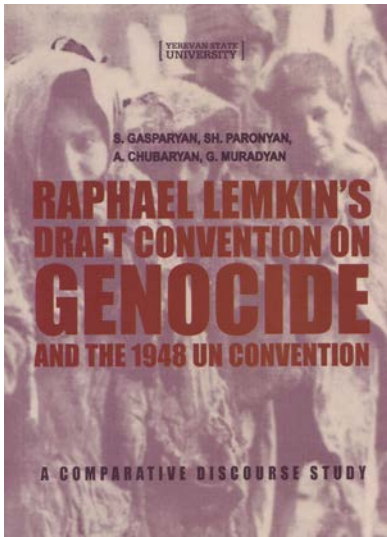


**S. GASPARYAN, SH. PARONYAN, A. CHUBARYAN, G. MURADYAN**

Raphael Lemkin's Draft Convention on Genocide and the 1948 UN Convention (a comparative discourse study), Yerevan, Yerevan State University Press, 2016, 176 p.



The book “Raphael Lemkin's Draft Convention on Genocide and the 1948 UN Convention (a comparative discourse study)”, written by S. Gasparyan, Sh. Paronyan, A. Chubaryan, G. Muradyan, represents a great achievement, so actual and important for legal scholars to realize how legal texts are made, to what extent the choice of the linguistic material turns out to be fundamental for preserving political correctness on the one hand and avoiding distortion of the subject matter on the other.

The comparison of the two texts of the same document, Raphael Lemkin's Draft Convention and the UN Convention on Genocide, which has been carried out from various linguistic angles – linguostylistics, pragmalinguistics, semasiology, grammar, etc., as well as words, word combinations, supraphrasal unities and texts, reveals the linguistic, hence the contextual damage caused to the final text of the Convention – weakening of the communicative power of the text which sometimes results in the lack of determination to resolve the important question of prevention and punishment of the crime of genocide.

The draft of the Convention, the so-called Lemkin's draft, is a legal text written by a person whose entire family perished in concentration camps in Poland. Thus, genocide was in R. Lemkin's experience, and he knew very well what he was drafting. But the official UN text of the Convention, after being discussed by representatives of different states, was finalized with a kind of polished moral, and not infrequently linguistic elements were narrowed down and deprived of their full semantic content sometimes diverging the final text from the actual intention of the drafter. This might be one of the reasons, why the idea of

cultural genocide was, largely speaking, omitted from the official UN text of the Convention. As rightly pointed out in the book and as the analysis shows: “Albeit the mentioned part of the UN Convention does draw attention to the damage caused to humanity (has inflicted great losses on humanity), it does not indicate the losses in the form of cultural and other contributions represented by human groups. This must be one of the reasons why it sounds more generalized, hence less distinct”<sup>1</sup>. It is a fact that often the English texts are not properly translated into other languages. French is a case to be indicated. In French “indiquer” means less than the English word “order”. Reading the same legal text in different languages sometimes reveals differences in the meaning of the words. This, of course, can on the one hand be accounted for by the objectively unavoidable differences between languages. However, there are also cases of inaccuracy in translation, let alone distortions introduced into the translation intentionally. Albeit the problem of translation is not in the centre of the researchers’ attention, for they concentrate on the discourse features of the two documents in question, their study is convincing and very useful, particularly for lawyers who do not always read legal texts from a linguistic point of view, while this is a very important aspect of any text and a legal text in particular.

There are quite many investigations concerning the analysis of the legal concept of genocide and the term created and put into circulation by R. Lemkin. But the description and investigation of the linguistic aspect of the text of the Genocide Convention has so far leaved much to be desired. That is why it is my pleasure to mention that this book by S. Gasparyan, Sh. Paronyan, A. Chubaryan and G. Muradyan is rather unique and important not only for lawyers, but also for those involved in the analysis of legal texts at large.

The comparative analysis of both texts of the Convention leads us to the conclusion that, depending on the author and his intentions, the same text may have a different linguistic, let alone legal content. This is the authors’ message and it is very valuable to everybody, interested in the issue of genocide. This book is undoubtedly a valuable item for all those who deal with the crime of genocide.

As Lemkin wrote in his autobiography, it was through his challenge that he became initially sure the delegates would not produce a genocide convention written according to “the Nazi experience,” which “was not a sufficient basis for a

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<sup>1</sup> Cf. **S. Gasparyan, Sh. Paronyan, A. Chubaryan, G. Muradyan**. Raphael Lemkin’s Draft Convention on Genocide and the 1948 UN Convention (a Comparative discourse study), Yerevan, YSU Press, 2016, p. 75.

definition of genocide for international purposes.” Jurists “cannot describe a crime by one example,” Lemkin wrote, but must “draw on all available experiences of the past ...The formulation must be made valid for all times, situations, and cultures”<sup>2</sup>. Of course he realized, that his task was basic, though very hard, indeed. He understood very well that he would have to fight persistently to preserve as much of his concept of genocide as possible in the face of the narrow interests of the delegations on the Sixth Committee.

Once the draft was accepted, the Genocide Convention was in the hands of the world’s politicians and statesmen – people who, as R. Lemkin would describe, “lived in perpetual sin with history” and could hardly be trusted with “the lives of entire nations”<sup>3</sup>. The drafting of the Convention and the procedure of lobbying for it, so well described in the book under review, were recently referred to in two other publications that came out in the USA<sup>4</sup> and Great Britain<sup>5</sup>. However the value of the present book by S. Gasparyan, Sh. Paronyan, A. Chubaryan, and G. Muradyan cannot be overestimated for the approach to the study of the question of Genocide, elaborated by S. Gasparyan in her book „The Armenian Genocide: A Linguocognitive Perspective” (Yerevan, YSU Press, 2014) and applied to the investigation of the text of Genocide Convention by her research group, is very important and timely, particularly with the enhancement of the linguistic aspect of the research which seems to be rather fruitful in Genocide Studies and the investigation of legal documents at large. Of particular interest and praise are the frequency count diagrams in the final chapter of the book summarizing the basic features of the choice and arrangement of words and word-combinations in the discourses of both the documents – the Draft Convention and the UN Convention on Genocide and bringing out very valuable instances of violations as far as the main purport of the UN Convention on Genocide is concerned.

I appreciate the publication of this book very highly.

**Dr. Ewa Salkiewicz-Munnerlyn**

Polish diplomat at the Ministry of Foreign Affairs in Poland

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<sup>2</sup> **Lemkin R.** Autobiography, Pagination Unclear. Cf. Lemkin R. Totally Unofficial, Yale University Press, 2013, p. 152.

<sup>3</sup> Նույն տեղում, էջ 115:

<sup>4</sup> **Irvin-Erickson D.** The Life and Works of Raphael Lemkin: A Political History of Genocide in Theory and Law, Philadelphia, 2014.

<sup>5</sup> **Sands Ph.** East West Street: On the Origins of „Genocide” and „Crimes against Humanity”, New York, 2016.