following analysis: the term *genocide* has value in popularizing group identity as political capital and international criminal law as a concept but suffers from incapacitating legal deficiencies that prevent it from directly offering much for the sake of international order.

Hard Power at the Core of International Order

International law would not have gotten its start with the American effort for international arbitration in the late nineteenth century if not for power considerations on a global level, and, correspondingly, international law cannot be explained without recognizing first and foremost that hard power provided the basis for its promotion. As it became possible and desirable to turn the world into a global community, the idea of communalizing the governance of the world’s territories came in tow. Much like the formation of a legal system on a local level, the creation of an international legal system was undertaken by the existence of a network that possessed the ability and commitment to do so. At the core of the drive for international law, as in any law, lies a vision for the

maintenance of a status quo in relation to the distribution of material. A prerequisite for its enactment is the capacity to establish authority over those whose affairs the law sets out to govern.

While the idea of law requires an imaginative working of the mind, it is tied to a calculation that starts with material advantage. Competition over necessities for survival between unequally positioned individuals leads to an imbalance in the possession of these life necessities. The possessor of an accumulated amount of such material has more than enough, and begins to consider how to convert material superfluity to material advantage. It is when this material advantage is attained that the establishment of law—the usage of material advantage to crystallize the material advantage—becomes advantageous and a matter of interest. In the quest for law, the core of both means and end is material. In its most elementary manifestation, law begins as an effort to preserve hard power by the conversion of hard power into institutions and information that would govern behavior in agreement with the existing distribution of material. Once the law is established successfully, the conformity to its rules means that an order has been formed through a process of legitimization, and, thus, the law acquires a quality of governance that exceeds the original consideration of hard power that led to its design. The law then enables a greater number of people to become one society that abides by the power's idea of order.

However, for law to receive the response of conformity and, thereby, turn into order, it must be traced to a clearly communicated authority. Without a displayed connection between the hard power that led to the creation of the law and the system that administers it, there would be no sense among those who are expected to abide by the law that the expectation that they would do so had been established by power relations. In

state law, the enforcement of the law by the police serves as an immediate communication about the authority of the government, but for international law, there is no world government, and wars have been required to communicate authority. It is unusual for people to ask why the local police station is open daily, but it is common to question why the United States military has been actively engaged in wars around the globe. A certain showing of hard power is required for an authority to be seen as a source of law, and it is apparent that the United States has not presented itself as being at the level of authority on a global level that matches the authority of a government on a domestic level.

In the case of international law, there has not been a direct assumption of authority by the United States, even though American considerations of hard power have led it into being. Not only that, but the scholarly discourse has concealed the degree to which international law is a matter of American planning. This concealment has been attempted through predominant theory, historiography, and news reports on current affairs. The theoretical framework of the American-led study of IR insists on teaching that realism and internationalism are dichotomous approaches, but in actually internationalism originated as an indirect form of maintaining a balance of power in Europe, which was a major Anglo-American interest during the rise of Germany in the years that led to WWI. The basis of internationalism as a project was to erect national entities that would be motivated to surround Germany as political barriers and thus impose a balance of power in Europe. In this, international law was designed to be a system that would stimulate the multilateral interaction between these nation-states in order to impede an imperial growth in Europe.

By claiming that the United States followed a doctrine of nonintervention in European affairs and remained neutral until joining WWI in April of 1917, the dominant historiography has kept hidden the significant work of Americans through soft power, with the cooperation of allies among the great powers, toward giving previously nonpolitical groups a national identity and organizational guidance. Robert College, whose effect on the cultivation of the Armenian and Bulgarian nationalities within the Ottoman Empire was particularly far-reaching, provides a primary example of an American institution that actively educated and trained its students to become national leaders of different groups who would then execute the administration of their group as politically independent entities. While no European power interfered with the completion of the railway that laced together the United States of America from the coast of the Atlantic Ocean to the coast of the Pacific Ocean, American power established national organizations to the east of Germany that created disturbances in Germany's ability to use its influence over the Ottoman government toward the completion of a railway from Berlin to Bagdad, which could have connected the Reich to the Persian Gulf and possibly later to India. Nonetheless, the historiographical language that shapes the popular view on the wording of the criminal code in international law does not include the recognition that before many Armenians were made to suffer from the political conflict between the leaders of the Armenian revolutionary effort and the Ottoman government there had been foreign influences on the Armenian collective identity that amounted to interferences with the Ottoman ability to govern its population.

Following WWI and the establishment of the League of Nations, the nation-states that presented the most immediate political barriers in the way of German expansion

were the newly constructed states of Eastern Europe. Their destruction, as such, was the main political project of Nazi Germany in WWII. In this context of hard-power considerations, the term *genocide* was invented in Washington, DC, during the war to introduce the protection of the national group so that at war's end the United States and its allies could criminalize the Nazi German actions against internationally recognized nation-states and prevent such acts of expansion from recurring. The credibility of the term *genocide* in public opinion was bolstered by the term's association with a Polish lawyer, whose voice as a person from Poland was taken to represent the sentiment of victimhood, and highlight that the conquered territories were occupied nation-states. This was part of an effort to generate information that in the war's aftermath would give impetus to Germany's reeducation and support the quick reestablishment of the nation-states in Eastern Europe as such. Hence, "genocide" came to life as a creature of soft power that had been begotten by hard power.

Despite its origins in American considerations of hard power, the term *genocide*—along with the general project of post-WWII international law via the United Nations—was made to seem non-American through mainstream depictions of news regarding "genocide" and the development of international criminal law over the years. The United States was described as hesitant about the ratification of the Genocide Convention, and then withheld its legal use of "genocide" for decades. In addition, the United States was accused of genocide in publicized campaigns regarding the conditions of African Americans in the 1950s, and following the escalation of the military assault on Vietnamese villages in the 1960s, though these accusations vanished from the popular discourse on "genocide." More recently, the United States has been shown as reluctant to

ratify the Rome Statute that established the ICC and revamped the codification of crimes in international law. These instances give a superficial impression that the direction of “genocide” in particular, and international law in general, is independent of American considerations, but a power-based analysis of the history of "genocide" instructs a different interpretation. Accordingly, it is considered that for the American political leadership hard-power interests were held to be better served by a soft-power strategy that would portray the term *genocide* as non-American, and maintain the semblance of distance between one powerful government and the direction of international law. In actuality, the vision of international law illustrates an American way of power, and the United States did not simply stumble across an opportunity to promote international order following the two world wars but rather it fought for this opportunity.

“Genocide” as Soft Power

Since the day of its inception, the information about “genocide” has called attention away from a detailed recognition of the power that designed the term. This means that right from the start there was no clearly stated authoritative source for “genocide” as law. The very first explanation of “genocide,” in *Axis Rule*, did not elaborate on why it had been determined by the American political leadership to promote the criminal code of international law through Raphael Lemkin or what was the ultimate goal of the term *genocide* in the long run following WWII; rather, it applied the term to the actions of the Nazi German government, as if to suggest that the actions themselves necessitated the naming of them as “genocide.” Thus, the moralistic tone with which the term *genocide* would be invoked for decades had become set. “Genocide” was to be

perceived as an utterance that expresses the conscience of humanity, and not as part of a power-based design for the advancement of international criminal law.

The insistence on maintaining a distance between “genocide” and its source of authority opened up the way for a discourse on “genocide” that is removed from the term’s original context, and dictated by the potential to inspire unity of mind about “genocide” as a crime. Since the narration of the history of “genocide” has diminished the sense of its power-based purposing, and heightened its value as the designation for a shocking crime, it is not common to consider the American-led desire to maintain Poland as a political barrier against German expansion to be one of the leading reasons behind the advent of the term *genocide*; instead, the Holocaust is considered in this context. Originally, the systematic execution of Jews under Nazi German control in Europe was not the main feature of the term *genocide* as articulated in *Axis Rule*, but the Holocaust later came to represent the inspiration for the Genocide Convention because it presented a case in which Jews were exterminated, as such, without being members of a politically purposed group that challenged Germany's sovereignty. Even though by WWII Zionism had functioned as an active Jewish national organization that was influenced by the interests of great powers and a factor in international politics, it did not contest Germany’s control of its homeland. Meaning, the Holocaust told the story of a persecution that was not conditioned by a group’s rejection of its state’s sovereignty. In addition, the Nazi German method of mass execution indicated an exceptional intent to destroy the group. At some point, the discourse on “genocide” began to show the Jewish suffering as the prototypical case of genocide, while ignoring the clearly stated objective of “genocide” in *Axis Rule* to protect the political integrity of Axis-ruled territories that

previously functioned as lands of nation-states such as Poland. The political element that was central to the original usage of “genocide” during WWII was replaced by usage that linked the term to a universally condemned offense.

Therefore, it may be observed that the lack of transparency in the introduction of this legally purposed term allowed for a culture of beguilement to dominate the process through which “genocide” became known to the public. The dissemination of information about “genocide” followed the method of what is now known as soft power. It was advanced through agents of information that were perceived as separated from American considerations of hard power, and was given qualities to frame the discourse, attract attention, and persuade minds. In accordance with its purpose to be an effective promoter of the idea that international law concerns itself with the internal affairs of sovereign states, “genocide” was made amenable to the indirect use of power. As a moment in the progression of international law, it was used to elevate the awareness of the need for legal procedure that would criminalize persons of a member state through the United Nations, but at the expense of being a bona fide article of international law itself. It was utilized to bring public opinion closer to international law, but its existence as a term that has been molded through soft power to construct international criminal law has included usages that do not befit a legal term.

There was a great deal of manipulation involved in how the term *genocide* was first made legal in the Genocide Convention, then kept from legal relevance until the American ratification of the convention at the end of the Cold War, while gradually being shaped into legal use through the popular discourse. The member states of the United Nations had signed an international treaty under the belief that “genocide” would be

interpreted according to its definition in the Genocide Convention. As long as “genocide” remained strictly associated with the Nazi German perpetration of the Holocaust, the bar for proving the intent to destroy was held so high that the term *genocide* was kept far from legal use. “Genocide” remained popular in the public discourse through constant but erratic references to it. Only when the American-based narration of modern Armenian history began to systematically feature the term *genocide*, did the language on genocide become dedicated to treating civil wars as hotbeds of genocide. This new literary direction was made public just as the genocide accusations against the American campaign in Vietnam reached a high level of popularity, and “genocide” had penetrated deeper into public consciousness.

The momentum of genocide consciousness reignited the interest in “genocide” and prepared the ground for a controlled reshaping of the term’s meaning by the production of scholarly works and popular literature that compared the Armenian experience to the Holocaust. This comparison suppressed even further the original context of “genocide” in reaction to the German Nazi aggression against existing nation-states. Even though both the Poles and the Armenians functioned as barriers to prevent German expansion, the Polish case inspired the new emphasis on protecting national groups because Poland had been a nation-state before WWII began with the Nazi German invasion, whereas in the Armenian case there had been no Armenian nation-state at the start of WWI, and the Armenian political existence was carried out by way of an openly stated rebellion against its Ottoman government. According to the first text on “genocide” in *Axis Rule*, the Polish type of victimhood exemplified it, since the Poles were a national group that was attacked as such for having had a national state. Yet, in

keeping with the later agenda to bring “genocide” into applicability in cases of civil war through popular usages of the term, the genocide discourse became inundated with references to the Armenian case as a primary example of genocide.

Knowledge of what “genocide” means—how the Genocide Convention is to be interpreted—was not initially determined by international judges, but by an empowered academic network of scholars. While appearing as independent experts, certain promoted works of sociologists suddenly began to generate information that changed the legal definition of genocide, and began to treat the Armenian suffering during WWI as genocide. In preparation for the advent of genocide scholarship as a field of study, sociological meaning-making functioned in tandem with works of historiography that had structured the narration of events to match a genocidized history. Since these works of history did not use the genocide label themselves, they were not immediately seen as biased, but they provided the sociological works with the necessary material to make a determination about “genocide” while seemingly basing it on dependable historical data. In other words, the historical framing was followed by sociological labeling. In the Armenian case, the use of the term *genocide* under the pretext of sociological study was preceded by works of history that carefully depicted the events through allusions to “genocide” but without using the term *genocide*. This template of historical framing before the sociological labeling was followed in the Cambodian case. Such works were then lent credibility by the production of popular commentary on them, before reaching the level of common usage.

When history is genocidized through a discourse, it means that the language that is used has the ability to whitewash the memory of significant events, to reassign blame

from a great power to a local actor, and to intensify intergroup conflict about the past. This utilization of an academic discourse is seen as soft power because it has shaped the meaning of “genocide” in public opinion while ignoring the connection between the political power behind it and the information that it has produced. Hence, it is observed that the information that determined how “genocide” is to be used and perceived lacks legal power because the international adjudication on matters of “genocide,” which has followed the establishment of a structured popular discourse on “genocide,” was never shown as protected from the influence of this information and its potential politically driven sources.

Consequently, the application of “genocide” as the subject of adjudication in cases of civil war was achieved, and the worldwide awareness of international criminal law has grown, but the law is so thoroughly affected by soft power that it has no legal power. The judgments on “genocide” in international tribunals during the 1990s, and the introduction of domestic trials on “genocide” following the Rome Statute, have generated courtroom information about international crime, but the dominance with which popular information has determined the conditions for the interpretation of “genocide” has made the role of the courts a mere formality. Sheer power over legal information might cause public opinion to give “genocide” a meaning that agrees with American foreign policy and historiographical preferences, but it fails to function as law among governments that are deprived of equal participation in legal interpretation. The tremendous influence that one government might have on international organizations and court systems in other nation-states has the capacity to yield legal results that shape the customary use of genocide in law, but this soft power does not leave the same impression as legal power.

In other words, soft power may have garnered legitimacy for “genocide” in public opinion, but at the cost of raising the suspicion of other governments. If the rule of law is maneuvered by a disequilibrium in soft power, then international criminal law might be misused as a weapon for moralistic attacks on other governments by those who have a soft-power advantage, without the legitimacy of law and without the possibility of a universal intergovernmental conformity.

The Legal Power of International Law

For international law to have legal power, the law must have a clear source of authority while at the same time that source of authority must respect the independence of the law after it had been given. The ongoing subjection of the term *genocide* and the development of international criminal law to soft power means that both of these conditions are not met. Through its ability to persuade indirectly, the American political leadership has not had to be straightforward about its leading role in the construction of international law, and it enjoys an advantage from the creation of sophisticated ways to affect legal interpretation instead of supporting a legitimately international mechanism to do that under protection from the dominance of any one government. The American ability to dominate the interpretation of international law, as shown in its treatment of the Genocide Convention, is disruptive of the legal procedure. It means that there is a gigantic loophole through which the United States may systematically use its power to shape customary law that would redefine the treaty law. A study of the history of “genocide” suggests that not only is the American political leadership in denial that it invented the rules of the game, but it also keeps moving the goalposts in midgame. This

is detrimental to the ability of international law to project both authority and legitimacy.

Legal power is an indication of the separation of powers. In the United States, the successful governance of affairs depends on the believable existence of separation between the executive, legislature, and the judiciary. Conversely, in the administration of global affairs, through the United Nations, murkiness surrounds the separation of powers because the United States government does not show itself as the face of international order, yet its hand reaches all three branches of international governance. In this sense, the United States betrays its own brand of governance. Although it might not be advantageous for the United States to declare itself the executive of international order because that could be interpreted as a direct challenge to the sovereignty of other governments, the source of international law has to be known if international law is to have authority. International law is an American vision, for which the United States fought and won two world wars. It is based on proven American hard-power superiority, and it was designed to create an international order that both promotes American standards of governance and maintains the status quo of power relations between governments that is favored by the United States. Since it would have been difficult to inspire international cooperation through direct communication about such an agenda, the quest for international criminal law was conducted indirectly through moralistic narratives on “genocide” and by supposedly independent narrators. As a result, the United States abandoned the position of authority over international law so that the rationale for it, and the application of it, may be more readily persuasive.

This soft-power approach is seen here as antithetical to the apparentness of hard power and yet a necessary step toward the synthesis that is actual legal power in

international law. Hard power is the basis for the American yearning for international law, but it had to be negated if the international community was to be persuaded about the concept of international law, and especially international criminal law. Thus, the voice of humanity has been invoked through soft power, and, over the course of decades, minds have been brought closer to the concept of international law. However, for international law to have the authority and legitimacy of a law, the authority over it has to be acknowledged, and, as part of this acknowledgement, accountability has to emerge so that biased information may no longer dominate the international judicial information. This too is a transitional phase. For international law to be thoroughly international as a system of legal power, the authority and accountability behind the execution of it is to be shared by all who govern through the law.

In the dialectical progression of international law, the destination of international law was set by hard power, but the motion to it is driven by soft power, and once there, legal power requires that the authority would be directly known as a guarantee that the indirect method of influence does not dominate the legal procedure. For those who have been persuaded about international law as a concept to become participants in international law in practice, the previously serviceable indirectness of information control must give way to the directness that would nourish the transparency and comprehensiveness of legal power. Transparency would be attained when the United States government is found willing to consider the extent to which the American political leadership has been the power source behind the vision of international law, and actively seeks to fully realize this vision by taking measures to assure member states of the United Nations that it realizes the ills of dominating the execution of international law by

indirect means. Comprehensiveness would earn legitimacy once it becomes observable that the adjudication in international law produces information that is not scripted by a preexisting discourse but reflects a well-roundedness.

As the connection between American hard power and international law becomes known, it then becomes possible to engage in an open dialogue with the source of international law about the significance of protecting law interpretation from the debilitating abuse by the power that envisioned the law and might believe it has ownership over the law's interpretation. This protection of the judiciary from being controlled by the power that made the law is the essence of the rule of law and a pillar of the American-led civilization's political system of choice. Not only is it a tenet of Greek democracy, but it is reflective of Jewish jurisprudence as well. The separation between law interpretation and lawgiver is advocated in the ancient Talmudic story about the oven of Akhnai. In the Babylonian Talmud, tractate Bava Metzia, page 59b, it is written that when the rabbis of old debated over the cleanness of an oven in legal Halakhic terms there was an attempt by the Divine to intervene in their process of interpreting the law that is known as the Torah, which they considered to have come from the Divine. One side of the argument was led by Rabbi Eliezer, who resorted to the performance of signs and omens as a method of proving his rightness. The other side of the argument was led by Rabbi Yehoshua, who insisted that matters of legal interpretation such as this are to be determined according to a majority opinion that is informed by the merits of the reasoning, and not by the display of power that suggests a godly backing. Rabbi Eliezer then proceeded to appeal to the law's source of origination for proof that his interpretation of the law is correct. Following this, an echo of a divine utterance (*bat-kol*)

was heard siding with Rabbi Eliezer. This divine intervention was rejected by Rabbi Yehoshua who recalled Moses' phrase in Deuteronomy 30:12, "it is not in heaven" (*lo ba'shamayim hee*), to mean that the law had already been lowered from above and given to the people, and, as such, is not the sole possession of its giver. What was the divine response to this? Rabbi Natan relayed that according to the prophet Elijah, God joyfully replied "My sons have bested me" (*nitskhuni banay*).

Meaning, even the source from which the law originated cannot—in the name of the law—use its power to dominate the law's interpretation. While the rabbis' defense of their control over oral law is intertwined with their own quest for organizational power, it nonetheless speaks volumes about the need to defend customary law in international law from abuse of power by the entity that originated the law. It would be a triumphant moment for international law when it is recognized by the United States government, from a position of confidence, that criticism against its interference with the interpretation of law is rightful. Such criticism, and its acceptance, would be an encouraging sign for the viability and sustainability of international law. If the originator of the law is admittedly corrected by those to whom the law had been given, then there is an indication that the law is absorbed.

The circumstances of international law's American origination are different from a story in which a divine entity introduces a law to a people, but by addressing the profound differences a strong light may be shed on the difficulties that have hindered the progression of international law. One such difference is that the United States is not transcendent in relation to the other nation-states. Even if American exceptionalism was to be recognized to some degree by all other nations, the United States government is not

removed from the law, and must itself abide by it. This means that unlike a source of law that is unbound by its creation, the United States is subjected to the law and is therefore motivated to affect the law in its favor after it had been put in writing. Another difference of major importance is that, as opposed to divinely revealed law, international law, as domestic law, is not a given law but rather is a law that is still in the making. As seen in the Rome Statute, international criminal law was rewritten and reworked long after the Genocide Convention was brought into force. In international law there is still an influx of information in the writing of the law and not just in its interpretation, and that may continue to tempt the United States to control treaty law through customary law. Thus, two main questions are raised: How does the American political leadership separate between the broad vision for the advancement of international law and the narrow interests that it is looking to serve through dominating the popular discourse? How is the information of law interpretation to be kept separate from the process of lawmaking in international law?

Before its expansion into matters within states through the Genocide Convention, international law was mainly concerned with matters between states. International arbitration was the major innovation that the Americans introduced and tried to promote in the late nineteenth century as a concept that was to be incorporated into a system of law, and the Americans who worked on the design of international law fancied the United States as the world's most adequate arbitrator. The American image as a non-European entity did not translate into a universal acceptance that the United States is a trusted mediator in disputes between European powers, and international law became highly dependent on the establishment of a permanent court that would administer justice

between nation-states. Even with such a court in full operation, the United States remained caught in a delicate position as the chief constructor of the means for international arbitration while being itself an interested party in a wide range of international disputes. The lack of a mechanism to enforce the compliance of governments with international court decisions over contentious issues between nation-states emphasizes the measure of tension and unpredictability because the level of enforcement largely depends on American interests as a variable. Accordingly, international law has mostly been inter-national law, involving conflicts of interests between the nation-states, among which is the United States.

However, international criminal law carries a potential for international law to focus on the advancement of unified international standards of governance. If agreement can be reached on the information that is produced about commitments that all member states of the United Nations have toward their civilians, then international criminal law can inspire greater cooperation among governments and have a positive effect on international law in general. The authority of law that is lacking between nation-states would appear to exist between the governments of nation-states and their civilians if agreement can be reached on exceedingly unified standards of governance. To arrive at this level of agreement, the criminal code in international law has to be satisfactory for both governments and their peoples. It might be a standard of governance in itself to assure civilians that there is a universal understanding that they are not to be abused by government power, but there is also a need for the codification to assure governments that international law protects them from other governments that have greater power.

Under this light, the Genocide Convention can be seen as a communication

between governments and the public, rather than a document that is used for mobilization according to one government's interests against another's interests. The effort to improve governmental treatment of civilians is tantamount to improving and strengthening governance in general, and can be seen as a uniting task that is common to all governments, and refreshingly different from the confrontational nature of using law to decide between governments. Unlike matters of arbitration between states the law regarding the quality of relationships between governments and people worldwide does not have to be dominated by self-interested manipulations. The dark side of the Genocide Convention has been the unpronounced concern among governments that the United States government has used the convention to interfere with the internal affairs of foreign states not only with impunity but with the support of public opinion.

Thus far, the United States government has withheld a clear acknowledgement that it is the authority behind “genocide” and that the Genocide Convention is a product of its vision, and it has been tempted to divert from the way of a responsible lawgiver while considering itself free to manipulate the interpretation of the law. Soft power has been used to direct information regarding “genocide,” thereby affecting the majority opinion in the public before cases of “genocide” enter a courtroom or receive consideration by an organ of the United Nations. This American ability to co-opt the identity of groups and narrate violent events between groups in association with the term *genocide* blights international criminal law, but, significantly, it is not a necessary feature of international criminal law. If the United States recognizes that its hard power sparked the drive for international law, and the information of international law becomes less susceptible to soft power, then legal power would be within reach.

Crimes against Humanity and Crimes against Government

To have a sustainable system of interpretation in international criminal law that would have legal power, the codification of crimes in international law must be operable. Both the substance of the Rome Statute and its limited reception among member states of the United Nations indicate that the written law of international crime has not reached a level of operational stability. The treaty made international criminal law more applicable by sanctioning the creation of the ICC and articulating the crimes within its jurisdiction, but its inability to draw universal support is a token of its incompleteness. Since the United States, whose soft power directed the production of the Rome Statute, is not itself a party to the treaty suggests that it has an experimental quality. In addition, the total number of governments that are not parties to the treaty amounts to over a third of the member states in the United Nations, and among these there are several regionally powerful governments. The recent withdrawal from the treaty by three African states marks a trend to reject the codification. Governments cannot be expected to trust the legal procedure of international criminal law if they cannot be brought to agree on the very structure of this legal procedure. In other words, before legal power is achieved, the work of soft power has to reach a certain point of success. A significant segment of the international community has not been persuaded by the Rome Statute. It is here considered that this hesitation regards the codification of crimes rather than the establishment of a permanent and central criminal court.

In contrast to the legal definition of “genocide” in the Genocide Convention, a “crime against humanity” was defined in the Rome Statute as an offense against a civilian population, without any specification of a special intent to destroy a group of a particular

type as such. Moreover, in the Rome Statute the persecution of groups on political grounds is included as a crime against humanity, while the Genocide Convention does not recognize members of a political group as possible victims of genocide. Another major point of distinction is that the perpetration does not refer to “persons” exclusively as in the Genocide Convention, and the charge of such crimes via the Rome Statute may be directed against governments. This means that according to the criminal codification of international law in the Rome Statute, a government may be held guilty of committing a crime against humanity if it can be shown that the government had mere knowledge of a widespread attack against people who are associated with a rebellious group.

When the nation-states agreed on the legal definition of “genocide,” they did not give their consent to have the accusation of genocide become a source of harassment against governments. While the Genocide Convention is concerned with the protection of civilians from persecution, it does not expressively expose government officials to undue prosecution. The term *genocide* may have been simplistically advertised as the group version of homicide, but “genocide” was markedly different from homicide in the requirement of intent. Article 2 of the Genocide Convention carefully stipulated the existence of the crime by mentioning three levels of intent for the establishment of a legal charge. The murder of an individual may be established with proof of intent to kill, but to prove the crime of genocide it is required to establish a triple intent: an intent to harm members of a group that is based on a common ethnicity, nationality, race or religion; an intent to harm the members of the group as such; and an intent to harm the group as such in whole or in part.

The first intent is that the assailant intended to harm the group members. It

requires proof that the assailant did not act in self-defense or caused harm by accident. The second intent is particularly difficult to prove because it involves the subjective assignment of identity by the assailant. It requires proof that goes beyond the victims' own collective identification as members of a group, for it seeks to ascertain that the assailant was cognizant of the victims' assigned group membership while intending to harm them, and harmed them because of their assigned group membership. Within this requirement of intent, it has to be shown that in case the victims were members of both an ethnoreligious group and a rebellious group at the same time, that the assailant harmed them as members of a protected group rather than a political group. The third intent is crucial for giving "genocide" its qualities of systematic execution and massive victimization. It requires proof that the assailant harmed members of a protected group type as such while maximizing the ability to do so. This intent may only be proven by showing that there was a plan to harm the group in general according to the capacity of the assailant to reach members of the group. The requirement of "in part" alongside "in whole" means that this intent does not have to be translated into a complete elimination of the group, but that it has to be demonstrated that virtually all members of the group who could potentially be subjected to harm were intended to be harmed. By articulating this requirement to prove a triple intent, the Genocide Convention protected persons, who were expected to be in position of governmental power, from abusive charges of genocide.

Through the work of soft power, the popular interpretation of the Genocide Convention—and then judicial interpretations of it—dismissed the requirement to prove a triple intent, and, consequently, the ground was prepared for the codification in the Rome

Statute, which openly weakens the position of a state government against political challenges from within the state. The incorporation of “crimes against humanity” into the treaty law of the United Nations by way of the Rome Statute means that the ICC is empowered to support groups that are organized to rebel against governments, and that domestic judicial systems are equipped with criminal terminology to convict government officials of crimes following the conclusion of civil wars in which the rebels are triumphant. Without clear defense of governments, this is a prescription for more soft power and intergroup violence rather than international legal power and unified standards of governance. It shows international criminal law as a tool of self-interested external power over governments rather than as a structure for the advancement of the relations between existing governments and civilians.

Third-party instigation of innerstate conflict is the blind spot of international criminal law. The Genocide Convention concerns itself with third parties that are suspected of being complicit to the act of genocide, but it does not concern itself with third parties that create an environment of conflict in which violence and the suffering of civilians is imminent. In other words, the Genocide Convention only regards the relationship between a third party and the perpetrators of genocide in acts of aggression, but expresses no focus on the possibly criminal nature of the relationship between a third party and the eventual victims of intergroup violence. On the one hand, this means that the existence of third-party instigations should rule out the legal applicability of “genocide” regarding the resulting intergroup violence, but on the other hand, it has meant that third-party instigators have not been the subject of scrutiny for possible involvement in setting up groups against one another.

Correspondingly, involvement in the instigation of intergroup conflict has been concealed by genociding the information about the circumstances, which means that the violence has been presented in terms of a simple perpetrator-victim dichotomy. The framing of events through the label of “genocide” has served the art of great-power interference in another state’s affairs because it directs attention to the two domestic groups as the two main actors, and distracts from the third-party instigation that led to the political conflict. This is especially effective when the labeling of genocide highlights the view of one group as victim and leads public opinion to consider it immoral to examine the conduct of the victim group under the sponsorship of a great power. As the genociding of the Ottoman Armenian experience reveals, soft power has made it possible to spread the popularity of the genocide label even in reference to a case in which the ultimate intent—to destroy a government—belonged to the powerful third party that erected an Armenian political challenge, while the intent of the local Ottoman government was to resolve a political conflict that it had not started and could not control. This is an instance in which the persecution of a political group by a government was preceded by the intent of a third party to destroy the government.

Since the criminalization of a government for the persecution of a political group has received legal pronouncement in the Rome Statute’s codification of “crimes against humanity,” a powerful third party such as the United States may instigate innerstate conflict and lead the blame against the state’s government with even greater persuasion. In previous decades, the United States employed soft power to impose its interpretation of the Genocide Convention for the criminalization of governments that are caught up in a civil war, but now the Rome Statute’s criminal code offers the United States a legally

binding document of international law in which it is written that the persecution of groups on political grounds is a crime against humanity. As the codification of “crimes against humanity” increases the applicability of international criminal law, it also has the potential of keeping international law from actual legal power. If the codification of “crimes against humanity” is seen as an American mechanism to interfere with the internal affairs of governments, then the procedure that adjudicates these crimes will be considered an American instrument rather than an international law. There is a stark difference between the use of soft power to bring nation-states to accept international criminal law and the use of international criminal law as accepted by nation-states to enhance one party’s self-interested soft power.

Therefore, it is here considered that in order to rescue the international legal system from being an extension of soft power, and defend governments from the existence of legally protected—and publicly supported—rebels, the incorporation of “crimes against humanity” into international law has to be counterbalanced by coupling it with the protection of governments. The introduction of such protection into the criminal code of international law would not simply set out to protect governments from rebelling citizens, but to protect governments from powerful governments that use another state’s citizens against it. These instances would typically be related to an act against a government during a time of peace, being that interferences of a soft-power nature are most effective when there is no direct hostility between governments. For example, when Ottoman Christians began to receive an American education toward their political organization as self-ruling entities on Ottoman land, the Ottoman Empire and the United States were not at war. On November 16, 1937, this concept of government protection

received expression in the League of Nation's Terrorism Convention, which was used as the criminal code for the original ICC Convention of the same day, but the Terrorism Convention lost its legal standing with the dismantling of the intergovernmental organization that had processed it. Article 1.1 of the Terrorism Convention called upon states not to encourage terrorism against other states, but there has not been a convention within the operation of the United Nations that makes the involvement of one state in terror activities against another state a crime in international law.

The term *crimes against government* is offered here as a name for the set of crimes whose codification would counterbalance “crimes against humanity.” Unlike the design of the Terrorism Convention, the meaning of “crimes against government” is not limited to protection from state sponsorship of violent acts against another state and its people but includes protection from activities that can be measured as amounting to the establishment of an organized political challenger to the government. Even if such involvement by a foreign government would be hard to prove, the mere processing of legal information about it would nevertheless have a positive effect on the relations between governments and civilians by calling attention to the possibility of a crime against the government before “crimes against humanity” might be committed. In this manner, the legal function of “crimes against government” would both offset and complement “crimes against humanity.” It would offset “crimes against humanity” because it would condition the criminalization of governments for persecution on political grounds on the question of preexisting involvement in the state’s internal affairs by a powerful foreign government. Hence, states would be relieved from their concern that international law does not protect them from great power, and become less

suspicious of international criminal law. The codification of “crimes against government” would complement “crimes against humanity” because it would greatly amplify the ability of international law to prevent the amount of violence between governments and citizens by addressing an earlier stage of innerstate political conflict, and be a major contribution toward unified international standards of governance. It places trust in governments and motivates them to cooperate with international law under the belief that innerstate violence is to be effectively prevented at the sight of foreign intervention during domestic peace rather than by foreign intervention during a civil war. In short, a legally recognized list of “crimes against government” would not impede the protection of civilians, but rather allow for international law to do so universally through legal power with a reduced threat of self-interested soft power.

The Ottoman Key

It is shown in this work that the genocidization of the Ottoman Armenian suffering during WWI is a primary example of how the term *genocide* functions as soft power. Through sources of information that present themselves as independent of political power, the genocidizing of Armenian history has had an effect on memory and its political meaning. A foundational element in the chain of events is that soft power was involved from the beginning of this process. The Armenian political conflict with the Turkic people was shaped by the soft-power influence on the Armenian identity in the nineteenth century and by the soft-power influence on the Armenian insistence that the suffering of their ancestors in WWI has to be characterized as genocide. American involvement is seen as associated with both aspects of soft-power influence. While the

genocide discourse portrays the United States as a bystander in relation to the Armenian experience during the collapse of the Ottoman Empire, it is considered here that knowledge of the American activities in Ottoman territory during the nineteenth century is vital to understanding what happened there in WWI and how it has been narrated.

Under the influence of American missionaries, the peaceful ethnoreligious group that had been known by its members as Haik began to assume a new political identity. The Anglo-American circles that built the Armenian image in Western public opinion through soft power preferred to use the name that links the people to the Bible and ancient sovereignty. Persuaded of their right to rule, and organized toward political independence, the Armenian revolutionary leadership aggressively sought to rule over a large portion of Ottoman land and name the country Armenia. In other words, an Ottoman minority was injected with the foreign belief that it is a nation and was provided with an institutional framework that prepared it to challenge its own government for the creation of an Armenian state. The American role in this transformation is related to the ongoing genocide discourse on the Armenian experience: the popularity of the latter has overshadowed knowledge of the former; knowledge of the former has the capacity to inspire a reexamination of the latter. By understanding how foreign influence on group identity is related to a catastrophic political conflict in this instance, one becomes better equipped to evaluate the popular usage of “genocide.”

Both the nationalization of Armenians and the genocidization of the Armenian past are significant reflections of the American effort to establish an international order through international law. The creation of an Armenian nation disrupted German plans to control the region, and the narration of a genocidized history fueled the mobilization of

Armenians during the Cold War and in its aftermath, but the question of how to define the Ottoman treatment of its Armenian population during WWI in terms of international law has a broader meaning. In the late nineteenth century, the idea of Armenian governance over Ottoman land presented the potential of establishing in the region a government that would meet the civilizational criterion of international law. By the close of the twentieth century, the genocided Armenian history presented a discourse that shaped international criminal law. But, in the early twenty-first century, after many years of using “genocide” to frame the information on WWI, attracting public attention to it, and persuading the public to believe it, the continued popularization of a genocide label that is purely based on soft power presents an impasse for international criminal law. The international criminal code might never be steadied without first arriving at a terminological resolution of this highly publicized historical issue. Legal power might never be attained if soft power continues the contentious practice of genociding this history.

Since the advent of the Rome Statute, the new definition and status of “crimes against humanity” in the criminal code of international law has opened the possibility of a different approach to describing the Armenian experience during WWI in legal terms. Through the genocide scholarship, the Ottoman government’s treatment of its Armenians has been misleadingly presented as the first case of “crimes against humanity.” This trend in the literature seems to have started in parallel to the beginning of efforts to promote the legal relevance of the reformed term in the late 1990s. Be that as it may, in consideration of the current wording of what the term means, it is undeniable that what happened to the Armenian population of the Ottoman Empire does fall within “crimes against humanity,”

but further terminological discernment might be necessary.

There are differences between committing genocide, committing a “crime against humanity” in the context of political competitors who respect the sovereignty of their state, and committing a “crime against humanity” in the context of political rebellion. Moreover, there is a difference among situations of “crimes against humanity” between the aggressive treatment of the member of an organization of political rebellion and the aggressive treatment of civilians who are not rebels but are suspected of being associated with the rebellion in some way. Yet another difference among cases of “crimes against humanity” regards the question of whether or not foreign power was involved in the existence of the group that engaged in political rebellion. In short, there is reason to consider the inclusion of a distinction in the criminal code of international law between genocide, egregious “crimes against humanity,” circumstantial “crimes against humanity,” and “crimes against humanity” that are inseparable from “crimes against government.”

As currently codified in the Rome Statute, the meaning of “crimes against humanity” includes cases in which the government knows of a widespread attack against a group on political grounds. Being that the Ottoman government’s persecution of its Armenian population on political grounds during WWI followed foreign acts that were committed against the Ottoman government’s ability to govern its Armenian population peacefully, the case presents a critical example of how committing a “crime against humanity” is conditioned by what may be termed as a “crime against government.” In a manner, the victimhood of the Ottoman Armenian people in WWI would remain without a name in legal terms as long as there is failure to consider that in the case of their

suffering an international offense against a government preceded and begot a “crime against humanity.” International law would be greatly advanced if the genocide label were removed from the discourse on the Ottoman treatment of its Armenians, and, instead, the case is recognized as illustrative of how great-power offenses against a government beget a government’s offense against civilians in its own territory.

Accordingly, a shared characterization of the events may be reached through a three-way agreement by official representatives of Armenia, Turkey, and the United States.

Therefore, it is here envisioned that the three governments may consider favorably the establishment of a carefully constructed international committee of scholars that would closely examine the historical connection between the interferences with the Ottoman government’s ability to govern the Ottoman Armenians and the eventual persecution of the Ottoman Armenians by the Ottoman government on political grounds. This thorough examination would provide material for the articulation of the relationship between offenses against a government by a great power and offenses by that government against a civilian group. Its conclusions would offer an evaluation “crimes against government” as a potentially usable term in international law alongside “crimes against humanity.” Such information would draw the three governments closer to finding an agreement on how the Ottoman government’s treatment of Armenians within its territory is to be characterized in relation to an expanded legal terminology in international law. Then, subject to the findings of the international committee of scholars, the following set of statements may be proposed:

The United States government recognizes that in the nineteenth century foreign cultural power, which was principally American, actively organized Ottoman Armenians in a manner that is inseparable from the eventual Ottoman Armenian efforts to challenge the sovereignty of the Ottoman government. Furthermore, the

United States government recognizes the American influence in the construction of a genocide discourse that promoted the belief that the Ottoman government had committed genocide against the Ottoman Armenians. Seeing that during WWI the Ottoman government's persecution of Armenians was on political grounds in relation to preexisting foreign interferences with the Ottoman ability to govern its affairs, and considering that a competent tribunal had never convicted persons of the Ottoman government under the charge of genocide in accordance with the Genocide Convention, the United States government emphasizes that in its view the Ottoman government's treatment of the Ottoman Armenian population during WWI does not amount to genocide as legally defined in the Genocide Convention.

Based on the American statement, the Turkish government recognizes that during WWI the Ottoman government persecuted Ottoman Armenian civilians on political grounds at a time of war as the Armenian political challenge against the Ottoman government was greatly amplified by the credible threat that the powers of the Entente presented against the continued existence of the government. Moreover, for the advancement of international law and the betterment of the international community, the Turkish government recognizes that nowadays such a persecution by a government against an identifiable group of civilians within its territory on political grounds amounts to "crimes against humanity" according to the Rome Statute, but the Turkish government clarifies that this recognition has no legal validity and that the events in question had transpired long before the Rome Statute entered into force. Seeing that the persecution of Ottoman Armenians on political grounds by the Ottoman government was preceded by foreign activities on Ottoman territory that led to the organization of Ottoman Armenians in a manner that is inseparable from their eventual challenge to the sovereignty of the Ottoman government, the Turkish government emphasizes that "crimes against humanity" ought to be considered in connection with what amounts to "crimes against government." In addition, the Turkish government clarifies that an agreement with the Armenian government regarding the characterization of the Ottoman Armenian experience during WWI does not imply a desire on its part to normalize relations with the Armenian government, but such an agreement does lend itself to an expression of hope by the Turkish government that the republics of Armenia and Azerbaijan may find new momentum for resolving the dispute over the occupied region of Nagorno-Karabakh because of the interconnectedness between the genocide discourse and the mobilization of Armenians toward territorial claims.

Correspondingly, the Armenian government appreciates the Turkish government's recognition that in WWI the Ottoman government persecuted Ottoman Armenians as members of an identifiable group on political grounds in what would amount to "crimes against humanity" according to the Rome Statute. Also, the Armenian government recognizes that prior to this persecution, foreign cultural power led to the organization of Ottoman Armenians in a manner that is inseparable from the eventual challenge to the sovereignty of the Ottoman

government, and thereby created a political conflict between the Ottoman Armenians and their government. Hence, the Armenian government ceases to promote the claim that genocide was committed by the Ottoman government against the Ottoman Armenians, and dismisses the territorial and compensatory claims against the Turkish government that were associated with the genocide discourse. Considering that the collective memory of the suffering by the Ottoman Armenians during WWI is a matter of tremendous sentimental importance to the Armenian people, the Armenian government encourages the advent of symbolic and substantive gestures by the Turkish government toward a communication of commiseration.

In this manner, a breakthrough may be reached regarding the controversial topic that has promoted international law through soft power yet prevents it from progressing toward legal power.

A resolution of the controversy over the legal characterization of the Ottoman government's treatment of the Ottoman Armenians during WWI is the key to turning around the approach to international criminal law. By recognizing the American involvement in this political conflict and its narration, the United States government would lend an unprecedented amount of promise to the future of international criminal law. If seen as decisively moving away from the soft power campaign to popularize the genocide accusation against the Ottoman government and the accusation of genocide denial against the Turkish government, the United States would give international criminal law a chance to formulate its legal power. The general meaning of this would be that there is an American commitment to addressing how its advantages over other member states in soft power affect international law.

Furthermore, the study of what American power has done for the sake of international law is beneficial for the growth of international law. It would lead to a recognition that international law was the vision of the American political leadership. Once there is openness about the source of power behind international law, there would

be an inclination to change the culture of its influence. Being on the cusp of legal power, the progress of international law requires a direct and limited approach rather than an indirect and pervasive one. Following decades of genocide labeling, the legacy of the Ottoman Armenian case could be an American recognition that international law has come to this point through soft power and will progress by protecting governments from it.

China's Voice

Like Turkey, China is a principal inheritor of a great non-Christian empire whose size and style of governance had presented a major obstacle to the advancement of international law in the nineteenth century. Both the Ottoman and Qing governments were treated by the architects of international law as culturally resistant elements that had to be broken down in order to build up new governance over their vast territories. These governments were faced by a much more powerful movement to modernize governance around the world according to a Euro-Christian civilizational criterion. Neither the Ottoman government nor the Qing government was organized toward nationalism and were thus found to be incapable of readily contributing to internationalism.

The nationalization of the two empires was a prerequisite for the world's internationalization, which was the new inventive method for securing that there is a balance of power in every region to prevent the growth of a dominant power that could rival the Anglo-American union. In the Ottoman case, the Christian peoples were taught by American educators to think of themselves as members of national entities. This inspired a series of violent challenges by organized groups against the sovereignty of the

Ottoman government, and the Ottoman leadership itself finally became driven by the idea of a Turkish nationalism. The Qing experience of forced nationalization also involved a great many fatalities, but the violence there erupted mainly in the natives' rejection of the missionaries as agents of education. Following the Boxer Rebellion, the subdued government was made more amenable to the foreign instruction on governance. As the Euro-Asian empire collapsed in WWI, the East Asian empire was allowed to maintain a centralized control over its territory but became subjected to foundational cultural and legal reforms toward becoming a national participant in the Euro-Christian international society. Therefore, the relationship that the governments of Turkey and China have with international law is marked by the history of what had been done to the two former empires in the aim of arriving at international order.

China's position in relation to international law is similar to Turkey's because of their uniquely shared vantage point on the history of internationalism toward unified standards of governance. Even though Japan presents another example of a non-Christian empire during the formative years of international law, the Japanese willingly embraced the Euro-Christian civilization's brand of governance by the late nineteenth century, as indicated by the entry into force of the Meiji Constitution in 1890. While Russia has been for decades a headliner as the main rival of the United States in the international scene, there is no civilizational gap between the two leaderships, and their cooperation dates back to the treaty over Alaska in 1867. Also, Iran is commonly portrayed as an independent regional power that is a reluctant participant in the American-led international community, but there was no Persian empire when conditions were created for imposing Euro-Christian forms of governance on non-Christian populations. Hence,

Turkey and China stand apart from other nation-states for having the experience of violent confrontations with the Euro-Christian culture of governance be a critical part of their history as nations. Their perspectives on the history of this violence is denied by the Western historiography because—unlike the increased openness and criticism about imperialist colonization—there is an obstruction of the information that would reveal what had been done in the name of international law.

If modern-day Turkey and China are seen as products of acculturation toward national governance, then the remaining great political divide between the American-led international law and these two powerful nations is not civilizational but historiographical. Similarly, the general reason for Turkish and Chinese hesitations about human rights is here seen as based on history rather than culture. The source of the tension is not over cultural differences about governance but rather the incongruous narratives on what occurred—and is occurring—in the process of arriving at a unified international standard of governance. As embodied by the work of the genocide scholarship, the dominant historiography has relentlessly concealed knowledge of the American interferences with the ability of the Ottoman state to govern its affairs. The genocide discourse has been so protective of this concealment that it has actively sought to layer it with distractions such as the discourse on Turkish denial of genocide recognition.

In actuality, the accusation of denial against the Turkish government is a preemptive act that has allowed the United States government to avoid having to deny that American soft power had been invested in replacing the Ottoman government with governance by Christians, such as the Armenians, who would meet the civilizational

criterion of international law. Similarly, the popular information about China depicts the Chinese government as defiant of international law. This is done without considering the extent to which China's suspicion of international law is not caused by a conceptual opposition to a unified quality of governance but is rooted in the road to it. China's own historical experience of the path to international law instructs that the project is more American than is advertised, and this discrepancy can explain the Chinese skepticism. In other words, it is here considered that for Turkey and China the main point of contention with international law is not inherent to the form or quality of governance, but regards the unrecognized past of interferences with their governance and the lack of assurances regarding the way forward. Foreign interferences with the internal affairs of existing governments have played a role in the history of unifying the culture of governance, and the recognition of it might promote a more effective dialogue about the future of international law. Unless it is believed that the arrival at a unified culture of governance requires more interferences during a time of peace with the internal affairs of certain governments, it would be sensible for the information of international criminal law to include language against the continuation of this practice.

Turkey's voice has been heard regarding its resentment of the genocide label that has been placed by soft power on the Ottoman government's treatment of Armenians in WWI, but China's voice on the direction of international law has been withdrawn, without there being a single historiographical issue to activate it toward a leading role. In Turkey's case, the genocide accusation has been issued against the Turks' own national history, reputation, and territorial integrity, and has expanded to offensive assertions about the policies of recent Turkish governments not just about the Armenian issue but in

relation to human rights in general. However, in China's case, popular genocide accusations have mainly vilified China by way of association for its influence on other governments, as in the genocide accusations regarding Cambodia and Sudan. The genocide discourse does not aim at China's Qing history, but still focuses on attempts to draw a connection between China's current form of government and the lack of accountability for human rights. Even the popularization of the Dalai Lama's claim that China committed cultural genocide against its Tibetans was mainly an assault against China's human-rights record.

Instead of remaining silently opposed to American-led efforts to promote human rights in international law, China can establish its voice as an active supporter of international treaty-making that would more effectively lead to unified standards of human-rights protection by first protecting governments from the abuse of "human rights" as a tool of soft power. Meaning, in order for human rights to be honored, "human rights" must not be used as a weapon against governments. There is a strong Chinese argument to be made about how human rights might be truly advanced internationally if international law can protect governments from foreign-inspired political challenges. Currently, the combination of the International Covenant on Civil and Political Rights and the Rome Statute facilitates foreign cultural influence and handicaps the state in its dealings with rebellious groups. Considering this state of affairs, it should come as no surprise that China has not ratified these treaties. While China maintains a distance from the American promotion of human rights, it has not clarified how its support of human rights may be attained through the greater security of governments in international law.

In keeping with its increase in power, China has become a leader in the

renegotiation of the status quo in the international scene, and, as a result, it has experienced international law as inter-national law. In relation to China, international law has had the quality of international disputation alongside the aspects of international cooperation. It surfaces as an American mechanism for maintaining an advantage over other nations rather than a formula for the universal improvement of governance. Recently, the Chinese perspective of international law as confinement rather than opportunity was illustrated in China's refusal to partake in the legal procedure of the Permanent Court of Arbitration that was sanctioned by the United Nations Convention on the Laws of the Sea to arbitrate in the matter of the Philippines' claim of a dispute with China over the Spratly Islands in the South China Sea. This communicated a distrust in international law. As long as China continues to challenge the status quo that is favored by the United States, it is fated to face the side of international law that by its essence preserves the American advantage in power relations.

In reaction, China might drift away from international law as Germany did on the eve of WWII, or it might seek to preserve the power that it already has by investing in the development of international criminal law. By supporting the transition of international criminal law from being a domain of soft power to becoming a system of legal power, China might find that international law can be free of American dominance. Once the information of international criminal law is thoroughly international, it could pull the entire project of international law toward the broader aim of achieving a unified quality of governance rather than be defined by clashing narrow interests between nation-states. To find common language with the United States on international standards of governance, China may start by vocalizing beliefs regarding the stabilization of

international criminal law, which is not as immediately and directly confrontational as matters of arbitration.

An International Discourse of Law

As a tool of soft power, “genocide” has been used to guide the member states of the United Nations toward international criminal law, but it is not suitable for effective legal use. Not unlike the role of the iconic biblical leader who guided a people through a desert to their promised land but without entering it himself, “genocide” has led to international criminal law but is not a living presence in its legal power. Just as leading people toward the administration of law is different from administering it, the power to do the latter is different from the power to do the former. The function of “genocide” has been to lead the member states of the United Nations to absorb international criminal law as an agreeable concept but this function is in disharmony with the legitimate administration of international law. “Genocide” has been popularly used to frame information, attract to it, and persuade of it, but the function of promoting international criminal law is not the same as applying it. International law may have been fashioned in the image of American governance, but its existence cannot be controlled by American information that masquerades as international information. The finding that “genocide” has been used as a tool of soft power toward the advancement of international law raises the question of whether or not self-interested soft power can be separated from the legal procedure that makes international law.

This question is difficult to answer, but its critical consideration is of significance. It is hard to prove the use and effect of soft power because of the method’s indirect

quality. Nonetheless, if international law is to be carried out with legal power, then there would have to be a discussion about self-interested intentions and the control of information. Firstly, regarding American intentions, this study of “genocide” suggests that the term *genocide* may have been used to advance both narrow and broad American interests. On the one hand, American soft power has applied the label of “genocide” with the effect of diminishing the memory of American aggression in Cambodia or limiting Chinese influence in Sudan, but on the other hand, the general promotion of the Genocide Convention through American soft power has had the effect of leading governments to accept an American brand of governance. If the United States government intends to direct international law so that it serves narrow American interests by being used as an arena for battles over public opinion, then international law will not have legal power among nation-states and it may lead a government to block its public from accessing world public opinion. However, if the United States intends to support international law so that it inspires other nation-states to adopt the American quality of governance as their own, then international law may have legal power. An international unity in the form of governance is out of reach as long as there is no unified quality of governance. The existence of nondemocratic governments is related to the inability of governments to trust that international law will protect them from unwarranted interferences with their internal affairs. Therefore, by putting an end to the soft-power abuse of the Genocide Convention and supporting the protection of member states from “crimes against government,” the United States government would communicate its intentions to affect governance while respecting governments, and allow international law to attain legal power.

Secondly, regarding the control of information, this study of “genocide” gives

reason to consider the dominance of American soft power in the formation of opinion worldwide. It has to be considered that the United States may have a tremendous advantage on other nation-states by the ability to affect international decision-making even without the intention to do so on specific matters of international law. The amount of American influence on global information presents a challenge to the soundness of international law. This would be tantamount to a situation in which a party to a case in a domestic court regularly controls the information that affects the judge's opinion on a wide range of matters. Even if the information does not involve the matter of the case directly, the party benefits from the ability to affect the judge's general knowledge and beliefs because it creates a general proximity of mind between the party and the judge. From this perspective, international law does not equate with the legal power of domestic law because the American dominance of information in the world has no equivalent in domestic law wherever the separation of powers is exercised. Law is a source of authoritative information, but as a process it depends on preexisting information as its source for assessing the consensus opinion on morality, and if the United States is able to control most of that preexisting information in what is internationally considered to be common knowledge, then it also indirectly affects the information that is created by international judges at The Hague.

In order for international law to become less dependent on American intentions and more immune to American information, there must be greater emphasis on the conditions of international judges as both consumers and disseminators of internationally available information. For the purpose of advancing the internationalization of information in international law, it does not suffice that the judges are representative of a

wide array of nation-states. Especially with regard to international judges whose decisions have influence over how a state governs its own affairs, it might be necessary to consider reforms in the *professionalization* of their position; in the *focus* of their information; and in the *forum* for their information. These three points of reform might enhance the ability of international judgments to distinguish themselves from the effects of soft power, and allow for international law to develop its legal power.

According to this vision of reform, the work of international judges would be subjected to more scrutiny but also invested with more power. At this time there is no system in place to account for the influence that preexisting information has on the performance of international judges. More specifically, international judges are not trained to exercise source criticism with attention to the power origination of a given information. As judgments in relation to the genocide discourse have demonstrated, international judges have been unduly influenced by this American-based source of information. Considering the extreme imbalance between member states of the United Nations in the influence over general opinion, it is vital to establish a method through which it may be ascertained that international judges exercise awareness of the indirect influence that the United States has on what might be seen at first glance as common knowledge. A certified scholar is not necessarily an independent expert; a social movement might be a top-down co-option of grass roots; and international organizations could be practically American-run. For international law to have the legitimacy of legal power, its judges cannot be suspected of providing agency for American soft power. The job requirement of an international judge might then require greater isolation and dedication, but that could be compensated by awarding the profession with a heightened

sense of prestige. Currently, “international judge” might be a position that is occupied by a legal practitioner who is a representative of a nation-state within the United Nations, but for the attainment of legal power in international law the position must become a skilled profession unto itself. In this profession, discernment regarding information sources would be a primary skill.

Additionally, the focus of international law could shift from deciding on matters of dispute between governments to articulating unified standards of governance among governments. In this way, instead of assuming the existence of legal power, international law would earn legal power. Conflict resolution through arbitration requires a level of authority and legitimacy that international law does not have, but the repurposing of international law toward an arrival at effective relations between governments and their civilians everywhere would present a process of legitimization for international law. Accordingly, the language of international law should be less restrictive or prohibitive. Instead, it can facilitate dialogue about governing solutions. If the authority behind the construction of international law becomes more openly considered, then it would mean that legitimacy would greatly depend on the ability to show that international law is inspired by an American-developed system of order but is not under American control.

Having in mind that international law is not enforced by a policing system of the type that complements domestic law, the role of international law might be accurately described as largely informational and still in development. For the information of international law to be effective, it not only has to be removed from any national bias, but it also has to concentrate on establishing standards rather than imposing them. The popular discourse on “genocide” suggests that in the absence of a universally ratified

international treaty on human rights there has been an attempt to influence the internal affairs of nation-states through popular claims of genocide prevention. Such an attempt is a misuse of the Genocide Convention. The popular discourse changed “genocide” from a rare crime to a tool for the criminalization of governments that are embroiled in civil war. As an alternative to the continued overextension of “genocide,” it is worth considering the merit of addressing human rights more directly but with a more tentative approach that befits international law’s stage of development. The arrival at an internationally shared legal language about the treatment of civilians by governments is hindered by the presumptive reference to “rights” and might be better served by terminology that does not make premature assumptions about the universal acceptance of these principles as matters of justice. If international law is in a process of becoming a unified language toward international standards of governance, then international judgments should have a formative rather than a punitive capacity. In a formative environment, “human rights” is still a working title in the legal sense.

In order for international law to maximize its ability to process and produce information, it might be advantageous to introduce new forums for international judgments. The establishment of an international court in every member state would enhance the dialogue between international law and governments. Based on the UDHR as a starting point for evaluation, the international courts could be set up for the review of human-rights related grievances. These courts would operate without jurisdiction over governments, and would not rule for or against the host government. The judgments would not be in the form of decisions on what is just, but assessments that would consider the voices of citizens and the position of the government. The authority of the

courts under the sponsorship of the United Nations would be to analyze the workability of human rights through a detailed approach to the relationship between a government and its citizens.

Through these cases, international law would be able to become better informed about the readiness and hesitation of states to apply different aspects of human rights, while at the same time international law would have the ability to inform governments through particularized judgments that would amount to legal opinion without condemnation of the government. The authority of the courts would be strictly informational, and allow for a language on human rights to be developed under the control of the United Nations, without legal power but certainly toward it. Instead of leaving the information on human rights in the hands of seemingly international organizations that are creatures of American soft power, the international courts would enable governments to have more control on the conversation regarding human rights. The accusations of human-rights violations against governments would thus be replaced by trusted avenues of communication about the viability of human rights under each government.

Even though the judgments would not add to international customary law, they would provide sanctioned and esteemed data that amount to an international conversation of a legal nature on standards of governance within each member state. Put differently, the judgments would develop a databank of information that is similar to customary law but strictly used for the purposes of developing and maintaining a body of knowledge on the position of a particular government regarding a wide range of human-rights situations. Hence, there would be a recording of judgments to develop a nonbinding

discourse on human rights within each member state in keeping with the particulars of each government's conditions. It would not be international law, but an engagement with international standards toward international law. Rather than generate customary law that is based on the interpretation of treaty law, these courts would produce material whose analysis could lead to effective treaty law.

By creating a system that is based on trust in the internationality of the information, the ability to generate a common language on human rights in an environment of development would supplant the American way of calling attention to human rights indirectly through the divisive language of criminalization in contexts of destruction. The use of "genocide" as soft power has promoted human rights by seeking to turn public opinion against governments in intense circumstances of conflict. The banner cause of the genocide discourse has been the prevention of genocide, but the waving of this banner has aggravated intergroup relations. Furthermore, "genocide prevention" is a misnomer. It is a banner phrase that enables direct foreign intervention at the first sign of one-sided violence between a state and any identifiable group among its citizenry, without proving the existence of genocide and without preventing the causes of the violence. In cases of publicized calls for "genocide prevention," soft power is able to misuse the term *genocide* for a desired political outcome in the disruption of a state's ability to govern. The call for "genocide prevention" may even increase the occurrence of intergroup violence in the future if the outcome of it allows a strong military to directly intervene in the governance of states and becomes a proven strategy of foreign policy. If the combination of intergroup violence and calls for "genocide prevention" is seen as giving the United States the ability to intervene and use force toward results that it seeks,

then there will be motivation for American power to support more rebellious activity in different states.

The prevention of intergroup violence would be the outcome of a focus on eliminating conditions of discord between governments and civilians. This could be advanced by the work of international courts that would articulate what might be preventing a member state from meeting the principles of the UDHR in its treatment of citizens. In other words, the focus would be on what typically prevents a government from administering order in harmony with human rights rather than on promoting the general awareness of human rights by way of criminalizing a government through crisis. If these international courts encounter a case that indicates a state-committed atrocity, then they would be expected to issue a referral to the ICC, but their designed purpose would be to negate the conditions of state-committed atrocities in the first place.

Moreover, such a system of courts would invite change in the scholarship on the relations between governments and civilians. The genocide scholarship in its current format would become outdated. The genocide discourse has popularized the use of “genocide” through academic scholarship so that it would have an effect on public opinion and the behavior of governments. If international courts of the kind that are proposed here became operative, then the project of the genocide scholarship would likely become obsolete. The shift to a focus on human rights would mean a shift away from the genocide scholarship. There would be a focus on different data. No longer would there be need for a scholarly production of material that perpetuates the role of identity politics in the relationship between governments and civilians. The Genocide Convention was adopted as an effort to prevent and punish the destruction of a people as

such, but the term *genocide* has been used to intensify political conflict by labeling the violence as anti-ethnicity, antinationality, antirace, or antireligion. Through the genocide discourse there has been an indirect insistence on portraying the struggles of governance around the world in relation to group identity. This infrastructure popularized international law through “genocide,” but at the same time generated material that is steeped in partiality and void of legal viability.

Following a new direction, the work of relevant scholarship would be of two main emphases: one is research for the international courts in each member state; the other is the analysis of decisions by the international courts to advance the knowledge of the interaction between the courts and the member states. As a field of study, it would earn a vote of confidence by a commitment to jurisprudence that would replace its current pretense of having an apolitical social-scientific design. This would not mean an undue entanglement with legal jargon or a heavy reliance on the legal profession, but an embrace of a research culture that has a legal orientation. In keeping with the work of the courts, the relevant scholarship would be put in proximity with court procedure and kept at a distance from the current role of genocide scholars as discourse makers and framers of politicized history. The production of literature that criminalizes governments, past or present, by way of comparisons that are presented as scientific works while infested with bias, is an abuse of the academic profession in general and social science in particular. Scholarly activity on international law would be based on legal procedure rather than preempt judgments through power over the popular discourse.

The Power of “Genocide”

What is the power of “genocide”? The very question is based on a ground assumption that the designed function of “genocide” precedes the language about it. As a phenomenon that is the subject of study in a dissertation of political science, the term *genocide* is seen as—first and foremost—a tool of international governance. The moralistic discourse that “genocide” has generated regarding the characterization of events is its fruit, and not its seed. It reflects how “genocide” is used, but does not reveal for what “genocide” was devised. The genocide scholarship is a field of study in academia that has not articulated “genocide” as a phenomenon in this manner because the genocide scholarship itself is a part of the phenomenon. Its part has been to lend scholarly credibility to designations of “genocide” in accordance with the interests of the power that has given it life. By its nature, the genocide scholarship cannot recognize its role as such. To be effective as an indirect form of information control, the genocide scholarship cannot reveal that it is an instrument of soft power. Thus, the genocide scholarship has been narrating events as “genocide” without examining why it does so from a power-based approach. Concomitantly, the information that popularizes the use of “genocide” as a label is plentiful, but the influence that the term *genocide* has had on international law by design has been overlooked.

The problem with the power of “genocide” is not simply that it is used to affect legal procedure through popular discourse. On a deep level, the function of the term *genocide* is problematic because its legal meaning perpetuates the politicization of identity-based divisions within a system that supposedly seeks to arrive at a unified legal culture. It has been used in the popular discourse to narrate intergroup conflicts and

sustain them in public consciousness, and its effects repel the laying of bridges that eliminate identity-based notions of political separation. Instead of encouraging people to connect through nurturing their mutual expectation of governing standards, it has been used to facilitate connections between group identity and political conflict. In this sense, “genocide” functions as an affirmation of inter-national division rather than international law.

By understanding the history of “genocide” within the context of international law from a power-based perspective, it becomes possible to start a process of separating between what international law requires and what “genocide” is able to give. The advent of the term *genocide* was an expression of international law being confronted by the Nazi German attempt to unify Europe under one government. In other words, “genocide” was designed to disrupt unification of governance, and now it is in tension with the ability to turn international law into a system of unified standards of governance. There is an inherent quality to the divisive function of “genocide” usage in the popular discourse because it was originally constructed to solidify mental boundaries of group identity through political claims. Thus, its popular usage has had the effect of producing a language of conflict that makes state governance vulnerable to the direction of group identities.

By seeing the power behind “genocide” throughout its history, it is possible to point at the narrow interests that might be served through it at the expense of an arrival at international law’s broader aims. The power to define “genocide” in the popular discourse is related to the power to persuade people that they have a national group identity. Both of these constitute soft power. “Genocide” has generated soft power by

feeding on the moral consensus over the Holocaust. The legal definition of “genocide” bunches together two completely different situations of group identity such as race and religion: it confuses cases in which X persecutes Y because of what X believes about Y’s biological essence with cases in which X persecutes Y because of what both X and Y believe about Y’s cultural choice. It draws moral strength from the former, which is associated with the memory of the Holocaust, and converts it into the politicization of culture through cases of the latter.

This view of history shows that the genocide discourse has used the moral momentum of Holocaust memory to lend credibility to a language that translates cases of political conflict into cases of identity-based persecution. On the eve of the Holocaust, German Jews were not organized toward overthrowing the German government, whereas in other cases that have been labeled as “genocide,” first a group under a sovereign starts—possibly due to foreign influence—to give its collective identity a political meaning, then it acts against the sovereign toward a political goal, and finally, the discourse depicts the sovereign’s reactions in genocidal terms by emphasizing the identity aspect and deemphasizing the political purpose. This treatment of crime in international law enables one government that has soft-power advantages over others to support the creation of a politicized group identity within an existing nation-state and then also popularize the belief that the group was a victim of genocide in the aftermath of a rebellion.

Instead of protecting nation-states and their civilians, “genocide” presents a potential threat against the existence of nation-states and the well-being of their civilians because it has the capacity to be misused for the justification of rebellion. It allows

foreign cultural influence to create tension between a government and its civilians by turning the focus of the criminal code in international law away from the prevention of interferences with the internal affairs of nation-states. In order for the international community to become a society of free cultural exchange—including the sharing of norms toward unified standards of governance—the threat of politicizing group identities within nation-states has to be addressed. For instance, an overlooked distinction exists between a rebel group that mobilizes through group identity and a victim group that is persecuted because of its group identity.

Through its ability to establish believable assumptions about group identity, “genocide” usage popularizes the failure to recognize how influence on the culture of a group—its spirit—is intertwined with the introduction of a social organization that is a preparation route for running the government of a separate nation-state. If a foreign power is able to convert civilians of a particular government into becoming members of a new religious organization, then that religion could provide the basis for stronger cultural ties between that group of civilians and the foreign power than those between the group and its sovereign. It invites the group to prefer the norms of the foreign power over those that are favored by the group’s sovereign; it creates infrastructure for what may be seen as an alternative government within a nation-state. The group’s organization as such can inspire a quest for political independence that is based on a cultural choice, and lead to mass violence. In such a case, popular claims of genocide-related injustice highlight the cultural divide as the cause of violence, center the accusations on the domestic government, and divert attention from a discourse about how international law may protect nation-states and their civilians from the harmful effects of such cultural

interference.

In matters of law, there cannot be justice without order. In international law the idea of worldwide justice had to be constructed for the promotion of worldwide order, and “genocide” has been used to illustrate the meaning of justice in this context. It has been utilized for the solidification of two concepts that were vital for one stage of developing international law: national identity and justice between nations. However, for worldwide justice to transform from an idea to a matter of practice, the legal terminology has to allow for order in the administration of law. As a term whose legal definition is based on the requirement of a multilayered intent that is almost always going to be unprovable, “genocide” has inspired and facilitated popular usage that advertised notions of justice by narrating events divisively. Its effectiveness in the creation of lingering public debates about competing characterizations of history is intertwined with its inability to offer clear legal resolution. Calls of “genocide” vocalize a yearning for justice, but, unlike calls of “murder,” they are issued loosely and echo because the crime has a debatable nature. While labeling someone “murderer” is typically subject to legal scrutiny, the popular genocide claims on opinion pages of newspapers indicate that “genocide” is a crime that mostly appears in public as a matter of opinion. The common usage of the term *genocide* is a formula for popularizing demands for justice that is not directly conducive to order.

Therefore, “genocide” is limited as an instrument of legal power in international law. The term *genocide* is defined in a legal document and has been used to affect the legal discourse of international law, but, in the progression of international law toward legal power, its power as an item of international law is mainly symbolic. If, in a rare and

unexpected case the triple intent of “genocide”—as stipulated in the Genocide Convention—is met, then “genocide” would be a manifestation of international law’s legal power, but unless or until that happens the term *genocide* will mainly be a popular representation of the idea that crimes are to be addressed by international law. The soft power of “genocide” cannot be denied, but its incapacity to generate sustainable legal power in international law has to be met by more applicable terminology. “Genocide” will remain a powerful reminder that in the aftermath of WWII member states of the United Nations agreed that international law relies on a shared expectation of governing standards around the world.

BIBLIOGRAPHY

- Adak, Hülya. "Gendering Denial Narratives of the Decade of Terror (1975-85): The Case of Sa'miha Ayverdi/Neşide Kerem Demir and Hatun Sebliciyan/Sabiha Gökçen." *Journal of Genocide Research* 17, no. 3 (September 2015): 327-343.
- Adalian, Rouben Paul. "Comparative Policy and Differential Practice in the Treatment of Minorities in Wartime: The United States Archival Evidence on the Armenians and Greeks in the Ottoman Empire." *Journal of Genocide Research* 3, no. 1 (March 2001): 31-48.
- . Review of *Black Dog of Fate, A Memoir*, by Peter Balakian. *Holocaust and Genocide Studies* 12, no. 1 (Spring 1998): 181-186.
- Adelman, Howard. "Preventing Genocide: The Case of Rwanda." In *Genocide: Essays toward Understanding, Early-Warning, and Prevention*, edited by Roger W. Smith, 161-182. Williamsburg, VA: Association of Genocide Scholars, 1999.
- Akçam, Taner. "Anatomy of a Crime: The Turkish Historical Society's Manipulation of Archival Documents." *Journal of Genocide Research* 7, no. 2 (June 2005): 255-277.
- . "Guenter Lewy's *The Armenian Massacres in Ottoman Turkey*." *Genocide Studies and Prevention* 3, no. 1 (Spring 2008): 111-145.
- . "Lemkin and the Question of Armenian and Kurdish Reforms." In the Armenian National Committee of American Website. <https://anca.org/akcam-lemkin-and-the-question-of-armenian-and-kurdish-reforms-2/>
- . "The Ottoman Documents and the Genocidal Policies of the Committee for Union and Progress (İttihat ve Terakki) toward the Armenians in 1915." *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 127-148.
- . *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*. Translated by Paul Bessemer. New York: Metropolitan Books, 2006.
- . "A Short History of the Torossian Debate." *Journal of Genocide Research* 17, no. 3 (September 2015): 345-362.

Aksar, Yusuf. "The 'Victimized Group' Concept in the Genocide Convention and the Development of International Humanitarian Law through the Practice of *Ad Hoc* Tribunals." *Journal of Genocide Research* 5, no. 2 (June 2003): 211-224.

Allen, Carleton Kemp. *Law in the Making*. 6th ed. London: Oxford University Press, 1961.

Allied and Associated Powers. *Treaty of Peace with Germany*. Washington: United States Government Printing Office, 1919.

———. *Treaty with Poland: Treaty of Peace between the United States of America, the British Empire, France, Italy, and Japan, and Poland, Signed at Versailles on June 28, 1919*. Washington: United States Government Printing Office, 1919.

Alvarez, Alex. "Reflections on the Mass Atrocity Response Operations Project." *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 70-76.

American Board of Commissioners for Foreign Missions, *Instructions to the Missionaries about to Embark for the Sandwich Islands and to the Rev. Messrs. William Goodell and Isaac Bird, Attached to the Palestine Mission Delivered by the Corresponding Secretary of the American Board of Commissioners for Foreign Missions*. Boston: Crocker and Brewster, 1823.

American Political Science Association. "Officers of the American Political Science Association for the Year 1908." In *Proceedings of the American Political Science Association*, vol. 5, 5. Baltimore: Waverly Press, 1909.

American Society of International Law, "History of the Organization of the American Society of International Law." In *Proceedings of the American Society of International Law at Its First Annual Meeting*, 23-39. New York: Baker, Voorhis, 1908.

American Society of International Law. "Minutes of the Meeting of the Executive Council: November 13, 1920." In *Proceedings of the American Society of International Law at the Meeting of Its Executive Council*, vol. 14, 5-35. Washington: American Society of International Law, 1921.

Anderson, Benedict. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London: Verso, 1983.

Anderson, Rufus. *History of the Missions of the American Board of Commissioners for Foreign Missions to the Oriental Churches*. Vol. 1. Boston: Congregational Publishing Society, 1872.

Anghie, Antony. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: University of Cambridge Press, 2005.

“Announcement: Call for Papers.” *Journal of Genocide Research* 9, no. 2 (June 2007): 347.

Association of Genocide Scholars, “The Armenian Resolution Unanimously Passed by the Association of Genocide Scholars of North America.”
<http://www.genocidescholars.org/sites/default/files/document%09%5Bcurrent-page%3A1%5D/documents/IAGSArmenian%20Genocide%20Resolution%200.pdf>

Arlen, Michael J. “Passage to Ararat: I—The Face in the Window.” *The New Yorker*, February 3, 1975.

———. “Passage to Ararat: II—Voices.” *The New Yorker*, February 10, 1975.

———. “Passage to Ararat: III—The Fields of Yellow Flowers.” February 17, 1975.

Armstrong, S. W. “The Doctrine of the Equality of Nations in International Law and the Relation of the Doctrine to the Treaty of Versailles.” *American Journal of International Law* 14, no. 4 (October 1920): 540-564.

Armstrong, William M. *E. L. Godkin: A Biography*. Albany: State University of New York Press, 1978.

Arpee, Leon. *A Century of Armenian Protestantism, 1846-1946*. New York: Armenian Missionary Association, 1946.

Ashbee, Charles Robert. *The American League to Enforce Peace: An English Interpretation*. London: George Allen & Unwin, 1917.

Atamian, Sarkis. *The Armenian Community: The Historical Development of a Social and Ideological Conflict*. New York: Philosophical Library, 1955.

Auron, Yair. *The Banality of Indifference: Zionism and the Armenian Genocide*. New Brunswick, NJ: Transaction Publishers, 2000.

Austin, John. *The Province of Jurisprudence Determined*. London: John Murray, 1832.

Avedian, Vahagn. “The Armenian Genocide of 1915 from a Neutral Small State’s Perspective: Sweden.” *Genocide Studies and Prevention* 5, no. 3 (Winter 2010): 323-340.

Bachrach, Peter, and Morton S. Baratz. “Two Faces of Power.” *American Political Science Review* 56, no. 4 (December 1962): 947-952.

Bain, Helen P., and J. Ronald Groseclose, “The Dissemination Dilemma and a Plan for Uniting Disseminators and Practitioners.” *Phi Delta Kappan* 61, 2 (October

1979): 101-103.

Balakian, Peter. *Black Dog of Fate: A Memoir*. New York: Basic Books, 1997.

———. *The Burning Tigris: The Armenian Genocide and America's Response*. New York: HarperCollins Publishers, 2003.

———. "Raphael Lemkin, Cultural Destruction, and the Armenian Genocide." *Holocaust and Genocide Studies* 27, no. 1 (Spring 2013): 57-89.

Baldwin, David A. "Power Analysis and World Politics: New Trends versus Old Tendencies." *World Politics* 31, no. 2 (January 1979): 161-194.

———. "Power and International Relations." In *Handbook of International Relations*, edited by Walter Carlsnaes, Thomas Risse, and Beth A. Simmons, 177-191. London: Sage Publications, 2002.

Baldwin, Simeon E. "The Membership of a World Tribunal for Promoting Permanent Peace." *American Journal of International Law* 12, no. 3 (July 1918): 453-461.

Ballinger, Pamela. "Who Defines and Remembers Genocide after the Cold War? Contested Memories of Partisan Massacre in Venezia Giulia in 1943-1945." *Journal of Genocide Research* 2, no. 1 (March 2000): 11-30.

Barker, Elisabeth. *Macedonia: Its Place in Balkan Power Politics*. London: Royal Institute of International Affairs, 1950.

Barker, Rodney. *Political Legitimacy and the State*. Oxford: Clarendon Press, 1990.

Barnes, Catherine. "The Functional Utility of Genocide: Towards a Framework for Understanding the Connection between Genocide and Regime Consolidation, Expansion and Maintenance." *Journal of Genocide Research* 7, no. 3 (September 2005): 309-330.

Barnett, Michael. *Eyewitness to a Genocide: The United Nations and Rwanda*. Ithaca, NY: Cornell University Press, 2002.

Barnett, Michael, and Raymond Duvall. "Power in Global Governance." In *Power in Global Governance*, edited by Michael Barnett and Raymond Duvall, 1-32. Cambridge: Cambridge University Press, 2005.

Barron, John, and Anthony Paul. *Murder of a Gentle Land: The Untold Story of Communist Genocide in Cambodia*. New York: Reader's Digest Press, 1977.

Barta, Tony. "With Intent to Deny: Colonial Intentions and Genocide Denial." *Journal of Genocide Research* 10, no. 1 (March 2008): 111-119.

- Bartlett, Robert Merrill. *They Stand Invincible: Men Who Are Reshaping Our World*. New York: Thomas Y. Crowell Company, 1959.
- Bartrop, Paul R. "The Holocaust, the Aborigines, and the Bureaucracy of Destruction: An Australian Dimension of Genocide." *Journal of Genocide Research* 3, no. 1 (March 2001): 75-87.
- . "The Relationship between War and Genocide in the Twentieth Century: A Consideration." *Journal of Genocide Research* 4, no. 4 (December 2002): 519-532.
- Bartrop, Paul R., and Samuel Totten. "The History of Genocide: An Overview." In *Teaching about Genocide: Issues, Approaches, and Resources*, edited by Samuel Totten, 23-56. Greenwich, CT: Information Age Publishing, 2004.
- Bashir, Bashir, and Amos Goldberg. "Deliberating the Holocaust and the Nakba: Disruptive Empathy and Binationalism in Israel/Palestine." *Journal of Genocide Research* 16, no. 1 (January 2014): 77-99.
- Bass, Gary J. *Freedom's Battle: The Origins of Humanitarian Intervention*. New York: Alfred A. Knopf, 2008.
- Basso, Lelio, "Summation on Genocide." In *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal*, edited by John Duffett, 626-643. New York: Bertrand Russell Peace Foundation, 1968.
- Bauer, Yehuda. "Editor's Introduction." *Holocaust and Genocide Studies* 1, no. 1 (1986): 1-2.
- . "Essay: On the Place of the Holocaust in History (In Honour of Franklin H. Littell)." *Holocaust and Genocide Studies* 2, no. 2 (1987): 209-220.
- . Review of *The History of the Armenian Genocide*, by Vahakn N. Dadrian. *Holocaust and Genocide Studies* 10, no. 3 (Winter 1996): 331-334.
- Bazyler, Michael J. "In the Footsteps of Raphael Lemkin." *Genocide Studies and Prevention* 2, no. 1 (Spring 2007): 51-56.
- Beachler, Donald W. "Arguing about Cambodia: Genocide and Political Interest." *Holocaust and Genocide Studies* 23, no. 2 (Fall 2009): 214-238.
- Becker, Elizabeth. *When the War Was Over: The Voices of Cambodia's Revolution and Its People*. New York: PublicAffairs, 1998.
- Belknap, Michael R. *The Vietnam War on Trial: The My Lai Massacre and the Court-Martial of Lieutenant Calley*. Lawrence: University Press of Kansas, 2002.

- Ben, Saul. "From the Guest Editor: Building on the Law on Genocide." *Journal of Genocide Research* 9, no. 2 (June 2007): 173-175.
- Benhabib, Seyla. "Of Jews, Turks and Armenians: Entangled Memories—A Personal Recollection." *Journal of Genocide Research* 17, no. 3 (September 2015): 363-372.
- Berle, Adolf A. *Power*. New York: Harcourt, Brace and World, 1969.
- Berman, Harold J. *Law and Revolution: The Formation of the Western Legal Tradition*. Cambridge, MA: Harvard University Press, 1983.
- . *Law and Revolution, II: The Impact of the Protestant Reformations on the Western Legal Tradition*. Cambridge, MA: Belknap Press of Harvard University Press, 2003.
- Bierstedt, Robert. "An Analysis of Social Power." *American Sociological Review* 15, no. 6 (December 1950): 730-738.
- Bilsel, Cemil, "International Law in Turkey." Translated by L. Nezhil Manyas. *American Journal of International Law* 38, no. 4 (October 1944): 546-556.
- . "The Turkish Straits in the Light of Recent Turkish-Soviet Russian Correspondence." Translated by L. Nezhil Manyas. *American Journal of International Law* 41, no. 4 (October 1947): 727-747.
- Biondich, Mark. *The Balkans: Revolution, War, and Political Violence since 1878*. Oxford: Oxford University Press, 2011.
- Bjørnlund, Matthias. "The 1914 Cleansing of Aegean Greeks as a Case of Violent Turkification." *Journal of Genocide Research* 10, no. 1 (March 2008): 41-57.
- . "'When the Cannons Talk, the Diplomats Must Be Silent': A Danish Diplomat in Constantinople during the Armenian Genocide." *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 197-224.
- Blake, Robert. *Disraeli*. London: Eyre & Spottiswoode, 1966.
- Blass, Thomas. Review of *The Roots of Evil*, by Ervin Staub. *Holocaust and Genocide Studies* 7, no. 2 (Fall 1993): 276-280.
- Blatman, Daniel. "Holocaust Scholarship: Towards a Post-Uniqueness Era." *Journal of Genocide Research* 17, no. 1 (March 2015): 21-43.
- Bloxham, Donald. *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians*. Oxford: Oxford University Press, 2005.

- . “Organized Mass Murder: Structure, Participation, and Motivation in Comparative Perspective.” *Holocaust and Genocide Studies* 22, no. 2 (Fall 2008): 203-245.
- . “The Roots of American Genocide Denial: Near Eastern Geopolitics and the Interwar Armenian Question.” *Journal of Genocide Research* 8, no. 1 (March 2006): 27-49.
- Board of Economic Warfare. *Key Laws, Decrees and Regulations Issued by the Axis in Occupied Europe*. Washington: Board of Economic Warfare, 1942.
- Boghossian, Paul. “The Concept of Genocide.” *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 69-80.
- Bolukbasi, Suha. *Azerbaijan: A Political History*. London: I.B. Tauris, 2011.
- Borkin, Joseph, and Charles A. Welsh. *Germany’s Master Plan: The Story of Industrial Offensive*. New York: Duell, Sloan and Pearce, 1943.
- Boulding, Kenneth E. *Three Faces of Power*. Newbury Park, CA: Sage Publications, 1989.
- Bradford, John P. “Democratic Development: How MG Aids Progress in Bavaria.” *Information Bulletin: Magazine of US Military Government in Germany*, September 6, 1949.
- Brailsford, H. N. *Macedonia: Its Races and Their Future*. London: Methuen, 1906.
- Brierly, J. L. *The Law of Nations: An Introduction to the International Law of Peace*. Oxford: Clarendon Press, 1928.
- Brose, Eric Dorn. *German History 1789-1871: From the Holy Roman Empire to the Bismarckian Reich*. Providence: Berghahn Books, 1997.
- Brougham, Henry. *Historical and Political Dissertations*. London: David Griffin and Company, 1857.
- Brown, Henry B. “The Proposed International Prize Court.” *American Journal of International Law* 2, no. 3 (July 1908): 476-489.
- Brown, Philip Marshall. “The Turkish Institute of International Law,” *American Journal of International Law* 37, no. 4 (October 1943): 640-642.
- Bryce, James. *Address by the Right Hon. James Bryce on the Aims and Programme of the Sociological Society*. London: Sociological Society, 1905.

- . *The American Commonwealth*. 3 vols. London: Macmillan, 1888.
- . “Edward Augustus Freeman.” *English Historical Review* 7, no. 27 (July 1892): 497-509.
- . *Essays and Addresses in War Time*. New York: Macmillan Company, 1918.
- . “The Future of Asiatic Turkey.” *The Fortnightly Review* 23 [29] (January-June 1878): 925-936.
- . *The Holy Roman Empire*. 5th ed. New York: Macmillan Company, 1904.
- . Introduction to *The History of the World: A Survey of Man’s Record*, edited by H. F. Helmolt. Vol. 1. New York: Dodd, Mead and Company, 1902.
- . Introduction to *The People of Armenia*, by Archag Tchobanian. London: J. M. Dent & Sons, 1914.
- . Introduction to *Travel and Politics in Armenia*, by Noel Buxton. London: Smith, Elder, 1914.
- . *International Relations: Eight Lectures Delivered in the United States in August 1921*. New York: Macmillan Company, 1922.
- . Preface to *Proposals for the Avoidance of War with a Prefatory Note by Viscount Bryce*. <https://archive.org/details/proposalsforavoi00brycuoft>
- . *Proposals for the Prevention of Future Wars*. London: George Allen & Unwin, 1917.
- . *Race Sentiment as a Factor in History: A Lecture Delivered before the University of London on February 22, 1915*. London: Hodder & Stoughton, 1915.
- . *The Romans Lecture 1902: The Relations of the Advanced and the Backward Races of Mankind*. Oxford: Clarendon Press, 1903.
- . *The Study of American History: Being the Inaugural Lecture of the Sir George Watson Chair of American History, Literature and Institutions*. New York: Macmillan Company, 1922.
- . *Transcaucasia and Ararat: Being Notes of a Vacation Tour in the Autumn of 1876*. London: Macmillan, 1877.
- . *Transcaucasia and Ararat: Being Notes of a Vacation Tour in the Autumn of 1876*. 4th ed. London: Macmillan, 1896.

- . *University and Historical Addresses: Delivered during a Residence in the United States as Ambassador of Great Britain*. New York: Macmillan Company, 1913.
- Buenos, Tal. "Genovive: Hobbes and a Nation's Natural Right to Survive." *Middle East Critique* 20, no. 3 (Fall 2011): 317-340.
- Bustamante, Antonio S. de. "The Hague Convention Concerning the Rights and Duties of Neutral Powers and Persons in Land Warfare." *American Journal of International Law* 2, no. 1 (January 1908): 95-120.
- Butcher, Thomas M. "A 'Synchronized Attack': On Raphael Lemkin's Holistic Conception of Genocide." *Journal of Genocide Research* 15, no. 3 (September 2013): 253-271.
- Butler, Nicholas Murray. *The International Mind: An Argument for the Judicial Settlement of International Disputes*. New York: Charles Scribner's Sons, 1912.
- Byers, Michael. *Custom, Power and the Power of Rules: International Relations and Customary International Law*. Cambridge: Cambridge University Press, 1999.
- Calleo, David P. *Follies of Power: America's Unipolar Fantasy*. Cambridge: Cambridge University Press, 2009.
- Cargas, Harry J. "An Interview with Elie Wiesel." *Holocaust and Genocide Studies* 1, no. 1 (1986): 5-10.
- Carlston, Kenneth S. "The Genocide Convention: A Problem for the American Lawyer." *American Bar Association Journal* 36, no. 3 (March 1950): 206-209.
- . "Should the United States Ratify the Genocide Convention?" in *Proceedings of the Section of the International and Comparative Law: St. Louis Meeting, September 5-6, 1949*, 35-39. Chicago: American Bar Association, 1950.
- Carmichael, Cathie. *Ethnic Cleansing in the Balkans: Nationalism and the Destruction of Tradition*. London: Routledge, 2002.
- Carnegie, Andrew. "An Anglo-French-American Understanding." *The North American Review* 181, no. 587 (October 1905): 510-517.
- . *Imperial Federation*. Edinburgh: Darien Press, 1891.
- . *A League of Peace: A Rectorial Address, Delivered to the Students in the University of St. Andrews, 17th October, 1905*. Boston: Ginn and Company, 1906.
- . "A League of Peace—Not 'Preparation for War,'" *Independent* 80 (October 19, 1914): 89-90.

- . “A Look Ahead.” *The North American Review* 156, no. 439 (June 1893): 685-710.
- . “The Next Step—A League of Nations.” *Outlook* 86, no. 4 (May 25, 1907): 151-152.
- Carnegie Commission on Preventing Deadly Conflict. *Preventing Deadly Conflict: Final Report with Executive Summary*. Washington: Carnegie Commission on Preventing Deadly Conflict, 1997.
- “The Carnegie Endowment for International Peace.” *American Journal of International Law* 5, no. 3 (July 1911): 757-760.
- Carnegie Endowment for International Peace. *The Final Acts of the First and Second Hague Peace Conferences, Together with the Draft Convention on a Judicial Arbitration Court*. Washington: Carnegie Endowment for International Peace, 1915.
- . *The Hague Conventions of 1899 (II) and 1907 (IV) Respecting the Laws and Customs of War on Land*. Washington: Carnegie Endowment for International Peace, 1915.
- . *The International Law of the Future: Postulates, Principles and Proposals*. Washington: Carnegie Endowment for International Peace, 1944.
- . *Report of the International Commission: To Inquire into the Causes and Conduct of the Balkan Wars*. Washington: Carnegie Endowment for International Peace, Division of Intercourse and Education, 1914.
- . *Signatures, Ratifications, Adhesions and Reservations to the Conventions and Declarations of the First and Second Hague Peace Conferences*. Washington: Carnegie Endowment for International Peace, 1914.
- . *Violation of the Laws and Customs of War: Reports of Majority and Dissenting Reports of American and Japanese Members of the Commission of Responsibilities, Conference of Paris, 1919*. Oxford: Clarendon Press, 1919.
- Carnoy, Martin. *Education as Cultural Imperialism*. New York: David McKay Company, 1974.
- Caroe, Olaf. *Soviet Empire: The Turks of Central Asia and Stalinism*. London: Macmillan, 1953.
- Carr, Edward Hallett. *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations*. London: Macmillan, 1939.

- Cassese, Antonio. "Armenians (Massacres of)." In *The Oxford Companion to International Criminal Justice*, edited by Antonio Cassese. Oxford: Oxford University Press, 2009.
- . "From Nuremberg to Rome, International Military Tribunal to the International Criminal Court." In *The Rome Statute of the International Criminal Court: A Commentary*, edited by Antonio Cassese, Paola Gaeta, and John R. W. D. Jones, vol. 1, 3-19. Oxford: Oxford University Press, 2002.
- Catalogue of the Papers of James Viscount Bryce, 1826-1958. Department of Special Collections. Bodleian Library, University of Oxford.
- Chakaloff, George N., and Stanislav J. Shoomkoff. *The Macedonian Problem, and its Proper Solution*. Philadelphia: John C. Winston, 1904.
- Chalk, Frank. "Definitions of Genocide and Their Implications for Prediction and Prevention." *Holocaust and Genocide Studies* 4, no. 2 (1989): 149-160.
- Chalk, Frank, and Kurt Jonassohn. *The History and Sociology of Genocide: Analyses and Case Studies*. New Haven, CT: Yale University Press, 1990.
- Chamberlain, Houston Stewart, *The Foundations of the Nineteenth Century*. Translated by John Lees. Vol. 1. London: John Lane, 1911.
- . *The Ravings of a Renegade: Being the War Essays of Houston Stewart Chamberlain*. Translated by Charles H. Clarke. London: Jarrold & Sons, 1915.
- Chanda, Nayan. *Brother Enemy: The War after the War*. San Diego: Harcourt Brace Jovanovich, 1986.
- Chandler, David P. *The Tragedy of Cambodian History: Politics, War, and Revolution Since 1945*. New Haven, CT: Yale University Press, 1991.
- Charny, Israel W. "A Classification of Denials of the Holocaust and Other Genocides." *Journal of Genocide Research* 5, no. 1 (March 2003): 11-34.
- . "Letter to the Editor." *Journal of Genocide Research* 4, no. 2 (June 2002): 303-304.
- . "Requiem for the Prevention of Genocide in Our Time: Working toward an Improbable Possibility but Not Giving Up." *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 108-122.
- . "Teaching the Violence of the Holocaust: A Challenge to Educating Potential Oppressors and Victims for Nonviolence." *Jewish Education* 38 (1968): 15-24.

- Charny, Israel W., and Roger W. Smith. "Why GSP?" *Genocide Studies and Prevention* 1, no. 1 (July 2006): i-ii.
- Charny, Israel W., and Shama Davidson, eds. *The Book of the International Conference on the Holocaust and Genocide: The Conference Program and Crisis*. Tel Aviv: Institute of the International Conference on the Holocaust and Genocide, 1983.
- Chayes, Abram, and Antonia Handler Chayes. *The New Sovereignty: Compliance with International Regulatory Agreements*. Cambridge, MA: Harvard University Press, 1995.
- Chigas, George. "The Politics of Defining Justice after the Cambodian Genocide." *Journal of Genocide Research* 2, no. 2 (June 2000): 245-265.
- Chimni, B. S. *International Law and World Order: A Critique of Contemporary Approaches*. New Delhi: Sage Publications, 1993.
- Chorbajian, Levon. Introduction to *The Making of Nagorno-Karabakh: From Secession to Republic*, edited by Levon Chorbajian. Basingstoke, UK: Palgrave, 2001.
- Clarke, J. F. *Sketch of the European Turkey Mission of the American Board*. Boston: American Board of Commissioners for Foreign Missions, 1901.
- Clarke, R. Floyd. "A Permanent Tribunal of International Arbitration: Its Necessity and Value." *American Journal of International Law* 1, no. 2 (April 1907): 342-408.
- Coates, Ken, Peter Limqueco, and Peter Weiss. *Prevent the Crime of Silence: Reports from the Sessions of the International War Crimes Tribunal Founded by Bertrand Russell*. London: Allen Lane and Penguin Press, 1971.
- Cohen, G. Daniel. Review of *Raphael Lemkin and the Struggle for the Genocide Convention*, by John Cooper. *Holocaust and Genocide Studies* 24, no. 1 (Spring 2010): 130-133.
- Cohen, Israel. *Britain's Nameless Ally*. 2nd ed. London: W. H. Allen, 1942.
- Cohen, Jared. *One Hundred Days of Silence: America and the Rwanda Genocide*. Lanham, MD: Rowman & Littlefield Publishers, 2006.
- Colby, Elbridge. "How to Fight Savage Tribes." *American Journal of International Law* 21, no. 2 (April 1927): 279-288.
- Committee on Alleged German Outrages. *Report of the Committee on Alleged German Outrages: Appointed by His Britannic Majesty's Government and Presided over by The Right Hon. Viscount Bryce*. New York: Macmillan and Company, 1915.

Committee on Armenian Atrocities, *Report of Committee on Armenian Atrocities*. New York: Committee on Armenian Atrocities, 1915.

Combs, Nancy Amoury. *Fact-finding without Facts: The Uncertain Evidentiary Foundations of International Criminal Convictions*. Cambridge: Cambridge University Press, 2010.

“Conference Announcement.” *Journal of Genocide Research* 3, no. 1 (March 2001): 171.

“The Conference at Hague.” *The Advocate of Peace* 6, 5 (May 1875): 31-32.

Cooper, John. *Raphael Lemkin and the Struggle for the Genocide Convention*. Basingstoke, UK: Palgrave Macmillan, 2008.

“Corrigendum.” *Journal of Genocide Research* 10, no. 2 (June 2008): 339.

Cox, Robert W. *Production, Power, and World Order: Social Forces in the Making of History*. New York: Columbia University Press, 1987.

Croissant, Michael P. *The Armenia-Azerbaijan Conflict: Causes and Implications*. Westport, CT: Praeger, 1998.

Cushing, Caleb. *The Treaty of Washington: Its Negotiation, Execution, and the Discussions Relating Thereto*. New York: Harper & Brothers, 1873.

Cushman, Thomas. “Is Genocide Preventable? Some Theoretical Considerations.” *Journal of Genocide Research* 5, no. 4 (December 2003): 523-542.

Dadrian, Vahakn N. “The Agency of ‘Triggering Mechanisms’ as a Factor in the Organization of the Genocide against the Armenians of Kayseri District.” *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 107-126.

———. “Children as Victims of Genocide: The Armenian Case.” *Journal of Genocide Research* 5, no. 3 (September 2003): 421-437.

———. “Common Features of the Armenian and Jewish Cases of Genocide: A Comparative Victimological Perspective.” In *Victimology: A New Focus*, edited by Israel Drapkin, vol. 4., 99-120. Lexington, MA: D. C. Heath, 1975.

———. “The Convergent Aspects of the Armenian and Jewish Cases of Genocide: A Reinterpretation of the Concept of Holocaust.” *Holocaust and Genocide Studies* 3, no. 2 (1988): 151-169.

———. “The Determinants of the Armenian Genocide.” *Journal of Genocide Research* 1, no. 1 (March 1999): 65-80.

- . “Essay: Comments on Robert Melson’s *Revolution and Genocide*.” *Holocaust and Genocide Studies* 8, no. 3 (Winter 1994): 410-415.
- . “Factors of Anger and Aggression in Genocide,” *Journal of Human Relations* 19, 3 (1974): 394-416.
- . *German Responsibility in the Armenian Genocide: A Review of the Historical Evidence of German Complicity*. Watertown, MA: Blue Crane Books, 1996.
- . *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus*. Providence: Berghahn Books, 1995.
- . *The Key Elements in the Turkish Denial of the Armenian Genocide: A Case Study of Distortion and Falsification*. Cambridge, MA: Zoryan Institute, 1999.
- . “Methodological Components of the Study of Genocide as a Sociological Problem.” In *Recent Studies in Modern Armenian History*, 83-103. Cambridge, MA: Armenian Heritage Press, 1972.
- . “Patterns of Twentieth Century Genocides: The Armenian, Jewish, and Rwandan Cases.” *Journal of Genocide Research* 6, no. 4 (December 2004): 487-522.
- . “The Role of Turkish Physicians in the World War I Genocide of Ottoman Armenians.” *Holocaust and Genocide Studies* 1, no. 2 (1986): 169-192.
- . “The Secret Young-Turk Ittihadist Conference and the Decision for the World War I Genocide of the Armenians.” *Holocaust and Genocide Studies* 7, no. 2 (Fall 1993): 173-201.
- . “The Signal Facts Surrounding the Armenian Genocide and the Turkish Denial Syndrome.” *Journal of Genocide Research* 5, no. 2 (June 2003): 269-279.
- . “Towards a Theory of Genocide Incorporating the Instance of Holocaust: Comments, Criticisms and Suggestions.” *Holocaust and Genocide Studies* 5, no. 2 (1990): 129-143.
- . “The Turkish Military Tribunal’s Prosecution of the Authors of the Armenian Genocide: Four Major Court-Martial Series.” *Holocaust and Genocide Studies* 11, no. 1 (Spring 1997): 28-59.
- . “A Typology of Genocide,” *International Review of Sociology* 5, no. 2 (Autumn 1975): 201-212.
- . “The Victimization of the American Indian,” *Victimology: An International Journal* 1, no. 4 (Winter 1976): 513-537.

- . *Warrant for Genocide: Key Elements of Turko-Armenian Conflict*. New Brunswick, NJ: Transaction Publishers, 1999.
- Dahl, Robert A. "The Concept of Power." *Behavioral Science* 2, no. 3 (1957): 201-215.
- . *Who Governs: Democracy and Power in an American City*. New Haven, CT: Yale University Press, 1961.
- Daly, M. W. *Darfur's Sorrow: A History of Destruction and Genocide*. Cambridge: Cambridge University Press, 2007.
- D'Amato, Anthony A. *The Concept of Custom in International Law*. Ithaca, NY: Cornell University Press, 1971.
- . "Is International Law Really 'Law'?" *Northwestern University Law Review* 79, no. 5-6 (December-February 1984-1985): 1293-1314.
- Davison, Roderic H. "The Armenian Crisis, 1912-1914." *The American Historical Review* 53, no. 3 (April 1948): 481-505.
- Dawson, William Harbutt. *The German Empire: 1867-1914 and the Unity Movement*. Vol 1. New York: Macmillan Company, 1919.
- Deener, David R., ed. *De Lege Pactorum: Essays in Honor of Robert Renbert Wilson*. Durham, NC: Duke University Press, 1970.
- Derderian, Katharine. "Common Fate, Different Experience: Gender-Specific Aspects of the Armenian Genocide, 1915-1917." *Holocaust and Genocide Studies* 19, no. 1 (Spring 2005): 1-25.
- DerGhougassian, Khatchik. "Genocide and Identity (Geo)Politics: Bridging State Reasoning and Diaspora Activism." *Genocide Studies International* 8, no. 2 (Fall 2014): 193-207.
- Der Matossian, Bedross. "From Bloodless Revolution to Bloody Counterrevolution." *Genocide Studies and Prevention* 6, no. 2 (Summer 2011): 152-173.
- Des Forges, Alison. *Leave None to Tell the Story: Genocide in Rwanda*. New York: Human Rights Watch, 1999.
- Dicey, A. V. *Lectures on the Relation between Law and Public Opinion in England during the Nineteenth Century*. London: Macmillan, 1905.
- Dicey, Edward. *The Peasant State: An Account of Bulgaria in 1894*. London: John Murray, 1894.

- Digeser, Peter. "The Fourth Face of Power." *Journal of Politics* 54, no. 4 (November 1992): 977-1007.
- Djordjevic, Dimitrije, and Stephen Fischer-Galati. *The Balkan Revolutionary Tradition*. New York: Columbia University Press, 1981.
- Dolabjian, Vartkes S. "The Armenian Genocide as Portrayed in the *Encyclopaedia Britannica* [sic]." *Journal of Genocide Research* 5, no. 1 (March 2003): 103-115.
- Dowding, Keith M. *Power*. Minneapolis: University of Minnesota Press, 1996.
- Drummond, Eric. *Ten Years of World Cooperation*. London: Secretariat of League of Nations, 1930.
- Duff, Mountstuart E. Grant. *Notes from a Diary, 1873-1881*. Vol. 2. London: John Murray, 1898.
- Duffett, John, ed. *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal*. New York: Bertrand Russell Peace Foundation, 1968.
- Duke University Libraries. "Guide to the W. Bryan Bolich Papers, 1891-1972." <http://library.duke.edu/rubenstein/findingaids/uabolich/>
- . "Guide to the W. Bryan Bolich Papers, 1891-1972." <http://library.duke.edu/rubenstein/findingaids/uabolich/>
- Duke Law. "Malcolm McDermott." <https://law.duke.edu/history/faculty/mcdermott/>
- Dulles, John Foster. "International Criminal Law and Individuals—A comment on the Principles Involved in the Human Rights Covenant and Genocide Convention." In *Proceedings of the Section of the International and Comparative Law: St. Louis Meeting, September 5-6, 1949*, 23-25. Chicago: American Bar Association, 1950.
- Durham, M. Edith. *Twenty Years of Balkan Tangle*. New York: G. P. Putnam's Sons, 1920.
- Dwight, H. G. O. *Christianity Revived in the East, or, A Narrative of the Work of God among the Armenians of Turkey*. New York: Baker & Scribner, 1850.
- . *Christianity in Turkey: A Narrative of the Protestant Reformation in the Armenian Church*. London: James Nisset, 1854.
- . *Memoir of Mrs. Elizabeth B. Dwight: Including an Account of the Plague of 1837*. New York: M. W. Dodd, 1840.
- Dworkin, Ronald. "Law as Interpretation." *Texas Law Review* 60, no. 3 (September

1982): 527-550.

———. *Law's Empire*. Cambridge, MA: Belknap Press of Harvard University Press, 1986.

Earl, Hilary. "Prosecuting Genocide before the Genocide Convention: Raphael Lemkin and the Nuremberg Trials, 1945-1949." *Journal of Genocide Research* 15, no. 3 (September 2013): 317-337.

Edson, L. Whitney. *The American Peace Society: A Centennial History*. Washington: American Peace Society, 1928.

Elder, Tanya. "What You See Before Your Eyes: Documenting Raphael Lemkin's Life by Exploring His Archival Papers, 1900-1959." *Journal of Genocide Research* 7, no. 4 (December 2005): 469-499.

Ellinghaus, Katherine. "Biological Absorption and Genocide: A Comparison of Indigenous Assimilation Policies in the United States and Australia." *Genocide Studies and Prevention* 4, no. 1 (Spring 2009): 59-79.

Emin, Ahmed. *Turkey in the World War*. New Haven, CT: Yale University Press, 1930.

Entman, Robert M. *Projections of Power: Framing News, Public Opinion, and U.S. Foreign Policy*. Chicago: University of Chicago Press, 2004.

Erickson, Edward J. *Ottomans and Armenians: A Study in Counterinsurgency*. New York: Palgrave Macmillan, 2013.

Etcheson, Craig. *The Rise and Demise of Democratic Kampuchea*. Boulder, CO: Westview Press, 1984.

Etmekjian, James. *The French Influence on the Western Armenian Renaissance, 1843-1915*. New York: Twayne Publishers, 1964.

Evans, Gareth, and Mohamed Sahnoun. *The Responsibility to Protect: The Report of the International Commission on Intervention and State Sovereignty*. Ottawa: International Development Research Center, 2001.

Extraordinary Chambers in the Courts of Cambodia. <https://www.eccc.gov.kh/en>

———. "About ECCC." <https://www.eccc.gov.kh/en/about-eccc>

———. "Introduction to the ECCC." <https://www.eccc.gov.kh/en/about-eccc/introduction>

Ezell, Walter K. Review of *The Prevention of Genocide*, by Leo Kuper. *Holocaust and*

- Genocide Studies* 2, no. 1 (1987): 171-175.
- Facing History and Ourselves. "About Us." <https://www.facinghistory.org/about-us>
- . *Crimes against Humanity and Civilisation: The Genocide of the Armenians*. Brookline, MA: Facing History and Ourselves, 2004.
- . *Totally Unofficial: Raphael Lemkin and the Genocide Convention*. Brookline, MA: Facing History and Ourselves 2007.
- Falk, Richard A. *The Six Legal Dimensions of the Vietnam War*. Princeton, NJ: Center of International Studies at Princeton University, 1968.
- , ed. *The Vietnam War and International Law*. Vol. 1. Princeton, NJ: Princeton University Press, 1968.
- Fast, Howard. *Being Red*. Boston: Houghton Mifflin Company, 1990.
- Feierstein, Daniel. "Getting Things into Perspective." *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 155-160.
- . "The Good, the Bad, and the Invisible: A Critical Look at the MARO Report." *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 39-44.
- . "Leaving the Parental Home: An Overview of the Current State of Genocide Studies." Translated by Douglas Andrew Town. *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 257-269.
- . "Political Violence in Argentina and Its Genocidal Characteristics." *Journal of Genocide Research* 8, no. 2 (June 2006): 149-168.
- Feierstein, Daniel, and Henry Theriault. "Editor's Introduction." *Genocide Studies and Prevention* 5, no. 2 (Summer 2010): 133-137.
- Fein, Helen. *Accounting for Genocide: National Responses and Jewish Victimization during the Holocaust*. New York: Free Press, 1979.
- . "Genocide and Gender: The Uses of Women and Group Destiny." *Journal of Genocide Research* 1, no. 1 (March 1999): 43-63.
- Feinstein, Lee, and Tod Lindberg. *Means to an End: U.S. Interest in the International Criminal Court*. Washington: Brookings Institution Press, 2009.
- Feinstein, Stephen. Review of *Ambassador Morgenthau's Story*, by Henry Morgenthau. *Journal of Genocide Research* 7, no. 2 (June 2005): 291-294.

- . Review of *The Banality of Denial*, by Yair Auron. *Journal of Genocide Research* 6, no. 2 (June 2004): 271-274.
- Fenwick, Charles G. *International Law*. New York: Century, 1924.
- . *International Law*. 3rd ed. New York: Appleton-Century-Crofts, 1948.
- Ferguson, Niall, *The Pity of War: Explaining World War I*. New York: Basic Books, 1999.
- . “Think Again: Power.” *Foreign Policy* 134 (January-February 2003): 18-22.
- Fettweis, Christopher J. “War as Catalyst: Moving World War II to the Center of Holocaust Scholarship.” *Journal of Genocide Research* 5, no. 2 (June 2003): 225-236.
- Field, David Dudley. *Outlines of an International Code*. New York: Diossy & Company, 1872.
- Field, Henry M. *The Life of David Dudley Field*. New York: Charles Scribner’s Sons, 1898.
- Finch, George A. “Editorial Comment: The Genocide Convention.” *American Journal of International Law* 43, no. 4 (October 1949): 732-738.
- . Foreword to *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*, by Raphael Lemkin. Washington: Carnegie Endowment for International Peace, 1944.
- Finkel, Evelyne, and Scott Straus. “Macro, Meso, and Micro Research on Genocide: Gains, Shortcomings, and Future Areas of Inquiry.” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 56-67.
- Finzsch, Norbert, “[...] Extirpate or Remove That Vermine’: Genocide, Biological Warfare, and Settler Imperialism in the Eighteenth and Early Nineteenth Century.” *Journal of Genocide Research* 10, no. 2 (June 2008): 215-232.
- . “If It Looks Like a Duck, If It Walks Like a Duck, If It Quacks Like a Duck.” *Journal of Genocide Research* 10, no. 1 (March 2008): 119-126.
- “The First Hague Conference and the Second: A Historical Résumé.” *Outlook* 86, 4 (May 25, 1907): 155-159.
- Fisher, H. A. L. *James Bryce*. 2 vols. New York: Macmillan Company, 1927.
- Fisk, Robert. *The Great War for Civilisation: The Conquest of the Middle East*. New

- York: Alfred A. Knopf, 2005.
- Flanzbaum, Hilene. "The Americanization of the Holocaust." *Journal of Genocide Research* 1, no. 1 (March 1999): 91-104.
- Flournoy, Richard W., and Manley O. Hudson, eds. *A Collection of Nationality Laws of Various Countries as Contained in Constitutions, Statutes and Treaties*. New York: Oxford University Press, 1929.
- "Foreword." *Armenian Affairs: A Journal on Armenian Studies* 1, no. 1 (Winter 1949-1950): 2.
- Forsyth, William. *The Slavonic Provinces South of the Danube: A Sketch of Their History and Present State in Relation to the Ottoman Porte*. London: John Murray, 1876.
- Foucault, Michel. *Archeology of Knowledge*. Translated by A. M. Sheridan Smith. London: Routledge, 2003.
- Franck, Thomas M. *The Power of Legitimacy among Nations*. New York: Oxford University Press, 1990.
- Fraser, John Foster. *Pictures from the Balkans*. London: Cassel and Company, 1906.
- Freeman, Edward A. *History of Europe*. London: Macmillan, 1876.
- . "The Jews in Europe." *The Saturday Review* 43, no. 1,111 (February 10, 1877): 161-162.
- . *Lectures to American Audiences*. Philadelphia: Porter & Coates, 1882.
- . *The Ottoman Power in Europe, Its Nature, Its Growth, and Its Decline*. London: Macmillan, 1877.
- . *Some Impressions of the United States*. London: Longmans, Green, 1883.
- . "The True Eastern Question." *The Fortnightly Review* 18 [24] (December-July 1875):747-769.
- Freeman, Michael. "The Theory and Prevention of Genocide." *Holocaust and Genocide Studies* 6, no. 2 (1991): 185-199.
- French, John R. P. Jr., and Bertram Raven. "The Bases of Social Power." In *Studies in Social Power*, edited by Dorwin Cartwright, 150-167. Ann Arbor: University of Michigan Press, 1959.
- Friedmann, Wolfgang. "United States Policy and the Crisis of International Law: Some

- Reflections on the State of International Law in ‘International Co-operation Year’.” *American Journal of International Law* 59, no. 4 (October 1965): 857-871.
- Friedrich, Carl Joachim. *Constitutional Government and Politics: Nature and Development*. New York: Harper & Brothers, 1937.
- . *Foreign Policy in the Making: The Search for a New Balance of Power*. New York: W. W. Norton & Company, 1938.
- Frieze, Donna-Lee. “Cycles of Genocide, Stories of Denial: Atom Egoyan’s *Ararat*.” *Genocide Studies and Prevention* 3, no. 2 (Summer 2008): 243-262.
- . “New Approaches to Raphael Lemkin.” *Journal of Genocide Research* 15, no. 3 (September 2013): 247-252.
- , ed. *Totally Unofficial: The Autobiography of Raphael Lemkin*. New Haven, CT: Yale University Press, 2013.
- Frye, Richard N. “Armenian Studies and NAASR: Reminiscences and the Future.” *Journal of Armenian Studies* 1, no. 1 (Autumn 1975): 1-4.
- Fukuyama, Francis. *The Origins of Political Order: From Prehuman Times to the French Revolution*. New York: Farrar, Straus and Giroux, 2011.
- . *Political Order and Political Decay: From the Industrial Revolution to the Globalization of Democracy*. New York: Farrar, Straus and Giroux, 2014.
- Furlong, Paul, and David Marsh. “A Skin Not a Sweater: Ontology and Epistemology in Political Science.” In *Theory and Methods in Political Science*, edited by David Marsh and Gerry Stoker, 184-211. 3rd ed. Basingstoke, UK: Palgrave Macmillan, 2010.
- Galbraith, John Kenneth. *The Anatomy of Power*. Boston: Houghton Mifflin Company, 1983.
- Gallois, William. “Genocide in Nineteenth-Century Algeria.” *Journal of Genocide Research* 15, no. 1 (March 2013): 69-88.
- Garner, James W. “Denationalization of American Citizens.” *American Journal of International Law* 21, no. 1 (January 1927): 106-107.
- . *International Law and the World War*. Vol. 1. London: Longmans, Green, 1920.
- . “Recent German Nationality Legislation.” *American Journal of International Law* 30, no. 1 (January 1936): 96-99.

- Garrard, Anne. "News of the Alumni." *Duke Alumni Register* 27, no. 1 (February 1941): 42-48.
- Gellately, Robert, and Ben Kiernan. "The Study of Mass Murder and Genocide." In *The Specter of Genocide: Mass Murder in Historical Perspective*, edited by Robert Gellately and Ben Kiernan, 3-26. Cambridge: Cambridge University Press, 2003.
- Gellner, Ernest. *Nations and Nationalism*. Oxford: Basil Blackwell, 1983.
- Genocide Studies Program at Yale University. "Introduction to Cambodian Genocide Program." <http://gsp.yale.edu/introduction-cambodian-genocide-program>
- Gentz, Friedrich von. *Fragments upon the Balance of Power in Europe*. Translated from German. London: M. Peltier, 1806.
- Gerlach, Christian. "Extremely Violent Societies: An Alternative to the Concept of Genocide." *Journal of Genocide Research* 8, no. 4 (December 2006): 455-471.
- Ghazarian, Vatche. *Boghos Nubar's Papers and the Armenian Question, 1915-1918: Documents*. Waltham, MA: Mayreni Publishing, 1996.
- Gibson, Stacey. "The Role of Structure and Institutions in the Genocide of the Rwandan Tutsi and the Armenians of the Ottoman Empire." *Journal of Genocide Research* 5, no. 4 (December 2003): 503-522.
- Gilpin, Robert. *War and Change in World Politics*. Cambridge: Cambridge University Press, 1981.
- Ginsberg, Benjamin. *The Captive Public: How Mass Opinion Promotes State Power*. New York: Basic Books, 1986.
- Giudicessi, Beth. "Professor Richard N. Frye Dies at 94." *Harvard Gazette*, April 4, 2014. <http://news.harvard.edu/gazette/story/2014/04/professor-richard-n-frye-dies-at-94>
- Gladstone, William E. *A Chapter of Autobiography*. London: John Murray, 1868.
- . *Bulgarian Horrors and the Question of the East*. London: John Murray, 1876.
- . "England's Mission." *The Nineteenth Century* 4 (September 1878): 560-584.
- . "Right Principles of Foreign Policy." In *Selected Speeches on British Foreign Policy, 1738-1914*, edited by Edgar R. Jones, 371-389. London: Humphrey Milford, 1914.
- Goebel, Julius Jr. "The International Responsibility of States for Injuries Sustained by

- Aliens on Account of Mob Violence, Insurrections and Civil Wars.” *American Journal of International Law* 8, no. 4 (October 1914): 802-852.
- Goffman, Erving. *Frame Analysis: An Essay on the Organization of Experience*. New York: Harper & Row, 1974.
- Goldberg, Amos, Thomas J. Kehoe, A. Dirk Moses, Raz Segal, Martin Shaw, and Gerhard Wolf, “Israel Charny’s Attack on the *Journal of Genocide Research* and Its Authors: A Response,” *Genocide Studies and Prevention* 10, no. 2 (2016): 3-22.
- Goldhamer, Herbert, and Edward A. Shils. “Types of Power and Status.” *American Journal of Sociology* 45, no. 2 (September 1939): 171-182.
- Goldsmith, Katherine. “The Issue of Intent in the Genocide Convention and Its Effect on the Prevention and Punishment of the Crime of Genocide: Toward a Knowledge-Based Approach.” *Genocide Studies and Prevention* 5, no. 3 (Winter 2010): 238-257.
- Goldstone, Richard J. Review of *Encyclopedia of Genocide*, edited by Israel W. Charny. *Journal of Genocide Research* 4, no. 2 (June 2002): 261-265.
- Greene, Joseph K. *Leavening the Levant*. Boston: Pilgrim Press, 1916.
- Gregory, Charles Noble. “The Proposed International Prize Court and Some of Its Difficulties.” *American Journal of International Law* 2, no. 3 (July 1908): 458-475.
- Greiner, Larry E., and Virginia E. Schein. *Power and Organization Development: Mobilizing Power to Implement Change*. Reading, MA: Addison-Wesley Publishing Company, 1988.
- Grünfeld, Fred, and Anke Huijboom. *The Failure to Prevent Genocide in Rwanda: The Role of Bystanders*. Leiden: Martinus Nijhoff, 2007.
- Guettel, Jens-Uwe. “The US Frontier as Rationale for the Nazi East? Settler Colonialism and Genocide in Nazi-Occupied Eastern Europe and the American West.” *Journal of Genocide Research* 15, no. 4 (December 2013): 401-419.
- Gunter, Michael M. *Armenian History and the Question of Genocide*. New York: Palgrave Macmillan, 2011.
- . “Pursuing the Just Case of Their People”: *A Study of Contemporary Armenian Terrorism*. New York: Greenwood Press, 1986.
- Guroian, Vigen. “Post-Holocaust Political Morality: The Litmus of Bitburg and the

- Armenian Genocide Resolution.” *Holocaust and Genocide Studies* 3, no. 3 (1988): 305-322.
- Gürün, Kamuran. *The Armenian File: The Myth of Innocent Exposed*. London: K. Rustem and Weidenfeld & Nicolson, 1975.
- Gust, Wolfgang. “The Question of an Armenian Revolution and the Radicalization of the Committee of Union and Progress toward the Armenian Genocide.” *Genocide Studies and Prevention* 7, no. 2-3 (Summer-Winter 2012): 251-264.
- Guzzini, Stefano. “The Use and Misuse of Power Analysis in International Theory.” In *Global Political Economy: Contemporary Theories*, edited by Ronen Palan, 53-66. London: Routledge, 2000, 53-66.
- “The Hague Conferences.” *The Advocate of Peace* 6, 10 (October 1875): 63.
- Hall, William Edward. *A Treatise on International Law*. 4th ed. Oxford: Clarendon Press, 1895.
- Hall, William Webster. *Puritans in the Balkans: The American Board of Mission in Bulgaria, 1878-1918: A Study in Purpose and Procedure*. Sofia: Cultura Printing House, 1938.
- Harriman, Florence Jaffray. *Mission to the North*. Philadelphia: J. B. Lippincott Company, 1941.
- Hart, H. L. A. *The Concept of Law*. Oxford: Clarendon Press, 1961.
- Haskell, D. C., ed. *The Nation: Index of Titles and Contributors, v. 1-105*. New York: New York Public Library, 1951-53.
- Haugaard, Mark, and Sinisa Malesevic, “Editorial: The Ubiquity of Power,” *Journal of Political Power* 1, no. 1 (April 2008): 1-3.
- Hawk, David. “International Human Rights Law and Democratic Kampuchea.” *International Journal of Politics* 16, no. 3 (Fall 1986): 3-38.
- . “The Photographic Record.” In *Cambodia, 1975-1978: Rendezvous with Death*, edited by Karl D. Jackson, 209-214. Princeton, NJ: Princeton University Press, 1989.
- Heerten, Laase, and A. Dirk Moses. “The Nigeria-Biafra War: Postcolonial Conflict and the Question of Genocide.” *Journal of Genocide Research* 16, no. 2-3 (July 2014): 169-203.
- Hegel, Georg Wilhelm Friedrich. *The Logic of Hegel: Translated from the Encyclopaedia*

- of the Philosophical Sciences*. Translated and edited by William Wallace. Oxford: Clarendon Press, 1874.
- . *Hegel's Doctrine of Reflection: Being a Paraphrase and a Commentary Interpolated into the Text of the Second Volume of Hegel's Larger Logic Treating of "Essence."* Translated and edited by William T. Harris. New York: D. Appleton and Company, 1881.
- Hendrick, Burton J. *The Life of Andrew Carnegie*. Vols. 1-2. Garden City, NY: Doubleday, Doran & Company, 1932.
- Henkin, Louis. *How Nations Behave: Law and Foreign Policy*. 2nd ed. New York: Columbia University Press, 1979.
- Hepworth, George H. *Through Armenia on Horseback*. New York: E. P. Dutton & Company, 1898.
- Herman, Edward S. *Atrocities in Vietnam: Myths and Realities*. Philadelphia: Pilgrim Press, 1970.
- Hershey, Amos S. "Convention for the Peaceful Adjustment of International Differences." *American Journal of International Law* 2, no. 1 (January 1908): 29-49.
- . "History of International Law since the Peace of Westphalia." *American Journal of International Law* 6, no. 1 (January 1912): 30-69.
- Herz, John H. *Political Realism and Political Idealism: A Study in Theories and Realities*. Chicago: University of Chicago Press, 1951.
- Hevia, James L. *The English Lessons: The Pedagogy of Imperialism in Nineteenth-Century China*. Durham, NC: Duke University Press, 2003.
- Hiebert, Maureen S. "MARO as the Partial Operationalization of R2P." *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 52-58.
- . "Theorizing Destruction: Reflections on the State of Comparative Genocide Theory." *Genocide Studies and Prevention* 3, no. 3 (Winter 2008): 309-339.
- Hill, David J. "The Second Peace Conference at the Hague." *American Journal of International Law* 1, no. 3 (July 1907): 671-691.
- Hinton, Alexander Laban. "Critical Genocide Studies." *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 4-15.
- . *Why Did They Kill? Cambodia in the Shadow of Genocide*. Berkeley: University

- of California Press, 2005.
- Hirsch, Herb. "The Genocide Prevention Task Force: Recycling People and Policy." *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 153-154.
- . "Editor's Introduction: MARO: Mass Atrocity Response Operations; A Military Planning Handbook: Selling the Mission and/or Protecting Human Rights?" *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 1-6.
- . "Preventing Genocide and Protecting Human Rights: A Failure of Policy." *Genocide Studies International* 8, no. 1 (Spring 2014): 1-22.
- His Majesty's Stationery Office. *The Treatment of Armenians in the Ottoman Empire, 1915-16, Documents Presented to Viscount Grey of Fallodon, Secretary of State for Foreign Affairs, by Viscount Bryce with a preface by Viscount Bryce*. London: Sir Joseph Causton and Sons, 1916.
- Hoare, Marko Attila. "A Case Study in Underachievement: The International Courts and Genocide in Bosnia-Herzegovina." *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 81-97.
- Hofmann, Tessa. "The Genocide against the Ottoman Armenians: German Diplomatic Correspondence and Eyewitness Testimonies." *Genocide Studies International* 9, no. 1 (Spring 2015): 22-60.
- Hohfeld, Wesley Newcomb. "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning." *Yale Law Journal* 23, no. 1 (November 1913): 16-59.
- Holman, Frank E. "A Challenge to Individual Liberty under Law." *United Nations World*, June 1949.
- . "An 'International Bill of Rights': Proposals Have Dangerous Implications for U.S." *American Bar Association Journal* 34, no. 11 (November 1948): 984-986, 1078-1081.
- . *The Life and Career of a Western Lawyer, 1886-1961*. Baltimore: Port City Press, 1963.
- . "President Holman's Comments on Mr. Moskowitz's Reply." *American Bar Association Journal* 35, no. 4 (April 1949): 288-290, 360-362.
- Horowitz, Irving Louis. *Genocide: State Power and Mass Murder*. New Brunswick, NJ: Transaction, 1976.
- Houck, Davis W. "FDR's Commonwealth Club Address: Redefining Individualism, Adjudicating Greatness." *Rhetoric and Public Affairs* 7, no. 3 (Fall 2004): 259-

282.

- Housepian, Marjorie. "The Unremembered Genocide." *Commentary*, September 1966.
- Hovannisian, Richard G. *Armenia: On the Road to Independence, 1918*. Berkeley: University of California Press, 1967.
- , ed. *The Armenian Genocide, History, Politics, Ethics*. New York: St. Martin's, 1992.
- . "Confronting the Armenian Genocide." In *Pioneers of Genocide Studies: Confronting Mass Death in the Century of Genocide*, edited by Samuel Totten and Steven L. Jacobs, 27-46. New Brunswick, NJ: Transaction Publishers, 2002.
- . "Denial of the Armenian Genocide 100 Years Later: The New Practitioners and Their Trade." *Genocide Studies International* 9, no. 2 (Fall 2015): 228-247.
- , ed. *Remembrance and Denial: The Case of the Armenian Genocide*. Detroit: Wayne State University Press, 1998.
- Howard-Ellis, G. *The Origin, Structure and Working of the League of Nations*. London: George Allen & Unwin, 1928.
- Hudson, Manley O., ed. *International Legislation: A Collection of the Texts of Multipartite International Instruments of General Interest*. Vol. 7. Washington: Carnegie Endowment for International Peace, 1941.
- Hughes-Warrington, Marnie. *Fifty Key Thinkers on History*. Abingdon, UK: Routledge, 2014.
- Hull, William I. "Obligatory Arbitration and the Hague Conferences." *American Journal of International Law* 2, no. 4 (October 1908): 731-742.
- Human Rights Watch. *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh*. New York: Human Rights Watch, 1994.
- . "Darfur in Flames: Atrocities in Western Sudan." *Human Rights Watch* 16, 5A (April 2004): 1-47.
- Hume, David, "Of the Balance of Power." In *Essays: Moral, Political, and Literary*, edited by T. H. Green and T. H. Grose, 348-356. Vol. 1. London: Longmans, Green, 1875.
- Huntington, Samuel P. "The Clash of Civilizations?" *Foreign Affairs* 72, no. 3 (Summer 1993): 22-49.

- Huttenbach, Henry R. *The Destruction of the Jewish Community of Worms, 1933-1945: A Study of the Holocaust Experience in Germany*. New York: Memorial Committee of Jewish Victims of Nazism from Worms, 1981.
- . “Editor’s Note: A Caveat. Towards a Theory of Genocide? Not Yet.” *Journal of Genocide Research* 6, no. 1 (March 2004): 5-6.
- . “From the Editor: *Apologia Rationalis*.” *Journal of Genocide Research* 1, no. 1 (March 1999): 7-10.
- . “From the Editor: Can Genocide Be Prevented? No! Yes? Perhaps.” *Journal of Genocide Research* 7, no. 3 (September 2005): 307-308.
- . “From the Editor: An Editor’s Swan-Song.” *Journal of Genocide Research* 11, no. 4 (December 2009): 417-419.
- . “From the Editor: In Search of Genocide Prevention: Utopia, Mirage or Rational Policy?” *Journal of Genocide Research* 9, no. 2 (June 2007): 167-168.
- . “From the Editor: *JGR* Finds a Home!” *Journal of Genocide Research* 6, no. 4 (December 2004): 485.
- . “From the Editor: New Directions.” *Journal of Genocide Research* 7, no. 2 (June 2005): 169-170.
- . “From the Editor: Remembering (the Shoah) and Forgetting (the Itsembambor).” *Journal of Genocide Research* 7, no. 1 (March 2005): 3-4.
- . “From the Editor: A Reply to Fackenheim (2). What is Holocaust Uniqueness? Can Other Genocides Be Unique?” *Journal of Genocide Research* 2, no. 1 (March 2000): 7-9.
- . “From the Editor: Towards a Conceptual Definition of Genocide.” *Journal of Genocide Research* 4, no. 2 (June 2002): 167-176.
- . “From the Editor: Uniqueness (Redux): Trivialization by Any Name.” *Journal of Genocide Research* 3, no. 2 (June 2001): 185-186.
- . “From the Editors: Genocide Prevention: Sound Policy or Pursuit of a Mirage?” *Journal of Genocide Research* 10, no. 4 (December 2008): 471-473.
- . “Locating the Holocaust on the Genocide Spectrum: Towards a Methodology of Definition and Categorization.” *Holocaust and Genocide Studies* 3, no. 3 (1988): 289-303.
- . Review of *Armenien und der Völkermord: Die Istambuler Prozesse und die*

- türkische Nationalbewegung*, by Taner Akçam. *Journal of Genocide Research* 5, no. 2 (June 2003): 325-326.
- . Review of “*A Problem from Hell*”: *America and the Age of Genocide*, by Samantha Power. *Journal of Genocide Research* 5, no. 1 (March 2003): 165-166.
- Hyde, Charles Cheney. *International Law: Chiefly as Interpreted and Applied by the United States*. Vol. 1. Boston: Little, Brown and Company, 1922.
- Hyland, Francis P. *Armenian Terrorism: The Past, the Present, the Prospects*. Boulder, CO: Westview Press, 1991.
- Ignatieff, Michael. “The Legacy of Raphael Lemkin.” In the United States Holocaust Memorial Museum Website, <http://www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/the-legacy-of-raphael-lemkin>
- Ikenberry, G. John. *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*. Princeton, NJ: Princeton University Press, 2001.
- “The Integrity of China and the ‘Open Door,’” *American Journal of International Law* 1, no. 4 (October 1907): 954-963.
- International Association of Genocide Scholars. “About Us: History.” <http://www.genocidescholars.org/about-us/history>
- International Association of Genocide Scholars. “Resolution of the International Association of Genocide Scholars Concerning Crimes of ISIS.” http://www.genocidescholars.org/sites/default/files/document%09%5Bcurrent-page%3A1%5D/documents/IAGS%20Resolution%20on%20ISIS%20%20passed%2018%20March%202016_1.pdf
- International Association of Genocide Scholars. “Resolution on Intervention in Darfur.” <http://www.genocidescholars.org/sites/default/files/document%09%5Bcurrent-page%3A1%5D/documents/IAGS%20Resolution%20on%20Darfur-passed%207%20June%202005.pdf>
- International Commission of Inquiry on Darfur, *Report of the International Commission on Darfur*. http://www.un.org/news/dh/sudan/com_inq_darfur.pdf
- International Court of Justice, *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)*, Judgment, *I.C.J. Reports* 2007. <http://www.icj-cij.org/docket/files/91/13685.pdf> <http://www.icj-cij.org/docket/files/91/13685.pdf>
- International Network of Genocide Scholars. “About Us.” <http://inogs.com/about-us/>

- Internet Archive WayBack Machine. "Text Version" of "Suggested Post-Surrender Program for Germany."
<https://web.archive.org/web/20130531235410/http://docs.fdrlibrary.marist.edu/psf/box31/t297a01.html>
- "Introduction." *American Journal of International Law* 1, no. 1 (January-April 1907): 129-130.
- Irvin-Erickson, Douglas. "Genocide, the 'Family of Mind' and the Romantic Signature of Raphael Lemkin." *Journal of Genocide Research* 15, no. 3 (September 2013): 273-296.
- Jabotinsky, Vladimir. *The War and the Jew*. New York: Dial Press, 1942.
- Jacobs, Steven L. "The Papers of Raphael Lemkin: A First Look." *Journal of Genocide Research* 1, no. 1 (March 1999): 105-114.
- . "Raphael Lemkin." In *The Armenian Genocide: The Essential Reference Guide*, edited by Alan Whitehorn, 164-167. Santa Barbara, CA: ABC-CLIO, 2015.
- . Review of *Holocaust and Genocide Bibliographic Database*, edited by Marc I. Sherman and Israel W. Charny. *Holocaust and Genocide Studies* 9, no. 2 (Fall 1995): 266-268.
- . Review of *The Widening Circle of Genocide*, edited by Israel W. Charny. *Holocaust and Genocide Studies* 9, no. 3 (Winter 1995): 389-395.
- Jelavich, Barbara. *History of the Balkans: Twentieth Century*. Vol. 2. Cambridge: Cambridge University Press, 1983.
- Jessup, Philip C. *A Modern Law of Nations*. New York: Macmillan Company, 1948.
- Jinks, Rebecca. "Thinking Comparatively about Genocide Memorialization." *Journal of Genocide Research* 16, no. 4 (December 2014): 423-440.
- Joeden-Forgey, Elisa von. "Gender and the Future of Genocide Studies and Prevention." *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 1-19.
- Johnstone, Ian. "The Power of Interpretive Communities." In *Power in Global Governance*, edited by Michael Barnett and Raymond Duvall, 185-204. Cambridge: Cambridge University Press, 2005.
- Jonassohn, Kurt. "Prevention without Prediction." *Holocaust and Genocide Studies* 7, no. 1 (Spring 1993): 1-13.
- Jones, Adam. "Diffusing Genocide Studies, Defusing Genocides." *Genocide Studies and*

- Prevention* 6, no. 3 (Winter 2011): 270-278.
- . Review of *Lemkin on Genocide*, edited by Steven Leonard Jacobs. *Journal of Genocide Research* 15, 2 (June 2013): 233-236.
- Jones, Nicholas A. *The Courts of Genocide: Politics and the Rule of Law in Rwanda and Arusha*. Abingdon, UK: Routledge, 2010.
- Joppke, Christian, and John Torpey. *Legal Integration of Islam: A Transatlantic Comparison*. Cambridge, MA: Harvard University Press, 2013.
- Kaiser, Hilmar. "Regional Resistance to Central Government Policies: Ahmed Djemal Pasha, the Governors of Aleppo, and Armenian Deportees in the Spring and Summer of 1915." *Journal of Genocide Research* 12, no. 3-4 (September-December 2010): 173-218.
- Kaldor, Mary. *Global Civil Society: An Answer to War*. Cambridge: Polity Press, 2003.
- Kaligian, Dikran M. "Anatomy of Denial: Manipulating Sources and Manufacturing a Rebellion." *Genocide Studies International* 8, no. 2 (Fall 2014): 208-223.
- . "A Prelude to Genocide: CUP Population Policies and Provincial Insecurity, 1908-14." *Journal of Genocide Research* 10, no. 1 (March 2008): 77-94.
- Kalme, Albert. *Total Terror: An Exposé of Genocide in the Baltics*. Edited by Walter Arm. New York: Appleton-Century-Crofts, 1951.
- Katz, Steven T. "Essay: Quantity and Interpretation—Issues in the Comparative Historical Analysis of the Holocaust." *Holocaust and Genocide Studies* 4, no. 2 (1989): 127-148.
- Kéchichian, Joseph A. "The Armenian Genocide and an Updated Denial Initiative: A Review Essay." *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 173-181.
- Keegan, John. *The First World War*. New York: Alfred A. Knopf, 1999.
- Kelsen, Hans. *Principles of International Law*. New York: Rinehart & Company, 1952.
- Kennedy, Edward M., Gidon A. G. Gottlieb, Louis Henkin, Neil Sheehan, Carl E. Taylor, and Beverly May Carl. "Biafra, Bengal, and Beyond: International Responsibility and Genocidal Conflict." *American Journal of International Law* 66, no. 4 (September 1972): 89-108.
- Keohane, Robert E. "Dilemmas of German Re-education: Reflections upon an Experiment Noble in Europe," *The School Review* 57, no. 8 (October 1949): 405-

- 415.
- Keohane, Robert O., and Joseph S. Nye. *Power and Interdependence: World Politics in Transition*. Boston: Little, Brown, 1977.
- Kévorkian, Raymond. *The Armenian Genocide: A Complete History*. London: I.B. Tauris, 2011.
- Kiernan, Ben. *Genocide and Resistance in Southeast Asia: Documentation, Denial and Justice in Cambodia and East Timor*. New Brunswick, NJ: Transaction Publishers, 2008.
- . *How Pol Pot Came to Power: A History of Communism in Kampuchea, 1930-1975*. London: Verso, 1985.
- . *Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975-79*. New Haven, CT: Yale University Press, 1996.
- . "Social Cohesion in Revolutionary Cambodia." *Australian Outlook* 30, no. 3 (December 1976): 371-386.
- . "Vietnam and the Governments and People of Kampuchea." *Bulletin of Concerned Asian Scholars* 11, no. 4 (October-December 1979): 19-25.
- . "Wild Chickens, Farm Chickens, and Cormorants: Kampuchea's Eastern Zone under Pol Pot." In *Revolution and Its Aftermath in Kampuchea: Eight Essays*, edited by David P. Chandler and Ben Kiernan, 136-228. New Haven, CT: Yale University Southeast Asia Studies, 1983.
- Kieser, Hans-Lukas, Mehmet Polatel, and Thomas Schmutz. "Reform or Cataclysm? The Agreement of 8 February 1914 Regarding the Ottoman Eastern Provinces." *Journal of Genocide Research* 17, no. 3 (September 2015): 285-304.
- Kinglake, Alexander William. *Eothen, or, Traces of Travel Brought Home from the East*. New York: Wiley and Putnam, 1845.
- Kirgis, Frederic L. *The American Society of International Law's First Century, 1906-2006*. Leiden: Brill, 2006.
- Kissi, Edward. "Rwanda, Ethiopia and Cambodia: Links, Faultlines and Complexities in a Comparative Study of Genocide." *Journal of Genocide Research* 6, no. 1 (March 2004): 115-133.
- Klid, Bohdan. "The Black Deeds of the Kremlin: Sixty Years Later." *Genocide Studies International* 8, no. 2 (Fall 2014): 224-235.

- Kloian, Richard D. *The Armenian Genocide: News Accounts from the American Press, 1915-1922*. 3rd ed. Richmond, CA: ACC Books, 1985.
- Knoll, Erwin, and Judith Nies McFadden, eds. *War Crimes and the American Conscience*. New York: Holt, Rinehart and Winston, 1970.
- Knorr, Klaus. *The Power of Nations: The Political Economy of International Relations*. New York: Basic Books, 1975.
- Koebner, Richard. *Imperialism: The Story and Significance of a Political Word, 1840-1960*. Cambridge: Cambridge University Press, 1964.
- Koetsenruijter, Willem, and Gabry Vanderveen. "The Popular Virgin and the Wolf in Sheep's Clothing: A Case Study of the Imaging of Victims and Offenders." In *Bending Opinion: Essays on Persuasion in the Public Domain*, edited by Ton van Haaften, Henrike Jansen, Jaap de Jong, and Willem Koetsenruijter, 241-270. Amsterdam: Leiden University Press, 2011.
- Kouymjian, Dickran. Review of *Armenian Golgotha*, by Grigoris Balakian. *Holocaust and Genocide Studies* 24, no. 2 (Fall 2010): 321-324.
- Krain, Matthew. "The Effects of Diplomatic Sanctions and Engagement on the Severity of Ongoing Genocides or Politicides." *Journal of Genocide Research* 16, no. 1 (January 2014): 25-53.
- Krosiak, Daniela. *The Role of France in the Rwandan Genocide*. London: Hurst, 2007.
- Kuhn, Arthur K. "The Genocide Convention and State Rights." *American Journal of International Law* 43, no. 3 (July 1949): 498-501.
- Kühne, Thomas. "Colonialism and the Holocaust: Continuities, Causations, and Complexities." *Journal of Genocide Research* 15, no. 3 (September 2013): 339-362.
- Kunz, Josef L. "The United Nations Convention on Genocide." *American Journal of International Law* 43, no. 4 (October 1949): 738-746.
- . "The United Nations Declaration of Human Rights." *American Journal of International Law* 43, no. 2 (April 1949): 316-323.
- Kuper, Leo. *Genocide: Its Political Use in the Twentieth Century*. New Haven, CT: Yale University Press, 1981.
- Kuperman, Alan J. "Darfur: Strategic Victimhood Strikes Again?" *Genocide Studies and Prevention* 4, no. 3 (Winter 2009): 281-303.

- . *The Limits of Humanitarian Intervention: Genocide in Rwanda*. Washington: Brookings Institution Press, 2001.
- . “Wishful Thinking Will Not Stop Genocide: Suggestions for a More Realistic Strategy.” *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 191-199.
- Kymlicka, Will. *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford: Oxford University Press, 2007.
- Lacouture, Jean. “The Bloodiest Revolution.” *The New York Review of Books*, March 31, 1977.
- Lake, David A. “Why ‘isms’ Are Evil: Theory, Epistemology, and Academic Sects as Impediments to Understanding and Progress.” *International Studies Quarterly* 55, no. 2 (June 2011): 465-480.
- Lammasch, Heinrich. “Compulsory Arbitration at the Second Hague Conference.” *American Journal of International Law* 4, no. 1 (January 1910): 83-94.
- Lang, David M. Review of *Armenia on the Road to Independence, 1918*, by Richard G. Hovannisian. *The Russian Review* 27, no. 3 (July 1968): 372.
- . Review of *The Republic of Armenia*, vol. 1, by Richard G. Hovannisian. *Journal of Asian History* 6, no. 2 (1972): 142.
- . Review of *The Republic of Armenia*, vol. 1, by Richard G. Hovannisian, *The Middle East Journal* 26, no. 2 (Spring 1972): 204-205.
- Larcher, Maurice. *La guerre turque dans la guerre mondiale*. Paris: Etienne Chiron; Berger-Levrault, 1926.
- Lasswell, Harold D. *The Analysis of Political Behaviour: An Empirical Approach*. London: Routledge and K. Paul, 1948.
- Lasswell, Harold D., and Abraham Kaplan. *Power and Society: A Framework for Political Inquiry*. New Haven, CT: Yale University Press, 1950.
- Lawson, Tom. “Memorializing Colonial Genocide in Britain: The Case of Tasmania.” *Journal of Genocide Research* 16, no. 4 (December 2014): 441-461.
- Leckie, Gould Francis. *An Historical Research into the Balance of Power in Europe*. London: Taylor and Hessey, 1817.
- Leibowitz, Richard. Review of *The History and Sociology of Genocide*, by Frank Chalk and Kurt Jonassohn. *Holocaust and Genocide Studies* 6, no. 4 (1991): 428-429.

- Lemkin, Raphael. "Acts Constituting a General (Transnational) Danger Considered as Offences against the Law of Nations." Translated by Jim Fussell. In Prevent Genocide International. <http://www.preventgenocide.org/lemkin/madrid1933-english.htm>
- . *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress*. Washington: Carnegie Endowment for International Peace, 1944.
- . "Genocide." *The American Scholar* 15, no. 2 (Spring 1946): 227-230.
- . "Genocide as a Crime under International Law." *American Journal of International Law* 41, no. 1 (January 1947): 145-151.
- . "Genocide as a Crime under International Law." *United Nations Bulletin*, January 15, 1948.
- . "Genocide: A Modern Crime." *Free World* 9, no. 4 (April 1945): 39-43.
- . "Genocide: A New International Crime: Punishment and Prevention." *Revue Internationale de Droit Pénal* 17 (1946): 360-370.
- . "The Legal Case against Hitler [2]." *The Nation*. March 10, 1945.
- . "Orphans of Living Parents: A Comparative Legal and Sociological View." *Law and Contemporary Problems* 10, no. 5 (July 1944): 834-854.
- . "The Treatment of Young Offenders in Continental Europe." *Law and Contemporary Problems* 9, no. 4 (October 1942): 748-759.
- "Lemkin Referring to the Armenian Genocide, Full Interview, CBS, 1949." In Vimeo, <https://vimeo.com/125514772>
- Lepsius, Johannes. *Armenia and Europe: An Indictment*. Edited by J. Rendel Harris. London: Hodder & Stoughton, 1897.
- Le Queux, William. *An Observer in the Near East*. London: T. Fisher Unwin, 1907.
- Lester, Robert M. *Forty Years of Carnegie Giving: A Summary of the Benefactions of Andrew Carnegie and of the Work of the Philanthropic Trusts Which He Created*. New York: Charles Scribner's Sons, 1941.
- Levene, Mark. "Connecting Threads: Rwanda, the Holocaust and the Pattern of Contemporary Genocide." In *Genocide: Essays toward Understanding, Early-Warning, and Prevention*, edited by Roger W. Smith, 27-64. Williamsburg, VA: Association of Genocide Scholars, 1999.

- . “Creating a Modern ‘Zone of Genocide’: The Impact of Nation- and State-Formation on Eastern Anatolia, 1878-1923.” *Holocaust and Genocide Studies* 12, no. 3 (Winter 1998): 393-433.
- . “A Dissenting Voice: Or How Current Assumptions of Deterring and Preventing Genocide May Be Looking at the Problem through the Wrong End of the Telescope, Part I.” *Journal of Genocide Research* 6, no. 2 (June 2004): 153-166.
- Lewis, Bernard. *The Emergence of Modern Turkey*. 3rd ed. New York: Oxford University Press, 2002.
- Lewy, Guenter. *America in Vietnam*. Oxford: Oxford University Press, 1978.
- . *The Armenian Massacres in Ottoman Turkey: A Disputed Genocide* (Salt Lake City: University of Utah Press, 2005).
- . “Can There Be Genocide without the Intent to Commit Genocide?” *Journal of Genocide Research* 9, no. 4 (December 2007): 661-674.
- . “Reply to Tony Barta, Norbert Finzsch and David Stannard.” *Journal of Genocide Research* 10, no. 2 (June 2008): 307.
- Libaridian, Gerard J. *Modern Armenia: People, Nation, State*. New Brunswick, NJ: Transaction Publishers, 2004.
- Limquenco, Peter, and Peter Weiss, eds. *Prevent the Crime of Silence: Reports from the Sessions of the International War Crimes Tribunal Founded by Bertrand Russell*. London: Allen Lane and Penguin Press, 1971.
- Linenthal, Edward T. *Preserving Memory: The Struggle to Create America’s Holocaust Museum*. New York: Viking, 1995.
- Lippman, Matthew. “Darfur: The Politics of Genocide Denial Syndrome.” *Journal of Genocide Research* 9, no. 2 (June 2007): 193-213.
- . “A Road Map to the 1948 Convention on the Prevention and Punishment of the Crime Genocide.” *Journal of Genocide Research* 4, no. 2 (June 2002): 177-195.
- Littell, Franklin H. “Holocaust and Genocide: The Essential Dialectic.” *Holocaust and Genocide Studies* 2, no. 1 (1987): 95-104.
- Lochner, Louis P. *What about Germany?* New York: Dodd, Mead & Company, 1942.
- Lowell, A. Lawrence. *Public Opinion and Popular Government*. New York: Longmans, Green, 1913.

- Lowry, Heath W. *The Story behind Ambassador Morgenthau's Story*. Istanbul: Isis Press, 1990.
- . "The U.S. Congress and Adolf Hitler on the Armenians." *Political Communication and Persuasion* 3, no. 2 (1985): 111-140.
- Lukes, Steven. *Power: A Radical View*. London: Macmillan, 1974.
- MacColl, Malcolm. *The Eastern Question: Its Facts and Fallacies*. London: Longmans, Green, 1877.
- MacDermott, Mercia. *Freedom or Death: The Life Gotsé Delchev*. London: Journeyman Press, 1978.
- Maclagan, O. F. *The Way to Victory: With a Scheme for an Immediate "League of Nations."* London: E. R. Duke, 1918.
- MacMillan, Margaret. *Dangerous Games: The Uses and Abuses of History*. New York: The Modern Library, 2008.
- . *The War That Ended Peace: The Road to 1914*. New York: Random House, 2013.
- Malkasian, Mark. "*Gha-ra-bagh!*": *The Emergence of the National Democratic Movement in Armenia*. Detroit: Wayne State University Press, 1996.
- Mamdani, Mahmood. *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton, NJ: Princeton University Press, 2001.
- Mamigonian, Marc A. "Academic Denial of the Armenian Genocide in American Scholarship: Denialism as Manufactured Controversy." *Genocide Studies International* 9, no. 1 (Spring 2015): 61-82.
- Mann, Barbara Alice. "Fractal Massacres in the Old Northwest: The Example of the Miamis." *Journal of Genocide Research* 15, no. 2 (June 2013): 167-182.
- Mann, Michael. *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge: Cambridge University Press, 2005.
- Maogoto, Jackson. "Early Efforts to Establish an International Criminal Court," in *The Legal Regime of the International Criminal Court: Essays in Honour of Professor Igor Blishchenko*, edited by José Doria, Hans-Peter Gasser, and M. Cherif Bassiouni, 3-22. Leiden: Martinus Nijhoff Publishers, 2009.
- March, James. "The Power of Power." In *Varieties of Political Theory*, edited by David Easton, 39-70. Englewood Cliffs, NJ: Prentice-Hall, 1966.

- Markovitz, Jonathan. "Ararat and Collective Memories of the Armenian Genocide." *Holocaust and Genocide Studies* 20, no. 2 (Fall 2006): 235-255.
- Marriott, J. A. R. *The Eastern Question: An Historical Study in European Diplomacy*. 2nd ed. Oxford: Clarendon Press, 1918.
- Marsoobian, Armen T. "Acknowledging Intergenerational Moral Responsibility in the Aftermath of Genocide." *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 211-220.
- Maurice, Frederic. *The Balance of Military Power in Europe: An Examination of the War Resources of Great Britain and the Continental States*. Edinburgh: William Blackwood and Sons, 1888.
- Maverick, Augustus. *Henry J. Raymond and the New York Press for Thirty Years: Progress of American Journalism from 1840 to 1870*. Hartford, CT: A. S. Hale and Company, 1870.
- May, Larry. *Crimes against Humanity: A Normative Account*. Cambridge: Cambridge University Press, 2005.
- Mayersen, Deborah. "On the Timing of Genocide." *Genocide Studies and Prevention* 5, no. 1 (Spring 2010): 20-38.
- Mayroz, Eyal. "Ever Again? The United States, Genocide Suppression, and the Crisis in Darfur." *Journal of Genocide Research* 10, no. 3 (September 2008): 359-388.
- McCarthy, Justin. *Death and Exile: The Ethnic Cleansing of Ottoman Muslims, 1821-1922*. Princeton, NJ: Darwin Press, 1995.
- McCloy, John J. "Progress Report on Germany." *The Department of State Bulletin*, February 6, 1950.
- McDonnell, Michael A., and A. Dirk Moses. "Raphael Lemkin as Historian of Genocide in the Americas." *Journal of Genocide Research* 7, no. 4 (December 2005): 501-529.
- McDougal, Myres S., and Richard Arens. "Genocide Convention and the Constitution." *Vanderbilt Law Review* 3, no. 4 (June 1950): 683-710.
- Mearsheimer, John J. *The Tragedy of Great Power Politics*. New York: W. W. Norton & Company, 2001.
- . "E. H. Carr vs. Idealism: The Battle Rages On." *International Relations* 19, no. 2 (June 2005): 139-152.

- Melson, Robert. "Critique of Current Genocide Studies." *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 279-286.
- . "Contending Interpretations Concerning the Armenian Genocide: Continuity and Conspiracy, Discontinuity and Cumulative Radicalization." *Genocide Studies International* 9, no. 1 (Spring 2015): 10-21.
- . "Recent Developments in the Study of the Armenian Genocide." *Holocaust and Genocide Studies* 27, no. 2 (Fall 2013): 313-321.
- . "Responses to the Armenian Genocide: America, the Yishuv, Israel." *Holocaust and Genocide Studies* 20, no. 1 (Spring 2006): 103-111.
- . Review of *Armenia Golgotha*, by Grigoris Balakian. *Genocide Studies and Prevention* 5, no. 1 (Spring 2010): 121-123.
- . Review of *German Responsibility in the Armenian Genocide*, by Vahakn N. Dadrian. *Holocaust and Genocide Studies* 12, no. 3 (Winter 1998): 484-487.
- . Review of *A Little Matter of Genocide*, by Ward Churchill. *Holocaust and Genocide Studies* 14, no. 2 (Fall 2000): 270-273.
- . Review of *The Young Turks' Crime against Humanity*, by Taner Akçam. *Holocaust and Genocide Studies* 28, no. 3 (Winter 2014): 510-512.
- . *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust*. Chicago: University of Chicago Press, 1992.
- . "Revolutionary Genocide: On the Causes of the Armenian Genocide of 1915 and the Holocaust." *Holocaust and Genocide Studies* 4, no. 2 (1989): 161-174.
- Mennecke, Martin. "Genocide Prevention and International Law." *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 167-175.
- . "What's in a Name? Reflections on Using, not Using, and Overusing the 'G-Word.'" *Genocide Studies and Prevention* 2, no. 1 (Spring 2007): 57-72.
- Menzel, Jörg. "Justice Delayed or Too Late for Justice? The Khmer Rouge Tribunal and the Cambodian 'Genocide' 1975-79." *Journal of Genocide Research* 9, no. 2 (June 2007): 215-233.
- Merriam, Charles E. *Political Power*. New York: Collier Books, 1964.
- Meyer, G. J. *A World Undone: The Story of the Great War, 1914 to 1918*. New York: Bantam Dell, 2007.

- Miles, James B. "An International Tribunal: The Grounds for Confidence in the Effectiveness of Its Decisions [1]." *The Advocate of Peace* 6, no. 5 (May 1875): 28-29.
- . "An International Tribunal: The Grounds for Confidence in the Effectiveness of Its Decisions [2]." *The Advocate of Peace* 6, no. 6 (June 1875): 33-35.
- Milivojević, Marko. Review of *The Armenian File*, by Kamuran Gürün. *Holocaust and Genocide Studies* 1, no. 2 (1986): 305-307.
- Miller, Donald E., and Lorna Touryan Miller. "The Armenian and Rwandan Genocides: Some Preliminary Reflections on Two Oral History Projects with Survivors." *Journal of Genocide Research* 6, no. 1 (March 2004): 135-140.
- Miller, William. *Travels and Politics in the Near East*. New York: Frederick A. Stokes Company, 1898.
- Mirković, Damir. "Ethnic Conflict and Genocide: Reflections on Ethnic Cleansing in the Former Yugoslavia." *Annals of the American Academy of Political and Social Science* 548 (November 1996): 191-199.
- Mistral, Gabriela, "An Appeal to World Conscience: The Genocide Convention," *United Nations Review* 2, no. 12 (June 1956): 16-17.
- Moore, Frederick. *The Balkan Trail*. New York: Macmillan Company, 1906.
- Moranian, Suzanne E. "A Legacy of Paradox: U.S. Foreign Policy and the Armenian Genocide." In *The Armenian Genocide*, edited by Richard G. Hovannisian, 309-324. New Brunswick, NJ: Transaction Publishers, 2007.
- Morgenthau, Hans J. *Politics among Nations: The Struggle for Power and Peace*. New York: Alfred A. Knopf, 1948.
- . *Politics among Nations: The Struggle for Power and Peace*. 3rd ed. New York: Alfred A. Knopf, 1960.
- . "The Vietnam Crisis and China." *Bulletin of the Atomic Scientists* 21, no. 6 (June 1965): 27.
- . *Vietnam and the United States*. Washington: Public Affairs Press, 1965.
- Morgenthau, Henry. *Ambassador Morgenthau's Story*. Garden City, NY: Doubleday, Page & Company, 1918.
- Morgenthau, Henry Jr. *Germany is Our Problem*. New York: Harper & Brothers Publishers, 1945.

- Morley, John. *The Life of William Ewart Gladstone*. Vols. 1-2. New York: Macmillan Company, 1903.
- Morton, Jeffrey S., and Neil Vijay Singh. "The International Legal Regime on Genocide." *Journal of Genocide Research* 5, no. 1 (March 2003): 47-69.
- Moses, A. Dirk. "Revisiting a Founding Assumption of Genocide Studies." *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 287-300.
- Moskowitz, Moses. "Is the U.N.'s Bill of Human Rights Dangerous? A Reply to President Holman." *American Bar Association Journal* 35, no. 4 (April 1949): 283-288, 358-359.
- Moshman, David. "Conceptual Constraints on Thinking about Genocide." *Journal of Genocide Research* 3, no. 3 (March 2001): 431-450.
- Mosse, George L. *The Crisis of German Ideology: Intellectual Origins of the Third Reich*. New York: Universal Library, 1964.
- Münyas, Burcu. "Genocide in the Minds of Cambodian Youth: Transmitting (Hi)stories of Genocide to Second and Third Generations in Cambodia." *Journal of Genocide Research* 10, no. 3 (September 2008): 413-439.
- Murchison, Carl. *Social Psychology: The Psychology of Political Domination*. Worcester, MA: Clark University Press, 1929.
- Myers, David. Review of *Hitler and the Armenian Genocide*, by Kevork Bardakjian. *Holocaust and Genocide Studies* 2, no. 1 (1987): 175-178.
- Nagel, Jack H. *The Descriptive Analysis of Power*. New Haven, CT: Yale University Press, 1975.
- Naimark, Norman M. *Fires of the Hatred: Ethnic Cleansing in Twentieth-Century Europe*. Cambridge, MA: Harvard University Press, 2001.
- . Review of *The Great Game of Genocide*, by Donald Bloxham; *The Armenian Massacres in Ottoman Turkey*, by Guenter Lewy. *Holocaust and Genocide Studies* 21, no. 2 (Fall 2007): 298-303.
- Nalbandian, Louise. *The Armenian Revolutionary Movement: The Development of Armenian Political Parties through the Nineteenth Century*. Berkeley: University of California Press, 1963.
- Nankivell, J. M. *A Life for the Balkans: The Story of John Henry House of the American Farm School, Thessaloniki, Greece*. New York: Fleming H. Revell Company, 1939.

- National Association for Armenian Studies and Research. *Recent Studies in Modern Armenian History*. Cambridge, MA: Armenian Heritage Press, 1972.
- . “About Us: History.” <http://naasr.myshopify.com/pages/history>
- Neill, Shirley Boes. “The National Diffusion Network.” *Phi Delta Kappan* 62, no. 10 (June 1981): 726-728.
- Newman, John Henry. *Lectures on the History of the Turks in Its Relation to Christianity*. Dublin: James Duffy, 1854.
- New York Public Library. “Rare Books and Manuscripts Division Accession Sheet.” <https://www.nypl.org/sites/default/files/archivalcollections/pdf/Lemkin.pdf>
- Nichanian, Marc. “Testimony: From Document to Monument.” In Richard G. Hovannisian (ed.), *The Armenian Genocide*, edited by Richard G. Hovannisian, 41-62. New Brunswick, NJ: Transaction Publishers, 2007.
- The Nizkor Project. Transcript of judgment in the trial of Adolf Eichmann. <http://www.nizkor.org/ftp.cgi/people/e/eichmann.adolf/transcripts/ftp.cgi?people/e/eichmann.adolf/transcripts/Judgment/Judgment-001>
- Nietzsche, Friedrich. *The Will to Power*. Translated by Walter Kaufmann and R. J. Hollingdale. Edited by Walter Kaufmann. New York: Vintage Books, 1968.
- Novic, Elisa. “Physical-Biological or Socio-Cultural ‘Destruction’ in Genocide? Unravelling the Legal Underpinnings of Conflicting Interpretations.” *Journal of Genocide Research* 17, no. 1 (March 2015): 63-82.
- Nye, Joseph S. Jr. *Bound to Lead: The Changing Nature of American Power*. New York: Basic Books, 1990.
- . *The Future of Power: Its Changing Nature and Use in the Twenty-First Century*. New York: Public Affairs, 2011.
- . *The Paradox of American Power: Why the World’s Only Superpower Can’t Go It Alone*. Oxford: Oxford University Press, 2002.
- . “Soft Power.” *Foreign Policy* 80 (Autumn 1990): 153-171.
- Nys, Ernest. “The Codification of International Law.” Translated by Clement L. Bouvé. *American Journal of International Law* 5, no. 4 (October 1911): 871-900.
- O’Connell, D. P. “The Role of International Law.” In Stanley Hoffmann (ed.), *Conditions of World Order*, edited by Stanley Hoffmann, 49-65. Boston: Houghton Mifflin Company, 1968.

- O'Dwyer, Shaun. "John Dewey's 'Turkish Tragedy'." *Holocaust and Genocide Studies* 25, no. 3 (Winter 2011): 375-403.
- Office of Strategic Services Collection. "Records Relating to Oil Industry Analyst Gabriel Dichter, October 1942-June 1944."
<https://archive.org/details/2171WN26523RecordsRelatingToOilIndustryAnalystGabrielDichterOctober1942June1944>
- Oglesby, Elizabeth, and Diane M. Nelson. "Guatemala's Genocide Trial and the Nexus of Racism and Counterinsurgency." *Journal of Genocide Research* 18, no. 2-3 (June-September 2016): 133-142.
- Onuf, Nicholas Greenwood. *World of Our Making: Rules and Rule in Social Theory and International Relations*. Columbia: University of South Carolina Press, 1989.
- Oppenheim, Lassa. *International Law: A Treatise*. Vol. 1. London: Longmans, Green, 1905.
- . *International Law: A Treatise*. 2 vols. 4th ed. Edited by Arnold D. McNair. London: Longmans, Green, 1926.
- Oren, Michael. "The Mass Murder They Still Deny." *The New York Review of Books*, May 10, 2007.
- Ormanian, Malachia. *The Church of Armenia: Her History, Doctrine, Rule, Discipline, Liturgy, Literature, and Existing Condition*. 2nd ed. Edited by Terenig Poladian. Translated by G. Marcar Gregory. London: A. R. Mowbray, 1955.
- Ostler, Jeffrey. "'Just and Lawful War' as Genocidal War in the (United States) Northwest Ordinance and Northwest Territory, 1787-1832." *Journal of Genocide Research* 18, no. 1 (March 2016): 1-20.
- Panaretoff, Stephen. *Near Eastern Affairs and Conditions*. New York: Macmillan Company. 1922.
- Parsons, Craig. "Constructivism and Interpretive Theory." In *Theory and Methods in Political Science*, edited by David Marsh and Gerry Stoker, 80-98. 3rd ed. Basingstoke, UK: Palgrave Macmillan, 2010.
- Parsons, Talcott, "On the Concept of Political Power." *Proceedings of the American Philosophical Society* 107, no. 3 (June 1963): 232-262.
- Patterson, William L., ed. *We Charge Genocide: The Historic Petition to the United Nations for Relief from a Crime of the United States Government against the Negro People*. New York: Civil Rights Congress, 1951.

- Payaslian, Simon. "The Destruction of the Armenian Church during the Genocide." *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 149-172.
- . *United States Policy toward the Armenian Question and the Armenian Genocide*. New York: Palgrave Macmillan, 2005.
- Peou, Sorpong. Review of *The Pol Pot Regime* by Ben Kiernan; *Brother Number One*, by David Chandler; *Western Responses to Human Rights Abuses in Cambodia, 1975-80*, by Jamie Frederick Metz. *Holocaust and Genocide Studies* 11, no. 3 (Winter 1997): 413-425.
- Penfield, William L. "International Arbitration." *American Journal of International Law* 1, no. 2 (April 1907): 330-341.
- Perlman, Philip B. "The Genocide Convention." *Nebraska Law Review* 30, no. 1 (November 1950): 1-10.
- Permanent Peoples' Tribunal. *A Crime of Silence: The Armenian Genocide*. London: Zed Books, 1985.
- Perroomian, Rubina. "The Truth of the Armenian Genocide in Edgar Hilsenrath's Fiction." *Journal of Genocide Research* 5, no. 2 (June 2003): 281-292.
- Peskin, Victor. *International Justice in Rwanda and the Balkans: Virtual Trials and the Struggle for State Cooperation*. Cambridge: Cambridge University Press, 2008.
- Petrovic, Drazen. "Ethnic Cleansing: An Attempt at Methodology." *European Journal of International Law* 5, no. 3 (1994): 342-359.
- Pierson, Paul. "Increasing Returns, Path Dependence, and the Study of Politics." *American Political Science Review* 94, no. 2 (June 2000): 251-267.
- Phillips, Kevin. *Wealth and Democracy: A Political History of the American Rich*. New York: Broadway Books, 2002.
- Phillips, Ori L. "The Genocide Convention: Its Effect on Our Legal System." *American Bar Association Journal* 35, no. 8 (August 1949): 623-625.
- "A Plea from International Scholars of Genocide and Human Rights Studies." *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 301-304.
- Pohl, J. Otto. "Stalin's Genocide against the 'Repressed Peoples'." *Journal of Genocide Research* 2, no. 2 (June 2000): 267-293.
- Pollard, A. F. "The Balance of Power." *Journal of the British Institute of International Affairs* 2, no. 2 (March 1923): 51-64.

- Pollock, James K. and James H. Meisel. *Germany under Occupation: Illustrative Materials and Documents*. Ann Arbor, MI: George Wahr, 1947.
- Polyanski, Hristo Andonoy. *The Attitude of the U.S.A. towards Macedonia: The 19th Century and during the Ilinden Uprising, 1903*. Translated by Synthia Keesan. Skopje: Macedonian Review Editions, 1983.
- Ponchaud, François. *Cambodia: Year Zero*. Translated by Nancy Amphoux. New York: Holt, Rinehart and Winston, 1978.
- Post, Albert. *The Holocaust: A Case Study of Genocide*. New York: Commission on Jewish Studies in Public Schools of the American Association for Jewish Education, 1973.
- Power, Samantha. *"A Problem from Hell": America and the Age of Genocide*. New York: Basic Books, 2002.
- . *"A Problem from Hell": America and the Age of Genocide*. New York: Basic Books, 2013 [2002].
- Preuss, Lawrence. "International Law and Deprivation of Nationality." *Georgetown Law Journal* 23, no. 2 (January 1935): 250-276.
- Prime, E. D. G., ed. *Forty Years in the Turkish Empire, or, Memoirs of Rev. William Goodell*. New York: Robert Carter and Brothers, 1876.
- Prunier, Gérard. *Darfur: The Ambiguous Genocide*. Ithaca, NY: Cornell University Press, 2005.
- Pundeff, Marin V. "Bulgarian Nationalism." In *Nationalism in Eastern Europe*, edited by Peter F. Sugar and Ivo J. Lederer, 93-165. Seattle: University of Washington Press, 1969.
- Putnam, Robert D. *The Comparative Study of Political Elites*. Englewood Cliffs, NJ: Prentice-Hall, 1976.
- Quigley, Harold Scott. "Extraterritoriality in China." *American Journal of International Law* 20, no. 1 (January 1926): 46-68.
- Rabinowitz, Stanley. "'Are Ye Not as the Children of the Ethiopians unto Me?'" *Jewish Heritage* 13, no. 2 (1971): 17-21.
- Ralston, Jackson H. "Some Suggestions as to the Permanent Court of Arbitration." *American Journal of International Law* 1, no. 2 (April 1907): 321-329.
- Raphael Lemkin Collection. American Jewish Historical Society, New York.

- Raphael Lemkin Papers. Manuscripts and Archives Division. New York Public Library.
- Ratner, Steven R., and Jason S. Abrams. *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy*. 2nd ed. Oxford: Oxford University Press, 2001.
- Rensink, Brenden. "The Sand Creek Phenomenon: The Complexity and Difficulty of Undertaking a Comparative Study of Genocide *vis-à-vis* the Northern American West." *Genocide Studies and Prevention* 4, no. 1 (Spring 2009): 9-27.
- Reus-Smit, Christian. *American Power and World Order*. Cambridge: Polity, 2004.
- Reynolds, Michael A. *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908-1918*. Cambridge: Cambridge University Press, 2011.
- Rix, Carl B. "Human Rights and International Law: Effect of the Covenant on Our Constitution," *American Bar Association Journal* 35, no. 7 (July 1949): 551-554, 618-621.
- Robbins, Alfred F. "Mr. Gladstone's Ancestry and Early Years." In *The Life of William Ewart Gladstone*, edited by Wemyss Reid, 53-110. London: Cassel and Company, 1899.
- Robertson, Geoffrey. *Crimes against Humanity: The Struggle for Global Justice*. New York: New Press, 2000.
- . *An Inconvenient Genocide: Who Now Remembers the Armenians?* London: Biteback Publishing, 2014.
- Robinson, Nehemiah. *The Genocide Convention: A Commentary*. New York: Institute of Jewish Affairs, 1960.
- Robinson, Shirleene, and Jessica Paten. "The Question of Genocide and Indigenous Child Removal: The Colonial Australian Context." *Journal of Genocide Research* 10, no. 4 (December 2008): 501-518.
- Rodogno, Davide. *Against Massacre: Humanitarian Interventions in the Ottoman Empire 1815-1914: The Emergence of a European Concept and International Practice*. Princeton, NJ: Princeton University Press, 2012.
- Rogers, Thomas James, and Stephen Bain. "Genocide and Frontier Violence in Australia." *Journal of Genocide Research* 18, no. 1 (March 2016): 83-100.
- Rooney, Martin. "A Forgotten Humanist: Armin T. Wegner." *Journal of Genocide Research* 2, no. 1 (March 2000): 117-119.

- Root, Elihu. "The Need of Popular Understanding of International Law." *American Journal of International Law* 1, no. 1 (January-April 1907): 1-3.
- . "The Outlook for International Law." *American Journal of International Law* 10, no. 1 (January 1916): 1-11.
- . "The Relations between International Tribunals of Arbitration and the Jurisdiction of National Courts." *American Journal of International Law* 3, no. 3 (July 1909): 529-536.
- Rosenberg, James N. "This is a Matter for Statesmen, Not Lawyers." *United Nations World*, June 1949.
- Rosenberg, Sheri P. "Genocide is a Process, Not an Event." *Genocide Studies and Prevention* 7, no. 1 (Spring 2007): 16-23.
- Rosenthal, Michael. *Nicholas Miraculous: The Amazing Career of the Redoubtable Dr. Nicholas Murray Butler*. New York: Farrar, Straus and Giroux, 2006.
- Rotenstreich, Nathan. *Order and Might*. New York: State University of New York Press, 1998.
- Rowley, Kelvin. Review of *Children of Cambodia's Killing Fields*, edited by Dith Pran. *Holocaust and Genocide Studies* 12, no. 2 (Fall 1998): 357-359.
- Ruggie, John Gerard, and Friedrich Kratochwil. "International Organization: A State of the Art on an Art of the State." *International Organization* 40, no. 4 (Autumn 1986): 753-775.
- Russell, Bertrand. "Aims of the Tribunal Agreed at the Constituting Session, London, 15 November 1966." In *Prevent the Crime of Silence: Reports from the Sessions of the International War Crimes Tribunal Founded by Bertrand Russell*, edited by Ken Coates, Peter Limquenco, and Peter Weiss, 59-60. London: Allen Lane and Penguin Press, 1971.
- . "Bertrand Russell's Final Address to the Tribunal, Copenhagen, December 1967." In *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal*, edited by John Duffett, 653-654. New York: Bertrand Russell Peace Foundation, 1968.
- . Introduction to *Against the Crime of Silence: Proceedings of the Russell International War Crimes Tribunal*, edited by John Duffett. New York: Bertrand Russell Peace Foundation, 1968.
- . *Power: A New Social Analysis*. New York: W. W. Norton & Company, 1938.

- . *War Crimes in Vietnam*. London: George Allen & Unwin; New York: Monthly Review Press, 1967.
- Rutherford, Geddes W. "Spheres of Influence: An Aspect of Semi-Suzerainty." *American Journal of International Law* 20, no. 2 (April 1926): 300-325.
- Sachar, Abraham L. Foreword to *The Armenian Holocaust: A Bibliography Relating to the Deportations, Massacres, and Dispersion of the Armenian People, 1915-1923*, edited by Richard G. Hovannisian. Cambridge, MA: Armenian Heritage Press, 1978.
- Sachar, Howard M. *The Emergence of the Middle East, 1914-1924*. New York: Alfred A. Knopf, 1969.
- Samphan, Khieu. *Cambodia's Economy and Industrial Development*. Translated by Laura Summers. Ithaca, NY: Southeast Asia Program, Department of Asian Studies, Cornell University, 1979.
- Sanasarian, Eliz. "Gender Distinction in the Genocidal Process: A Preliminary Study of the Armenian Case." *Holocaust and Genocide Studies* 4, no. 4 (1989): 449-461.
- Sarkisian, E. K., and R. G. Sahakian. *Vital Issues in Modern Armenian History*. Translated by Elisha B. Chrakian. Watertown, MA: Armenian Studies, 1965.
- Sarkissian, A. O. *History of the Armenian Question to 1885*. Urbana: University of Illinois Press, 1938.
- Sarkisyanz, E. Review of *The Armenian Community*, by Sarkis Atamian. *The Russian Review* 15, no. 2 (April 1956): 141-143.
- Sartre, Jean-Paul. "On Genocide." *Ramparts*, February 1968.
- Sayre, Paul. "Shelley v. Kraemer and United Nations Law." *Iowa Law Review* 34, no. 1 (November 1948): 1-11.
- Scelle, Georges. "Bulgarian Independence [1]." Translated by Theodore Henckles. *American Journal of International Law* 6, no. 1 (January 1912): 86-106.
- . "Bulgarian Independence [2]." Translated by Theodore Henckles. *American Journal of International Law* 6, no. 3 (July 1912): 659-678.
- . "Studies on the Eastern Question [1]." Translated by Charles G. Fenwick. *American Journal of International Law* 5, no. 1 (January 1911): 144-177.
- . "Studies on the Eastern Question [2]." Translated by Charles G. Fenwick. *American Journal of International Law* 5, no. 2 (April 1911): 394-413.

- . “Studies on the Eastern Question [3].” Translated by Charles G. Fenwick. *American Journal of International Law* 5, no. 3 (July 1911): 680-704.
- Schabas, William A. “Commentary on Paul Boghossian, ‘The Concept of Genocide’.” *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 91-99.
- . “The Crime of Genocide: Recent Problems of Interpretation.” In *International Humanitarian Law: Origins, Challenges, Prospects*, edited by John Carey, William V. Dunlap, and R. John Pritchard, vol. 1, 239-281. Ardsley, NY: Transnational Publishers, 2003.
- . “‘Definitional Traps’ and Misleading Titles.” *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 177-183.
- . “Genocide and the International Court of Justice: Finally, a Duty to Prevent the Crimes of Crimes.” *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 101-122.
- . *Genocide in International Law: The Crimes of Crimes*. Cambridge: Cambridge University Press, 2000.
- . *An Introduction to the International Criminal Court*. 2nd ed. Cambridge: Cambridge University Press, 2004.
- . “The ‘Odious Scourge’: Evolving Interpretations of the Crime of Genocide.” *Genocide Studies and Prevention* 1, no. 2 (Summer 2006): 93-106.
- . *War Crimes and Human Rights: Essays on the Death Penalty, Justice, and Accountability*. London: Cameron May, 2008.
- . “Whither Genocide? The International Court of Justice Finally Pronounces.” *Journal of Genocide Research* 9, no. 2 (June 2007): 183-192.
- Schaller, Dominik J. “From the Editor(s): Genocide Research, Preventionism and Politics of Memory—A Personal Note.” *Journal of Genocide Research* 8, no. 3 (September 2006): 245-248.
- . “From the Editors: Judges and Politicians as Historians?” *Journal of Genocide Research* 9, no. 1 (March 2007): 1-4.
- . “From the Editors: Kenya—Another Genocide?” *Journal of Genocide Research* 10, no. 3 (September 2008): 341-342.
- . “Introduction: New Perspectives on Soviet Mass Violence.” *Journal of Genocide Research* 11, no. 2-3 (June 2009): 205-212.

- . “From Lemkin to Clooney: The Development and State of Genocide Studies.” *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 245-256.
- . “Raphael Lemkin’s View of European Colonial Rule in Africa: Between Condemnation and Admiration.” *Journal of Genocide Research* 7, no. 4 (December 2005): 531-538.
- Schaller, Dominik J., and Jürgen Zimmerer. “From the Guest Editors: Raphael Lemkin: The ‘Founder of the United Nation’s Genocide Convention’ as a Historian of Mass Violence.” *Journal of Genocide Research* 7, no. 4 (December 2005): 447-452.
- . “Introduction: The Origins of Genocide – Raphael Lemkin as a Historian of Mass Violence.” In *The Origins of Genocide: Raphael Lemkin as a Historian of Mass Violence*, edited by Dominik J. Schaller and Jürgen Zimmerer, 1-8. Abingdon, UK: Routledge, 2009.
- . “Late Ottoman Genocides: The Dissolution of the Ottoman Empire and Young Turkish Population and Extermination Policies—Introduction.” *Journal of Genocide Research* 10, no. 1 (March 2008): 7-14.
- . “Settlers, Imperialism, Genocide: Seeing the Global without Ignoring the Local—Introduction.” *Journal of Genocide Research* 10, no. 2 (June 2008): 191-199.
- Scheffer, David. “Genocide and Atrocity Crimes.” *Genocide Studies and Prevention* 1, no. 3 (Winter 2006): 229-250.
- . “International Judicial Intervention.” *Foreign Policy* 102 (Spring 1996): 34-51.
- . “The Merits of Unifying Terms: ‘Atrocity Crimes’ and ‘Atrocity Law’.” *Genocide Studies and Prevention* 2, no. 1 (Spring 2007): 91-95.
- . “The World’s Court Fractured Ruling on Genocide.” *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 123-136.
- Schevill, Ferdinand. *The History of the Balkan Peninsula: From the Earliest Times to the Present Day*. New York: Harcourt, Brace and Company, 1922.
- Schmitt, Paul. “The Future of Genocide Suits at the International Court of Justice: France’s Role in Rwanda and Implications of the Bosnia v. Serbia Decision.” *Georgetown Journal of International Law* 40, no. 2 (2009): 585-623.
- Schnur, Steven. “Unofficial Man: The Rise and Fall of Raphael Lemkin.” *Reform Judaism* 11, no. 1 (Fall 1982): 9-11, 45.

- Schoenman, Ralph. *A Glimpse of American Crimes in Vietnam*. London: Bertrand Russell Peace Foundation, 1967.
- Schroeder, Oliver Jr. *International Crime and the U.S. Constitution*. Cleveland: Press of Western Reserve University, 1950.
- Schuster, Ernest J., "The Question as to the Legality of the Ruhr Occupation," *The American Journal of International Law* 18, no. 3 (July 1924): 407-418.
- Schwarzenberger, Georg. *International Law and Order*. New York: Praeger Publishers, 1971.
- . *Power Politics: An Introduction to the Study of International Relations and Post-war Planning*. London: Jonathan Cape, 1941.
- Scott, Andrew M. *The Revolution in Statecraft: Intervention in an Age of Interdependence*. Durham, NC: Duke University Press, 1982.
- Scott, James Brown. "The Evolution of a Permanent International Judiciary." *American Journal of International Law* 6, no. 2 (April 1912): 316-358.
- , ed. *The Hague: Conventions and Declarations of 1899 and 1907, Accompanied by Tables of Signatures, Ratifications and Adhesions of the Various Powers, and Texts of Reservations*. New York: Oxford University Press, 1915.
- . "The Proposed Court of Arbitral Justice." *American Journal of International Law* 2, no. 4 (October 1908): 772-810.
- . "Recommendation for a Third Peace Conference at the Hague." *American Journal of International Law* 2, no. 4 (October 1908): 815-822.
- . "Society for the Publication of Grotius." *American Journal of International Law* 11, no. 2 (April 1917): 408-410.
- . "The Work of the Second Hague Conference." *American Journal of International Law* 2, no. 1 (January 1908): 1-28.
- "The Second Peace Conference of the Hague." *American Journal of International Law* 1, no. 4 (October 1907): 945-954.
- Segesser, Daniel Marc. "Dissolve or Punish? The International Debate amongst Jurists and Publicists on the Consequences of the Armenian Genocide for the Ottoman Empire, 1915-23." *Journal of Genocide Research* 10, no. 1 (March 2008): 95-110.
- Segesser, Daniel Marc, and Myriam Gessler. "Raphael Lemkin and the International

- Debate on the Punishment of War Crimes (1919-1948).” *Journal of Genocide Research* 7, no. 4 (December 2005): 453-468.
- Semelin, Jacques. “Announcement: Encyclopedia on Genocides and Massacres.” *Journal of Genocide Research* 7, no. 3 (September 2005): 435-440.
- . “Around the ‘G’ Word: From Raphael Lemkin’s Definition to Current Memorial and Academic Controversies.” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 24-29.
- . “An International but Especially American Event.” *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 161-166.
- . “Toward a Vocabulary of Massacre and Genocide.” *Journal of Genocide Research* 5, no. 2 (June 2003): 193-210.
- Seton-Watson, Robert W. *The Rise of Nationality in the Balkans*. London: Constable and Company, 1917.
- Shaw, Martin, and Omer Bartov. “The Question of Genocide in Palestine, 1948: An Exchange between Martin Shaw and Omer Bartov.” *Journal of Genocide Research* 12, no. 3-4 (September-December 2010): 243-259.
- Shaw, Stanford J., and Ezel Kural Shaw. *History of the Ottoman Empire and Modern Turkey*. Vol. 2. Cambridge: Cambridge University Press, 1977.
- Shawcross, William. *The Quality of Mercy: Cambodia, Holocaust and Modern Conscience*. New York: Simon & Schuster, 1984.
- Sherman, Laura Beth. *Fires on the Mountain: The Macedonian Revolutionary Movement and the Kidnapping of Ellen Stone*. Boulder, CO: East European Monographs; New York: Columbia University Press, 1980.
- Short, Damien. “Australia: A Continuing Genocide?” *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 45-68.
- Showalter, Dennis E. *Railroads and Rifles: Soldiers, Technology, and the Unification of Germany*. Hamden, CT: Archon Books, 1975.
- Silber, Laura, and Allan Little. *Yugoslavia: Death of a Nation*. New York: TV Books, 1996.
- Simon, Herbert A. “Notes on the Observation and Measurement of Political Power.” *Journal of Politics* 15, no. 4 (November 1953): 500-516.
- Singleterry, Douglas. “‘Ethnic Cleansing’ and Genocidal Intent: A Failure of Judicial

- Interpretation?" *Genocide Studies and Prevention* 5, no. 1 (Spring 2010): 39-67.
- Skloot, Robert. Review of *Totally Unofficial*, edited by Donna-Lee Frieze. *Genocide Studies International* 8, no. 1 (Spring 2014): 110-112.
- . *The Theatre of Genocide: Four Plays about Mass Murder in Rwanda, Bosnia, Cambodia, and Armenia*. Madison: University of Wisconsin Press, 2008.
- Slaughter, Anne-Marie, "International Law and International Relations Theory: A Dual Agenda," *American Journal of International Law* 87, no. 2 (April 1993): 205-239.
- . "Memorandum to the President." In *Toward an International Criminal Court? Three Options Presented as Presidential Speeches*, edited by Alton Frye, 1-18. New York: Council on Foreign Relations, 1999.
- Smith, Anthony D. *The Ethnic Origins of Nations*. Oxford: Basil Blackwell, 1986.
- Smith, Edwin S. *Organized Labor in the Soviet Union*. New York: National Council of American-Soviet Friendship, 1943.
- . "Re-awakened Armenia as an American Saw It." *Armenian Affairs: A Journal on Armenian Studies* 1, no. 3-4 (Summer-Fall 1950): 249-251.
- Smith, Eli, and H. G. O. Dwight, *Missionary Researches in Armenia: Including a Journey through Asia Minor, and into Georgia and Persia with Visit to the Nestorian and Chaldean Christians of Oormiah and Salmas*. London: George Wightman, 1834.
- Smith, Goldwin. "Can Jews Be Patriots?" *The Nineteenth Century* 3 (May 1878): 875-887.
- . *Commonwealth or Empire: A Bystander's View of the Question*. New York: Macmillan Company, 1902.
- . "England's Abandonment of the Protectorate of Turkey." *The Contemporary Review* 31 (February 1878): 603-619.
- . "The Greatness of England." *The Contemporary Review* 34 (December 1878): 1-18.
- . "The Jewish Question." *The Nineteenth Century* 10 (October 1881): 494-515.
- . "The Jews: A Deferred Rejoinder." *The Nineteenth Century* 12 (November 1882): 687-709.
- . "New Light on the Jewish Question." *The North American Review* 153, no. 417

- (August 1891): 129-143.
- Smith, Goldwin. *The Treaty of Washington, 1871: A Study in Imperial History*. Ithaca, NY: Cornell University Press, 1941.
- Smith, Roger W. "Genocide Denial and Prevention." *Genocide Studies International* 8, no. 1 (Spring 2014): 102-109.
- . "How Does One Address the 100th Anniversary of the Armenian Genocide and Modern Denial?" *Genocide Studies International* 10, no. 1 (Spring 2016): 100-104.
- . "Introduction: The Ottoman Genocides of Armenians, Assyrians, and Greeks." *Genocide Studies International* 9, no. 1 (Spring 2015): 1-9.
- . Review of *Genocide as a Problem of National and International Law*, by Vahakn N. Dadrian. *Holocaust and Genocide Studies* 7, no. 2 (Fall 1993): 275-276.
- . Review of *Lemkin on Genocide*, edited by Steven L. Jacobs. *Holocaust and Genocide Studies* 28, no. 1 (Spring 2014): 136-138.
- . Review of *The Stones Cry Out*, by Molyda Szymusiak. *Holocaust and Genocide Studies* 3, no. 2 (1988): 225-228.
- . "Utopian Goals, Unasked Questions: Reflections on a Proposed Military Planning Handbook Response to Mass Atrocities against Civilians." *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 77-80.
- . "Women and Genocide: Notes on an Unwritten History." *Holocaust and Genocide Studies* 8, no. 3 (Winter 1994): 315-334.
- Smith, Roger W., Eric Markusen, and Robert Jay Lifton. "Professional Ethics and the Denial of Armenian Genocide." *Holocaust and Genocide* 9, no. 1 (Spring 1995): 1-22.
- Snow, Alpheus Henry. *The Question of Aborigines in the Law and Practice of Nations: Including a Collection of Authorities and Documents*. Washington: United States Government Printing Office, 1919.
- Sola Pool, Ithiel de. "Who Gets Power and Why." *World Politics* 2, no. 1 (October 1949): 120-134.
- Sproat, Peter A. "Researching, Writing and Teaching Genocide: Sources on the Internet." *Journal of Genocide Research* 3, no. 3 (November 2001): 451-461.
- Stannard, David. "De'ja Vu All Over Again." *Journal of Genocide Research* 10, no. 1

- (March 2008): 127-133.
- Stanton, Gregory H. "Blue Scarves and Yellow Stars: Classification and Symbolization in the Cambodia Genocide." In the Genocide Watch Website.
<http://www.genocidewatch.org/images/AboutGen89BlueScarvesandYellowStars.pdf>
- . "The Call." In *Pioneers of Genocide Studies: Confronting Mass Death in the Century of Genocide*, edited by Samuel Totten and Steven L. Jacobs, 401-425. New Brunswick, NJ: Transaction Publishers, 2002.
- Stavrianos, L. S. *The Balkans since 1453*. New York: Holt, Reinhart and Winston, 1958.
- Stein, Stuart. "Geno- and Other cides: A Cautionary Note on Knowledge Accumulation." *Journal of Genocide Research* 4, no. 1 (March 2002): 39-63.
- . "Conceptions and Terms: Templates for the Analysis of Holocausts and Genocides." *Journal of Genocide Research* 7, no. 2 (June 2005): 171-203.
- Stone, Dan. "Raphael Lemkin on the Holocaust." *Journal of Genocide Research* 7, no. 4 (December 2005): 539-550.
- Strom, Margot Stern, and William S. Parson. *Facing History and Ourselves: Holocaust and Human Behavior*. N.p.: Margot Stern Strom / Williams S. Parsons, 1977.
- . *Facing History and Ourselves: Holocaust and Human Behavior*. Watertown, MA: International Educations, 1982.
- . *Facing History and Ourselves: Holocaust and Human Behavior*. Brookline, MA: Facing History and Ourselves National Foundation, 1994.
- Stephanove, Constantine. *The Bulgarians and Anglo-Saxondom*. Berne: Paul Haupt, Librairie Académique, 1919.
- Stephens, W. R. W. *The Life and Letters of Edward A. Freeman*. Vol 1. London: Macmillan, 1895.
- Stowell, Ellery C. *Intervention in International Law*. Washington: John Byrne, 1921.
- Straus, Scott. "Contested Meanings and Conflicting Imperatives: A Conceptual Analysis of Genocide." *Journal of Genocide Research* 3, no. 3 (November 2001): 349-375.
- . *The Order of Genocide: Race, Power, and War in Rwanda*. Ithaca, NY: Cornell University Press, 2006.
- . "A Step Forward." *Genocide Studies and Prevention* 4, no. 2 (Summer 2009):

185-190.

Sunstein, Cass R. *Legal Reasoning and Political Conflict*. New York: Oxford University Press, 1996.

Sunstein, Cass R., and Adrien Vermeule. "Conspiracy Theories: Causes and Cures." *Journal of Political Philosophy* 17, 2 (June 2009): 202-227.

Suny, Ronald Grigor. *Looking toward Ararat: Armenia in Modern History*. Bloomington: Indiana University Press, 1993.

Surmelian, Leon. *Daredevils of Sassoun: The Armenian National Epic*. Denver: Alan Swallow, 1964.

Tashjian, Virginia A. *Once There Was and Was Not: Armenian Tales Retold* (Boston: Little, Brown and Company, 1966.

Tatz, Colin. "Genocide Studies: An Australian Perspective." *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 231-244.

Tawney, R. H. *Equality*. London: George Allen & Unwin, 1931.

Taylor, Telford, "The Struggle for the German Mind." *New Republic*, January 30, 1950.

———. *Nuremberg and Vietnam: An American Tragedy*. New York: Bantam Books, 1971.

Taylor, Tony. *Denial: History Betrayed*. Melbourne: Melbourne University Press, 2008.

Thaler, Richard H., and Cass R. Sunstein. *Nudge: Improving Decisions about Health, Wealth, and Happiness*. New Haven, CT: Yale University Press, 2008.

Theriault, Hank. "Universal Social Theory and the Denial of Genocide: Norman Itzkowitz Revisited." *Journal of Genocide Research* 3, no. 2 (June 2001): 241-256.

Theriault, Henry. "Against the Grain: Critical Reflections on the State and Future of Genocide Scholarship." *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 123-144.

———. "The Albright-Cohen Report: From Realpolitik Fantasy to Realist Ethics." *Genocide Studies and Prevention* 4, no. 2 (Summer 2009): 201-210.

———. "The *MARO Handbook*: New Possibilities or the Same Old Militarism?" *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 7-31.

- . Review of *Encyclopedia of Genocide*, edited by Israel W. Charny. *Journal of Genocide Research* 4, no. 2 (June 2002): 266-270.
- Thum, Gregor. "Ethnic Cleansing in Eastern Europe after 1945." *Contemporary European History* 19, no. 1 (February 2010): 75-81.
- Tocqueville, Alexis de. *Democracy in America*. Edited by Phillips Bradley. Revised by Francis Bowen. Translated by Henry Reeve. Vol. 1. New York: Alfred A. Knopf, 1980.
- Totten, Samuel. "Paying Lip Service to R2P and Genocide Prevention: The Muted Response of the US Atrocities Prevention Board and the USHMM's Committee on Conscience to the Crisis in the Nuba Mountains." *Genocide Studies International* 8, no. 1 (Spring 2014): 23-57.
- . Review of *Cambodia 1975-1979*, edited by Karl D. Jackson. *Holocaust and Genocide Studies* 6, no. 3 (1991): 324-328.
- . Review of *To Destroy You Is No Loss*, by Joan D. Criddle and Teeda Butt Man; *Haing Ngor*, by Haing Ngor with Roger Warner. *Holocaust and Genocide Studies* 3, no. 4 (1988): 495-498.
- . Review of *Facing History and Ourselves: Elements of Time*. *Holocaust and Genocide Studies* 5, no. 4 (1990): 463-467.
- . Review of *Lethal Politics*, by R. J. Rummel. *Holocaust and Genocide Studies* 6, no. 4 (1991): 430-434.
- . Review of *Survivors: An Oral History of the Armenian Genocide*, by Donald E. Miller and Lorna Touryan Miller. *Holocaust and Genocide Studies* 9, no. 2 (Fall 1995): 254-258.
- . "The State and Future of Genocide Studies and Prevention: An Overview and Analysis of Some Key Issues." *Genocide Studies and Prevention* 6, no. 3 (Winter 2011): 211-230.
- Totten, Samuel, and Eric Markusen. "The US Government Darfur Genocide Investigation." *Journal of Genocide Research* 7, no. 2 (June 2005): 279-290.
- . eds. *Genocide in Darfur: Investigating the Atrocities in the Sudan*. New York: Routledge, 2006.
- Toynbee, Arnold J. *Acquaintances*. London: Oxford University Press, 1967.
- . *Turkey: A Past and a Future*. London: Hodder & Stoughton, 1917.

- Tracy, Joseph. *History of the American Board of Commissioners for Foreign Missions*. New York: M. W. Dodd, 1842.
- Travis, Hannibal. “‘Native Christians Massacred’: The Ottoman Genocide of the Assyrians during World War I.” *Genocide Studies and Prevention* 1, no. 3 (Winter 2006): 327-372.
- . “On the Original Understanding of the Crime of Genocide.” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 30-55.
- . “The United Nations and Genocide Prevention: The Problem of Racial and Religious Bias.” *Genocide Studies International* 8, no. 2 (Fall 2014): 122-152.
- Truman, David B. *The Governmental Process: Political Interests and Public Opinion*. 2nd ed. New York: Alfred A. Knopf, 1971.
- Tulloch, Hugh. *James Bryce’s “American Commonwealth”: The Anglo-American Background*. Woodbridge, UK: Boydell Press, 1988.
- Turlington, Edgar. “The Genocide Convention Should Be Ratified.” In *Proceedings of the Section of the International and Comparative Law: St. Louis Meeting, September 5-6, 1949*, 26-34. Chicago: American Bar Association, 1950.
- Tyler, Tom R. *Why People Obey the Law*. New Haven, CT: Yale University Press, 1990.
- Tyner, James, and Stian Rice. “Cambodia’s Political Economy of Violence: Space, Time, and Genocide under the Khmer Rouge, 1975-79.” *Genocide Studies International* 10, no. 1 (Spring 2016): 84-94.
- Üngör, Uğur Ümit. “Studying Mass Violence: Pitfalls, Problems, and Promises.” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 68-80.
- . “Team America: Genocide Prevention?” *Genocide Studies and Prevention* 6, no. 1 (Spring 2011): 32-38.
- United Kingdom. *Hansard Parliamentary Debates*. 3d ser., 1830-1891.
- . *Hansard Parliamentary Debates*. 4th ser., 1892-1908.
- United Nations. “Convention on the Prevention and Punishment of the Crime of Genocide.” <http://www.hrweb.org/legal/genocide.html>
- . “Rome Statute of the International Criminal Court.” http://legal.un.org/icc/statute/99_corr/cstatute.htm
- United Nations War Crimes Commission. *History of the United Nations War Crimes*

- Commission and the Development of the Laws of War*. London: His Majesty's Stationery Office, 1948.
- U.S. Congress. House. *Investigation into Certain Past Instance of Genocide and Exploration of Policy Options for the Future: Hearings before the Subcommittee on Future Foreign Policy Research and Development of the Committee on International Relations, House of Representatives, Ninety-Fourth Congress, Second Session, May 11; August 30, 1976*. Washington: United States Government Printing Office, 1976.
- . Senate. Committee on Foreign Relations. *Executive Sessions of the Senate Foreign Relations Committee (Historical Series): Volume II, Eighty-First Congress, First and Second Sessions, 1949-1950*. Washington: United States Government Printing Office, 1976.
- . Senate. Committee on Foreign Relations. *U.S. Policy with Respect to Mainland China: Hearings before the Committee on Foreign Relations United States Senate, Eighty-Ninth Congress, Second Session, March 8, 10, 16, 18, 21, 28, 30, 1966*. Washington: United States Government Printing Office, 1966.
- U.S. Department of State. “#Daesh.”
<https://plus.google.com/+StateDept/posts/AH1DtBU7Tda>
- . *Germany, 1947-1949: The Story in Documents*. Washington: United States Government Printing Office, 1950.
- . *Occupation of Germany: Policy and Progress*. Washington: United States Government Printing Office, 1947.
- . *Papers Relating to the Foreign Relations of the United States, 1915 Supplement: The World War*. Washington: United States Government Printing Office, 1928.
- . *Register of the Department of State*. Washington: United States Government Printing Office, 1924.
- “United States Institute of Peace Act.”
http://www.usip.org/sites/default/files/file/usip_act.pdf
- Van Evera, Stephen, *Causes of War: Power and the Roots of Conflict*. Ithaca, NY: Cornell University Press, 1999.
- “Vassar College Commences Fall Term with New Faculty in 19 Departments,” *Vassar Miscellany News*, September 27, 1951.
- Verdeja, Ernesto. “On Situating the Study of Genocide within Political Violence.” *Genocide Studies and Prevention* 7, no. 1 (Spring 2012): 81-88.

- Vestal, S. C. "World-Equilibrium." *The Atlantic Monthly* (October 1921): 550-560.
- Vratzian, Simon. *Armenia and the Armenian Question*. Translated by James G. Mandalian. Boston: Hairenik Publishing Company, 1943.
- Waal, Thomas de, *Black Garden: Armenia and Azerbaijan through Peace and War*. New York: New York University Press, 2003.
- . "The G-Word: The Armenian Massacre and the Politics of Genocide." *Foreign Affairs* 94, no. 1 (January-February 2015): 136-148.
- . *Great Catastrophe: Armenians and Turks in the Shadow of Genocide*. Oxford: Oxford University Press, 2015.
- Wagner, Hermenegild. *With the Victorious Bulgarians*. Boston: Houghton Mifflin Company, 1913.
- Walker, Christopher J. *Armenia: The Survival of a Nation*. New York: St. Martin's Press, 1980.
- Wall, Joseph Frazier. *Andrew Carnegie*. New York: Oxford University Press, 1970.
- Waltz, Kenneth N. *Theory of International Politics*. Reading, MA: Addison-Wesley Publishing Company, 1979.
- Washburn, George. *Fifty Years in Constantinople: And Recollections of Robert College*. Boston: Houghton Mifflin Company, 1909.
- Webb, John. "Genocide Treaty-Ethnic Cleansing-Substantive and Procedural Hurdles in the Application of the Genocide Convention to Alleged Crimes in the Former Yugoslavia." *Georgia Journal of International and Comparative Law* 23, no. 2 (1993): 377-408.
- Weber, Max. *The Theory of Social and Economic Organization*. Translated by A. M. Henderson and Talcott Parsons. London: Free Press of Glencoe, 1947.
- Wegner, Armin T. "An Open Letter to the President of the United States of America, Woodrow Wilson, on the Mass Deportation of the Armenians into the Mesopotamian Desert." Translated by Silvia Samuelli. *Journal of Genocide Research* 2, no. 1 (March 2000): 127-132.
- Wehler, Hans-Ulrich. *The German Empire, 1871-1918*. Translated by Kim Traynor. Leamington Spa, UK: Berg Publishers, 1985.
- Weinberg, Jeshajahu, and Rina Elieli. *The Holocaust Museum in Washington*. New York: Rizzoli International Publications in collaboration with the United States

- Holocaust Memorial Museum, 1995.
- Weisberg, Barry. "On Ecocide." In *Ecocide in Indochina: The Ecology of War*, edited by Barry Weisberg, 1-14. San Francisco: Canfield Press of Harper & Row, 1970.
- Weisbord, Robert G. "The King, the Cardinal and the Pope: Leopold II's Genocide in the Congo and the Vatican." *Journal of Genocide Research* 5, no. 1 (March 2003): 35-45.
- Weiss-Wendt, Anton. "Hostage of Politics: Raphael Lemkin on 'Soviet Genocide'." *Journal of Genocide Research* 7, no. 4 (December 2005): 551-559.
- Weiss-Wendt, Anton, and Uğur Ümit Üngör. "Collaboration in Genocide: The Ottoman Empire 1915-1915, the German-Occupied Baltic 1914-1944, and Rwanda 1994." *Holocaust and Genocide Studies* 25, no. 3 (Winter 2011): 404-437.
- Weitz, Eric D. "Genocide and the Rigor of Philosophy: A Comment on Paul Boghossian." *Journal of Genocide Research* 12, no. 1-2 (March-June 2010): 101-104.
- West India Association. *The Correspondence between John Gladstone and James Cropper on the Present States of Slavery in the British West Indies and in the United States of America and on the Importation of Sugar from the British Settlements in India*. Liverpool: West India Association, 1824.
- White House. "Fact Sheet: A Comprehensive Strategy and New Tools to Prevent and Respond to Atrocities." <https://www.whitehouse.gov/the-press-office/2012/04/23/fact-sheet-comprehensive-strategy-and-new-tools-prevent-and-respond-atro>
- White House. "Remarks by the President in Address to the Nation on Libya." <https://www.whitehouse.gov/the-press-office/2011/03/28/remarks-president-address-nation-libya>
- White, A. A. "Tomorrow One May Be Guilty of Genocide." *Texas Bar Journal* 12, no. 5 (May 1949): 203-204, 225-229.
- White, Jay D. *Taking Language Seriously: The Narrative Foundations of Public Administration Research*. Washington: Georgetown University Press, 1999.
- White, Thomas Raeburn. "Constitutionality of the Proposed International Prize Court—Considered from the Standpoint of the United States." *American Journal of International Law* 2, no. 3 (July 1908): 490-506.
- Wiesel, Elie. *Report to the President: President's Commission on the Holocaust*. Washington: United States Government Printing Office, 1979.

- . *And the Sea is Never Full: Memoires, 1969-*. Translated by Marion Wiesel. New York: Alfred A. Knopf, 1999.
- Wilson, George Grafton, and George Fox Tucker. *International Law*. 7th ed. Boston: Silver, Burdett and Company, 1917.
- Wilson, Robert R. “Gradations of Citizenship and International Reclamations.” *American Journal of International Law* 33, no. 1 (January 1939): 146-148.
- . *International Law in Treaties: Lectures Given at the Faculty of Law of Istanbul*. Istanbul: Publications of the Turkish Institute of International Law, 1949.
- . “Recent Developments in the Treatment of Civilian Alien Enemies.” *American Journal of International Law* 38, no. 3 (July 1944): 397-406.
- . “Standards of Humanitarianism in War.” *American Journal of International Law* 34, no. 2 (April 1940): 320-324.
- . “Some Aspects of the Jurisprudence of National Claims Commissions.” *American Journal of International Law* 36, no. 1 (January 1942): 56-76.
- . “Treatment of Civilian Alien Enemies.” *American Journal of International Law* 37, no. 1 (January 1943): 30-45.
- Wilson, Woodrow. *A League for Peace: Address of the President of the United States, Delivered before the United States Senate on January 22, 1917, Submitting Certain Conditions upon Which This Government Would Feel Justified in Approving Its Formal and Solemn Adherence to A League for Peace*. Washington: United States Government Printing Office, 1917.
- Winter, Jay. *Remembering War: The Great War between Memory and History in the Twentieth Century*. New Haven, CT: Yale University Press, 2006.
- Winter, Jay, and Antoine Prost. *The Great War in History: Debates and Controversies, 1914 to the Present*. Cambridge: Cambridge University Press, 2005.
- Wohlforth, William C. “Realism.” In *The Oxford Handbook of International Relations*, edited by Christian Reus-Smit and Duncan Snidal, 131-149. Oxford: Oxford University Press, 2008.
- Wolf, Lucien. “A Jewish View of the Anti-Jewish Agitation.” *The Nineteenth Century* 9 (February 1881): 338-357.
- Wolfe, Patrick. “Settler Colonialism and the Elimination of the Native.” *Journal of Genocide Research* 8, no. 4 (December 2006): 387-409.

- Woolf, Leonard S. *International Government: Two Reports*. London: Fabian Society, 1916.
- Woolf, Linda M., and Michael R. Hulsizer. "Psychosocial Roots of Genocide: Risk, Prevention, and Intervention." *Journal of Genocide Research* 7, no. 1 (March 2005): 101-128.
- Woolford, Andrew, and Jeff Benvenuto. "Canada and Colonial Genocide." *Journal of Genocide Research* 17, no. 4 (December 2015): 373-390.
- World Peace Foundation. *Historical Light on the League to Enforce Peace*. Boston: World Peace Foundation, 1916.
- Wright, Quincy. "The Bombardment of Damascus." *American Journal of International Law* 20, no. 2 (April 1926): 263-280.
- . "Legal Aspects of the Viet-Nam Situation." *American Journal of International Law* 60, no. 4 (October 1966): 750-759.
- Wrong, Dennis H. *Power: Its Forms, Bases and Uses*. Oxford: Basil Blackwell, 1979.
- Yavuz, M. Hakan. "The Transformation of 'Empire' through Wars and Reforms: Integration vs. Oppression," in *War and Diplomacy: The Russo-Turkish War of 1877-78 and the Treaty of Berlin*, edited by M. Hakan Yavuz with Peter Sluglett, 17-55. Salt Lake City: University of Utah Press, 2011.
- Yosmaoglu, Ipek K. *Blood Ties: Religion, Violence and the Politics of Nationhood in Ottoman Macedonia, 1878-1908*. Ithaca, NY: Cornell University Press, 2013.
- Zambernardi, Lorenzo. "The Impotence of Power: Morgenthau's Critique of American Intervention in Vietnam." *Review of International Studies* 37, no. 3 (July 2011): 1335-1356.
- Zayas, Alfred de. "The Istanbul Pogrom of 6-7 September 1955 in the Light of International Law." *Genocide Studies and Prevention* 2, no. 2 (Summer 2007): 137-154.
- Zetland, Marquis of, ed. *The Letters of Disraeli to Lady Chesterfield and Lady Bradford*. Vol. 2. New York: D. Appleton & Company, 1929.
- Zimmerer, Jürgen. "Beyond Gaddafi: Sustainable Prevention in the Face of Environmental Injustice (Editorial)." *Journal of Genocide Research* 13, no. 1-2 (March-June 2011): v-vii.
- . "Genocide Studies for the Twenty-First Century: A Departing Editor's Perspective." *Journal of Genocide Research* 13, no. 3 (September 2011): 205-

- 208.
- . “From the Editors: Environmental Genocide? Climate Change, Mass Violence and the Question of Ideology.” *Journal of Genocide Research* 9, no. 3 (September 2007): 349-351.
- . “From the Editors: Genocidal Terrorism? A Plea for Conceptual Clarity.” *Journal of Genocide Research* 8, no. 4 (December 2006): 379-381.
- . “From the Editors: Genocide and Global Social Justice: Towards Sustainable Prevention.” *Journal of Genocide Research* 10, no. 2 (June 2008): 183-186.
- Zook, George Frederick. *Report of the United States Education Mission to Germany*. Washington: United States Government Printing Office, 1946.
- Zürcher, Erik J. *Turkey: A Modern History*. 3rd ed. London: I.B. Tauris, 2004.