

Introduction

A central concern raised by many educators and students is why teach and learn about the Holocaust when there have been so many other instances of mass suffering of target groups throughout history? Further, why teach and learn about the Holocaust when other crimes against humanity are perpetrated today?

A clear and well-informed understanding of the Holocaust, the paradigmatic genocide, may help educators and students understand other genocides, mass atrocities, and human rights violations. Teaching about mass suffering only began after the Second World War, or, to be specific, after the Holocaust, the attempt by the Nazis and their collaborators to completely destroy European Jewry. In part due to our investigation of the Holocaust, a whole field of genocide studies has developed and, in consequence, the crimes against the Armenians have been restored to history and scholars are studying numerous other instances of inhumanity, from the Herero massacres to the Stalinist murders and expulsion, to more recent horrors in Central Africa, the Sudan and Cambodia.

As Dr. Linda Woolf of Webster University has stated, ‘Mass violence, torture, violations of fundamental human rights, and the mistreatment of human beings is not a new aspect of humanity; documentation of such events spans the historical record. It is imperative that a greater understanding of the psychological, cultural, political, and societal roots of human cruelty, mass violence, and genocide be developed. We need to continue to examine the factors which enable individuals collectively and individually to perpetrate evil/genocide and the impact of apathetic bystanders as fuel for human violence. While an exact predictive model for mass violence/human

cruelty is beyond the scope of human capability, we have an obligation to develop a model that highlights the warning signs and predisposing factors for human violence and genocide. With such information, we can develop policies, strategies, and programs designed to counteract these atrocities.’

In this series of documents, we offer information and recommendations for educators who wish to teach about the Holocaust, genocide and crimes against humanity in a comparative fashion. These documents include:

- A *rationale* for a comparative study that relates the Holocaust to other genocides and crimes against humanity while providing an overview of possible pitfalls to be avoided.
- An exploration of the *relationships between the terms* ‘Holocaust’, ‘Genocide’, ‘war crimes’, and ‘crimes against humanity’.
- An introduction to the origin of the term genocide, coined by Raphael Lemkin during the Second World War, its incorporation into international law, and a number of alternative *definitions* that have been offered by scholars.
- An outline of developments in international law and institutions aimed at the *Prevention and Punishment of Crimes Against Humanity*
- Suggestions of websites with further information and advice for those wishing to *Learn more about genocide*.

A further section is under development outlining key content that should be considered when planning and delivering a programme of study that relates the Holocaust to other genocides and crimes against humanity.

Why relate the Holocaust to other genocides and crimes against humanity?

While studying the history of the Holocaust is a central task in many classrooms, both teachers and students often feel that similar genocidal events also need to be addressed in the lessons. However, knowledge on other genocides is often limited. In some cases, only little research and witness accounts are available or accessible for teachers and, furthermore, information is often politicized. The question then rises if comparing the Holocaust to other genocides provides worthwhile learning opportunities for our students. This section summarises a number of important reasons why it can be valuable to offer such a comparative approach, points out some challenges, and concludes with some reasons or agendas that should not lie behind a comparative approach.

Why relate or compare the Holocaust to other genocides, crimes against humanity and mass atrocities?

1. The Holocaust is often considered to have given rise to our conceptualisation of the term 'genocide', which was coined during the Second World War, in large measure as a response to the crimes of the Nazis and their collaborators. So the Holocaust may constitute a starting point and the foundation for studying genocide.
2. In comparing the Holocaust to other genocides and crimes against humanity it should be possible to sharpen understandings not only of similarities between events but also of key differences. In so doing, it may be an opportunity to better understand the particular historical significance of the Holocaust, and how study of the Holocaust might contribute to our understanding of other genocidal events. By the same token, learning about other genocides may contribute to deeper understandings about the Holocaust.
3. In comparing the Holocaust to other genocides and crimes against humanity it may be possible to identify common patterns and processes in the development of genocidal situations. Through the understanding of a genocidal process and in identifying stages and warning signs in this process, a contribution can hopefully be made to prevent future genocides.
4. Students should appreciate the significance of the Holocaust in the development of international law, tribunals and attempts by the international community to respond to genocide in the modern world.
5. To compare the Holocaust to other genocides may be a means to alert young people to the potential danger for other genocides and crimes against humanity to evolve today. This may strengthen an awareness of their own roles and responsibilities in the global community.
6. To compare the Holocaust to other genocides may help to overcome the lack of recognition of other genocides.
7. Knowledge of the Holocaust may also be helpful in considering how to come to terms with the past in other societies after genocide, how communities can respond to genocide, and how survivors can attempt to live with their experiences.

8. The national history of a given country can be the reason for relating the Holocaust to another genocide: for example, because a genocide plays an important role in the national memory.

It is also important to note that there are many challenges in such a comparative approach. Care should be taken to avoid a number of pitfalls:

1. The comparing of two distinct historical events will be difficult without careful historical contextualisation, and so requires good understanding of both historical events. This is a particular challenge given the lack of educational material that actually does compare/relate the Holocaust to other genocides.
2. The differences between historical events are as important and significant as their similarities and care must be taken not to equate, diminish, or trivialise either the Holocaust or the genocides to which the Holocaust is compared.
3. It is important to be alert to the difference between comparing genocides, which is possible and legitimate, and comparing the suffering of individual victims or victim groups, which is not. Care must be taken not to create hierarchies of suffering or allow the value of a comparative study to be diminished by political or social agendas or competing memories.

It is important to be aware of the rationale behind comparing the Holocaust to other genocides. This being said, there are certain reasons or strategies for comparing the Holocaust to other genocides that are not fruitful and that definitely should be avoided. Some of these are:

1. The link to other genocides is made to hide certain aspects of one's national history, such as collaboration with Nazi Germany during the Holocaust.
2. The Holocaust is seen as a means of political power in contemporary politics and the link to the Holocaust is made out of political considerations.

3. The link to other genocides is made to diminish or trivialise the Holocaust.

Key terms

Relating the terms ‘Holocaust’, ‘genocide’, ‘crimes against humanity’ and ‘war crimes’.

In popular discourse, from media debates to everyday discussions, a number of terms relating to mass atrocities – ‘crimes against humanity’, ‘war crimes’, ‘genocide’, and ‘Holocaust’ – are frequently used interchangeably, sometimes giving the impression that they have the same meaning. Although these terms are often mentioned in the same context and, indeed, can be related, they each have very distinct and specific meanings. Three of these terms – crimes against humanity, genocide, and war crimes – refer to legal categories as well as to concepts in the scholarly field. It is important to note that the legal categories are very strictly defined.

For greater clarity of thinking and understanding, it is important that educators help their students to understand the different meanings of each of these terms.

Crimes against humanity are widespread or systematic attacks on the civilian population, irrespective of whether the people are nationals or non-nationals and irrespective of whether the attacks are committed in time of war or in time of peace. The attacks can for instance constitute murder, extermination, forced displacement, slavery, rape, torture and other inhumane acts. Crimes against humanity are essentially about the violation of common human rights and values. It is also the umbrella category under which ‘war crimes’ and ‘genocide’ both fall in international law.

War crimes are criminal acts committed during armed conflicts and the term refers to grave breaches of the rules of warfare. These rules are set down in a number of international agreements, first and foremost the Geneva Conventions. These rules of warfare are intended to protect civilians, women, children, prisoners of war and sick or wounded military personnel during armed conflicts. Acts such as torture, destruction of property, and the killing of civilians or hostages can be defined as war crimes, as can the wanton destruction of cities, towns and villages, or any devastation not justified by military necessity. War crimes are committed as part of a larger political or military campaign.

Genocide refers to the coordinated and planned destruction of a group of people (as that ‘group’ is defined by the perpetrators). While genocide is almost always accompanied by mass killing, this crime is an attempt to destroy the group, not necessarily to murder every member of that group. Some call genocide ‘the crime of crimes’. Others label genocide as the ultimate crime against humanity because the aim of genocide is to eradicate a part of humanity.

Genocide is defined in the 1948 UN *Convention on the Prevention and Punishment of the Crime of Genocide*. In this, acts constitute genocide if they are committed ‘with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such’. Whereas this is the legally applicable definition of genocide, the term genocide predates the 1948 Convention and few scholars are wholly satisfied with this definition, partly because of the practical difficulties in proving ‘intent’. Scholars have for decades presented and debated a series of alternative definitions of what constitutes ‘genocide’, often wanting to expand the list of groups contained in the UN definition. (For some examples of alternative definitions, please see the accompanying document [Defining genocide](#).)

The **Holocaust**, the Nazi programme to murder all European Jews during the Second World War, is today defined as genocide. However, during the Nuremberg trials in the immediate post-

war period, perpetrators were not indicted for the crime of genocide but instead for aggression, war crimes, crimes against humanity and other offences (the reason being that the crime of genocide was not introduced into international law until the UN Genocide Convention of 1948).

The Holocaust is often called the paradigmatic genocide. In a number of ways, the Holocaust functions as a benchmark for other genocides. Some reasons for this are:

- the term 'genocide' did not exist before the Holocaust, but was coined in 1943-4 by the Polish Jewish lawyer Raphael Lemkin in response to the Nazi crimes
- the Holocaust was an extreme form of genocide in which the perpetrators sought to destroy a human group through the attempted murder of every member of that group
- the Holocaust is well documented, researched and published
- the Holocaust is considered a watershed event in world history
- the impact of the Holocaust to our present Western society is immense as it took place in the heart of Europe
- its strong place in our collective memory means that other genocides are often seen and interpreted through the lens of our understanding about the Holocaust

How do these terms relate to each other?

In international law, crimes against humanity can be seen as an umbrella category of international crimes. The following fall under this category:

- Genocide
- War crimes
- Aggression

Genocide differs from other crimes against humanity by the intention to completely or partly destroy a certain group of people. Other crimes against humanity do not require this specific intent to destroy a group.

Some crimes against humanity – such as the use of forced labour, the mass killing of civilians, the confiscation of property and deportation – may be a prelude to genocide or part of its

execution. However, these crimes against humanity do not always lead to genocide, nor are they all always a part of genocide.

The Holocaust is the name given to one specific case of genocide: the attempt by the Nazis and their collaborators to destroy the Jewish people. Other genocides committed by the Nazis during the Second World War were the genocides of Poles and of Roma. All were attempts to destroy a group of people, and all were accompanied by mass murder. However, the genocide of the Jewish people was unprecedented in its totality: in the Nazis' attempt to murder every last Jewish man, woman and child. While this attempt at total murder was a distinctive feature of the Holocaust, it is important to note that it does not constitute part of the definition of genocide. Genocide is defined as intent to destroy a group, not necessarily to kill every member of that group. So, while the Holocaust is an extreme example of genocide it should not be taken as a threshold in defining genocide: other crimes do not need to have reached this extreme in order to be defined, and punished, as genocide under international law.

Defining genocide

Some examples of how genocide has been defined

The term 'genocide' was coined during the Second World War by the lawyer Raphael Lemkin to mean the intentional destruction of national groups on the basis of their collective identity. Lemkin's purpose was to use this term to bring about a framework of international law with which to prevent and punish what the British Prime Minister Winston Churchill had described as 'a crime without a name'. In this, Lemkin was extraordinarily successful: by 1948 the new United Nations had been persuaded to draft the UN Convention on Genocide.

The international legal definition of the crime of genocide is found in Article II of the 1948 Convention on the Prevention and Punishment of Genocide.

Article II: In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.

While it must be stressed that this remains as the only legal definition of genocide, still it should also be noted that many scholars disagree with this definition, finding the list of possible victim groups too narrow or that the need to prove intent is too demanding. A number of alternative definitions that have been offered are given below.

Adam Jones, in his *Genocide: A Comprehensive Introduction* has compiled the following selection of scholarly definitions of genocide, which may be useful for educators and students to reflect upon. Some scholars appear more than once, an indication of the development of ideas over time in this ongoing debate.

Peter Drost (1959)

Genocide is the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such.

Vahakn Dadrian (1975)

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 continued extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision for genocide.

Irving Louis Horowitz (1976)

[Genocide is] a structural and systematic destruction of innocent people by a state bureaucratic apparatus. . . . Genocide represents a systematic effort over time to liquidate a national population, usually a minority . . . [and] functions as a fundamental political policy to assure conformity and participation of the citizenry.

Leo Kuper (1981)

I shall follow the definition of genocide given in the [UN] Convention. This is not to say that I agree with the definition. On the contrary, I believe a major omission to be in the exclusion of political groups from the list of groups protected. In the contemporary world, political differences are at the very least as significant a basis for massacre and annihilation as racial, national, ethnic or religious differences. Then too, the genocides against racial, national, ethnic or religious groups are generally a consequence of, or intimately related to, political conflict. However, I do not think it helpful to create new definitions of genocide, when there is an internationally recognized definition and a Genocide Convention which might become the basis for some effective action, however limited the underlying conception. But since it would vitiate

the analysis to exclude political groups, I shall refer freely . . . to liquidating or exterminatory actions against them.

Jack Nusan Porter (1982)

Genocide is the deliberate destruction, in whole or in part, by a government or its agents, of a racial, sexual, religious, tribal or political minority. It can involve not only mass murder, but also starvation, forced deportation, and political, economic and biological subjugation. Genocide involves three major components: ideology, technology, and bureaucracy/organization.

Yehuda Bauer (1984)

[Genocide is] the planned destruction, since the mid-nineteenth century, of a racial, national, or ethnic group as such, by the following means: (a) selective mass murder of elites or parts of the population; (b) elimination of national (racial, ethnic) culture and religious life with the intent of 'denationalization'; (c) enslavement, with the same intent; (d) destruction of national (racial, ethnic) economic life, with the same intent; (e) biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent. . . . [Holocaust is] the planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic, or racial group.

John L. Thompson and Gail A. Quets (1987)

Genocide is the extent of destruction of a social collectivity by whatever agents, with whatever intentions, by purposive actions which fall outside the recognized conventions of legitimate warfare.

Isidor Wallimann and Michael N. Dobkowski (1987)

Genocide is the deliberate, organized destruction, in whole or in large part, of racial or ethnic groups by a government or its agents. It can involve not only mass murder, but also forced deportation (ethnic cleansing), systematic rape, and economic and biological subjugation.

Henry Huttenbach (1988)

Genocide is any act that puts the very existence of a group in jeopardy.

Helen Fein (1988)

Genocide is a series of purposeful actions by a perpetrator(s) to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity. This can be accomplished through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may represent the state of the victim, another state, or another collectivity.

Frank Chalk and Kurt Jonassohn (1990)

Genocide is a form 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.

Helen Fein (1993)

Genocide is sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained regardless of the surrender or lack of threat offered by the victim.

Steven T. Katz (1994)

[Genocide is] the actualization of the intent, however successfully carried out, to murder in its totality any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means.

(NB. Modified by Adam Jones in 2000 to read, “murder in whole or in substantial part...”)

Israel Charny (1994)

Genocide in the generic sense means the mass killing of substantial numbers of human beings, when not in the course of military action against the military forces of an avowed enemy, under conditions of the essential defencelessness of the victim.

Irving Louis Horowitz (1996)

Genocide is herein defined as a *structural and systematic destruction of innocent people by a state bureaucratic apparatus...* Genocide means the physical dismemberment and liquidation of people on large scales, an attempt by those who rule to achieve the total elimination of a subject

people.

(N.B. Horowitz supports “carefully distinguishing the [Jewish] Holocaust from genocide”; he also refers to “the phenomenon of mass murder, for which genocide is a synonym”.)

Barbara Harff (2003)

Genocides and politicides are the promotion, execution, and/or implied consent of sustained policies by governing elites or their agents – or, in the case of civil war, either of the contending authorities – that are intended to destroy, in whole or part, a communal, political, or politicized ethnic group.

Preventing and Punishing Crimes Against Humanity

The punishment of Nazi crimes – a watershed in international criminal law

The foundations for the development of international criminal law were laid by the trials and judgments of the International Military Tribunals at Nuremberg and Tokyo after the Second World War. Since the Treaty of Westphalia in 1648, there had been a doctrine of non-interference in the affairs of other nations. Now, some 300 years later, the atrocities committed by the Nazis, their allies and collaborators, were held to be so heinous as to constitute crimes against humanity: crimes that could be judged in the first ever international criminal courts.

These trials, which attracted worldwide attention, demonstrated for the first time in history that any individual, regardless of rank, could be held responsible for crimes under international law, and this could be enforced at the international level. In particular the Nuremberg Tribunal brought to justice major German war criminals, including leading State officials and Nazi leaders, for crimes under international law. The defendants were charged with Conspiracy to Wage War (for planning Nazi Germany's wars of expansion), Crimes Against Peace (for invading countries that posed no threat), War Crimes (for the brutality committed against civilians of occupied lands and against prisoners of war), and Crimes against Humanity (in particular the crimes of the Holocaust – the mass murder of European Jewry).

The prosecutions at Nuremberg were significant not only for the development of international humanitarian law but also of the law of individual criminal responsibility: this was the first time that crimes of an international dimension and perpetrated as part of a state policy were prosecuted by an international tribunal.

The process of establishing international criminal law was further developed in 1948 with the legal defining of the separate crime of genocide. The UN Genocide Convention was a direct response to the crimes of the Nazis and their collaborators.

What is the role of the International Criminal Court and other international tribunals?

After the establishment of the Nuremberg and Tokyo Tribunals and the UN Genocide Convention, a long period elapsed until further steps were taken to develop and to enforce international criminal law. These steps, however, were notable: in response to massive human rights violations and as a measure to re-establish international peace and security, the UN Security Council established the International Criminal Tribunal for Former Yugoslavia in 1993 and, in 1994, the International Criminal Tribunal for Rwanda. The creation of these tribunals and, subsequently, other judicial bodies for Sierra Leone, Cambodia and Lebanon, reflected increasing determination among the international community that such crimes were no longer to be tolerated.

However, in each case, separate bodies were established for specific situations and so all were limited in scope. The desire for a court with the power to try crimes against international law wherever they were committed led to the creation of the International Criminal Court (ICC) in 1998. Endorsed by over 110 nation states and with several ongoing cases and investigations, the ICC has become an important instrument to ensure that the perpetrators of heinous crimes and mass atrocities do not escape prosecution and punishment.

How do these international judicial bodies operate?

The International Criminal Tribunals for Yugoslavia and for Rwanda both have the authority to prosecute persons responsible for serious violations of international humanitarian law. These include crimes against humanity, war crimes, and genocide. Numerous persons accused of genocide have been tried by these tribunals and both have delivered important judgments with regard to genocide. States are under an obligation to co-operate with the respective international

tribunal in the investigation and prosecution of persons accused of committing serious violations of international humanitarian law.

The tribunals were established by the UN Security Council under its powers to maintain peace and to take military and non military action to "restore international peace and security". Decisions taken by the Security Council are legally binding for all UN member states. The duty of nation states to cooperate with these courts prevails over all other obligations and includes the execution of arrest warrants, extradition, and providing access to evidence.

The International Criminal Court has also been given jurisdiction over the most serious crimes of international concern: genocide, crimes against humanity and war crimes. Recently it was also decided to include the crime of aggression into the remit of the ICC, but this has yet to enter into force.

Nations that have signed up to the ICC are obliged to cooperate fully with the Court in its investigation and the prosecution of crimes. This obligation becomes a universal one whenever a situation is referred to the Court by the Security Council. The Court will only act if a case is not investigated or prosecuted by a national judicial system or where the national proceedings are not effective. In addition, the ICC only tries those accused of the gravest crimes. In this regard, the ICC is not only a court of last resort, but also contributes to the strengthening of national measures to enforce individual responsibility for international crimes.

Has nothing changed?

When learning about the history of the Holocaust, it is not uncommon for students to reflect upon subsequent and continuing acts of genocide and crimes against humanity around the world and to feel that nothing has changed. However, while the world is still scarred by such crimes, and while the mechanisms to prevent them are not yet effective enough, still there has been a sea-change in how the international community perceives and responds to these atrocities.

The international courts and tribunals are important in combating impunity and in preventing future violations of human rights and international humanitarian law. They play an important role for creating a sense of justice for victims and affected communities and for encouraging national measures of reconciliation. Moreover, they have developed a considerable deterrent effect.

Numerous completed cases demonstrate to the international community that even highest-ranking political and military leaders can, irrespective of their possible immunity, be charged for the most serious crimes.

Learn more about genocide

Useful links to further information and advice

Information and education

United States Holocaust Memorial Museum provides historical information on the Holocaust, contemporary genocide, and advice on teaching. <http://www.ushmm.org/>

Human Rights Watch offers a discussion on a wide variety of human rights issues broken down by geographical location. <http://www.hrw.org>

UN's human rights page outlines policies and treaties regarding human rights. <http://www.un.org/rights/>

Web Genocide Documentation Centre In addition to documents regarding particular genocides, it also provides information on legal statutes and laws on genocide. <http://www.ess.uwe.ac.uk/genocide.htm>

Genocide Watch provides an overview of various genocides since 1945. <http://www.genocidewatch.org/genocidetable2005.htm>

Prevention and activism

Prevent Genocide International, beyond information on current and past genocides, also suggests forms of activism in the struggle to end genocide. <http://www.preventgenocide.org/>

The Aegis Trust <http://www.aegistrust.org/> campaigns against crimes against humanity and genocide. Its activities include: research, policy, education, remembrance, media work, campaigns and humanitarian support for victims.

Genocide Intervention <http://www.genocideintervention.net/index.php>

Genocide <http://www.ppu.org.uk/genocide/> provides information for teachers, students and their parents

The Genocide Prevention Project <http://www.preventorprotect.org/>

Genocide Prevention Task Force <http://www.usip.org/programs/initiatives/genocide-prevention-task-force>

Sites exploring specific cases of crimes against humanity

American Indian: <http://www.nmai.si.edu/>

Armenia: <http://www.armenian-genocide.org/>

Bosnia: <http://www.cco.caltech.edu/~bosnia/>

Cambodia: <http://www.yale.edu/cgp>

East Timor: http://www.yale.edu/gsp/east_timor/

Rwanda: <http://www.hrw.org/reports/1999/rwanda/>

Sudan: <http://www.darfurgenocide.org/>

Ukraine: <http://www.infoukes.com/history/famine/index.html>