

M. ANTONOVYCH,
Doctor of Law, Associate Professor,
National University of Kyiv-Mohyla Academy, Kyiv

THE HOLODOMOR AGAINST THE UKRAINIAN NATION IN THE CONTEXT OF GENOCIDES OF THE FIRST HALF OF THE XX CENTURY

Although comparative genocide as the second generation of genocide studies has developed over the past two decades, the Holodomor as a crime of genocide committed by Stalin's regime has not been examined in comparative perspective. In this article, the author traces the reasons for this situation and offers a comparative analysis of the Holodomor with examples of genocide in the first half of the XX century – namely, the Armenian genocide of the Ottoman Empire and the Holocaust of Nazi Germany. The author compares the three genocides as crimes under international law in terms of the mental (mens rea) and material (actus reus) elements of genocide that characterize each of them, noting the dissimilarities and similarities in intent, the perspectives of the victims and perpetrators, and the acts perpetrated. The key common element in the genocides perpetrated in the Ottoman Empire, the Soviet Union, and the Third Reich is that state organization was substituted by hegemony of a ruling party: the Ittihadists, the Communists, and the Nazis.

Key words: the Armenian Genocide, the Holodomor, the Holocaust, Mental and Material Elements of Genocide.

Introduction

Although comparative genocide as the second generation of genocide studies has developed over the past two decades, the Holodomor as a crime of genocide committed by Stalin's regime against the Ukrainian nation has not been examined in comparative perspective. In my article, I will trace reasons for that and will provide a comparative analysis of the Holodomor with examples of genocide in the first half of the XX century – namely, the Armenian genocide of the Ottoman Empire and the Holocaust of Nazi Germany. I will compare the three genocides as crimes under international law in terms of the mental (*mens rea*) and material (*actus reus*) elements of genocide that characterize each of them, noting the dissimilarities and similarities in intent, the perspectives of the victims and perpetrators, and the acts perpetrated.

Some steps in comparative analysis of the three genocides under examination were made and the topics for such analysis were outlined. Thus, F. Sysyn wrote

in 1999, that “for those studying the Armenian genocide, examination of the Ukrainian famine offers considerable comparative material. This discussion of both tragedies has involved questions of intent and evidence. Both have been surrounded by controversies over the number of victims and the definition of genocide. In each case, powerful states have denied not only responsibility for the tragedy, but its very occurrence. Both diasporas have sought public recognition and have found themselves obliged to deal with complex political situations and academic politics in achieving their goals” [35, p. 202-203].

S. Kulchyts'kyi attempted to examine the ways in which the Holodomor differed from the Holocaust but he did not substantiate his arguments that the scale of the Holodomor is not commensurate with that of the Holocaust and that the ideology behind murder carried out by the Stalinist state were different” [19, p. 89]. Kulchyts'kyi made a claim that “Stalin was motivated by class considerations, while Hitler by the national. Class-based destruction led to the Holodomor; nation-based destruction led to the Holocaust” [19, p. 89]. The question arises why the “class-based destruction” in the Soviet Union led to the Holodomor only in Ukraine and the North Caucasus region with majority of the Ukrainians. If the intent only entailed class-based destruction, the events would not be confined to a concrete territory but would be throughout the Soviet Union. Kulchyts'kyi's statement that “the Ukrainian Holodomor, unlike the Holocaust, was the result of certain circumstances coinciding in time and place” [19, p. 108] from the legal point of view, from the view of elements of the crime of genocide should also undergo criticism.

B. Lieberman provided a short comparative analysis of the Holodomor with the Holocaust and the Armenian genocide and claimed that the famine or Holodomor in Ukraine both shared key elements of genocide and diverged from some of the cases of genocide in twentieth-century Europe [21, p. 96]. He concluded that “key elements of the famine in Ukraine fell under genocide as later anchored in international law. Predictable death from starvation repeated at least in part one of the major methods used to kill Armenians off. Also while the initial campaign against Kulaks began by targeting enemies identified by class position, national, economic, and political categories overlapped as the Soviet leadership saw famine as evidence of Ukrainian national resistance to collectivization, and the policies that magnified the effects and the losses from famine focused on Ukraine in particular” [21, p.96].

However, with few exceptions, in contrast to the Armenian genocide and the Holocaust, the Holodomor thus far has not been included in comparative surveys of genocide for different reasons. First, for more than fifty years, it was a hidden genocide, which was denied by the Soviet Union, and only the Ukrainian diaspora, mainly in Canada and the USA, spoke out and revealed truth about this crime. Second, most of those scholars who agreed that there

was a great man-made famine in Ukraine enlisted it among Stalin's crimes, majority of which (dekulakization, deportations, extermination of political opponents, etc.) do not fit the legal definition of genocide given in the 1948 UN Convention on Prevention and Punishment of the Crime of Genocide (The Genocide Convention). Third, only during last decades after the Soviet archives were open, a consensus among a substantial group of scholars has evolved that "the Ukrainian Famine of 1932-1933 fits the general template of genocide" [25, p. 112]. R. Lemkin, the father of the Genocide Convention, who invented the term "genocide," characterized the Kremlin policy in Ukraine in the first half of the 20th century as "the classic example of the Soviet genocide, its longest and broadest experiment in Russification – the destruction of the Ukrainian nation" [20, p. 31]. Since then many scholars referred the Holodomor to crimes of genocide [3, p. 139; 9, p. 33; 11; 12; 22, p. 109; 23, p. 53–71; 24; 29, p. 254; 30, p. 17; 31]. However, in almost all publications about the Holodomor the emphasis remains on its in depth analysis, and not on its comparison to other genocides. Even the scholarly works that specifically discuss the Holodomor through a genocidal lens, such as R. Conquest's "Harvest of Sorrow" [5], tend to focus on the Holodomor as a stand-alone case.

In fact, there was a continuity of genocides in the XX century, in the first half of it, in particular. It does not mean that the Jewish Holocaust followed the Ukrainian Holodomor and the Armenian genocide in terms of resembling them, but it does mean that if perpetrators of the Armenian genocide were fairly punished, Stalin's Communist party and Hitler's Nazi party would think before exterminating different groups of people for any reasons. As Helen Fein puts it, "the Armenian genocide in particular is not only important as an antecedent and model for the Holocaust, but also has great bearing on understanding what happened in Bosnia and Rwanda in the last decade" [8, p. 1–2]. It has also great bearing on understanding what happened in Soviet Ukraine in 1920–30s.

Mental Elements of the Armenian genocide, the Holodomor and the Holocaust

In the Rome Statute of the International Criminal Court (ICC) and in the document "Elements of Crimes" ICC distinguished between mental (*mens rea*) and material (*actus reus*) elements of the crimes, *inter alia*, of a crime of genocide over which ICC has jurisdiction. "A person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court only if the material elements are committed with intent and knowledge. Where no reference is made in the Elements of Crimes to a mental element for any particular conduct, consequence or circumstance listed, it is understood that the relevant mental element, i.e., intent, knowledge or both, set out in article 30 applies" [7]. According to article 30 of the Rome Statute, "a person

has intent where: (a) In relation to conduct, that person means to engage in the conduct; (b) In relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of events. 3. For the purposes of this article, 'knowledge' means awareness that a circumstance exists or a consequence will occur in the ordinary course of events" [28].

Thus, mental elements of genocide include the specific intent (*dolus specialis*) and knowledge, while material elements include genocidal acts themselves. It is reasonable to compare the cases of genocide under examination in accordance with elements of genocide in them.

In all three cases, there was intent to destroy a relative group, either in whole (the Armenians and Jews) or in part (the Ukrainians), in the latter case just because the Ukrainian national group was, as R. Lemkin stressed, "too populous to be exterminated completely with any efficiency. However, its leadership, religious, intellectual, political, its select and determining parts, are quite small and therefore easily eliminated" [20, p. 32]. B. Lieberman makes a similar point: "The perpetrators of the Holocaust aimed for the destruction of European Jews, and the goals were nearly the same for Armenians, albeit with partial exception for a few urban communities as well as for converts. In the Soviet Union, in contrast, the Soviet leadership was willing to accept a pulverized, weakened, and devastated Ukrainian population without actually seeking to destroy the Ukrainian presence. Sending new settlers to Ukraine altered but did not completely overturn the demographic balance in Ukraine" [21, p. 96-97].

However, the type of the intent differed in the three cases under analysis. While in the Armenian and in the Jewish cases, the intent was explicit (mainly formulated in documents), the intent to commit the Holodomor was implicit. Yet even being explicit, the intent of Nazis to exterminate Jews was not directly formulated in orders. As Ch.W. Sydnor, Jr. wrote, "However carefully the document for Hitler might have been composed, with elliptical phrasing and with already familiar euphemisms, the tone and language probably would have conveyed the intent of destruction as the result of years of planning and preparation, as the outgrowth of cumulative experience" [34, p. 175; 32, p. 67]. In the absence of evidence of explicit orders, Th. Simon notes the importance of inferring intent in the Nazi cases from the proceedings at the Wannsee Conference and other acts taken on behalf of the Third Reich [32, p. 67]. He claims that "in the Nazi case, a plethora of declarations and classifications contained in various documents provided the voluminous paper trail needed to infer intent to commit the crime of genocide. Each act, each bureaucratic maneuver filled in a small fragment of the large mosaic of intent... The German railroad even meticulously billed the Security Police for the one-way fare of the deportees for their journey to the death camps" [32, p. 67].

Helen Fein argues that intent to exterminate Jews appeared earlier as they started to be collective victims when Nazi Germany was systematically slaughtering Jews almost three months before the start of operations in the first extermination camp and more than four months before the Wannsee Conference, and British intelligence had a basic grasp of Nazi intentions towards Jews in the Soviet territories [4, p. 96–97; 8. P. 18].

The intent of the Young Turks Ittihadists to destroy Armenians appeared at the very outset when orders were given for deportations. Helen Fein refers to statements of Turkish officials to protesting diplomats as evidence of intent published in the British Blue Book, namely to an interview with Talaat Bey (one of the ruling triumvirate) in 1916 in the *Berliner Tageblatt*: “We have been reproached for making no distinction between the innocent Armenians and the guilty; but that was utterly impossible, in view of the fact that *those who were innocent today might be guilty tomorrow*” (Bryce and Toynbee 1916, 633...). US Ambassador Henry Morgenthau protested in Constantinople to Talaat (who also assured him that their policy was to eliminate all Armenians)” [8, p.12].

The intent of Stalin and his henchmen to exterminate Ukrainians in part was implicit and differed from intent in the previous cases. As the International Criminal Tribunal for the former Yugoslavia (ICTY) formulated in the *Jelisić* case in 1995: the “genocidal intent can take two forms”: on the one hand, the intent to exterminate a very large number of members of the group, and, on the other, the intent to pursue a more selective destruction targeting only certain members of the group “because of the impact their disappearance would have on the survival of the group as such” [15, para 82].

Such intent of the Communist Party to selectively exterminate Ukrainians, as Lemkin wrote, appeared from beginning of 1920s, when in 1920, 1926 and again in 1930-33, teachers, writers, artists, thinkers, political leaders – the national brain – were liquidated, imprisoned or deported. Later an offensive against the national churches – the ‘soul’ of Ukraine was committed, when between 1926 and 1932, the Ukrainian Orthodox Autocephalous Church, its Metropolitan (Lypkivsky) and 10,000 clergy were liquidated. In 1945, when the Soviets established themselves in Western Ukraine, a similar fate was meted out to the Ukrainian Catholic Church. The next step was starvation to death of a significant part of the Ukrainian peasantry – the repository of the national spirit of Ukraine; followed by the fragmentation of the Ukrainian people at once by the addition to Ukraine of foreign peoples and by the dispersion of the Ukrainians throughout Eastern Europe. In this way, ethnic unity was destroyed [20, p. 32–35].

The ICC noted that an existence of intent to commit genocide and knowledge can be inferred from relevant facts and circumstances [7]. In other words, genocidal intent does not necessarily have to be fixed in documents or

expressed in public speeches. Moreover, as it was ruled by the International Court of Justice (ICJ) in *Bosnia-Herzegovina v. Yugoslavia* case, it is “sufficient that the State was aware, or should normally have been aware, of the serious danger that acts of genocide would be committed” [14].

The International Criminal Tribunal for Rwanda (ICTR) also confirmed the rule that the existence of intent to commit genocide may be inferred “from the material evidence submitted to the Chamber, including the evidence which demonstrates a consistent pattern of conducts by the Accused” (*Rutaganda* Case, 1999), or “a perpetrator’s *mens rea* may be inferred from his actions” (*Prosecutor v. Semanza* Case) [10, p 13]. In *Kayishema and Ruzindana* Case, the ICTR Trial Chamber stated that as the intent might be difficult to determine, the accused’s “actions, including circumstantial evidence, however may provide sufficient evidence of intent,” and that “intent can be inferred either from words or deeds and may be demonstrated by a pattern of purposeful action” [10, p. 14]. There exist numerous examples of such genocidal purposeful actions by perpetrators in all three cases of genocide.

The intent of the All-Union Communist Party of Bolsheviks (AUCPB) to exterminate the Ukrainians in part may be inferred from its resolutions and directives, as well as from its conducts and their consequences. On 22 January 1933, Stalin sent a secret directive ordering Ukraine, Belarus, and the neighboring regions of the RSFSR to prevent the exodus of peasants from the Kuban and Ukraine to the nearby regions of Russia and Belarus. The directive insisted that the exodus was organized by Polish agents and enemies of the Soviet regime in order to agitate against collective farms and the Soviet system. Local authorities and the OGPU were ordered to prevent mass departures and to immediately arrest the “peasants” of Ukraine and North Caucasus who made their way north [31; 13, p. 193]. Roman Serbyn considers this directive to be “perhaps the best available evidence of the dictator’s genocidal intent against the Ukrainian people” [31, p. 224].

Among few international law scholars, who analysed Stalin’s famine as a test case for the intent requirement thus “determining whether the millions of Ukrainian peasant deaths in 1932 constituted genocide”, was Th.W. Simon. For this, he has attempted to determine whether the Soviet dictator Joseph Stalin intended to carry out the killings. While agreeing with Simon, that “more often... mass atrocities occur because of indirect and implicit plans made, not simply by individuals, but within organizational state structures” [32, p. 71], I cannot agree with him that the case of Stalin fails to meet the intent requirement for the crime of genocide, because, as Simon writes, scholarly uncovering of Soviet sins fails “to locate a ‘master plan’ for what would be a vast economic experiment in repression – and – indeed argues that probably there was no such plan” [32, p.70]. However, the ICTR ruled in *Kayishema and Ruzindana*

Case in 1999 that a specific plan to destroy does not constitute an element of genocide, however “it is not easy to carry out genocide without such a plan, or organization” [10, p. 14]. As Lieberman stressed, “there was not a single plan for genocide created far in advance of the Holocaust” [21, p. 161]. either.

Simon was most likely not familiar with the Central Committee (CC) of the AUCPB and Council of People's Commissars (CPC) resolutions and directives which were not only economic ones but had a clear link with Ukrainian national issue. One of such resolutions, of the CC of AUCPB and CPC of USSR, issued on 14 December 1932 and entitled “On grain-collection in Ukraine, the North Caucasus and in the Western region” demonstrates that the government was scared of the results of Ukrainization. It was believed that this policy of Ukrainization was implemented beyond the “allowed margins” and grain collection was to become a method of suppressing social and national resistance. This resolution clearly testifies that there was a direct connection between the policy of grain storage and the results of Ukrainization. In order to eliminate resistance to grain storage by kulak elements and their party and non-party flunkies, CC of AUCPB and CPC of the USSR approved *inter alia* to propose CC of the Communist Party of Bolsheviks (CPB) and CPC of the Ukrainian SSR to pay serious attention to the proper implementation of Ukrainization, to eliminate its mechanical realization, to expel Petliurites and other bourgeois and nationalistic elements from party and state organizations, to thoroughly choose and bring up Ukrainian Bolshevik cadres, to guarantee systematic party leadership and control over the implementation of Ukrainization [27, p. 65-68].

Moreover, the mental element of the crime of genocide also includes a knowledge test. For the purposes of Article 30 of the Rome Statute of ICC, ‘knowledge’ means awareness that a circumstance exists or a consequence will occur in the ordinary course of events [28]. Simon does not draw any distinction between intent and knowledge and claims that “the defendants must have had the requisite intent in the sense that they had or should have had knowledge of the alleged crime” [32, p. 73]. However, in *Prosecutor v. Acayesu* Case (1998), the ICTR distinguished between knowledge and intent, as individuals could know that their acts contributed to the destruction of a group and yet not have the intent or specific goal of destroying: “The offender is culpable because he knew or should have known that the act committed would destroy, in whole or in part, a group” [10, p. 12]. On the other hand, P. Akhvan notes the importance of seeking the destruction in whole or in part of a group by the accused, arguing that it is not sufficient that the accused knows that his acts will, inevitably or probably, result in the destruction of the group in question [1, p. 44]. Put another way, an accused could not be found guilty of genocide if he himself did not share the goal of destroying in part or in whole a group even if he knew that he was contributing to or through his acts might be contributing to the partial or total destruction of a group [16, paras 85–86].

Stalin and his henchmen knew what the consequences of the famine would be for the Ukrainians and they foresaw and planned these consequences. Even those scholars who deny that the famine in Ukraine was genocide stress, "Ukrainian nationalism was attacked because it was perceived as a threat to Stalin's procurement policies" [13, 194], which in legal terms means culpability, the intent to destroy on national basis.

Closely related to the intent element is the timing issue of genocide. Armenians started to be vulnerable already in 1894-1896 and in 1909 massacres, long before the culmination of the Armenian genocide in 1915. Similarly, the Holocaust has not started when gas chambers were established. Some scholars argue that the Kristallnacht (Night of Broken Glass) on November 9-10, 1938 was "a proto-genocide assault" that targeted Jewish properties, residences, and persons. Several dozen Jews were killed and some 30,000 male Jews were rounded up and imprisoned in concentration camps [18, p. 237]. As V.N. Dadrian argues, the intent of the Nazis was on resettling rather than literally exterminating even beyond the year 1940 [6, p. 41]. Only after 1942 when death camps were established the intent to destroy Jews became evident.

Dadrian uses the term "rudimentary stages of genocide" for the period when "the leadership of the Armenian nation throughout the length and breadth of the Ottoman empire was subjected to an array of tortures..." [6, p. 50]. Similarly, at the rudimentary stages of the Soviet genocide in Ukraine the Ukrainians were exterminated selectively, first intelligentsia, clergy, later the peasantry. The culmination of Stalin's genocide against the Ukrainians was "the fateful year of 1933" when "physically exhausted after several years of struggle and privation, the farmers of the Ukrainian SSR and the ethnically Ukrainian regions of the RSFSR were most vulnerable to the new onslaught of the communist regime's destructive actions. During the winter, spring, and into the summer of 1933, uncounted millions died of hunger, cold, and the maladies that accompanied them. Previous repressions were intensified. "Dekulakization" (no real kulaks were left) and deportations continued, although on a smaller scale and for mostly political reasons. Arrests, beatings, and all sorts of cruelties thrived as before, only now the victims were weaker and less capable of resistance" [31, p. 224].

The perspective of victims

As he compares the Armenian and Jewish cases of genocide, Dadrian starts with the victimological perspective, which stresses opposite reasons for the Armenians and Jews to become victims. While the Armenian nation, which was an indigenous civilization "torn asunder by a nation that had secured possession of these territories through invasion and conquest", the Jewish victim groups "were destroyed as an immigrant population by the rulers of the host country" [6, p. 36]. In this victimological perspective the Holodomor case

is similar to the Armenian case as the Ukrainians were exterminated by Soviets in their native land, mostly in villages where vast majority of the Ukrainians lived.

However, throughout history all three groups – Armenians, Jews and Ukrainians — were vulnerable and subject to persecution: be it massacres of Armenians in 1894–1896, 1909 in the Ottoman empire; anti-Jewish pogroms of 1881-1882 and in 1903 Kishinev massacre in Tsarist Russia; or suppression of everything Ukrainian (language, culture) throughout XVIII-XX century first in Tsarist Russia and later in the Soviet Union.

Among three analysed cases of genocide, the Holodomor is most often denied as a case of genocide on the basis of a protected group. Those who deny that the Holodomor was genocide argue that the famine was directed either against a class (the kulaks or rich peasants) or against a socio-economic group (the peasants). Simon refuses these two arguments by stating that “the famine extended beyond the *kulaks* to many average income farmers and to poor peasants,” on the one hand, and there was no evidence that “Stalin and his regime held any deep-seated animosity toward the peasants” [32, p. 118], on the other. Yet Simon’s argument that “treating the Ukrainians as Stalin’s genocide victims ...runs counter to Soviet programs that successfully promoted Ukrainian national culture from 1927 to 1933” [32, p. 117] is groundless as these “Soviet programs” of Ukrainization were curtailed by Stalin regime and the results of Ukrainization became one of the causes of the famine. It is clearly stated in the above mentioned resolution of the CC of AUCP(B) and CPC of USSR “On grain-collection in Ukraine, the North Caucasus and in the Western region” mainly inhabited by the Ukrainians. As Serbyn describes it, “the document outlined three tasks: (a) to solve the problems of grain procurement; (b) to fight infiltration by counterrevolutionary elements; and (c) to curtail Ukrainization. The decree made the party and government heads of the three grain-producing regions personally responsible for completing grain procurement on assigned dates in January 1933” [31, p. 221].

However, even those scholars who note the importance of the exclusion of key groups (e.g., political and social) from the definition of genocide consider that this exclusion did not fully distance Soviet crimes from genocide as defined in the Genocide Convention. Liberman notes, “although Soviet campaigns of persecution ostensibly identified victims based on class and politics, such class and political enemies in practice often overlapped with particular ethnic and national groups. To the extent that attacks on class enemies amounted to destruction of national, ethnic, or racial groups, Soviet crimes that met other elements of the Genocide Convention would then amount to genocide under international law” [21, p. 90]. R. Conquest made a similar point that Ukrainian kulaks were not only economically suspect but also identified as nationalistic, and that Soviets used the famine to destroy Ukrainian nationalism [5, p. 328].

Similarly R. Serbyn pointed out that “dekulakization deprived Ukraine of its best farmers, the custodians of its national culture and spirit. In social terms it meant the loss of the peasants’ natural leaders in their confrontation with the repressive regime” [31, p. 209].

This “national” character of the Holodomor is also stressed, *inter alia*, by N. Naimark who writes in his book “Stalin’s Genocides”, that “almost half of all peasant uprisings against collectivization in 1930 took place in Ukraine. However, the Ukrainian peasantry was also ‘doubly suspect’ to the center: as peasants, who were considered inherently counterrevolutionary and hopelessly backward by the Bolsheviks, and as Ukrainians, whose nationalism and attachment to their distinctiveness grated on Stalin and the Kremlin leadership. That the proponents of Ukrainian nationalism among the intelligentsia focused in their writing and speeches on the inherent characteristics of Ukrainian national culture that were preserved by the masses of Ukrainian peasants only increased Stalin’s suspicions of rural Ukraine” [26, p. 71–72].

In contrast to the Armenian and the Jewish cases, the issue of the religion of the victims during the Holodomor in general did not matter. It mattered only to the extent that nationally conscious denominations in Ukraine for this very reason underwent extermination. Thus, as was mentioned above, the Ukrainian Autocephalous Orthodox Church was exterminated; its metropolitan Lypkivsky and thousands of clergy were liquidated. As different, “Armenians were essentially destroyed on account of their identification with Christianity in general; the Jews were mainly destroyed for a diametrically opposite reason, namely for their dissociation from Christianity and for all that such dissociation implied” [6, p. 36].

The common feature to all three genocides was labelling the victims as “traitors,” “enemies of the state,” “internal foes.” The usage of such dehumanizing and polarizing language is a recognized feature of genocide. As G.H. Stanton singles out the ten stages of genocide, he distinguishes between dehumanization when “one group denies the humanity of the other group” with hate propaganda in print and on hate radios to vilify the victim group, and polarization when groups are driven apart [33].

The perspective of perpetrators

There is much in common between analysed genocides in terms of perpetrators or the agents of genocide. One cannot but agree with Th.W. Simon, that “the organizations and not individuals are the primary agents of the crime of genocide” [32, p. 4]. Stalin as well as Hitler would hardly be able to commit genocides not having been leaders of huge political parties.

On the level of perpetrators, similar to the cases of the Armenian genocide and the Holocaust, the Holodomor was conceived, organised, and

implemented by a “monopolistic political party.” V. N. Dadrian describes the cases of the Armenian and the Jewish genocide to be “twin genocides” – the state organizations in the Third Reich and the Ottoman Empire were almost reduced to irrelevance as the Nazis and the Ittihadists gained optimal control of these organizations, including the key governmental agencies, such as cabinet of ministries and legislative bodies. Dadrian claims in his study that “even though by doing this they overwhelmed and gained full control of the organs of the state, they essentially functioned as party fanatics and emerged as the actual authors of the two respective genocides” [6, p. 60].

Similarly, the Communist Party of the Soviet Union was the actual author of the Holodomor in Ukraine and held control over all other state and legislative bodies. Paraphrasing Dadrian and transferring his argument about shifting state power to political parties in the Ottoman Empire and in Nazi Germany, I would similarly argue that in order to examine and comprehend the overt as well as covert aspects of these genocides it is necessary to examine the leadership, ideology, structure, and inner workings of political parties that become “substitutes for the governments they supplanted and usurped” [6, p 55]. The Central Committee of the AUCPB played the same role in the Holodomor as the Ittihad Party Central Committee in the Armenian genocide or the National Socialist Party in Nazi Germany.

On the perpetrators level, while in the Jewish case special cadres were selected and trained to carry out the actual killing operations, in the case of the Armenians there was no similar specialization of perpetrator groups and large segments of the provincial population in particular willingly participated in regional and local massacres” [6, 38]. Implementing great famine in Ukraine also did not demand special training – to confiscate food stocks and to leave people die from hunger was “relatively easy.”

While the culmination of the Armenian and Jewish genocides were “consummated in the vortex of two global wars” [6, 50], the Holodomor happened in peacetime. However, Soviet security forces were widely used to pacify suspect population and military forces were actually involved in all three genocides, in the latter case for circling the villages which were black listed and for not letting people leave their villages in search of food.

Another common feature of all three genocides was the active participation and complicity of many “ordinary” citizens, which is common of genocide in general [2, p. 13], even if it is not possible “to determine the percentage of such “ordinary” perpetrators [21, p. 204]. In addition, there is “abundant evidence that significant numbers of bystanders either knew directly of the genocides of twentieth-century Europe or had sufficient information to be able to reach that conclusion” [21, p. 205]. At the same time, in all three genocides there were members of the same groups who offered help to victims of genocide, hid them in their houses or farms or gave them food.

Material elements in the Armenian, Jewish and Ukrainian genocides (Genocidal Acts)

From the point of view of material elements, all three cases of genocide were massive destructions of the relative groups committed mainly by killing members of the group; causing bodily and mental harm; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.

In contrast to the case of the Armenian genocide, the Holocaust and the Holodomor did not include any significant attempt to forcibly transfer children of Jews or Ukrainians to other groups, if not to take into account cases when Jewish children were passed as Christians in orphanages or starving Ukrainian parents gave away their children or sent them to beg. In the latter case, starving peasants “piled up at railway stations looking for a way to get out; however, the Soviet authorities blocked flight out of Ukraine and sought to push starving peasants out of cities” [21, p. 93].

The destructive devices used in the three genocides analyzed here differed. Arrests, general mobilization, summary executions of Armenians through other lethal measures in the Ottoman empire; the mobile killer bands, the death camps in Nazi Germany versus extermination of Ukrainian intelligence, the clergy and starving to death peasants in the Soviet Ukraine. Helen Fein provides the following account of genocidal acts committed during the Armenian genocide: “The massacre of the Armenians began by the segregation of males, disarmament, slaughter of Armenians in the army, the arrest and disappearance of 1,000 Armenian leaders in Constantinople, and continued with the deportation of the women, children and elderly from the villages. This led to their deaths by dehydration, starvation, heat, torture and rape, as well as direct killing by the military, released prisoners, and local Kurds” [8, p. 11]. Technology used in Turkey included massacres by primitive instruments like hammers, axes, etc. Tens of thousands of Armenians were drowned in the high seas and in rivers.

However, although the main genocidal mechanisms used in the three genocides differed, some of them were common. Dadrian mentions the “holocaustal dimensions of the Armenian experience” when the entire population of some cities was burned alive in stables [6, p. 39]. The Soviets also used burning, however for a different reason – for getting rid of grain and not letting it to starving people dying from famine.

Another commonality between material elements of all three genocides was that hunger as “a low technology weapon” was actually used in each of them, though the role it played differed. While it was the main technology in the Holodomor, it played a subsidiary role in the Holocaust and in the Armenian genocide. In Ukraine and other regions inhabited by Ukrainians

Stalin artificially inflicted conditions through abnormal grain quotas beyond the capacity of the land to deliver and expropriation of, first the entire crop and then the rest of the entire food. The sale of grain or industrial goods in Ukraine was prevented; villages that were blacklisted were surrounded by military troops, all their goods and seed stores were seized, and trade and procurement of any goods was forbidden.

At the same time, as K. Jonassohn describes, Stalin reversed an earlier policy that tolerated national cultures and languages” [17, p. 274]. He did it particularly in Ukraine because it was “the seat of a strong, nationally self-conscious identity. Its borders were sealed off so that nobody could leave or enter, quotas were set impossibly high, and troops were sent in to confiscate food stocks that the peasants were accused of hiding. The facts of the resulting famine were hidden from the outside world, and denied when information leaked out. Offers of food shipments by humanitarian organizations were refused [17, p. 275].

Hitler also used hunger as an instrument of genocide; however, it was not the main technique in the Holocaust in comparison to the gas chambers. Kurt Jonassohn applied this issue to claim that “the starvation imposed by Hitler was a clear case of the planned and deliberate use of famine as a weapon against specific groups” [17, p. 276].

Conclusions

The comparison of the three genocides under analysis revealed a key commonality between the genocides perpetrated in the Ottoman Empire, the Soviet Union, and the Third Reich. In each case state organization was substituted by hegemony of a ruling party, respectively, the Ittihadists, the Communists, and the Nazis who were the actual authors of the three genocides.

There were a number of dissimilarities and similarities in intent element, victimological and perpetrators perspectives as well as in enumerated acts in the compared cases of genocide. In all three genocides, there was intent to destroy a relative group, either in whole (the Armenians and Jews) or in part (the Ukrainians); however, the nature of the intent differed in the three genocides. While the intent was explicit in the Armenian and in the Jewish cases, the intent was implicit in the Holodomor and may be inferred from resolutions and directives of the AUCPB and CPC, as well as from their conduct and consequences. Thus even under the strictest definition of genocide the Holodomor of the Ukrainians may be placed among the three most significant such acts in the first half of the 20th century – together with the Ottoman Turk genocide of the Armenians and the Holocaust [3, p. 138].

The comparative analysis proved that “all genocides, including the Holocaust, share a variety of precursors, ideologies, and structural and

behavioral traits, and yet do differ in the specific details of the killing. All genocides are simultaneously unique and analogous. The similarities and dissimilarities can be equally instructive in understanding how genocides arise, how they function, and, perhaps, how they can be prevented” [2, p. 14]. The importance of comparing cases of genocide is evident – if lessons from the past are not heeded and genocide is not punished, aggressors will continue to be emboldened, as can be seen in Ukraine’s eastern regions and in the Crimea, where the successor state of the Soviet Union – the Russian Federation – persists in attacking Ukraine and its people.

References

1. AKHAVAN, P. Reducing Genocide to Law: definition, meaning, and the ultimate crime. [electronic resource] <http://go.utlib.ca/cat/8392844> (accessed 28 April 2017).
2. ALVAREZ, A. (2001) Governments, citizens, and genocides: a comparative and interdisciplinary approach. Bloomington and Indianapolis: Indiana University Press.
3. BARTROP, P. R. and TOTTEN, S. (2009) The History of Genocide: An Overview. In: *The Genocide Studies Reader*, ed. Samuel Totten and Paul R. Bartrop. New York and London: Routledge, pp. 135–157.
4. BREITMAN, R. (1998) Official Secrets: What the Nazis Planned, What the British and American Knew. New York: Hill and Wang, pp. 96–97; as cited in FEIN, H. (2001) Denying Genocide from Armenia to Bosnia.
5. CONQUEST, R. (1986) *The Harvest of Sorrow: Soviet Collectivization and the Terror-Famine*. New York: Oxford University Press.
6. DADRIAN, V. N. (2005) Patterns of Twentieth Century Genocides: The Armenian, Jewish, and Rwandan Cases. In: *Genocide and Mass Violence in the 20th and 21st Centuries: An Introduction. Criteria, Common Elements, and Patterns. Comparative Genocide Studies I*, ed. Christian P. Scherrer. Moers: IFEK-IRECOR, pp. 35–64.
7. Elements of Crimes (International Criminal Court, 2011). [electronic resource] <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf> (accessed 1 May 2017).
8. FEIN, H. (2001) Denying Genocide from Armenia to Bosnia: a lecture delivered at the London School of Economics and Political Science on 22 January 2001. In: *Occasional Papers in Comparative and International Politics I*. New York, USA: Institute for the Study of Genocide, 2001), pp. 1–19.
9. FEIN, H. (1993) *Discriminating Genocide from War Crimes: Vietnam and Afghanistan Reexamined*. University of Denver.
10. Genocide, War Crimes and Crimes against Humanity: Topical Digests of the Case Law of the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia (2004) Human Rights Watch.
11. GOLDBERG, J. (2008) The genocide loophole. Claims of the ‘greater good’ too often let mass murderers off the hook. [electronic resource] <http://articles.latimes.com/2008/apr/08/opinion/oe-goldberg8> (accessed 10 March 2013).
12. GRAZIOSI, A. (2015) The Impact of Holodomor Studies on the Understanding of the USSR. In: *Contextualizing the Holodomor: The Impact of Thirty Years of*

- Ukrainian Famine Studies*, Ed. Andriy Makuch and Frank E. Sysyn. Edmonton, Toronto: Canadian Institute of Ukrainian Studies Press, pp. 49-75.
13. GREEN, B. B. (2009) Stalinist Terror and the Question of Genocide: The Great Famine. In: *Is the Holocaust Unique? Perspectives on Comparative genocide*, ed. and with an Introduction by Alan S. Rosenbaum with a Foreword by Israel W. Charny. Westview Press, pp. 175-199.
 14. ICJ, *Bosnia-Herzegovina v. Yugoslavia* case. [electronic resource] <http://www.icj-cij.org/presscom/index.php?pr=1897&pt=1&p1=6&p2=1> (accessed 18 April 2017).
 15. ICTY, *Prosecutor v. Jelisić*, Case No. IT-95-10.
 16. ICTY, *Jelisić*, (Trial Judgement, 14 December 1999).
 17. JONASSOH, K. (1997) Hunger as a Low Technology Weapon – with Special Reference to Genocide. In: *Genocide Perspectives I Essays in Comparative Genocide*, Editor-in-chief Colin Tatz. Sydney: Centre for Comparative Genocide Studies Macquarie University, pp. 263-288.
 18. JONES, A. (2006) *Genocide: A Comprehensive Introduction*. London and New York: Routledge.
 19. KUL'CHYTS'KYI, S. (2015) The Holodomor of 1932-1933: How and Why. In: *Contextualizing the Holodomor: The Impact of Thirty Years of Ukrainian Famine Studies*, ed. Andriy Makuch and Frank E. Sysyn. Edmonton, Toronto: Canadian Institute of Ukrainian Studies Press, pp. 88-111.
 20. LEMKIN, R. (2009) Soviet Genocide in Ukraine. In: *Rafael Lemkin. Soviet Genocide in Ukraine. Article in 28 languages*, ed. Roman Serbyn. Kyiv: Maisternia Knyhy, pp. 31-36.
 21. LIEBERMAN, B. (2013) *The Holocaust and genocides in Europe*. Lnd., New Delhi, N.Y., Sydney: Blomsbury.
 22. LUDWIKOWSKI, R. R. (1991) Searching for a New Constitutional Model for East-Central Europe. *Syracuse J. Int'l L. and Commerce* 17, 109.
 23. MACE, J.E. (1990) Genocide by Famine; Ukraine in 1932-1933. In: *State Violence and Ethnicity*, ed. Pierre L. van den Berghe. Niwot, Colo.: University Press of Colorado, pp. 53-71.
 24. MACE, J.E. (1997) Soviet Man-Made Famine in Ukraine. In: *Century of Genocide: Eye Witness Accounts and Critical Views*, ed. Samuel Totten, William S. Parsons, Israel W. Charny. New York: Garland Publishing.
 25. NAIMARK, N. M. (2015) How the Holodomor can Be Integrated into our Understanding of Genocide. In: *Contextualizing the Holodomor: The Impact of Thirty Years of Ukrainian Famine Studies*, ed. Andriy Makuch and Frank E. Sysyn. Edmonton, Toronto: Canadian Institute of Ukrainian Studies Press, pp. 112-126.
 26. NAIMARK, N. M. (2010) *Stalin's Genocides*. Princeton & Oxford: Princeton University Press.
 27. Resolution of the CC AUCP(B) and CPC USSR on grain procurements in Ukraine, the North Caucasus and the Western Oblast. In: *The Holodomor reader: a sourcebook on the Famine of 1932-1933 in Ukraine*, compiled and ed. by Bohdan Klid and Alexander J. Motyl. Edmonton, Toronto: Canadian Institute of Ukrainian Studies Press, 2012, pp. 245-247.

28. Rome Statute of the International Criminal Court. [electronic resource] https://www.icc-cpi.int/nr/rdonlyres/ea9aef7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf (accessed 1 May 2017).
29. SCHEFFER, D.J. (1992) Toward a Modern Doctrine of Humanitarian Intervention. *Univ. Toledo L. Rev.* 23, 254.
30. SERBYN, R. (2009) Rafael Lemkin's Conceptualization of the Crime of Genocide and his Analysis of the Ukrainian Genocide. In: *Rafael Lemkin. Soviet Genocide in Ukraine: Article in 28 languages*, ed. Roman Serbyn. Kyiv: Maisternia Knyhy, pp. 11-20.
31. SERBYN, R. (2010) Holodomor: The Ukrainian Genocide. *Central and Eastern European Online Library PISM Series (PISM Series)*, 1, 205-230, 46fn.224, <https://www.cceol.com/search/article-detail?id=86294> (accessed 26 April 2017), who cites *Tragediia sovietskoi derevni: Kollektivizatsiia I raskulachivanie 1927-1939gg: Dokumenty i materialy*, vol. 3, 634-635. An English translation is in: MARTIN, T. *The Affirmative Action Empire: Nations and Nationalism in the Soviet Union, 1923-1939*. Ithaca, pp. 306-307.
32. STANTON, G. H. The Ten Stages of Genocide. [electronic resource] <http://genocidewatch.org/genocide/tenstagesofgenocide.html> (accessed 21 June 2017).
33. SYDNOR, Ch. W. Jr. (1998) Executive Instincts, Reinhard Heydrich and the Planning for the Final Solution. In: *The Holocaust and History*, ed. Michael Berenbaum and Abraham J. Peck. Bloomington, IN: Indiana University Press, pp. 159-86; as cited in SIMON, Th. W. (2007) *The laws of genocide: prescriptions for a just world*. Westport, Connecticut, London: Praeger Security International.
34. SYSYN, F. (1995) The Ukrainian famine of 1932-3: the Role of the Ukrainian Diaspora in Research and Public Discussion. In: *Studies in comparative genocide*, ed. Levon Chorbajanian and George Shirinian. Houndmills, Basingstoke, Hampshire and London: Macmillan Press Ltd, pp. 182-215.

М. АНТОНОВИЧ, доктор права, доцент
 Національний університет «Кієво-Могилянська академія»,
 м. Київ

ГОЛОДОМОР ПРОТИ УКРАЇНСЬКОЇ НАЦІЇ В КОНТЕКСТІ ГЕНОЦИДІВ ПЕРШОЇ ПОЛОВИНИ ХХ СТОЛІТТЯ (СПІЛЬНЕ І ВІДМІННЕ ГОЛОДОМОРУ ПРОТИ УКРАЇНСЬКОЇ НАЦІЇ ТА ІНШИХ ГЕНОЦИДІВ ПЕРШОЇ ПОЛОВИНИ ХХ СТОЛІТТЯ)

Хоча порівняльні геноцидні студії досягли за останні десятиліття значного розвитку, Голодомор як злочин геноциду, вчинений сталінським режимом проти української нації, не був досліджений у порівняльному аспекті. У цій статті проаналізовано можливі причини цього і проведено порівняльний аналіз Голодомору зі злочинами геноциду першої половини ХХ століття, а саме – з Вірменським геноцидом

в Оттоманській імперії і Голокостом нацистської Німеччини. Авторка порівнює ці три геноциди як міжнародні злочини з точки зору суб'єктивних (*mental, mens rea*) і об'єктивних (*material, actus reus*) елементів, які є характерними для кожного з них, підкреслюючи відмінності та спільні риси в намірах, жертвах і виконавцях злочинів, а також вчинених актах. Виділено основний спільний елемент геноцидів, вчинених в Оттоманській імперії, Радянському Союзі і Третьому Рейху, а саме заміна державної організації гегемонією керівної партії: іпсихадистів, комуністів і нацистів.

Ключові слова: Вірменський геноцид, Голодомор, Голокост, суб'єктивні (ментальні) і об'єктивні (матеріальні) елементи геноциду. УДК 930.2:[061.2:364.66](73)(477)“1922/1923”

Л. АРТЕМЕНКО, канд. іст. наук,
Національний музей «Меморіал жертв Голодомору»

ГУМАНІТАРНА ДІЯЛЬНІСТЬ АМЕРИКАНСЬКОЇ АДМІНІСТРАЦІЇ ДОПОМОГИ НА ТЕРИТОРІЇ УСРР У 1922–1923 РР.

На основі маловідомих архівних документів та наукової літератури досліджено напрями гуманітарної діяльності Американської адміністрації допомоги (*American Relief Administration, ARA*) на території УСРР, що свідчить про масштаби штучно створеної урядом Російської Радянської Федеративної Соціалістичної Республіки (РРФСР) продовольчої катастрофи. Проаналізовано зміст Ризької угоди від 20 серпня 1921 р. Комплексно розглянуто звіти Американської адміністрації допомоги та Американської зернової корпорації, а також деталі ділового листування членів іноземних добродійних організацій, статистичні дані, накази, приписи, протоколи, доповідні записки та заяви. Викрито неправдиві та перебільшені факти щодо ролі радянських та іноземних організацій допомоги голодуючим. Висвітлено процес передачі радянським урядом Американській адміністрації допомоги грошових асигнувань для придбання продовольства та посівного матеріалу. Детально проаналізовано процес збору коштів та закупівлі продуктів харчування. Висвітлено об'єктивні та суб'єктивні проблеми надання допомоги. Реконструйовано специфіку роботи АРА в різних