The Origins of Genocide

This chapter analyzes the origins of genocide as a global-historical phenomenon, providing a sense of genocide's frequency through history. It then examines the origin and evolution of the concept, unravels some central theoretical debates, and explores "contested cases" that test the boundaries of the genocide framework. No other chapter in the book tries to cover so much ground, and the discussion may at points seem complicated and confusing, so please fasten your seatbelts.*

GENOCIDE IN PREHISTORY, ANTIQUITY, AND EARLY MODERNITY

"The word is new, the concept is ancient," wrote sociologist Leo Kuper in his seminal 1981 text of genocide studies.[1] He echoed the father of genocide studies, Raphael Lemkin, whose unfinished history of genocide—only recently published—declared at its outset: "Genocide is a new word, but the evil it describes is old."[2] The roots of genocide are lost in distant millennia, and will remain so unless an "archaeology of genocide" can be developed.[3] The difficulty, as Frank Chalk and Kurt Jonassohn pointed out in their study *The History and Sociology of Genocide*, is that such historical

---

* Throughout this book, to reduce footnoting, I gather sequential quotations and citations from the same source into an omnibus note at the end of the passage. Epigraphs for chapters and sections are not footnoted. All Web links cited in the notes were "live" as of mid-2016. If you find one broken, search the title of the source in quotation marks; often it will be archived elsewhere. I have included link addresses for media and other reports when they are reasonably concise. Where I consider them too ungainly to print, a Web search by author and title will generally bring up the source.

records as exist are ambiguous and undependable. While history today is generally written with some fealty to "objective" facts, many past accounts aimed to praise the writer's patron (normally a powerful leader) and to emphasize the superiority of one's own religious beliefs. They may also have been intended as good stories—so that when Homer quotes King Agamemnon's quintessential pronouncement of root-and-branch genocide, one cannot know what basis it might have in fact:

> We are not going to leave a single one of them alive, down to the babies in their mothers' wombs—not even they must live. The whole people must be wiped out of existence, and none be left to think of them and shed a tear.[4]

The founder of genocide studies, Raphael Lemkin, quoted the declaration of the Assyrian King Ashur-natsir-pal, boasting about one of his military triumphs:

> I crossed the mountain of Kashiari and toward Kinabu, the fortress of Hulai I advanced. With the multitude of my troops by a charge, tempestuous as the tempest, I fell upon the town. I took it. I put to the sword 600 of their warriors. I delivered 3,000 prisoners over to the flames and I left not a single one of them alive to serve as a hostage. . . . Their carcasses I piled in heaps, their young men and their maidens I delivered to the flames. Hulai, their governor, I flayed; I stretched his skin along the wall of Dadaamusa. The city I destroyed, I ravaged it, I gave it to the flames.[5]

What are we to make of Agamemnon's command and Ashur-natsir-pal's proclamation? Are they factually reliable? Regardless, they encapsulate a fantasy and often an ambition of kings and commoners alike: know thine enemies, and annihilate them.

BOX 1.1 NEANDERTHALS: THE FIRST VICTIMS OF GENOCIDE?

The Neanderthals, humanity's closest cousins, disappeared from their lands in Europe some 26,000 to 32,000 years ago. For many decades, a consensus prevailed that climate change had driven them to extinction. According to more recent research, however, it appears that not only were Neanderthal populations highly resistant to climatic fluctuations, but conditions were quite mild in southwestern Europe, during the period when the Neanderthals "made their last stand" as a species. According to *The Washington Post*'s Rick Weiss, reviewing a 2007 study by Chronis Tzedakis and his colleagues: "That pretty much leaves one suspect: the butler—or more precisely the predecessors to all butlers and to modern humans, generally, who were making their initial sweep across Europe at the time." As Konrad Hughen of the Woods Hole Oceanographic Institution noted: "They [Neanderthals] survived 20,000 years of very unstable climate. Then when you add humans to the mix, they are gone within 10,000 years. You tell me what the most parsimonious explanation is."[6]

In 2013, Spanish anthropologists went further, speculating that "our closest extinct relative was exterminated in the same way as 178 other large mammals, so called

Figure 1.1 Growing evidence points to a human-driven extermination of Europe's Neanderthal population, rather than a slow decline linked to climate change.

Source: © Procyab/Dreamtime.com.

megafauna, which are suspected of going at least partially by the hand of hungry human hunters." That is, the Neanderthals may have been hunted to extinction as food, as well as competitors for land and nutritional resources, as other megafauna were.[7] Or perhaps it was dogs that did most of the eating. Pat Shipman argued in her book *The Invaders* that human beings first partnered with canines to bring about the Neanderthals' extermination.[8]

Regardless of the Neanderthals' fate, archaeological discoveries announced in early 2016 emphasized how deeply-rooted in the human species was the institution of savage intercommunal massacre. For the first time, persuasive evidence was found of such massacres—which bear the hallmarks of "root-and-branch" genocide— occurring some 10,000 years ago, prior to the rise of agriculture and durable human

settlements. James Gorman of *The New York Times* reported findings in the journal *Nature* that of "12 relatively complete skeletons" found by Lake Turkana in Kenya, "10 showed unmistakable signs of violent death . . . Partial remains of at least 15 other people were found at the site and are thought to have died in the same attack." The remains of these early hunter-gatherers, Gorman reported, "tell a tale of ferocity. One man was hit twice in the head by arrows or small spears and in the knee by a club. A woman, pregnant with a 6- to 9-month-old fetus, was killed by a blow to the head, the fetal skeleton preserved in her abdomen. The position of her hands and feet suggest that she may have been tied up before she was killed."

Pottery at the site suggested that the targeted population may have harbored food resources that drew the notice of forager-predators. "Or the attackers may have been after captives," Gorman wrote. "Bones from one young teenager were found at the site, and remains of adults and children under 6, but no remains of older children, who might have been taken by the attackers."[9]

Humanity has always nurtured conceptions of social difference that generate a sense of in-group versus out-group, as well as hierarchies of good and evil, superior and inferior, desirable and undesirable. As Chalk and Jonassohn observed:

> Historically and anthropologically peoples have always had a name for themselves. In a great many cases, that name meant "the people" to set the owners of that name off against all other people who were considered of lesser quality in some way. If the differences between the people and some other society were particularly large in terms of religion, language, manners, customs, and so on, then such others were seen as less than fully human: pagans, savages, or even animals.[10]

The fewer the shared values and standards, the more likely members of the out-group were (and are) to find themselves beyond the "universe of obligation," in sociologist Helen Fein's evocative phrase. Hence the advent of "religious traditions of contempt and collective defamation, stereotypes, and derogatory metaphor indicating the victim is inferior, sub-human (animals, insects, germs, viruses) or super-human (Satanic, omnipotent)." If certain classes of people are "pre-defined as alien . . . subhuman or dehumanized, or the enemy," it follows that they must "be eliminated in order that we may live (Them or Us)."[11]

An example of this mindset is the text that underpins the Christian, Jewish, and Muslim cultural traditions: the Old Testament (particularly its first five books, the Pentateuch). In general, these texts depict God as "a despotic and capricious sadist,"[12] and his followers as eager *génocidaires* (genocidal killers). The trend begins in the Book of Genesis (6:17–19), where God decides "to destroy all flesh in which is the breath of life from under heaven," with the exception of Noah and a nucleus of human and animal life.[13] In "the most unequivocally extirpatory of [the] Old Testament texts,"[14] 1 Samuel 15:2–3, "the Lord of hosts" declares: "I will punish the Amalekites for what they did in opposing the Israelites when they came up out of Egypt.

Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey."[15]

The Midianites in Numbers 31: 7–18 fare little better, but even the minimal selectivity at the outset vexes Moses:

> They warred against Midian, as the Lord commanded Moses, and slew every male. . . . And the people of Israel took captive the women of Midian and their little ones; and they took as booty all their cattle, their flocks, and all their goods. All their cities . . . they burned with fire. . . . And Moses was angry with the officers of the army. . . . [He] said to them, "Have you let all the women live? Behold, these caused the people of Israel, by the counsel of Balaam, to act treacherously against the Lord . . . and so the plague came to the congregations of the Lord. Now, therefore, kill every male among the little ones, and kill every woman who has known man by lying with him [sexually]. But all the young girls who have not known man by lying with him, keep alive for yourselves.[16]

As this passage suggests, genocides in prehistory and antiquity were often designed not just to eradicate enemy ethnicities, but to incorporate and exploit *some* of their members. Generally, it was children (particularly girls) and women (particularly virgins, or those in the associated age group) who were spared murder. They were simultaneously seen as the group least able to offer resistance, and as sources of off-spring for the dominant group, descent in patrilineal society being traced through the male bloodline.[17] By contrast, "every male" was often killed, "even the little ones." We see here the roots of *gendercide* against men and boys, including male infants, discussed further in Chapter 13.

A combination of gender-selective mass killing and root-and-branch genocide pervades accounts of ancient wars. Chalk and Jonassohn provide a wide-ranging selection of historical events such as the Assyrian Empire's root-and-branch dep-redations in the first half of the first millennium BCE,* and the destruction of Melos by Athens during the Peloponnesian War (fifth century BCE), a gendercidal rampage described by Thucydides in his "Melian Dialogue."[18]

The Roman siege and eventual razing of Carthage at the close of the Third Punic War (149–46 BCE) has been labeled "The First Genocide" by historian Ben Kiernan.[19] The "first" designation is debatable; the label of genocide seems apt. Fueled by the documented ideological zealotry of the senator Cato, Rome sought to suppress the supposed threat posed by (disarmed, mercantile) Carthage. "Of a population of 2–400,000, at least 150,000 Carthaginians perished," writes Kiernan. The "Carthaginian solution" found many echoes in the warfare of sub-sequent centuries.[20] Among Rome's other victims during its imperial ascendancy were the followers of Jesus Christ. After his death at Roman hands in 33 CE, Christ's followers were subjected to persecutions and mass murder. The scenes of torture and public spectacle were duplicated by Christians themselves during

---

* "BCE" means "Before the Common Era," and replaces the more familiar but ethnocentric "BC" (Before Christ). "CE" replaces "AD" (Anno Domini, Latin for "year of the Lord"). For discussion, see ReligiousTolerance.org, "The Use of 'CE' and 'BCE' to Identify Dates," www.religioustolerance.org/ce.htm.

Europe's medieval era (approximately the ninth to fourteenth centuries CE). This period produced onslaughts such as the Crusades: religiously sanctified campaigns against "unbelievers," whether in France (the Albigensian crusade against Cathar heretics),[21] Germany (against Jews), or the Holy Land of the Middle East.[22]

BOX 1.2 HUMANITY'S TWENTY DEADLIEST "MULTICIDES"

Matthew White—"self-described atrocitologist, necrometrician, and quantifier of hemoclysms"—presents in his book *Atrocitology* an account of "Humanity's 100 Deadliest Achievements."[23] The death tolls of the twenty leading "multicides"— mass killings—by his calculations are:

1. Second World War (1939–1945) — 66,000,000
2. Chinggis [Genghis] Khan (1206–1227) — 40,000,000
3. Mao Zedong (1949–1976) — 40,000,000
4. Famines in British India (18th–20th centuries) — 27,000,000
5. Fall of the Ming Dynasty [China] (1635–1662) — 25,000,000
6. Taiping Rebellion (1850–1864) — 20,000,000
7. Joseph Stalin (1928–1953) — 20,000,000
8. Mideast Slave Trade (7th–19th centuries) — 18,500,000
9. Timur (1370–1405) — 17,000,000
10. Atlantic Slave Trade (1452–1807) — 16,000,000
11. Conquest of the Americas (after 1492) — 15,000,000
12. First World War (1914–1918) — 15,000,000
13. An Lushan Rebellion [China] (755–763) — 13,000,000
14. Xin Dynasty (9–24) — 10,000,000
15. Congo Free State (1895–1908) — 10,000,000
16. Russian Civil War (1918–1920) — 9,000,000
17. Thirty Years War (1618–1648) — 7,500,000
18. Fall of the Yuan Dynasty [China] (ca. 1340–1370) — 7,500,000
19. Fall of the Western Roman Empire (395–455) — 7,000,000
20. Chinese Civil War (1927–1937, 1945–1949) — 7,000,000

Of these, the First and Second World Wars, the Russian Civil War, and the Stalin multicide figure in "the Hemoclysm" (Greek: "blood flood") of human history: the destruction of approximately 150 million human lives during the first half of the twentieth century. This epoch and its component genocides are anchors of this book. The depredations of Genghis Khan, famines in British India, the Atlantic Slave Trade, the conquest of the Americas, and the Congo Free State are all referenced here, and have received extended or passing attention from other genocide scholars. The other multicides, with the possible exceptions of Timur (Tamerlane), the Taiping Rebellion, and certain events in the Thirty Years War, have rarely if ever entered the genocide-studies literature.

Génocidaires also arose on the other side of the world. In the thirteenth century, a million or so Mongol horsemen under their leader, Genghis Khan, surged out of the grasslands of East Asia to lay waste to vast territories, extending to the gates of Western Europe; "entire nations were exterminated, leaving behind nothing but rubble, fallow fields, and bones."[24] "If genocide did not take place," wrote Raphael Lemkin, then for the Mongols, "conquest seemed incomplete . . ."[25] Yet Genghis Khan became a towering figure of history, as well as a villain etched deep in the collective memory of the populations ravaged by him and his descendants. One of the small handful of individuals to match or surpass his destructive efforts, Adolf Hitler, praised the Mongol emperor's "annihilative spirit": Genghis Khan "set millions of women and children into death knowingly and cheerfully . . . Yet history sees in him only the great founder of states."[26]

A hunger for wealth, power, and "death-defying" glory seems to have motivated these acts of mass violence (see Chapter 10), along with religious and cultural factors (Chapter 16). These elements combined to catalyze the genocides of the early modern era, dating from approximately 1492, the year of Caribbean Indians' fateful encounter with Christopher Columbus. The consequences of contact between expansionist Europeans and indigenous peoples are detailed in Chapter 3. I now briefly present two cases from the early modern era: one from western Europe, presaging the genocidal civil wars of the twentieth century; and one from southern Africa, reminding us that genocide knows no geographical or cultural boundaries.

The Vendée uprising

In 1789, French rebels, inspired by the American revolutionaries, overthrew King Louis XVI and established a new order based on the "Rights of Man." The French revolution provoked immediate opposition at home and abroad. European armies massed on French borders, and in March 1793—following the execution of King Louis and the imposition of mass military conscription—revolt erupted in the Vendée. The population of this isolated and conservative region of western France declared itself opposed to conscription, and to the replacement of their priests by pro-revolutionary designates. Well trained and led by royalist officers, Vendeans rose up against the rapidly radicalizing central government: the "terror" of the Jacobin faction was instituted in the same month as the rebellion in St.-Florent-le-Vieil. The result was a civil war that, according to French author Reynald Secher, constituted a genocide against the Vendeans—and for historian Mark Levene, a turning point in the evolution of genocide.[27]

Early Vendean victories were achieved through the involvement of all demographic sectors of the Vendée, and humiliated the Republican government. Fueled by the ideological fervor of the Terror, and by foreign and domestic counter-revolution, the Republicans in Paris implemented a campaign of root-and-branch genocide. Under Generals Jean-Baptiste Carrier and Louis Marie Turreau, the Republicans launched a scorched-earth drive by the *colonnes infernales* ("hellish columns"). On December 11, 1793, Carrier wrote to the Committee of Public Safety in Paris, pledging to purge the Vendean peasantry "absolutely and totally."[28] Similar edicts by General Turreau in early 1794 were approved by the Committee, which declared that

the "race of brigands" in the Vendée was to be "exterminated to the last." Targeted victims included even children, who were "just as dangerous [as adults], because they were or were in the process of becoming brigands." Extermination was "both sound and pure," the Committee wrote, and should "show great results."[29]

The slaughter targeted all Vendeans, including Republicans (these victims were seen as "collateral damage"). Specifically, none of the traditional gender-selective exemptions was granted to adult females, who stood accused of fomenting the rebellion through their defense of conservative religion, and their "goad[ing] . . . into martyrdom" of Vendean men.[30] In the account of a Vendean *abbé*, perhaps self-interested but buttressed by other, similar testimony:

> There were poor girls, completely naked, hanging from tree branches, hands tied behind their backs, after having been raped. It was fortunate that, with the Blues [Republicans] gone, some charitable passersby delivered them from this shameful torment. Elsewhere . . . pregnant women were stretched out and crushed beneath wine presses. . . . Bloody limbs and nursing infants were carried in triumph on the points of bayonets.[31]

When the last remnants of Vendean resistance were hunted down and slaughtered at the end of 1793, General François-Joseph Westermann was exultant. His "justly notorious" report to the authorities in Paris included one of the most decisive genocidal proclamations on the historical record:

> There is no more Vendée citizens. It has died under our free sword, with its women and children. I have just buried it in the marshes and woods of Savenay. Following the orders you gave me, I have crushed children under the hooves of horses, and massacred women who, these at least, will give birth to no more brigands. I do not have a single prisoner with which to reproach myself. I have exterminated everyone.[32]

Perhaps 150,000 Vendeans died in the carnage, though not all were civilians. The character of the killings was conveyed by post-genocide census figures, which displayed not the usual war-related disparity of male versus female victims, but a rough—and unusual—parity. Only after this "ferocious . . . expression of ideologically charged avenging terror,"[33] and with the collapse of the Committee of Public Safety in Paris, did the genocide wane, though scattered clashes with rebels continued through 1796.

In a comparative context, the Vendée uprising stands as an example of a mass-killing campaign that has only recently been conceptualized as "genocide." This designation is not universally shared, but it seems apt in light of the large-scale murder of a designated group (the Vendean civilian population).[34] In *The First Total War*, his influential study of warfare in the French revolutionary and Napoleonic eras, David A. Bell presents the Vendée slaughter as a vanguard of modernity, a harbinger of the gargantuan slaughters of the twentieth century (see Chapter 2):

> The Vendée was the face of total war, which followed its own dynamic of radicalization. It was the place where the modern version of the phenomenon was first revealed to its full, gruesome extent. As in most modern cases, its "totality" did not derive primarily from the battlefield clashes between organized armies

(World War I is a distracting exception in this case). What made it total was rather its erasure of any line between combatants and noncombatants and the wanton slaughter of both—and at the behest of politics more than military necessity.[35]

Zulu genocide

Between 1810 and 1828, the Zulu kingdom under its dictatorial leader, Shaka Zulu, waged an ambitious campaign of expansion and annihilation. Huge swathes of present-day South Africa and Zimbabwe were laid waste by Zulu armies. The European invasion of these regions, which began shortly after, was greatly assisted by the upheaval and depopulation caused by the Zulu assault.

Oral histories help document the scale of the destruction:[36] "To this day, peoples in Zimbabwe, Malawi, Zambia, Tanzania, Kenya, and Uganda can trace their descent back to the refugees who fled from Shaka's warriors."[37] At times, Shaka apparently implemented a gender-selective extermination strategy that may be unique in the historical record. In conquering the Butelezi clan, Shaka "conceived the then [and still] quite novel idea of utterly demolishing them as a separate tribal entity by incorporating all their manhood into his own clan or following," thereby bolstering his own military; but he "usually destroyed women, infants, and old people," who were deemed useless for his expansionist purposes.[38]

However, root-and-branch strategies reminiscent of the French rampage in the Vendée seem also to have been common. According to historian Michael Mahoney, Zulu armies often aimed not only at defeating enemies but at "their total destruction. Those exterminated included not only whole armies, but also prisoners of war, women, children, and even dogs."[39] In exterminating the followers of Beje, a minor Kumalo chief, Shaka determined "not to leave alive even a child, but [to] exterminate the whole tribe," according to a foreign witness. When the foreigners protested against the slaughter of women and children, claiming they "could do no injury," Shaka responded in language that would have been familiar to the French revolutionaries: "Yes they could," he declared. "They can propagate and bring [bear] children, who may become my enemies . . . therefore I command you to kill all."[40]

Mahoney has characterized these policies as genocidal. "If genocide is defined as a state-mandated effort to annihilate whole peoples, then Shaka's actions in this regard must certainly qualify." He points out that the term adopted by the Zulus to denote their campaign of expansion and conquest, *izwekufa*, derives "from Zulu *izwe* (nation, people, polity), and *ukufa* (death, dying, to die). The term is thus identical to 'genocide' in both meaning and etymology."[41]

NAMING GENOCIDE: RAPHAEL LEMKIN

> Genocide is an absolute word—a howl of a word . . .
>
> Lance Morrow

Until the Second World War, genocide was a "crime without a name," in the words of British Prime Minister Winston Churchill.[42] The man who named the crime,

placed it in a global-historical context, and demanded intervention and remedial action was a Polish-Jewish jurist, a refugee from Nazi-occupied Europe, named Raphael Lemkin (1900–1959). His story is one of the most remarkable of the twentieth century.

Lemkin is an exceptional example of a "norm entrepreneur" (see Chapter 12). In the space of four years, he coined a term—genocide—that concisely defined an age-old phenomenon. He supported it with a wealth of documentation. He published a lengthy book *(Axis Rule in Occupied Europe)* that applied the concept to campaigns of genocide underway in Lemkin's native Poland and elsewhere in the Nazi-occupied territories. He then waged a successful campaign to persuade the new United Nations to draft a convention against genocide; another successful campaign to obtain the required number of signatures; and yet another to secure the necessary national ratifications. Yet Lemkin lived in penury—in surely his wittiest recorded comment, he described himself as "pleading a holy cause at the UN while wearing holey clothes"[43]—and he died in obscurity in 1959; his funeral drew just seven people. Only in recent years has the promise of his concept, and the UN convention that incorporated it, begun to be realized.

Growing up in a Jewish family in Wolkowysk, a town in eastern Poland, Lemkin developed a passion for reading. But his tastes were strange for a young boy. He recalled in his autobiography, only recently published, that:

> I started to devour books on the persecution of religious, racial, or other minority groups. I was startled by the description of the destruction of the Christians by Nero. They were thrown to the lions while the emperor sat laughing on the Roman arena. The Polish writer Henryk Sienkiewicz's book on this subject, *Quo Vadis,* made a strong impression on me, and I read it several times and talked about it often. I realized, vividly, that if a Christian could have called a policeman to help he would not have received any protection. Here was a group of people collectively sentenced to death for no reason except that they believed in Christ. And nobody could help them.... I was fascinated by the frequency of such cases, by the great suffering inflicted on the victims and the hopelessness of their fate, and by the impossibility of repairing the damage to life and culture.[44]

Lemkin's interest in languages (he would end up mastering a dozen or more) drew him to the study of linguistics. But his passionate curiosity about the cultures that nurtured those languages, his instinctive empathy for those destroyed for no other reason than they belonged to the wrong group, and his activist energy—"I always wanted to shorten the distance between the heart and the deed"[45]—combined to produce one of the great legal advocates and moral figures of the twentieth century.

As John Cooper notes, "growing up in a contested borderland over which different armies clashed . . . made Lemkin acutely sensitive to the concerns of the diverse nationalities living there and their anxieties about self-preservation." As a Jew, Lemkin was also conscious of the ever-present danger of *pogroms,* local or regional anti-semitic campaigns. This region, enshrined in recent literature as the "Bloodlands" and "Rimlands" of Europe (see Box 2.3), was the heartland of European anti-Jewish violence. Word reached the young Lemkin of a pogrom in

Figure 1.2 Raphael Lemkin first deployed the term "genocide" in his 1944 book *Axis Rule in Occupied Europe*. His study of Nazi occupation legislation was completed under the auspices of the US War Department. He was issued this identity card two years later, as the Nuremberg trials were getting underway in Germany (see Chapter 15). "Lemkin's word" made its first appearance in international jurisprudence at Nuremberg, and underpinned the United Nations Genocide Convention, adopted in 1948.

Source: American Jewish Historical Society (www.ajhs.org).

Bialystok. He perceived "a line, red with blood ... from the Roman arena ... to the pogrom of Bialystok. I could not define history with my childish mind, but I saw it with my eyes vividly and strongly as a huge torture place of the innocent ... "[46]

Despite the chilling proximity of the violence he was studying, at no point in Lemkin's life—from childhood to death—did he particularly emphasize his own Jewishness or the historical suffering of the Jews. Indeed, he might even be accused of downplaying the Jewish experience of persecution and genocide, beyond what might have seemed advisable given the widespread anti-semitism of the pre-World War Two (and postwar) periods. It is striking, for example, that in the substantial portions of his unfinished history of genocide that first reached public view in 2012—four hundred pages of text, in Steven Leonard Jacobs's scrupulous edit—Lemkin mentions Hebrews/Jews only in passing, *and never as victims of violence.* He writes much more about Christian *and Muslim* populations (nearly thirty pages, for example, on "Moors and Moriscos," the Spanish Muslims expelled along with Jews in 1492, and a similarly in-depth treatment of "The Persecution of the Catholics in Japan in the Sixteenth and Seventeenth Centuries").[47] He was never a notable advocate for the state of Israel, which came into being in the same year (1948) that the Genocide Convention was adopted by the General Assembly of the United Nations. For whatever combination of reasons, the vulnerabilities of "his people," and the violence historically directed against

them, did not seem *particularly* to interest the eclectic-minded Lemkin. What was most notable and lamentable, he felt, was the prevalence of such vulnerabilities and violence in the *collective* experience of minorities—and the obliviousness of the world community, above all governments and international-legal bodies, to their "responsibility to protect" (as a later generation would dub it; see Chapter 16, pp. 764–765).[48]

A key moment came in 1921, while Lemkin was studying linguistics at the University of Lvov. Soghomon Tehlirian, an Armenian avenger of the Ottoman destruction of Christian minorities (Chapter 4), was arrested for murder after he gunned down one of the genocide's architects, Talat Pasha, in a Berlin street.[49] In the same year, leading planners and perpetrators of the genocide were freed by the British from custody in Malta, as part of the Allies' postwar courting of a resurgent Turkey. Lemkin wrote that he was "shocked" by the juxtaposition: "A nation was killed and the guilty persons were set free. Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual?"[50]

Why should this be? Why shouldn't it cease to be? These are the foundational questions of the "norm entrepreneur" seeking to build a "prohibition regime" (Chapter 12). Lemkin determined to stage an intellectual and activist intervention into what he first called "barbarity" and "vandalism." The former referred to "the premeditated destruction of national, racial, religious and social collectivities," while the latter denoted the "destruction of works of art and culture, being the expression of the particular genius of these collectivities."[51] At a conference of European legal scholars in Madrid in 1933, Lemkin's framing was first presented in public (though not by its author; the Polish government denied him a travel visa). Despite the post-First World War prosecutions of Turks for "crimes against humanity" (Chapters 4, 15), governments and public opinion leaders were still wedded to the notion that state sovereignty trumped atrocities against a state's own citizens. It was this legal impunity that rankled and galvanized Lemkin more than anything else. Yet the Madrid delegates did not share his concern. They refused to adopt a resolution against the crimes Lemkin set before them; the matter was tabled.

Undeterred, Lemkin continued his campaign. He presented his arguments in legal forums throughout Europe in the 1930s, and as far afield as Cairo, Egypt. The outbreak of the Second World War found him at the heart of the inferno—in Poland, with Nazi forces invading from the West, and Soviets from the East. As Polish resistance crumbled, Lemkin paid a final visit to his parents. Remembering relatively civilized treatment of Jews by German occupation forces during the First World War, they refused to leave their home. Lemkin had no such illusions about the Nazis. " . . . I felt I would never see them again," he wrote in his autobiography. "It was like going to their funeral while they were still alive."[52]

He took flight, first in eastern Poland, enduring "many months of half-savage existence," then to Vilnius, Lithuania. From that Baltic city he succeeded, through connections, in securing refuge in Sweden.

After teaching in Stockholm, the United States beckoned. Lemkin believed the US would be both receptive to his framework, and in a position to actualize it in a way that Europe under the Nazi yoke could not. An epic 14,000-mile journey took him across the Soviet Union by train to Vladivostok, by boat to Japan, and across the Pacific. At the Seattle customs post, a towering official "gave my valises a superficial examination. Then his big hand landed on my shoulder and squeezed it warmly, and his deep voice boomed out, 'Okay, boy—you're in!'"

Lemkin moonlighted at Yale University's Law School before moving to Durham, North Carolina, where he became a professor at Duke University. He struggled throughout with the concepts and vocabulary that might best evoke the atrocities that galvanized him. "Vandalism" and "barbarity" had failed to strike a chord with his legal audiences. Inspired by, of all things, the Kodak camera,[53] Lemkin trawled through his impressive linguistic resources for a term that was concise and memorable. He settled on a neologism with both Greek and Latin roots: the Greek "genos," meaning race or tribe, and the Latin "cide," or killing. "Genocide" was the intentional destruction of national groups on the basis of their collective identity. In what is perhaps the most eloquent passage in the genocide-studies literature, he presented his concept for the first time in *Axis Rule in Occupied Europe* (1944):

> By "genocide" we mean the destruction of a nation or an ethnic group. . . . Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objectives of such a plan would be disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group. . . . Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals.[54]

The critical question, for Lemkin, was whether the multipronged campaign proceeded under the rubric of policy. To the extent that it did, it could be considered genocidal, even if it did not result in the physical destruction of all (or any) members of the group.[55] The issue of whether mass killing is definitional to genocide has been debated ever since, by myriad scholars and commentators, and will be considered further below. Equally vexing for subsequent generations was the emphasis on ethnic and national groups. These predominated as victims in the

Figure 1.3 Samantha Power's book *"A Problem from Hell": America and the Age of Genocide* (2002) won both the Pulitzer Prize and the National Book Critics Circle Award, and contributed to the resurgence of public interest in genocide. Power's work also offered the most detailed and vivid account to that date of Raphael Lemkin's life and his struggle for the UN Genocide Convention. She is shown here speaking in Geneva, Switzerland in June 2010. Under the Barack Obama administration, in 2013, Power was appointed US ambassador to the United Nations.

Source: Photo by Eric Bridiers/United States Mission Geneva/ Wikimedia Commons.

decades in which Lemkin developed his framework (and in the historical examples he studied). Yet by the end of the 1940s, it was clear that political groups were often targeted for annihilation.[56] Moreover, the appellations applied to "communists," or by communists to "kulaks" or "class enemies"—when imposed by a totalitarian state—seemed every bit as difficult to shake as ethnic identifications, if the Nazi and Stalinist onslaughts were anything to go by. This does not even take into account the important but ambiguous areas of crossover among ethnic, political, and social categories (see "Multiple and Overlapping Identities," below).

Lemkin, though, would hear little of this. His single-minded, classically romantic focus was on minority nationality and ethnicity (including the religious component of ethnicity), for their culture-carrying capacities as he perceived them.[57] His attachment to these core concerns was almost atavistic, and legal scholar Stephen Holmes, for one, has faulted him for it:

> Lemkin himself seems to have believed that killing a hundred thousand people of a single ethnicity was very different from killing a hundred thousand people of mixed ethnicities. Like Oswald Spengler, he thought that each cultural group had its own "genius" that should be preserved. To destroy, or attempt to destroy, a culture is a special kind of crime because culture is the unit of collective memory, whereby the legacies of the dead can be kept alive. To kill a culture is to cast its individual members into individual oblivion, their memories buried with their mortal remains. The idea that killing a culture is "irreversible" in a way that killing an individual is not reveals the strangeness of Lemkin's conception from a liberal-individualist point of view.

This archaic-sounding conception has other illiberal implications as well. For one thing, it means that the murder of a poet is morally worse than the murder

of a janitor, because the poet is the 'brain' without which the 'body' cannot function. This revival of medieval organic imagery is central to Lemkin's idea of genocide as a special crime.[58]

It is probably true, then, that Lemkin's formulation had its archaic elements.[59] It is certainly the case that subsequent scholarly interpretations of "Lemkin's word" have tended to be more capacious in their framing. What *can* be defended is Lemkin's emphasis on the collective as a target. One can philosophize about the relative weight ascribed to collectives over the individual, as Holmes does; but the reality of modern times is that the vast majority of those murdered *were killed on the basis of a collective identity—even if only one imputed by the killers.* The link between collective and mass, then between mass and large-scale extermination, was the defining dynamic of the twentieth century's unprecedented violence. In his historical studies, Lemkin appears to have read this correctly. Many or most of the examples he cites would be uncontroversial among a majority of genocide scholars today.[60] He saw the Nazis' assaults on Jews, Poles, and Polish Jews for what they were, and labeled the broader genre for the ages.

Still, for Lemkin's word to resonate today, and into the future, two further developments were required. The UN Convention on the Prevention and Punishment of the Crime of Genocide (1948), adopted in remarkably short order after Lemkin's indefatigable lobbying, entrenched genocide in international and domestic law. And beginning in the 1970s, a coterie of "comparative genocide scholars," drawing upon a generation's work on the Jewish Holocaust,* began to discuss, debate, and refine Lemkin's concept—a trend that shows no sign of abating.

DEFINING GENOCIDE: THE UN CONVENTION

Lemkin's extraordinary "norm entrepreneurship" around genocide is described in Chapter 12. Suffice it to say for now that "rarely has a neologism had such rapid success" (legal scholar William Schabas). Barely a year after Lemkin coined the term, it was included in the Nuremberg indictments of Nazi war criminals (Chapter 15). To Lemkin's chagrin, genocide did not figure in the Nuremberg judgments. However, "by the time the General Assembly completed its standard sitting, with the 1948 adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, 'genocide' had a detailed and quite technical definition as a crime against the law of nations."[61]

---

* I use the word "holocaust" generically in this book to refer to especially destructive genocides, such as those against indigenous peoples in the Americas and elsewhere, Christian minorities in the Ottoman Empire during the First World War, Jews and Roma (Gypsies) under the Nazis, extermination campaigns by communist regimes, and Tutsis in Rwanda in 1994. Most scholars and commentators capitalize the "h" when referring to the Nazi genocide against the Jews, and I follow this usage when citing "the Jewish Holocaust" (see also Chapter 6, n. 1).

The "detailed and quite technical definition" is as follows:

Article I. The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

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.

Article III. The following acts shall be punishable:

(a) Genocide;
(b) Conspiracy to commit genocide;
(c) Direct and public incitement to commit genocide;
(d) Attempt to commit genocide;
(e) Complicity in genocide.[62]

Thematically, Lemkin's conviction that genocide needed to be confronted, whatever the context, was resoundingly endorsed with the Convention's declaration that genocide is a crime "whether committed in time of peace or in time of war." This removed the road-block thrown up by the Nuremberg trials, which had only considered Nazi crimes committed after the invasion of Poland on September 1, 1939.

The basic thrust of Lemkin's emphasis on ethnic and national groups (at the expense of political groups and social classes) also survived the lobbying and drafting process. Genocide scholars have lamented the absence of political groups, and this omission has become only more glaring as we have grown to appreciate how "political" are the constructions of the Convention's protected groups, as Daniel Feierstein has pointed out. He stresses, for example, "the ideological nature of religious belief," so evident in the case of the Argentine military *junta* of 1976–1983, with its "explicit aim of establishing a 'Western and Christian' order." He argues that "race is really a metaphor for otherness—an otherness constructed as dangerous, deep-seated, and inassimilable. In this sense, race is clearly a political concept, used for political ends." Moreover, Feierstein wonders, how can any decision to target a group "in part—as opposed to in whole . . . be anything but political"?[63]

In the diverse genocidal strategies cited, we see reflected Lemkin's conception of genocide as a "coordinated plan of different actions aiming at the destruction

BOX 1.3 WHATEVER HAPPENED TO POLITICAL GROUPS?

It is instructive to trace the appearance and disappearance of political groups among those protected by the United Nations' emerging Convention on the Prevention and Punishment of the Crime of Genocide, eventually signed on December 9, 1948. As late as April 1948, the Ad Hoc Committee on Genocide was defining genocide as the destruction of "a national, racial, religious *or political* group as such." Ominously, however, the chairman "remarked that the words 'or political' had for the time being been put in brackets, because the Committee had not yet taken a decision regarding [their] inclusion . . . "[64] Later in April, the Convention framers again tackled the subject. It noted that while there was unanimous agreement on "protecting *national, racial and religious groups* . . . the inclusion of *political groups* was accepted by four votes to three. The minority pointed out that political groups lack the stability of the other groups mentioned. They have not the same homogeneity and are less well defined."[65]

Joseph Stalin's USSR (Chapter 5) was among the most vocal opponents of extending Convention protection to political groups. Its representative, Platon Mozorov, asserted in May 1948 that

> Crimes committed for political motives are crimes of a special kind and have nothing in common with crimes of genocide. The very word "genocide" derived from the word "genus" – race, people – shows that it concerns the destruction of nations or races as such, for reasons of racial or national persecution and not for the particular political opinions of such human groups. Crimes committed for political motives are not connected to propaganda of racial and national hatred and cannot therefore be included in the category of crimes covered by the notion of genocide.[66]

With the Soviet Union fresh from imposing political control over the eastern European "Bloodlands" it had ravaged, together with the Nazis (Box 2.3), it is easy to suspect that its policymakers were anxious to avoid untoward attention to their own domestic atrocities. (For a similar reason, colonial powers tended to downplay the sociocultural destruction and forced assimilation of indigenous peoples—see further below.) But it was not solely the Soviet Union and its satellites that had qualms. Venezuela's representative, V.M. Pérez Perozo, argued that the Convention's "protected groups" should be limited to those

> based on permanent and easily recognizable criteria: that of blood for racial groups and that of the Mother Church for religious groups. Political groups lacked permanence: their inclusion in the Convention would be tantamount to the protection of conspiracies and plots and thus place certain governments under the constant threat of being accused of criminal acts. Moreover, the fear

of impairing their power to take defensive action against domestic disorders might prevent many States from signing the Convention.

Venezuela "recognized the necessity of protecting political groups," said Pérez Perozo, "but thought that protection should be ensured by other means, in particular by absolute respect for guarantees of individual rights . . . "[67]

Such reasoning did not pass unchallenged, however. Bolivian representative Gustavo Medeiros scoffed at the notion that "genocide meant the physical destruction of a group which was held together by a common origin or a common ideology." "No valid reason" existed, said Medeiros, "for restricting the concept of genocide by excluding political groups. Moreover, no convincing arguments had been produced in favour of that exclusion." He added, a little cheekily, that "the definition might even be broadened still further to include economic groups." Castel Demesmin of Haiti pithily reflected the modern history of his country in his view "that all the crimes [of genocide] envisaged were in reality committed for political reasons, whatever motive might be alleged."[68]

The proponents carried the day: references to both "political groups" and "political opinion" still made the cut in Article II of the Draft Convention dated May 24, 1948. But the struggle for clear consensus, and a desire to move on to other pressing issues, led to "protected groups" being whittled down to their present form—national, "ethnical," racial, and religious alone. (David Nersessian stresses that "this was expressly described as a 'conciliatory' measure to ensure ratificastion, rather than a legalistiac concession that political groups somehow were analytically incongruent.")[69] Under international law, political groups sheltered, or languished, under the catch-all of "crimes against humanity" (see Chapter 15). No fewer than eleven countries "recognize political groups in their domestic legislation on genocide" ("Bangladesh, Cambodia, Col[o]mbia, Costa Rica, Côte d'Ivoire, Ecuador, Ethiopia, Lithuania, Panama, Poland, and Slovenia"), while nine others "recognize a 'broad form' conception of genocide (groups based on 'any arbitrary criterion')" ("Belarus, Burkina Faso, Canada, Congo (DR), Estonia, Finland, France, Latvia, and Romania"). In the most detailed engagement with the subject in the genocide studies literature, Nersessian issues a spirited call for reformulating the Genocide Convention to protect political groups, on four principal grounds:

1. Political rights are important rights that have a similar (albeit not identical) level of international acceptance and recognition;
2. on a theoretical level, political rights correspond closely to the rights underlying the groups included in the Convention in terms of how such rights are implemented and protected, particularly in respect of religion;
3. because national, racial, ethnic and religious characteristics are so often used as a proxy for political identity, in practice political groups often overlap significantly with the enumerated group categories [see below, "Multiple and Overlapping Identities"]; and
4. there have been many historic examples of political genocide.[70]

of essential foundations of the life of national groups, with the aim of annihilating the groups themselves." However, at no point did the Convention's drafters actually define "national, ethnical, racial or religious" groups, and these terms have been subject to considerable subsequent interpretation. The position of the International Criminal Tribunal for Rwanda (ICTR), that "any stable and permanent group" is in fact to be accorded protection under the Convention, is likely to become the norm in future judgments.

With regard to genocidal strategies, the Convention places "stronger emphasis than Lemkin on *physical and biological destruction*, and less on broader *social destruction*," as sociologist Martin Shaw points out.[71] But note how diverse are the actions considered genocidal in Article II—in marked contrast to the normal understanding of "genocide." One does not need to exterminate or seek to exterminate every last member of a designated group. In fact, *one does not need to kill anyone at all to commit genocide!* Inflicting "serious bodily or mental harm" qualifies, as does preventing births or transferring children between groups. It is fair to say, however, that from a legal perspective, genocide unaccompanied by mass killing is rarely prosecuted.[72] (I return to this subject below.)

Controversial and ambiguous phrases in the document include the reference to "serious bodily or mental harm" constituting a form of genocide. In practice, this has been interpreted along the lines of the Israeli trial court decision against Adolf Eichmann in 1961, convicting him of the "enslavement, starvation, deportation and persecution of . . . Jews . . . their detention in ghettos, transit camps and concentration camps in conditions which were designed to cause their degradation, deprivation of their rights as human beings, and to . . . cause them inhumane suffering and torture." The ICTR adds an interpretation that this includes "bodily or mental torture, inhuman treatment, and persecution," as well as "acts of rape and mutilation." In addition, "several sources correctly take the view that mass deportations under inhumane conditions may constitute genocide if accompanied by the requisite intent."[73] "Measures to prevent births" may be held to include forced sterilization and separation of the sexes. Sexual trauma and impregnation through gang rape have received increasing attention. The destruction of groups "as such" brought complex questions of motive into play. Some drafters saw it as a means of paying lip-service to the element of motive, while others perceived it as a way to sidestep the issue altogether.

Historically, it is intriguing to note how many issues of genocide definition and interpretation have their roots in contingent and improvised aspects of the drafting process. The initial draft by the UN Secretariat defined genocide's targets as "a group of human beings," adoption of which could have rendered redundant the subsequent debate over *which* groups qualified.

Responsibility for the exclusion of political groups was long laid at the door of the Soviet Union and its allies, supposedly nervous about application of the Convention to Soviet crimes (see Box 1.3). Schabas challenges this notion, arguing that "rigorous examination of the *travaux* [working papers] fails to confirm a popular impression in the literature that the opposition . . . was some Soviet machination." Political collectivities "were actually included within the enumeration [of designated groups] until an eleventh-hour compromise eliminated the reference."[74] In the estimation of many genocide scholars, this is the Convention's

greatest oversight.[75] As for the provision outlawing the transfer of children between groups to undermine an out group, it "was added to the Convention almost as an afterthought, with little substantive debate or consideration."[76] It was influenced by the Nazi practice of seizing ideal "Aryan" children from occupied countries for induction into the "master race." It has resonated most in subsequent decades in advocacy around indigenous peoples' genocides (Chapter 3). Settler-state authorities have standardly coerced aboriginal parents into surrendering their children to residential schools, some of them exterminatory. Seizures of aboriginal children, by social workers on humanitarian grounds, are rife and controversial today.

In its opening sentence, the Convention declares that the Contracting Parties "undertake to prevent and to punish" the crime of genocide. A subsequent article (VIII) states that "any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III." Yet this leaves actual policy obligations vague.

BOUNDING GENOCIDE: COMPARATIVE GENOCIDE STUDIES

Between the 1950s and the 1980s, the term "genocide" languished almost unused by scholars. A handful of legal commentaries appeared for a specialized audience.[77] In 1975, Vahakn Dadrian's article "A Typology of Genocide" sparked renewed interest in a comparative framing. It was bolstered by Irving Louis Horowitz's *Genocide: State Power and Mass Murder* (1976), and foundationally by Leo Kuper's *Genocide: Its Political Use in the Twentieth Century* (1981). Kuper's work, including a subsequent volume on *The Prevention of Genocide* (1985), was the most significant on genocide since Lemkin's in the 1940s and '50s. It was followed by edited volumes and solo publications from Helen Fein, R.J. Rummel, Frank Chalk and Kurt Jonassohn, and Robert Melson, among others.

This early literature drew upon more than a decade of intensive research on the Holocaust, and most of the scholars were Jewish. "Holocaust Studies" remains central to the field. Still, rereading these pioneering works, one is struck by how inclusive and comparative their framing is. It tends to be global in scope, and interdisciplinary at many points. The classic volumes by Chalk and Jonassohn *(The History and Sociology of Genocide)* and Totten *et al. (Century of Genocide)* appeared in the early 1990s, and seemed to sum up this drive for catholicity. So too, despite its heavy focus on the Holocaust, did Israel Charny's *Encyclopedia of Genocide* (1999). A rich body of case-study literature also developed, with genocides such as those against the Armenians, Cambodians, and East Timorese—as well as indigenous peoples worldwide—receiving serious and sustained attention.

The explosion of public interest in genocide in the 1990s, and the concomitant growth of genocide studies as an academic field, have spawned a profusion of humanistic and social-scientific studies, joined by memoirs and oral histories. (The wider culture has also produced a steady stream of films on genocide and its reverberations, including *The Killing Fields, Schindler's List*, and *Hotel Rwanda*.)[78]

To capture the richness and diversity of the genocide-studies literature in this short section is impossible. What I hope to do is, first, to use that literature

constructively throughout this book; and, second, to provide suggestions for further study, encouraging readers to explore for themselves.

With this caveat in place, let me make a few generalizations, touching on debates that will reappear regularly in this book. Genocide scholars are concerned with two basic tasks. First, they attempt to *define* genocide and *bound* it conceptually. Second, they seek to *prevent* genocide. This implies understanding its comparative dynamics, and generating prophylactic strategies that may be applied in emergencies.

Scholarly definitions of genocide reflect the ambiguities of the Genocide Convention and its constituent debates. They can be confusing in their numerous and often opposed variants. However, surveying most of the definitions on offer—I count twenty-five, so you don't have to—and combining them with the Lemkian and UN Convention framings, we can isolate some key features and variables.

BOX 1.4 GENOCIDE: SCHOLARLY DEFINITIONS (in chronological order)

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."

Nehemiah Robinson (1960, interpreting the UN Convention)

"Genocide has been committed when acts of homicide are joined with a connecting purpose, i.e., directed against persons with specific characteristics (with intent to destroy the group or a segment thereof)."

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 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 funda-mental 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 con-ception. 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)

[n.b. Bauer distinguishes between "genocide" and "holocaust"]:

"[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, eth-nic) 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."

Helen Fein (1988)

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

Barbara Harff and Ted Gurr (1988)

"By our definition, genocides and politicides are the promotion and execution of policies by a state or its agents which results in the deaths of a substantial portion of a group. . . . In genocides the victimized groups are defined primarily in terms of their communal characteristics, i.e., ethnicity, religion, or nationality. In politicides the victim groups are defined primarily in terms of their hierarchical position or political opposition to the regime and dominant groups."

Henry Huttenbach (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." (n.b. Modified by Adam Jones in 2010 to read, "murder in whole or in 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* [emphasis in original]. . . . 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".)

Manus I. Midlarsky (2005)

"Genocide is understood to be the state-sponsored systematic mass murder of innocent and helpless men, women, and children denoted by a particular ethno-religious identity, having the purpose of eradicating this group from a particular territory."

Mark Levene (2005)

"Genocide occurs when a state, perceiving the integrity of its agenda to be threatened by an aggregate population—defined by the state as an organic collectivity, or series of collectivities—seeks to remedy the situation by the systematic, *en masse* physical elimination of that aggregate, *in toto*, or until it is no longer perceived to represent a threat."

(Elsewhere: genocide is "the state-organised total or partial extermination of perceived or actual communal groups.")

Jacques Sémelin (2005)

"I will define genocide as that particular process of civilian destruction that is directed at the total eradication of a group, the criteria by which it is identified being determined by the perpetrator."

Daniel Chirot and Clark McCauley (2006)

"A genocidal mass murder is politically motivated violence that directly or indirectly kills a substantial proportion of a targeted population, combatants and noncombatants alike, regardless of their age or gender."

Martin Shaw (2007)

"[Genocide is] a form of violent social conflict, or war, between armed power organizations that aim to destroy civilian social groups and those groups and other actors who resist this destruction."("Genocidal action" is defined as "action in which armed power organizations treat civilian social groups as enemies and aim to destroy their real or putative social power, by means of killing, violence and coercion against individuals whom they regard as members of the groups.")

Daniel Feierstein (2007)

" . . . Genocide should be defined in broad and general terms as the execution of a large-scale and systematic plan with the intention of destroying a human group as such in whole or in part." (English translation, 2014)

Donald Bloxham (2009)

"[Genocide is] the physical destruction of a large portion of a group in a limited or unlimited territory with the intention of destroying that group's collective existence."

Christopher Powell and Julia Peristerakis (2014)

"We define genocide as the violent erasure of a collective identity and understand genocide as a multidimensional process that works through the destruction of the social institutions that maintain collective identity as well as through the physical destruction of human individuals."

Discussion

The elements of definition may be divided into "harder" and "softer" positions, paralleling the international-legal distinction between hard and soft law. According to Christopher Rudolph,

> those who favor hard law in international legal regimes argue that it enhances deterrence and enforcement by signaling credible commitments, constraining self-serving auto-interpretation of rules, and maximizing 'compliance pull' through increased legitimacy. Those who favor soft law argue that it facilitates compromise, reduces contracting costs, and allows for learning and change in the process of institutional development.[79]

In genocide scholarship, harder positions are guided by concerns that "genocide" will be rendered banal or meaningless by careless use. Some argue that such slack usage will divert attention from the proclaimed uniqueness of the Holocaust. Softer positions reflect concerns that excessively rigid framings (for example, a focus on the total physical extermination of a group) rule out too many actions that, logically and morally, demand to be included. Their proponents may also wish to see a dynamic and evolving genocide framework, rather than a static and inflexible one.

It should be noted that these basic positions do not map perfectly onto individual authors and authorities. A given definition may even alternate between harder and softer positions—as with the UN Convention, which features a decidedly "soft" framing of genocidal strategies (including non-fatal ones), but a "hard" approach when it comes to the victim groups whose destruction qualifies as genocidal. Steven Katz's 1994 definition, by contrast, features a highly inclusive framing of victimhood, but a tightly restrictive view of genocidal outcomes: these are limited to the total physical destruction of a group. The alteration of just a few words turns it into a softer definition that happens to be my preferred one (see below).

Exploring further, the definitions address genocide's *agents, victims, goals, scale, strategies,* and *intent.*

Among **agents,** there is a clear emphasis on state and official authorities—Dadrian's "dominant group, vested with formal authority"; Horowitz's "state bureaucratic apparatus"; Porter's "government or its agents"—to cite three of the first five definitions proposed (note also Harff and Gurr [1988], and Levene's exclusively state-focused 2005 definition). However, some scholars abjure the state-centric approach (e.g., Chalk and Jonassohn's "state or other authority"; Fein's [1993] "perpetrator"; Thompson and Quets's "whatever agents"; Shaw's "armed power organizations"; Feierstein's emphasis on the "execution" regardless of the executioner). The UN Convention, too, cites "constitutionally responsible rulers, public officials or private individuals" among possible agents (Article IV).[80] In practice, most genocide scholars continue to emphasize the role of the state, while accepting that in some cases—as with settler colonialism

(Chapter 3)—non-state actors may play a prominent and at times dominant role.[81] The proliferation of detailed historical and social-scientific studies, based on local archives or fieldwork, has also heightened awareness of the *local* dimension of genocides, and the way they are often used as an opportunity for personal gain, or to settle personal scores. Fresh research on the European "Rimlands" and "Bloodlands" (see Box 2.3), as well as many important works on the Rwandan Tutsi genocide, are examples of this trend. It has dovetailed with political scientists' new focus on local dynamics in civil conflicts, sparked by Stathis Kalyvas's book *The Logic of Violence in Civil War*.[82]

As noted earlier, there is a significant "return" to Raphael Lemkin's original, more sociological/cultural framing of genocide as a multifaceted and structural assault on the viability of groups. In this understanding, agency is pervasive, diffused, and institutionalized. Often, adherents to this position simply reference Lemkin's definition; Powell and Peristerakis are an exception.

Victims are routinely identified as *collectivities* and *social minorities*. There is a widespread assumption that victims must be civilians or non-combatants: Charny references their "essential defencelessness," while others emphasize "one-sided mass killing" and the destruction of "innocent and helpless" victims (Midlarsky; see also Dadrian, Horowitz, Chalk and Jonassohn, and Fein [1993]). Interestingly, however, only Sémelin's 2005 definition, and Shaw's 2007 one, actually use the word "civilian." The groups may be internally constituted and self-identified (that is, more closely approximating groups "as such," as required by the Genocide Convention). From other perspectives, however, target groups may and must be defined by the perpetrators (e.g., Chalk and Jonassohn, Katz, Levene).[83] The debate over political target groups is reflected in Leo Kuper's comments. Kuper grudgingly accepts the UN Convention definition, but strongly regrets the exclusion of political groups.

The *goals* of genocide are held to be the destruction/eradication of the victim group, whether this is defined in physical terms or to include "cultural genocide" (see below). But beyond this, the element of motive is little stressed. Lemkin squarely designated genocidal "objectives" as the "disintegration of the political and social institutions of culture, language, national feelings, religion, and the economic existence of national groups." Bauer likewise emphasizes "denationalization"; Martin Shaw, the desire to destroy a collective's (generally a minority's) social power. Dadrian and Horowitz specify that genocide targets groups "whose ultimate extermination is held to be desirable and useful," while Horowitz stresses the state's desire "to assure [sic] conformity and participation of the citizenry."

As for *scale*, this ranges from Steven Katz's targeting of a victim group "in its totality" and Sémelin's "total eradication," to phrasing such as "a substantial portion" (Harff and Gurr) to "in whole or in large part" (Wallimann and Dobkowski). Irving Louis Horowitz emphasizes the absolute dimension of "mass" murder "for which genocide is a synonym."[84] Some scholars maintain a respectful silence on the issue, though the element of mass or "substantial" casualties seems implicit in the cases they select and the analyses they develop.

BOX 1.5 A LEXICON OF GENOCIDES AND RELATED MASS CRIMES

Groups targeted for genocide and related crimes sometimes develop terms in their local languages to denote and memorialize their experiences. The following is a sample of this nomenclature.

Churban—the "Great Catastrophe"—the Yiddish term for the Holocaust/Shoah (see below) of Jews at Nazi hands.

Gukurahundi—"the mass murder of over 20,000 Matabele citizens of Zimbabwe in 1983 and 1984." It "meets the definition of genocide because it was carried out by the North-Korean trained, exclusively [ethnic] Shona Fifth Brigade under President Mugabe and it targeted ethnic Matabele people."[85]

Holocaust—Derived from the Greek word meaning a sacrificial offering completely consumed by fire. In modern usage, "holocaust" denotes great human destruction, especially by fire. It was deployed in contemporary media coverage of the Ottoman genocides of Christian minorities from 1915–1922 (see Chapter 4). Today, "the Holocaust" (note: uppercase "H") is used for the Nazis' attempted destruction of Jews during World War Two (Chapter 6; but see also *Shoah*, below). The phrase "Nazi H/holocaust" is also sometimes used to encompass both Jewish and non-Jewish victims of the Nazis (Box 6a). Use may be made of "holocaust" (with a lowercase "h") to describe "especially destructive genocides" throughout history, as in my own framing (see note, p. 17).

Holodomor—the Ukrainian "famine-extermination" of 1932–1933 at the hands of Stalin's Soviet regime (Chapter 5); "a compound word combining the root *holod* 'hunger' with the verbal root *mor* 'extinguish, exterminate' " (Lubomyr Hajda, Harvard University).

Itsembabwoko—used by Rwandans to describe the genocide of 1994 (see Chapter 9)—Kinyarwanda, "from the verb 'gutsemba'—to exterminate, to massacre, and 'ubwoko' (ethnic group, clan)" (PreventGenocide.org; see their very useful resource page, "The Word 'Genocide' Translated or Defined in 80 Languages," www.preventgenocide.org/genocide/languages-printerfriendly.htm). Rwandans also use *Jenosid*, an adaption of the English/French "genocide/*génocide*."

Lokeli—the "Overwhelming"—term used in the Longo language to describe the ravages of the Congo "rubber terror" at the turn of the twentieth century (Chapter 2).

Medz Yeghern (or Mec Ejer'n)—the "Great Calamity" in Armenian—the Armenian genocide of 1915–1917 (Chapter 4).

Naqba—in Arabic, the "Catastrophe" of the Palestinian people uprooted and dispossessed in 1947–1948 by the forces of the nascent Israeli state (see Chapter 6).

Porrajmos—the "Devouring"—Romani term for the holocaust of the Roma/Sinti ("Gypsy") population of Europe under Nazi rule from 1941 to 1945 (see Box 6a).

Sayfo—"Year of the Sword"—term used by Assyrian populations to refer to the Ottoman genocide of Christian minorities during World War One (Chapter 4).

Shoah—from the Hebrew for "Catastrophe"—an alternative term for the Jewish Holocaust (Chapter 6), preferred by those who reject the religious-sacrificial connotations of "holocaust."

Sokumu—the "Unweaving"—Turkish term for the atrocity-laden expulsions of Muslims from lands liberated from the Ottoman Empire, from the 1870s to the end of the Balkan wars in 1913 (see Chapter 4).

Many people feel that lumping together a limited killing campaign, such as in Kosovo in 1999, with an overwhelmingly exterminatory one, such as the Nazis' attempted destruction of European Jews, diminishes the concept of "genocide." However, it is worth noting how another core concept of social science and public discourse is deployed: *war*. We readily use "war" to designate conflicts that kill "only" a few hundred or a few thousand people (e.g., the Soccer War of 1969 between El Salvador and Honduras; the Falklands/Malvinas War of 1982), as well as epochal descents into barbarity that kill millions or tens of millions. The gulf between minimum and maximum toll here is comparable to that between Kosovo and the Jewish Holocaust, but the use of "war" is uncontroversial. There seems to be no reason why we should not distinguish between larger and smaller, more or less exterminatory genocides in the same way.

Diverse genocidal *strategies* are depicted in the definitions. Lemkin referred to a "coordinated plan of different actions," and the UN Convention listed a range of such acts. For the scholars cited in our set, genocidal strategies may be direct or indirect (Fein [1993]), including "economic and biological subjugation" (Wallimann and Dobkowski). They may include killing of elites (i.e., "eliticide"); "elimination of national (racial, ethnic) culture and religious life with the intent of 'denationalization'"; and "prevention of normal family life, with the same intent" (Bauer). Helen Fein's earlier definition emphasizes "breaking the linkage between reproduction and socialization of children in the family or group of origin," which carries a step further the Convention's injunction against "preventing births within the group." "The New Lemkians," such as Powell and Peristerakis, stress the targeting of institutions and identities alongside physical destruction.

Regardless of the strategy chosen, a consensus exists that genocide is "committed with intent to destroy" (UN Convention), is "structural and systematic" (Horowitz), "deliberate [and] organized" (Wallimann and Dobkowski), and "a

series of purposeful actions" (Fein; see also Thompson and Quets). Porter and Horowitz stress the additional role of the state bureaucracy.

There is something of a consensus that group "destruction" must involve physical liquidation, generally in the form of mass killing (see, e.g., Robinson, Fein [1993], Charny, Horowitz, Katz/Jones, Bloxham). The first UN declaration on the subject, Resolution 96/I of December 1946, stated that "Genocide is a denial of the right of existence to entire human groups, *as homicide is the denial of the right to life of individual human beings*."[86] In Peter Drost's 1959 view, genocide was "collective homicide and not official vandalism or violation of civil liberties. . . . It is directed against the life of man and not against his material or mental goods."[87] In their 1988 framing of genocide and politicide, Harff and Gurr were emphatic in their emphasis on the UN Convention provisions of "killing members of a group" and "deliberately inflicting on the group conditions of life" that caused physical destruction. They rejected the "innumerable instances of groups which have lost their cohesion and identity, but not necessarily their lives, as a result of processes of socioeconomic change."[88]

This distinction is also central to my own framing of genocide. My definition, cited above, alters only slightly that of Steven Katz as published in his 1994 volume, *The Holocaust in Historical Context, Vol. 1.*[89] Katz stresses physical (and mass) killing as the core element of genocide, as do I. Like him, I prefer to incorporate a much wider range of targeted *groups* under the genocide rubric, as well as an acceptance of diverse genocidal *agents* and *strategies*. Unlike Katz, I adopt a broader rather than narrower construction of genocidal *intent* (see further below). I also question Katz's requirement of the actual or attempted *total* extermination of a group, substituting a phrasing of "in whole or in part," following in this respect the UN Convention's definition.

In my original (2000) reworking of Katz's definition, reproduced in this book's first edition, my alteration read "in whole or in *substantial* part." This was an attempt to emphasize that large numbers (either in absolute numbers or as a proportion of the targeted group) needed to be attacked in order for the powerful term "genocide" to take precedence over, for example, "homicide" or "mass killing." However, on reconsideration, this was to view genocide from the perspective of its elite planners and directors. What of those who kill at the grassroots, and perhaps murder "only" one or several individuals? From this perspective, there is something to commend former UN Secretary-General Kofi Annan's evocative declaration, in his Nobel Peace Prize acceptance speech in 2001, that "a genocide begins with the killing of one man—not for what he has done, but because of who he is. . . . What begins with the failure to uphold the dignity of one life, all too often ends with a calamity for entire nations."[90] Moreover, legal scholars including William Schabas and Chile Eboe-Osuji have cautioned against unnecessarily restricting the application of a genocide framework to "substantial" killing. In Eboe-Osuji's eloquent analysis of the UN definition:

> . . . The theory of *reading in* the word "substantial" to the phrase "in part" is clearly hazardous to the preventive purpose of the Genocide Convention, while arguably not enhancing its punitive purpose. It does not enhance the punitive purpose since it will be harder to convict any single accused of the crime of genocide. Not only will it be more difficult to show that the accused intended to destroy a substantial part of the group, but it arguably needs to be shown that the accused was in a position to destroy the substantial part of a

protected group. . . . The "substantial" part theory is, worse still, hazardous to the preventive purpose. For in the throes of an unfolding apparent genocide, it will, in most cases, be difficult to ascertain the state of mind of the perpetrators and planners in order to establish whether or not they harbour joint or several intent to destroy a "substantial" part of the group. The longer the delay in establishing whether or not the perpetrators and planners harboured that intent, the longer it will take for the international community to react and intervene with the level of urgency and action required.[91]

Eboe-Osuji's framing allows us to bring into the ambit of "genocide" such cases as exterminations of indigenous people which, in their dimension of direct killing, are often composed of a large number of relatively small massacres, not necessarily centrally directed, and generally separated from each other spatially and temporally. A final example of its utility is the case of the lynching of African Americans, noted later in this chapter and in Chapter 13. If there is a case to be made that such murders were and are genocidal, then we must reckon with a campaign in which usually "only" one or two people were killed at a time.

In the cases of both colonial exterminations and lynching, however, what *does* appear to lift the phenomena into the realm of genocide, apart from genocidal intent (see below), is the fact that the local-level killing occurred as part of a "widespread or systematic" campaign against the groups in question—to borrow an important phrase from the legal language of crimes against humanity (see pp. 709–712). What united the killers was a racial-cultural animus and sense of superiority, in which individual actors were almost certainly and always aware that their actions were taken to bolster and "defend" the wider perpetrator group. Demonstrating such a consciousness is not a requirement for a legal finding of genocide, as it appears to be for the findings of crimes against humanity. Nonetheless, in practice, it seems that acts of murder are unlikely to be defined as genocidal—whether in law or in the wider scholarship on the subject—unless they are empirically part of a "widespread or systematic" campaign, and target a substantial or significant portion of the group.[92] The reader should be aware that this requirement, unspoken hereafter, guides the analysis of genocide offered in this book, and the range of cases presented to illustrate it.

The reader should keep in mind throughout, however, that there is just one international-legal definition of genocide. For some scholars and advocates, like Helen Fein, this is sufficient to grant the UN Genocide Convention pride of place in any analysis. "I employ the UNGC definition," Fein wrote, "because I believe that it is useful to maintain a common universe of discourse among genocide scholars, international lawyers and human rights monitors; to discriminate between victims of genocide and the violations of life integrity; and to recognize related violations in international law, such as war crimes and crimes against humanity."[93]

For my part, when I touch on legal aspects of genocide, I highlight the UN Convention definition; but I deploy it and other legal framings instrumentally, not dogmatically. I seek to convey an understanding of genocide in which international law is a vital but not a dominant consideration. In part, this is because at the level of international law, genocide is perhaps being displaced by the framing of "crimes against humanity," which is easier to prosecute and imposes much the same punishments as for genocide convictions. The result may be that "genocide,"

in the coming years and decades, will prove more significant as *an intellectual and scholarly framework* (a heuristic device, for the jargon-inclined), and as *a tool of advocacy and mobilization*. I return to this argument in Chapter 16.

A final caution: the debate over genocide definitions should not blind us to the core problem to be addressed. As the Zen adage has it, let us not mistake the finger pointing at the moon for the moon itself. Israel Charny has noted the sterility of such "definitionalism," which he described as "a form of maddening resistance to acknowledging a known genocide that is common for academics who enter definitional battles over whether or not a given event really fits the pure form of definition of genocide. So much energy goes into the definitional struggle, and so much emphasis is put on words that minimize the extent of the event, that first the significance of the event and its enormous human tragedy are written out of existence, and then the event itself becomes as if something else."[94]

BOX 1.6 THE OTHER "-CIDES" OF GENOCIDE

The literature on genocide and mass violence has given rise to a host of terms derived from Raphael Lemkin's original "genocide." A sampling follows.

Classicide. Term coined by Michael Mann to refer to "the intended mass killing of entire social classes." Examples: The destruction of the "kulaks" in Stalin's USSR (Chapter 5); Cambodia under the Khmer Rouge (Chapter 7). Source: Michael Mann, *The Dark Side of Democracy* (Cambridge University Press, 2004).

Democide. Term invented by R.J. Rummel to encompass "the murder of any person or people by a government, including genocide, politicide, and mass murder." Examples: Rummel particularly emphasizes the "megamurders" of twentieth-century totalitarian regimes. Source: R.J. Rummel, *Death by Government* (Transaction Publishers, 1997).

Ecocide. The willful destruction of the natural environment and ecosystems, through (a) pollution and other forms of environmental degradation, and (b) military efforts to undermine a population's sustainability and means of subsistence. Examples: Deforestation in the Amazon and elsewhere; US use of Agent Orange and other defoliants in the Vietnam War (see Figure 1.4); Saddam Hussein's campaign against the Marsh Arabs in Iraq.[95] Source: David Zierler, *The Invention of Ecocide: Agent Orange, Vietnam, and the Scientists Who Changed the Way We Think About the Environment* (University of Georgia Press, 2011).

Eliticide. The destruction of members of the socioeconomic elite of a targeted group—political leaders, military officers, businesspeople, religious leaders, and cultural/intellectual figures. (n.b. Sometimes spelled "elitocide.") Examples: Poland under Nazi rule (1939–1945); Burundi (1972); Bosnia-Herzegovina in the 1990s.

Figure 1.4 US aerial spraying with Agent Orange—a 50–50 mixture of the herbicides 2,4-d and 2,4,5-t—over vast areas of South Vietnam in the 1960s and 1970s exemplified and popularized the concept of "ecocide."

Source: US Air Force/Wikimedia Commons.

Source: "Eliticide," in Samuel Totten, Paul R. Bartrop, and Steven L. Jacobs, *Dictionary of Genocide, Vol. 1* (Greenwood Press, 2007), pp. 129–130.

Ethnocide. Term originally coined by Raphael Lemkin as a synonym for genocide; subsequently employed (notably by the French ethnologist Robert Jaulin) to describe patterns of cultural genocide, i.e., the destruction of a group's cultural, linguistic, and existential underpinnings, without necessarily killing members of the group. Examples: The term has been used mostly with reference to indigenous peoples (Chapter 3, Box 5a.1), to emphasize that their "destruction" as a group involves more than simply the murder of group members. Source: Robert Jaulin, *La paix blanche: Introduction a l'ethnocide* ("White Peace: Introduction to Ethnocide") (Seuil, 1970).

Femicide/Feminicide. The systematic murder of females for being female. Examples: female infanticide; killings in Ciudad Juarez, Mexico, in the 1990s and 2000s; the École Polytechnique massacre in Montreal (1989). (See also Gendercide.) Source: Diana E.H. Russell and Roberta A. Harmes, eds., *Femicide in Global Perspective* (Teachers College Press, 2001).

Fratricide. Term coined by Michael Mann to describe the killing of factional enemies within political (notably communist) movements. Examples: Stalin's USSR

(Chapter 5); Mao's China (Chapter 5); the Khmer Rouge (Chapter 7). Source: Michael Mann, *The Dark Side of Democracy* (Cambridge University Press, 2004).

Gendercide. The selective destruction of the male or female component of a group, or of dissident sexual minorities (e.g., homosexuals, transsexuals). Term originally coined by Mary Anne Warren in 1985. Examples: Female infanticide; gender-selective massacres of males (e.g., Srebrenica, Bosnia in 1995) (see Chapter 13). Source: Adam Jones, ed., *Gendercide and Genocide* (Vanderbilt University Press, 2004).

Indigenocide. " . . . Another term used to refer to the particular experiences of Indigenous peoples under colonialism"; coined by Bill Thorpe "to communicate 'an interdependent, three-way onslaught upon lives, land, and culture.' "[96]

Judeocide. The Nazi extermination of European Jews. Term coined by Arno Mayer to avoid the sacrificial connotations of "Holocaust" (see also Shoah). Example: The Jewish Holocaust (1941–1945). Source: Arno J. Mayer, "Memory and History: On the Poverty of Remembering and Forgetting the Judeocide," *Radical History Review*, 56 (1993).

Libricide. "The violent destruction of books and libraries" (Knuth) as a strategy and subset of Ethnocide (see above; see also Linguicide and Memoricide). Examples: Nazi Germany; Cultural Revolution in China (1966–1969). Source: Rebecca Knuth, *Libricide: The Regime-Sponsored Destruction of Books and Libraries in the Twentieth Century* (Praeger Publishers, 2003).

Linguicide. The destruction and displacement of languages. Examples: The forcible supplanting of indigenous tongues as part of a wider ethnocidal campaign (see "Ethnocide," above); Turkish bans on the Kurdish language in education and the media (repealed in 2009, but again under threat). Source: Steven L. Jacobs, "Language Death and Revival after Cultural Destruction: Reflections on a Little Discussed Aspect of Genocide," *Journal of Genocide Research*, 7: 3 (2005).

Memoricide. The destruction "not only . . . of those deemed undesirable on the territory to be 'purified,' but . . . [of] any trace that might recall their erstwhile presence (schools, religious buildings and so on)" (Jacques Sémelin). Term coined by Croatian doctor and scholar Mirko D. Grmek during the siege of Sarajevo. Examples: Israel in Palestine;[97] Bosnia-Herzegovina in the 1990s. Source: Edgardo Civallero, " 'When Memory Turns into Ashes' . . . Memoricide During the XX Century," *Information for Social Change*, 25 (Summer 2007).

Omnicide. "The death of all": the blanket destruction of humanity and other life forms by weapons of mass destruction, especially nuclear weapons. Term coined by John Somerville. Examples: None as yet, fortunately. Source: John Somerville, "Nuclear 'War' is Omnicide," *Peace Research*, April 1982.

Politicide. Barbara Harff and Ted Gurr's term for mass killing according to "hierar-chical position or political opposition to the regime and dominant groups," as this identification is imputed by the state (see Box 1.4). Examples: Harff and Gurr consider "revolutionary one-party states" to be the most common perpetrators of genocide. The term may also be applied to the mass killings of alleged "communists" and "sub-versives" in, e.g., Latin America during the 1970s and 1980s. Source: Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *American Political Science Review*, 97: 1 (2003). (A blog, "The Liberal Ironist," offers an interesting alternative definition of politicide: "the mass killing by the state of the members of a voluntary association such as a political party, professional group or class of property-holders.")[98]

Poorcide. Coined by S.P. Udayakumar in 1995 to describe "the genocide of the poor" through structural poverty. Example: North-South economic relations. Source: S.P. Udayakumar, "The Futures of the Poor," *Futures*, 27: 3 (1995).

Urbicide. The obliteration of urban living-space as a means of destroying the viability of an urban civilization and eroding its collective values.

Throughout world history, human civilization has meant urbanization (the Latin *civitas* is the etymological root of both "city" and "civilization"). "Cities," wrote Daniel Jonah Goldhagen, "are the principal sites of modernity, of eco-nomic productivity, of technological productivity."[99] They are also, as political scientist Allan Cooper noted in *The Geography of Genocide*, sites of "hybridity" and cultural mixing. Cooper considered genocide a "fundamentally anti-city" phenomenon, pointing to the regularity with which genocidal perpetra-tors focus their assaults on urban environments, seeking to destroy them as symbols of group identity and social modernity.[100] Such campaigns are often accompanied by depictions of cities as cesspools of corruption and of foreign-affiliated cliques, requiring "cleansing" and "purifying" by genocidal agents.

Figure 1.5 The ruins of the Warsaw Ghetto, razed by Nazi forces after the Jewish uprising of April–May 1943. The photo was taken in 1945, after Warsaw's liberation. By that point, the remainder of the city, which rose in rebellion in August 1944, had suffered an only slightly less systematic urbicide at Nazi hands. The communists' meticulous postwar reconstruction of Warsaw's historic center was a notably rare architectural and aesthetic triumph of state socialism.

Source: Photo by Zbyszko Siemaszko/Central Photographic Agency (CAF), Warsaw/Wikimedia Commons.

These "deliberate attempts at the annihilation of cities as mixed physical, social, and cultural spaces"[101] constitute *urbicide*. The term was originally popularized in the Serbo-Croatian language, by Bosnian architects, to describe the Serb assault on Sarajevo and the Croat attack on Mostar during the Balkan wars of the 1990s (see Chapter 8). There are numerous historical precedents; as a strategy and symbol of the wider conquest of enemy populations, the obliteration of urban areas was celebrated with special relish. Raphael Lemkin quoted the Assyrian King Sennacherib's declaration following his conquest of the kingdom of Elam: "The city and houses, from their foundation to their upper chambers, I destroyed, dug up, in the fire I burn." Lemkin says Sennacherib "had canals dug through the city 'in order that, in the course of time, no one may find the place of this city and of its temples. I covered it with water.'"[102]

Another classical example of urbicide, perhaps the most iconic one, is the Roman siege and obliteration of Carthage (c. 149 BCE). Significantly, this was preceded by an ultimatum that the Carthaginians abandon their city for the countryside. When the ultimatum failed to produce the desired results, the Romans made plain their rejection of Carthage as a city. They razed it to rubble, and consigned the surviving population to slavery around the known world; they also inspired a term for indiscriminate destruction (and the "Carthaginian peace" it may impose). The wars of conquest, obliteration, and extermination waged by Genghis Khan and his successors across Central and West Asia represent perhaps the most sustained, geographically far-flung campaign of urbicide on the historical record.

In the modern period, examples of urbicide include the Ottoman destruction of the old city of Van in 1915, depicted and discussed in the photo essay (photo 7). During the Second World War, the Nazis inflicted some of the most ruthless urbicidal assaults on the historical record. The cases of Leningrad and Stalingrad are well known; less so the destruction of Warsaw, massively bombed in 1939, its Jewish ghetto razed Carthage-style after the uprising of 1943, and the rest of the city systematically eviscerated after much of the remaining population rebelled in 1944. The Nazis, wrote Keith Lowe, seemed almost to be working from a prewar Baedeker cultural guide as they set about destroying first every landmark in Warsaw, then entire urban neighborhoods:

> German troops blew up the medieval Royal Castle. They undermined the fourteenth-century cathedral and blew that up too. Then they destroyed the Jesuit Church. The Saxon Palace was systematically blown up over the course of three days just after Christmas 1944, as was the entire complex of baroque and rococo palaces. The European Hotel, recommended by Baedeker, was first burned down in October and then, just to make sure, blown up in January 1945. German troops went from house to house, street to street, systematically destroying the entire city: 93 per cent of Warsaw's dwellings were destroyed or damaged beyond repair. To complete the destruction they burned down the National Archive, the

> Archives of Ancient Documents, the Financial Archives, the Municipal Archives, the Archives of New Documents and the Public Library.[103]
>
> More recent iconic instances of urbicide include the Khmer Rouge's forced expulsions from Phnom Penh and other Cambodian cities in 1975 (see Chapter 7); Hafez al-Assad's 1982 assault on the rebellious Syrian city of Hama in 1982 ("The Hama Solution"),[104] and the merciless bombardment of rebel cities and neighborhoods by his son, Bashir, in today's ongoing civil war; the Armenian sacking and leveling of the Azerbaijani city of Agdam in 1992;[105] the siege of Sarajevo, Bosnia, 1992–1996 (see Chapter 8); the Russian pulverizing of Grozny, Chechnya in 1994–1995 (see Box 5a); and repeated Israeli air and artillery assaults on densely-populated urban areas of the Gaza Strip.

WHAT IS DESTROYED IN GENOCIDE?

Many framers of genocide have emphasized physical killing as primary in the equation—perhaps essential. For others, however—including Raphael Lemkin, and to an extent the drafters of the UN Genocide Convention—physical and mass killing is just one of a range of genocidal strategies. These observers stress the destruction of the group *as a sociocultural unit*, not necessarily or primarily the physical annihilation of its members.[106] This question—what, precisely, is destroyed in genocide?—has sparked one of genocide studies' most fertile lines of inquiry. It is closely connected with sociologist Martin Shaw, who in his book *What Is Genocide?* called for a greater emphasis on the social destruction of groups. For Shaw,

> *Because groups are social constructions, they can be neither constituted nor destroyed simply through the bodies of their individual members.* Destroying groups must involve a lot more than simply killing, although killing and other physical harm are rightly considered important to it. The discussion of group "destruction" is obliged, then, to take seriously Lemkin's "large view of this concept," discarded in genocide's reduction to body counts, which centred on social destruction. . . . The aim of "destroying" social groups is not reduced to killing their individual members, but is understood as destroying groups' social power in economic, political and cultural senses. . . . [Genocide] *involves mass killing but . . . is much more than mass killing.*[107]

Daniel Feierstein, and the emerging Argentine "school" of genocide studies, have likewise stressed the destruction of social power and existential *identity* as the essence of genocide. For Feierstein, modern "genocidal social practice" can be conceptualized as a "technology of power—a way of managing people as a group—that aims (1) to destroy social relationships based on autonomy and cooperation by annihilating a significant part of the popular (significant in terms of either numbers of practices), and (2) to use the terror of annihilation to establish new models of identity and social relationships among the survivors."[108]

The question of whether forms of destruction short of, or other than, physical killing can *in themselves* constitute genocide touches directly on one of the oldest debates in genocide studies and law: over **cultural genocide.** We have noted that Lemkin placed great emphasis on human groups as culture carriers, and on the destruction of cultural symbols as genocidal in and of itself: *"the destruction of cultural symbols is genocide*, because it implies the destruction of their function and thus menaces the existence of the social group which exists by virtue of its common culture."[109] However, Lemkin felt that cultural genocide had to involve "acts of violence which are qualified as criminal by most of the criminal codes":[110] he was always concerned that patterns of gradual cultural assimilation, for example, should not be depicted as genocidal, or even necessarily malign.

One can argue, in fact, that Lemkin went further. Genocide scholars usually cite him nowadays to justify de-emphasizing the role of physical killing/extermination in genocide, and highlighting cultural/social destruction. But we might note, first, that Lemkin with great deliberation chose a suffix, *-cide*, that is commonly associated with physical killing and extermination (e.g., homicide, suicide, insecticide). Moreover, as Dirk Moses has pointed out, Lemkin at the outset of *Axis Rule in Occupied Europe* "seems to restrict genocide to [physical] extermination, thereby distinguishing it from other techniques" (such as cultural assimilation, already referenced). He wrote in his 1944 volume: "The practice of extermination of nations and ethnic groups as carried out by the invaders is called by the author 'genocide' . . . by way of analogy, see homocide [*sic*], fratricide)."[111] In his unfinished history of genocide, Lemkin declared "actual physical destruction" to be "the last and most effective phase of a genocide. . . . in all genocide cases, there is a gradual descent toward the violence which seeks utter extermination."[112]

Nonetheless, as we have seen, Lemkin was deeply attached to the concept of cultural genocide, and it was his most personally wounding experience, during the drafting of the UN Convention, to see this concept jettisoned. "On this issue the wind was not blowing in my direction," he acknowledged ruefully in his autobiography.[113] The UN Secretariat draft of 1947, prepared with Lemkin's direct input as well as that of legal experts Vespasian Pella and Henri Donnedieu de Vabres, "divided genocide into three categories, physical, biological and cultural genocide"[114] (see Box 1.7). But many expressed discomfort with the "cultural genocide" formula. The Danish delegation, for example, argued that it demonstrated "a lack of logic and of a sense of proportion to include in the same convention both mass murder in gas chambers and the closing of libraries."[115] The Sixth Committee of 1948 eliminated cultural genocide, and the Convention as subsequently passed privileged physical killing first and foremost—even more so in its practical application.

Nonetheless, the Sixth Committee did grant that one aspect of the cultural genocide framework be reinserted in the Convention. It is enshrined as Article 2(e), which outlaws "forcibly transferring children of the group to another group," and the consequent elimination of those children as culture-bearers for the victimized group. Article 2(e) has not, by itself, sustained a conviction for genocide in international law. But it *has* figured in an important quasi-legal process, the Australian governmental commission that issued a report on the forcible transfer of aboriginal children to white families and institutions, *Bringing Them Home*

BOX 1.7 "PHYSICAL," "BIOLOGICAL," AND "CULTURAL" GENOCIDE

Until late in the drafting process of the 1948 Genocide Convention, a category of genocidal strategies (Article III) was reserved for cultural forms of genocide, along-side physical and biological ones. Though cultural genocide was jettisoned for the final Convention,[116] as late as the report of the Ad Hoc Committee on Genocide on May 24, 1948, this categorization was preserved, as shown in the "Draft Convention on the Prevention and Punishment of the Crime of Genocide" attached as an annex to the report. Note that "political groups" are still included as a protected category of victims, though they too would be absent from the final Convention.

THE HIGH CONTRACTING PARTIES . . . HEREBY AGREE TO PREVENT AND PUNISH THE CRIME AS HEREINAFTER PROVIDED:

Substantive Articles

ARTICLE I

(Genocide: a crime under international law)

Genocide is a crime under international law whether committed in time of peace or in time of war.

ARTICLE II

("Physical" and "biological" genocide)

In this Convention genocide means any of the following deliberate acts committed with the intent to destroy a national, racial, religious or political group, on grounds of the national or racial origin, religious belief, or political opinion of its members.

(1) killing members of the group;
(2) impairing the physical integrity of members of the group;
(3) inflicting on members of the group measures or conditions of life aimed at causing their deaths;
(4) imposing measures intended to prevent births within the group.

ARTICLE III

("Cultural" genocide)

In this Convention genocide also means any deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial or religious group on grounds of the national or racial origin or religious belief of its members such as:

(1) prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group;

(2) destroying or preventing the use of libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group.[117]

(1997). We will see in Chapter 3 that this report controversially used the language of "genocide" on the basis of Article 2(e).

Unsurprisingly, it is aboriginal and indigenous peoples, and their supporters in activist circles and academia, who have placed the greatest emphasis on cultural genocide in issuing appeals for recognition and restitution. Indigenous peoples who experienced settler colonialism, as sociologist Robert van Krieken has argued, have in common "a heartfelt and persistent sense of inflicted violence, pain and suffering at the heart of the settler–colonial project." As a result, they have evinced a "particularly strong . . . support for an understanding [of genocide] which goes beyond outright killing."[118]

Also unsurprisingly, it was the settler–colonial regimes who were most "anxious to exclude cultural genocide" from the Genocide Convention, as Raphael Lemkin's biographer John Cooper points out. South Africa, settler-conquered and racially-ruled, of course voted to delete the clause. So too did "many members of the Commonwealth with indigenous populations," including Canada and New Zealand.[119]

Nonetheless, despite this early and enduring relegation of cultural genocide from legal framings of genocide, the concept has resurged in this setting in the 1990s—*not as genocidal in itself, but as "a marker of intent to commit genocide."*[120] Specifically, as John Quigley notes, "the destruction of cultural objects may provide evidence that such acts were done with intent to destroy the group."[121] This was most prominent in the proceedings of the International Criminal Tribunal for the Former Yugoslavia (ICTY), established in 1993 as war and genocide in the Balkans were still raging. Serbian obliteration of Bosnian Muslim cultural symbols, especially mosques (see Figure 1.4) and the main library complex in Sarajevo, was entered into evidence to demonstrate Serbian intent to destroy Bosnian Muslims as a group, though individual convictions for genocide were based on the perpetrators' physical killing of group members, or the infliction of "serious bodily . . . harm" upon them.

Since the first edition of this book appeared, explorations of genocide as including the destruction of "social power" and group culture have been among the most fertile lines of investigation in genocide studies. Martin Shaw's interpretation of genocidal destruction resonates in the mind long after one has read it, and seems to me one of the most incisive conceptualizations of the subject.

Notions of cultural destruction as suggestive (or legally indicative) of genocidal intent strike me as persuasive and highly meaningful. The full-scale and semi-official destruction of cultural symbols seems powerfully relevant to the study of genocide (notably with regard to indigenous peoples), and to legal prosecutions
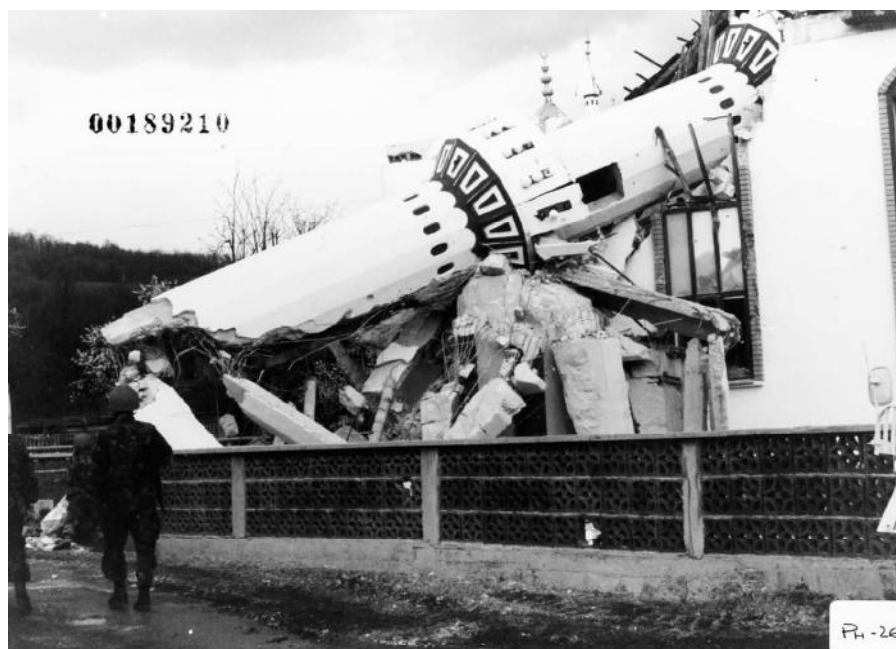
Figure 1.6 UN peacekeepers walk by a destroyed mosque in Ahmići, Bosnia-Herzegovina, in April 1993. *Génocidaires* often attempt to obliterate a group's cultural, religious, and intellectual symbols as part of their broader campaign of destruction. For Raphael Lemkin, these constituted cultural forms of genocide, and were essential to his understanding of the phenomenon. International law, and most scholarship, has generally made mass killing definitional to the crime of genocide; but such attacks on a group's cultural integrity are considered indicative of a wider genocidal strategy, for legal purposes. Thus, the image shown here was tagged for submission as evidence to the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, Netherlands (see Chapter 15).

Source: Courtesy International Criminal Tribunal for the Former Yugoslavia (ICTY), www.icty.org.

of genocide in the contemporary period. Lower-level acts of vandalism, defacing, hate speech and graffiti, and book-burning are also significant in developing strategies of prevention and intervention (Chapter 16). They occupy a position on the "genocidal continuum" described by the anthropologist Nancy Scheper-Hughes (see Chapter 11, pp. 590–591). As such, they not only point to everyday patterns of anathematization and exclusion that may otherwise be overlooked, but *may* serve as harbingers of serious acts of violence against targeted groups—up to and including genocidal outbreaks. As such, they should prompt serious concern in the national communities in question, and the international community as well.

The question remains, however, whether strategies of social and cultural "destruction" should be considered genocidal *in the absence of systematic killing, or at least widespread physical attack*. I believe they should not be. I will cite two examples, situated at very different points on the "genocidal continuum," to make my point.

One of the principal cultural divides in Canada is between descendants of Anglo-Saxon and Gallic civilizations in Western Europe. Quebec's "Quiet Revolution" in the 1960s radically destabilized the longstanding hegemony of the Anglos

in the province. Francophone nationalism spilled over, at the end of the 1960s, into small-scale acts of terrorism and political assassination, but also gave rise to a mass political movement that brought the separatist Parti Québecois (PQ) to power in 1976. In ensuing years, the PQ pursued a broad nationalist campaign that included seeking political separation through referenda, institutionalizing French-language requirements in all schools and public signage (Bill 101), and requiring bilingualism in workplaces with over fifty employees. Graffiti began to appear around Montreal reading *"101 ou 401"*—accept the nationalist legislation of Bill 101, or take Highway 401 from Montreal to the Anglo bastion of Toronto in next-door Ontario.

The Anglo community in Montreal and elsewhere in Quebec organized to resist these measures, and a regular feature of their discourse was the language of mass atrocity to describe the Anglophone plight in Quebec. PQ cabinet minister Camille Laurin, depicted as "the father of Bill 101," was accused of inflicting "linguistic genocide" on the English minority.[122] "Words like 'cultural re-engineering' and 'akin to ethnic cleansing' were printed" at the time,[123] and they remain popular even in relatively recent times.[124]

I think most readers will agree that such rhetoric was and is overheated. Yet the result of more than four decades of francophone ascendancy in Quebec has indeed been the real displacement of the Anglo community. Hundreds of thousands of Anglos chose Highway 401 over Bill 101. The native English-speaking population of Quebec declined precipitously, from 13.8 percent in 1951 to 8.2 percent in 2006.[125] French is now a requirement of most middle-and upper-level positions in society, politics, and the economy. Proposed measures to ban even the apostrophe in the name of the department store "Eaton's" were overturned in court battles; in 1993, the UN's Human Rights Committee, ruling on a case brought by representatives of Quebec's English minority, found the province's sign laws in contravention of international rights treaties. "A State may choose one or more official languages," declared the UNHCR, "but it may not exclude outside the spheres of public life, the freedom to express oneself in a certain language."[126] Even in the wake of those decisions, French text must be at least twice as large as English on all commercial signage, and street signs are French-only outside spheres of federal jurisdiction.[127]

So has Anglo power been "destroyed" in Quebec, in whole or in substantial part? Arguably, yes. But as with similar affirmative-action measures in countries like Malaysia and (for a while) Lebanon, Bill 101 seems to have achieved a reconfiguration of power relations that is largely acceptable to the Anglos that remain.[128] Again, the genocide framing seems unhelpful and overblown, because whatever measures of positive discrimination/affirmative action have been instituted to benefit the francophone majority, and redress longstanding disadvantages vis-à-vis the Anglos, they have not spilled over into systematic violence, severe persecution, and murderous rampages against the targeted minority.

Consider a second case. In August 1972, the Ugandan dictator Idi Amin—an iconic figure of evil in the 1970s—issued a stunning order. All Ugandan citizens of Asian (overwhelmingly Indian) descent were to be stripped of their property and forced either to leave the country within ninety days, or to accept "banishment to remote and arid areas, where they could occupy themselves as farmers"—a

familiar motif in mass atrocity campaigns, forcing a commercially-identified subgroup to engage in "productive" agricultural labor. Despite international protest, as Leo Kuper noted in his seminal 1981 volume, "the expulsions took their uninhibited course. The victims were brutally treated, a few were killed, and they were systematically stripped of their possessions, which were distributed to, or seized as booty by, soldiers and other supporters of the regime."[129]

Here we have an instance of persecution, dispossession, forcible uprooting, and mass expulsion. The result was the *total* destruction of the Indian-descended community of Uganda as a social entity, and the internal displacement or forced exile of the vast majority of its members (about 75,000 people). This would surely meet Shaw's requirement that the essence of the genocidal enterprise be sought in its attempted destruction of a group's social power. Indeed, in his subsequent work *Genocide and International Relations*, Shaw stressed that "expulsions can be considered genocidal because their aims were to wholly or partially destroy unwanted populations *as presences in their homelands*."[130] Yet Shaw does not mention Uganda's Indians in either book. As for Kuper's early analysis, it is not clear that he considers the targeting of the Indians to be genocidal as such—he certainly places more emphasis on "the slaughter . . . [of] almost every conceivable category of victim" in Amin's wider political and ethnic liquidations, nearly all of which occurred *after* the Indian expulsions.[131] Since Kuper's work appeared, I have not seen the Ugandan Indians explored as a case of genocide in the comparative literature—nor do I feel the need to correct a perceived oversight in this regard. The reason for the widespread silence seems to be that Ugandan Indians were largely preserved from the largescale slaughter that Amin meted out to other political and ethnic opponents. The substantial undermining or even outright destruction of a group's social, economic, political, and cultural power and presence does not seem to warrant the "genocide" label if it is not accompanied by mass killing.

To reiterate, though, where such systematic forms of cultural targeting and persecution can be isolated, their significance is considerable for the interpretation, prosecution, and prevention of genocide. And to students of the subject, I stress it is reasonable to cultivate a personal/individual understanding of genocide (or to adopt someone else's, as I have mostly done with Steven Katz's). Many readers will favor a more cultural and sociological interpretation of the subject. As long as genocide remains an essentially contested concept[132]—and it always will—we should continue the discussion and debate, and turn the conceptual ferment to our advantage.

MULTIPLE AND OVERLAPPING IDENTITIES

> . . . Identity markers and their functions are often highly fluid.
>
> Martin Shaw

Vigorous controversy has attended the Genocide Convention's exclusion of all but four human categories—national, ethnic, racial, and religious groups—from the convention's list of protected groups. We are also, as noted, increasingly conscious

that the alleged stability and integrity of these groups is very much open to question—not least because group identity is often imposed (even imagined) by perpetrators rather than claimed by targets.

Less recognized is the fact that these identities, along with the "big three" missing from the Genocide Convention (political, social, and gender groups), *never* exist in isolation. Genocidal targeting is *always* the result of a blurring and blending of identities. As psychologist David Moshman has written, "All genocides involve multiple motives, complex interactions of causal factors, *and groups that can be divided and defined in multiple ways*. . . . A purist definition of genocide requiring unmixed motives, singular causes, and discrete groups would render the concept irrelevant to the actual social worlds of human beings."[133]

This is why victims may be simultaneously viewed as (for example) representatives of a dangerous ethnicity, an insurgent or rapacious social class, a threatening political entity, and a malevolent gender group—in fact, with that particular recipe, we have just sketched the outline of a great many modern genocides. It is also why the "other -cides" of genocide studies, rather than being frivolous, are vital to identifying the interwoven threads of identity, whether claimed or imputed. Hence, "a given campaign of mass killing can easily be labeled as genocidal, democidal, politicidal, eliticidal, and gendercidal all at once—with each of these designations representing an analytical cut that exposes one aspect of the campaign and serves to buttress comparative studies of a particular 'cide.'"[134]

The "hard" test for these assertions is the genocide that many still see as having been impelled by perhaps the fiercest racial–ethnic–biological animus imaginable: the Jewish Holocaust (Chapter 6). In his detailed exploration of Nazi anti-semitic propaganda, *The Jewish Enemy*, historian Jeffrey Herf delivered a surprising verdict: "that the radical anti-Semitic ideology that justified and accompanied the mass murder of European Jewry was first and foremost *a paranoid political, rather than biological, conviction and narrative*." What was vital was not "the way Jews were said to look" but what "Hitler and his associates . . . believed 'international Jewry' *did* . . . "[135] This was the foundation of the *mixed* political–ethnic construction of "the threatening Jewish–Bolshevik danger," in the language of a 1943 press report.[136] "Judeo–Bolshevism" was the international communist conspiracy allegedly headed by Jews in order to advance their project of political/economic/ethnic–racial/religious/sexual conquest and domination.[137] A Nazi propaganda pamphlet from 1941 described "Bolshevism"—"this system of chaos, extermination and terror"—as "conceived and led by Jews":

> Through subversion and propaganda, world Jewry attempts to gather the uprooted and racially inferior elements of all peoples together in order to lead an extermination battle [*Vernichtungskampf*] against everything positive, against native customs and the nation, against religion and culture, against order and morals. The goal is the introduction of chaos through world revolution and the establishment of a Jewish state under Jewish leadership.[138]

In a single sentence ("Through subversion . . . "), the Judeo–Bolshevik is depicted as a "racial," "nation[al]," "religi[ous]" and "cultur[al]" enemy, seeking to

Figure 1.7 "Nazi antisemitic propaganda frequently linked Jews to the fears of their German and foreign audiences. This [1943] poster, displayed in the German-occupied Soviet Union to foment both anti-Soviet and antisemitic fervor, uses the stereotype of the bloodthirsty 'Jewish Bolshevik commissar' to associate 'the Jew' with the murder of more than 9,000 Soviet citizens in Vinnytsia, Ukraine, an atrocity committed by Stalin's secret police in 1937–38. German forces uncovered the massacre in May 1943." The identities that *génocidaires* impute to their victims—here, a mix of (Jewish) race/ethnicity, (Bolshevik/communist) political belief, (godless) religion, (masculine) gender, and (lower/lumpen) social class—overlap and intersect in complex ways to produce genocidal outcomes. (The Cyrillic caption reads "Vinnytsia." See also Figure 13.9, p. 648.)

Source: Library of Congress, Prints and Photographs Division, Washington, DC.

erode German "customs," social "order," and "morals" for good measure. Add the identification of the Jew as a *military* enemy—as the Nazi wartime adage had it, "Wherever there is [a] partisan, there is a Jew, and wherever there is a Jew, there is a partisan"[139]—and one has the essential ingredients of the ideological pastiche and *mortal terror* that fueled the architects and perpetrators of the Holocaust.[140] In Martin Shaw's trenchant words:

> SS *Einsatzgruppen* reports in the wake of the invasion of the Soviet Union identified no fewer than forty-four overlapping "target groups" . . . When an *Einsatzgruppen* killer pulled his trigger, could victims always tell—or care— whether they were killed as Slavs, as communists or as Jews, even if the perpetrators later produced grisly reports claiming to itemize the numbers of victims in different categories? Can we, historians and sociologists many decades later, make these distinctions with certainty?[141]

DYNAMISM AND CONTINGENCY

In Chapter 6, we will explore how the historiography of the Holocaust evolved from an "intentionalist" position—depicting the attempted extermination of European Jews as a policy intended from the very outset of the Nazi movement—to a more "functionalist" perspective, emphasizing contingency and situational context, and finally to a synthesis of the two perspectives. Broadly speaking, the Nazi agenda underwent a *cumulative radicalization*. An exterminatory agenda evolved, shaped (though in no way mechanistically determined) by forces beyond the control of the principal perpetrators. Discriminatory legislation gave way to outright persecution, forced migration, ghettoization, enslavement, massacre, and finally industrialized mass killing. In the phrase coined by Karl A. Schleunes, it was a "twisted road to Auschwitz"—and Schleunes can take credit for first supplying an "interpretation of the Final Solution as a product of unplanned evolution rather than premeditated 'grand design,'" in historian Christopher Browning's words.[142]

At each stage, objective factors—notably the bureaucratic challenges of realizing and administering the master-race fantasy—influenced outcomes chosen by at least *somewhat* rational perpetrators. Nonetheless, hateful ideologies and persecutory programs were evident from the outset, and throughout, so that a clear line of connection *can* be drawn from the earliest Nazi activity after World War One and the exterminatory outburst against Jews and others that we know as the Holocaust.

Genocide studies has followed a similar intellectual trajectory. In tandem with an increased recognition of multiple and overlapping identities, monocausal models of carefully-planned and long-nurtured mass slaughters have given way to a recognition that genocide, in Mark Levene's words, "is not necessarily preordained but will come out of a concatenation or matrix of ingredients and contingencies . . . *only* crystallising in specific and usually quite extraordinary circumstances of acute state and societal crisis." In the colonial collision with

indigenous peoples worldwide, for example, Levene isolated "a dynamic in which perpetrator–state violence leads to tenacious *people* resistance, provoking in turn a ratcheting up of the perpetrator's response" and a genocidal consequence.[143] Dirk Moses, another leading scholar of colonial and imperial genocides, agrees: "Resistance leads to reprisals and counterinsurgency that can be genocidal when they are designed to ensure that never again would such resistance occur."[144] Nor is the pattern limited to colonial cases. Examining the Rwandan genocide in his 2006 book *The Order of Genocide*, political scientist Scott Straus argued that far from a "meticulously planned" extermination,

> a dynamic of escalation was critical to the hardliners' choice of genocide. The more the hardliners felt that they were losing power and the more they felt that their armed enemy was not playing by the rules, the more the hardliners radicalized. After the president [Juvenal Habyarimana] was assassinated [on April 6, 1994] and the [RPF] rebels began advancing, the hardliners let loose. They chose genocide as an extreme, vengeful, and desperate strategy to win a war that they were losing. Events and contingency mattered.[145]

Levene has theorized this pattern as follows:

> Perhaps, in this way, a set of state plans directed against a communal group might not start out as consciously exterminatory but begins to radically evolve in this direction because, in conditions of usually self-inflicted crisis, other paths are blocked. A default plan, at this point, perhaps has to be improvised and where this in turn proves inadequate to the needs of the original agenda, a process of cumulative radicalization may set in.

If "mass killing can arise out of unforeseen or entirely contingent circumstances," then for Levene, "a more functional analysis" of genocidal intent is required.[146] It is to this vexed subject that we turn next.

THE QUESTION OF GENOCIDAL INTENT

Most scholars and legal theorists agree that intent defines genocide.[147] But what defines intent?

We can begin by distinguishing *intent* from *motive*. According to Gellately and Kiernan, in criminal law, including international criminal law, the specific motive is irrelevant. Prosecutors need only to prove that the criminal act was intentional, not accidental.[148] As legal scholar John Quigley notes,

> In prosecutions for genocide, tribunals have not required proof of a motive. . . . The personal motive of the perpetrator of the crime of genocide may be, for example, to obtain personal economic benefits, or political advantage or some form of power. The existence of a personal motive does not preclude the perpetrator from also having the specific intent to commit genocide.[149]

49

The notion of *specific* intent (*dolus specialis*) "demands that the perpetrator clearly seeks to produce the act charged" (in the words of the International Criminal Tribunal for Rwanda, ICTR), which "in relation to genocide . . . means the perpetrator commits an act while clearly seeking to destroy the particular group, in whole or in part." For many scholars and legal specialists, as Katherine Goldsmith noted, such specificity is "the only appropriate intent level for the crime of genocide, as allowing any lower form of intent would risk situations that result in the destruction of a group, with no intent of this destruction taking place, being wrongly seen as genocide."[150]

As Goldsmith also stressed, however, the central difficulty of a specific-intent requirement for legal purposes lies "in obtaining actual proof, beyond a reasonable doubt, that the perpetrator's intention was to destroy the group . . . " But "proving a perpetrator's state of mind is a massive problem. Perpetrators are fully aware that admitting what they are doing could interfere with achieving their objective. They are therefore unlikely to admit what their intentions are and thus risking possible action against them, especially if the objective of destroying the target group is still taking place."[151] She contends, moreover, that this highly-restrictive understanding of intent was neither favored by Raphael Lemkin nor emphasized by the drafters of the Genocide Convention in their *Travaux préparatoires* (see Further Study).[152]

In light of this conundrum, Goldsmith identifies an emerging trend in genocide trials to incorporate a *knowledge-based* understanding of intent. The Rome Statute of the International Criminal Court (1998), for instance, declares that "a person has intent where . . . in relation to conduct, that person means to cause that consequence *or is aware that it will occur in the ordinary course of events*."[153] Likewise, the International Criminal Tribunal for Rwanda stated in its historic *Akayesu* judgment (1998) that "the offender is culpable because he knew *or should have known* that the act committed would destroy, in whole or in part, a group."[154] This moves applications of the Genocide Convention closer to the framing of "crimes against humanity" as codified in the Rome Statute. The Statute establishes that an accused may be convicted of a specific crime against humanity (e.g., murder, "extermination," enslavement, rape) if it can be shown (a) that the act was part of a "widespread or systematic attack" against civilians, and (b) *that the perpetrator had "knowledge of the attack*," that is, an awareness that his or her action was not isolated but part of a broader strategy. In the words of the ICTR's Akayesu judgment, "it is possible to deduce the genocidal intent inherent in a particular act . . . from the general context of the perpetration of other culpable acts systematically directed against that same group, whether these acts were committed by the same offender or by others." As Goldsmith summarizes, "the tribunal was working under the assumption that if the perpetrator knows of the intent of others to kill a particular group, and knows his/her actions would contribute to this intent, but continues to participate, then in a sense the perpetrator does want the destruction of the group and is, therefore, guilty of genocide."[155]

The shift away from a strict *dolus specialis* requirement hardly resolves all the evidentiary quandaries of genocide prosecutions, however—notably the requirement

to show that a particular "national, ethnical, racial, or religious" group is targeted for attack and destruction. For this reason, in the international-legal sphere, charges of crimes against humanity are increasingly preferred to genocide—especially as the legal sentences upon conviction are broadly comparable. Genocide and crimes against humanity, and genocide *as* a crime against humanity, are discussed further in Chapter 15.

CONTESTED CASES OF GENOCIDE

With the varied academic definitions of genocide, and the ambiguities surrounding both the Genocide Convention and historical interpretation, it is not surprising that nearly every posited case of genocide will be discounted by someone else. Even the "classic" genocides of the twentieth century have found their systematic minimizers and deniers (see Chapter 14). With this in mind, let us consider a few controversial events and human institutions. What can the debate over the applicability of a genocide framework in these cases tell us about definitions of genocide, the ideas and interests that underlie those definitions, and the evolution in thinking about genocide? I will offer my own views in each case. Readers are also encouraged to consult the discussion of "famine crimes" in Chapters 2 and 5, and of genocide against political groups in Chapter 5 on Stalin's USSR.

Atlantic slavery—and after

Slavery is pervasive in human societies throughout history. Arguably in no context, however, did it result in such massive mortality as with Atlantic slavery between the sixteenth and nineteenth centuries.[156]

A reasonable estimate of the deaths caused by this institution is fifteen to twenty million people—by any standard, a major human cataclysm.[157] However, Atlantic slavery is rarely included in analyses or anthologies of genocide. A notable exception—Seymour Drescher's chapter in *Is the Holocaust Unique?*—avoids the "genocide" label, and stresses the differences between slavery and the Holocaust.[158] (Admittedly, these are not few.) More recently, the human rights scholar Michael Ignatieff has cited slavery-as-genocide arguments as a leading example of the tendency to "banalize" the genocide framework:

> Thus slavery is called genocide, when—whatever else it was—it was a system to exploit the living rather than to exterminate them. . . . Genocide has no meaning unless the crime can be connected to a clear intention to exterminate a human group in whole or in part. Something more than rhetorical exaggeration for effect is at stake here. Calling every abuse or crime a genocide makes it steadily more difficult to rouse people to action when a genuine genocide is taking place.[159]
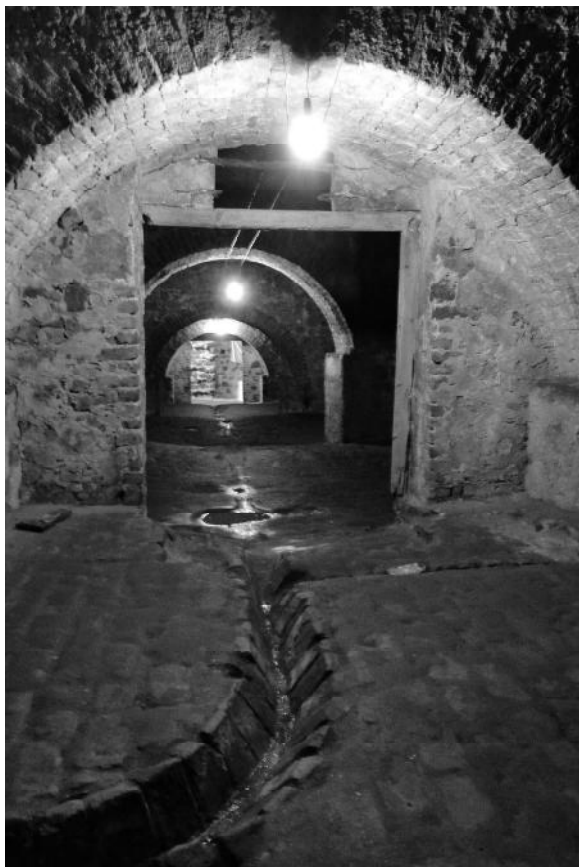
Figure 1.8 Perhaps half of the many millions of African victims of the Atlantic slave trade died before they reached the human markets and plantations of the western hemisphere. Countless numbers died on forced marches to the sea, where European colonialists and slave-traders established fortified outposts like Cape Coast Castle in Ghana, today a UNESCO World Heritage Site. The photo shows the cells where slaves were held in dark, stifling, and fetid captivity (note the open sewer), sometimes for months, awaiting the moment when they would be led in chains through the "Door of No Return" for the "Middle Passage" across the Atlantic. The death toll inflicted in the sea journeys alone likely accounted for over a million victims. On the plantations of North and South America and the Caribbean, slaves toiled in a culture of terror and violence, aimed at keeping them quiescent, hyper-exploited, and in a state of "social death."[160]

Source: Author's photo, June 2010.

Ignatieff's argument—that it was in slaveowners' interest to keep slaves alive, not exterminate them—is probably the most common argument against slavery-as-genocide. Others point to the ubiquity of slavery through time; the large-scale collaboration of African chiefs and entrepreneurs in corralling Africans for slavery; and the supposedly cheery results of slavery for slaves' descendants, at least in North America. Even some African-American commentators have celebrated their "deliverance" from strife-torn Africa to lands of opportunity in America.[161]

My own view is that these arguments are mostly sophistry, serving to deflect responsibility for one of history's greatest crimes. To call Atlantic slavery genocide is not to claim that "every abuse or crime" is genocide, as Ignatieff asserts; nor is it even to designate all slavery as genocidal. Rather, it seems to me an appropriate response to a *particular* slavery institution, or network of institutions, that inflicted "incalculable demographic and social losses" on West African societies,[162] utilizing every genocidal strategy listed in the UN Genocide Convention's definition (Articles 2a–e).[163] The killing and destruction were clearly intentional, whatever the

52

counter-incentives to preserve survivors of the Atlantic passage for labor exploitation. To revisit the issue of intent already touched on: If an institution is deliberately maintained and expanded by discernible agents, though all are aware of the hecatombs of casualties it is inflicting on a definable human group, then why should this not qualify as genocide?

The aftermath of Atlantic slavery—reverberating through African-American societies to the present—also produced one of the very first petitions ever presented to the United Nations on the subject of genocide. In December 1951, "only 11 months after the Genocide Convention went into effect," a petition titled *We Charge Genocide* was submitted by African-American activists, headed by the lawyer and communist activist William L. Patterson, and the great actor, scholar, and singer Paul Robeson. Nearly sixty years later, the document must be regarded as one of the central, and earliest, documents of the US civil rights era. It is also nuanced in its reading of the Genocide Convention, claiming to have "scrupulously kept within the purview" of the new law. It specifies Article II(c) ("deliberately inflicting on the group conditions of life . . . "), that is indirect/structural genocide, as a foundational aspect of the claim. It also "pray[s] for the most careful reading of this material by those who have always regarded genocide as a term to be used only where the acts of terror evinced an intent to destroy a whole nation," arguing instead for a recognition that the Convention prohibits the selective/partial destruction of a group, as well as its wholesale extermination.[164]

Among the atrocities, abuses, and discrimination detailed in *We Charge Genocide* (see Box 1.8) was the murder of "10,000 Negroes . . . on the basis of 'race,'"[166] many of them the widespread "vigilante" lynchings of the post-slavery period. These atrocities were inflicted with the tacit and often enthusiastic approval of local communities and authorities. Nevertheless, the United Nations General Assembly, still dominated by the US at that early stage of the UN's evolution, refused to accept the petition.[167]

Area bombing and nuclear warfare

Controversy has swirled around the morality both of the area bombing of German cities by British and US air forces (see also "Germans as Victims," Chapter 6a), and the US firebombing of the Japanese mainland, culminating in the atomic bombings of Hiroshima and Nagasaki in August 1945. The key issue in both cases is at what point legitimate military action becomes genocide. The line is difficult to draw, in part due to the intimate relationship between war and genocide, discussed in detail in Chapter 2. In the case of "area" bombing (in which cities were blanketed with high explosives), the debate centers on the military utility and morality of the policy. In Germany, "the effects [themselves] are clear and undisputed," according to Markusen and Kopf: "By the end of the war in 1945, every large and medium-sized German city, as well as many smaller ones had been destroyed or badly damaged by the Allied strategic-bombing offensive. . . . Estimates of deaths
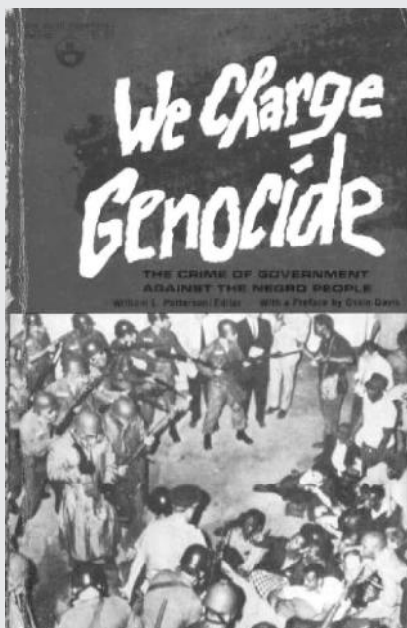
BOX 1.8 *WE CHARGE GENOCIDE*

Figure 1.9 *We Charge Genocide*, the text of one of the first genocide declarations ever issued—in 1951, against the US government for its policies toward "the Negro people." This is the cover of the 1970 International Publishers edition.

Source: Courtesy of International Publishers, www.intpubnyc.com.

To the General Assembly of the United Nations:

The responsibility of being the first in history to charge the government of the United States of America with the crime of genocide is not one your petitioners take lightly. . . . But if the responsibility of your petitioners is great, it is dwarfed by the responsibility of those guilty of the crime we charge. Seldom in human annals has so iniquitous a conspiracy been so gilded with the trappings of respectability. Seldom has mass murder on the score of "race" been so sanctified by law, so justified by those who demand free elections abroad even as they kill their fellow citizens who demand free elections at home. Never have so many individuals been so ruthlessly destroyed amid so many tributes to the sacredness of the individual. The distinctive trait of this genocide is a cant that mouths aphorisms of Anglo-Saxon jurisprudence even as it kills. . . .

Our evidence concerns the thousands of Negroes who over the years have been beaten to death on chain gangs and in the back rooms of sheriff's offices, in the cells of county jails, in precinct police stations and on city streets, who have been framed and murdered by sham legal forms and by a legal bureaucracy. It concerns those Negroes who have been killed, allegedly for failure to say "sir" or tip their hats or move aside quickly enough, or, more often, on trumped up charges of "rape," but in reality for trying to vote or otherwise demanding the legal and inalienable rights and privileges of United States citizenship formally guaranteed them

by the Constitution of the United States, rights denied them on the basis of "race," in violation of the Constitution of the United States, the United Nations Charter and the Genocide Convention.

We shall offer proof of economic genocide, or in the words of the Convention, proof of "deliberately inflicting on the group conditions of life calculated to bring about its destruction in whole or in part." We shall prove that such conditions so swell the infant and maternal death rate and the death rate from disease, that the American Negro is deprived, when compared with the remainder of the population of the United States, of eight years of life on the average. . . .

We have proved "killing members of the group" [Article II(a) of the UN Genocide Convention]—but the case after case after case cited does nothing to assuage the helplessness of the innocent Negro trapped at this instant by police in a cell which will be the scene of his death. We have shown "mental and bodily harm" in violation of Article II[(b)] of the Genocide Convention but this proof can barely indicate the life-long terror of thousands on thousands of Negroes forced to live under the menace of official violence, mob law and the Ku Klux Klan.[165] We have tried to reveal something of the deliberate infliction "on the group of conditions which bring about its physical destruction in whole or in part" [Article II(c)]—but this cannot convey the hopeless despair of those forced by law to live in conditions of disease and poverty because of race, of birth, of color. We have shown incitements to commit genocide, shown that a conspiracy exists to commit it, and now we can only add that an entire people, not only unprotected by their government but the object of government-inspired violence, reach forth their hands to the General Assembly in appeal. Three hundred years is a long time to wait. And now we ask that world opinion, that the conscience of mankind as symbolized by the General Assembly of the United Nations, turn not a deaf ear to our entreaty.

From *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: International Publishers, 1970 [originally issued in December 1951]), pp. 4–5, 195–196.

range from about 300,000 to 600,000. . . . Most of the civilian victims were women, infants, and elderly people."[168]

Similar destruction was inflicted on Japan, where some 900,000 civilians died in all. A single night's fire-bombing of Tokyo (March 9–10, 1945) killed 90,000 to 100,000 people —"We scorched and boiled and baked to death more people in Tokyo on that night . . . than went up in vapor at Hiroshima and Nagasaki," the attack's architect, US General Curtis LeMay, proudly declared.[169]

Was this militarily necessary, or at least defensible? Did it shorten the war, and thereby save the lives of large numbers of Allied soldiers? Should daylight bombing have been pursued, even though it was of dubious efficacy and led to the deaths

Figure 1.10 The almost unimaginable devastation inflicted on German and Japanese cities in the Allied area bombing campaigns of 1943–1945 led some observers to allege that a "just war" spilled over into genocide. An aerial view of the German city of Wesel is shown after it was pulverized by Allied bombing and street fighting in February 1945.

Source: USAAF/National Archives and Records Administration/Wikimedia Commons.

Figure 1.11 A destroyed temple amidst the ruins of Nagasaki, Japan, following the atomic bombing of August 9, 1945, three days after Hiroshima. An estimated 70,000 people were killed at Nagasaki, either in the explosion or from burns and radiation sickness afterward. The "conventional" Allied bombing of Tokyo on March 9–10, 1945 killed even more—over 100,000 Japanese, overwhelmingly civilians.

Source: Deutsche Fotothek/Wikimedia Commons.

of more Allied pilots? Or was the bombing *in*defensible, killing more civilians than military requirements could justify?

From a genocide-studies perspective, at issue is whether civilian populations were targeted (1) outside the boundaries of "legitimate" warfare, and (2) on the basis of their ethnic or national identity. Answers have differed, with Leo Kuper arguing that area and atomic bombing *were* genocidal.[170] After a nuanced weighing of the issue, Eric Markusen and David Kopf agreed.[171] Others rejected the genocide framework. The Nuremberg prosecutor Telford Taylor argued that the area bombings "were certainly not 'genocides' within the meaning of the Convention . . . Berlin, London and Tokyo were not bombed because their inhabitants were German, English or Japanese, but because they were *enemy* strongholds. Accordingly, the killing ceased when the war ended and there was no longer any enemy."[172]

The genocide framing is perhaps more persuasively applied in the Japanese case, given the racist propaganda that pervaded the Pacific War, including a common depiction of Japanese as apes and vermin (see Chapter 2). As well, the bombing reached a crescendo when Japan was arguably prostrate before Allied air power—though this would also apply to the destruction of Dresden in Germany, when total Allied victory was already assured. At times in both the German and Japanese cases, but particularly in the latter, the destruction caused by the "thousand-bomber" raids and similar assaults appears to have been inflicted as much to test what was technically and logistically possible as to pursue a coherent military objective. After the Japanese surrendered, General LeMay would

muse: "I suppose if I had lost the war, I would have been tried as a war criminal. Fortunately, we were on the winning side."[173]

Fewer ambiguities attach to the atomic bombings of Japan at war's end. Both of the Supreme Allied Commanders, General Dwight D. Eisenhower and General Douglas MacArthur, considered them to be "completely unnecessary."[174] Other options were also available to the US planners—including a softening of the demand for unconditional surrender, and demonstration bombings away from major population centers. The destruction of Nagasaki, in particular, seemed highly gratuitous, since the power of atomic weaponry was already evident, and the Japanese government was in crisis talks on surrender.[175]

The Biafra war

When Nigeria won its independence in 1960, many considered the country one of the likeliest to succeed in all of Africa. Only six years later, however, "Nigeria was a cesspool of corruption and misrule."[176] Members of the relatively prosperous Igbo minority who had migrated to the north found themselves the target of attacks by "educationally disadvantaged Northerners."[177] In 1966, a coup attempt by mostly Igbo army officers produced a counter-coup, and a murderous pogrom was launched against northern Igbo, killing several thousand people. This violence marked the first deployment of a "genocide" discourse by Igbo advocates, "and
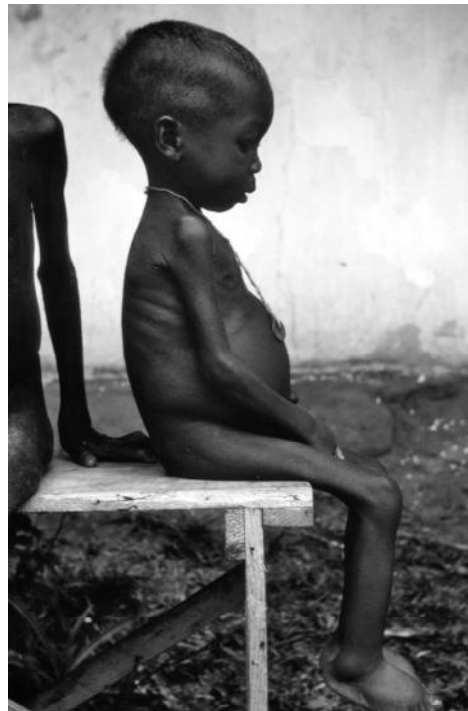

Figure 1.12 The Biafra conflict first established the image of the African child, stomach swollen with starvation, as a humanitarian icon.

Source: Photo by Dr. Lyle Conrad, Public Health Image Library (PHIL)/Wikimedia Commons.

the idea of secession as a protective mechanism for the survival of the Igbo people took hold."[178] In May 1967, an independent state of Biafra was declared in the Igbo-majority southeast. The Nigerian authorities responded by imposing a land blockade as they slowly whittled away at the territory controlled by the Biafran government. By 1968, starvation was rampant, leading US presidential candidate Richard Nixon to declare on the campaign trail:

> Until now efforts to relieve the Biafran people have been thwarted by the desire of the central government of Nigeria to pursue total and unconditional victory and by the fear of the Ibo [*sic*] people that surrender means wholesale atrocities and genocide. But genocide is what is taking place right now—and starvation is the grim reaper.[179]

The Biafran regime welcomed foreign journalists throughout the war, and imagery of starving Biafrans—above all, children—flooded western mass media. "Even today," wrote Michael Gould, "when asking people in Britain about the war, a common response is: 'Oh! That was the war with the starving, pot-bellied black children?'"[180] The death toll remains a subject of fierce dispute, with estimates ranging from hundreds of thousands to 3.1 million Biafrans killed[181]—in massacres and bombing raids, but mostly from starvation and related causes.

In a groundbreaking special issue of the *Journal of Genocide Research* on the Biafran conflict, Lasse Heerten and A. Dirk Moses noted that "usually, genocide scholars do not even list Biafra among the cases excluded from their definition of genocide."[182] But the authors did not themselves render a verdict, writing only: "Whether the massacres, bombings and famine are named as genocide or not, dealing with the history of the war is important for an understanding of the fabric of postcolonial Nigeria and of the international order in which the conflict emerged and unfolded."[183]

A Nigerian-appointed international mission rejected the genocide charge, but a 1968 report by an International Commission of Jurists (at Biafra's request) *did* point to *prima facie* evidence of genocidal acts committed during both the pogrom of 1966 and the subsequent secessionist war.[184]

The most vocal proponent of a genocide framing, Herbert Ekwe-Ekwe, has argued not only that the Biafran war was "the foundational genocide of post-(European) conquest Africa" and "Africa's most devastating genocide of the twentieth century," but that Nigerian policy toward the Igbo *remains* genocidal.[185] But in the most detailed English-language history of the war, Michael Gould scathingly rejected the "genocide" designation as "completely unjustified"—nothing more than "a popular promotional thought" on the part of the Biafran regime, "which, alongside starvation, death, and killings, helped foster the idea that Biafra should be helped for humanitarian reasons."[186]

Were the actions of the Nigerian state such that a *prima facie* finding of genocide is warranted? My own sense, based on the limited documentation available, is that they were. But I accept Gould's argument that the Biafran authorities exploited the genocide for propaganda purposes, and must also bear a share

58

of responsibility—especially by refusing to accept food aid delivered through Nigerian channels.[187]

UN sanctions against Iraq

Following Saddam Hussein's invasion and occupation of Kuwait in August 1990, the United Nations, spearheaded by the US and Great Britain, imposed sweeping economic sanctions on Iraq. These lasted beyond the 1991 Gulf War and, with modifications, were maintained through to the invasion and occupation of Iraq in 2003. Even under exemptions to the regime, endless and increasing "holds" were placed on humanitarian supplies, allegedly on "security" grounds that must be judged largely specious." . . . The consistent goal" beyond military ones, wrote Joy Gordon, "to reduce Iraq's society and economy to the most primitive conditions possible and keep it in that state indefinitely."[188]

It soon became evident that the sanctions were exacting an enormous human toll on Iraqis, particularly children and nursing mothers. "By 1991, 18 percent of children under five years of age were malnourished; by 1996 that figure had increased to 31 percent; and by 1997, one million children under five were malnourished. As of 1998, 70 percent of Iraqi women were anemic."[189] Asked in May 1996 about statistics indicating 500,000 child deaths from sanctions, US Secretary of State Madeleine Albright notoriously responded: "I think this is a very hard choice. But the price—we think the price is worth it."[190] Is this "infanticide masquerading as policy," as US Congressman David Bonior alleged?[191]

According to a "criminal complaint" filed by former US Attorney General Ramsey Clark before a people's tribunal in Madrid, the policies were indeed nothing short of genocidal:

> The United States and its officials[,] aided and abetted by others[,] engaged in a continuing pattern of conduct . . . to impose, maintain and enforce extreme economic sanctions and a strict military blockade on the people of Iraq for the purpose of injuring the entire population, killing its weakest members, infants, children, the elderly and the chronically ill, by depriving them of medicines, drinking water, food, and other essentials.[192]

The ensuing debate sparked controversy and some rancor among genocide scholars. A majority rejected the idea that genocide can be inflicted by "indirect" means such as sanctions, or assigns the bulk of responsibility for Iraqi suffering to the corrupt and dictatorial regime of Saddam Hussein. Such arguments also emphasized the modifications to the sanctions regime in the 1990s, notably the introduction of an "Oil-for-Food" arrangement by which limited food and humanitarian purchases could be made with Iraqi oil revenues under UN oversight.[193]

Perhaps the most rigorous and recent study of the sanctions regime and its humanitarian effects, Joy Gordon's *Invisible War* (2010), rejected a finding of "genocide or crimes against humanity, as they are defined in international law."[194] But

her concluding passages made it clear that she regretted this failure of law to encompass intentional mass atrocities in which "the explicit desire to destroy" cannot be proven. She accused US and British officials, nonetheless, of

> systematically ensur[ing] the conditions that would make Iraq unable to provide decent conditions for human life . . . It is only the type of intent that prevents the Security Council measures, as shaped by the United States, from properly being labeled genocide or extermination. It is not the absence of intent, in the sense of mistake or ignorance. Certainly the U.S. policies were knowing, deliberate, systematic, planned; and the fact that this is not quite sufficient to show culpability tells us more about the limitations of international law than about the good will or good faith of the actors.[195]

In my books and teaching, I have presented the Iraq sanctions regime as a case of genocide. For me, the reluctance to acknowledge sanctions' devastating impact reflects the difficulty that many Western observers have in acknowledging Western-inflicted genocides. In 1998 the UN Humanitarian Coordinator for Iraq, Denis Halliday—who witnessed the impact of sanctions at first hand—resigned in protest over their allegedly genocidal character. "I was made to feel by some that I had crossed an invisible line of impropriety," he stated in the following year. "Since then I have observed that the term 'genocide' offends many in our Western media and establishment circles when it is used to describe the killing of others for which we are responsible, such as in Iraq."[196]

9/11: Terrorism as genocide?

The attacks launched on New York City and Washington, D.C. on the morning of September 11, 2001 constituted the worst terrorist attack in history.[197] Perhaps never outside wartime and natural disasters have so many people been killed virtually at once. But were the attacks, apparently carried out by agents of Osama bin Laden's Al-Qa'eda movement, more than terroristic? Did they in fact constitute genocidal massacres, by Leo Kuper's definition?[198]

In the aftermath of September 11, this question was debated on the H-Genocide academic list. Citing the UN Convention, Peter Ronayne wrote: "[It] seems at least on the surface that the argument could be made that Osama bin Laden and his ilk are intent on destroying, in whole or in part, a national group, and they're more than willing to kill members of the group." Robert Cribb, an Indonesia specialist, differed. "Surely the attacks were terrorist, rather than genocidal. At least 20% of the victims were not American, and it seems pretty likely that the destruction of human life was not for its own sake . . . but to cause terror and anguish amongst a much broader population, which it has done very effectively."[199]

Expanding on Ronayne's reasoning, if we limit ourselves to the UN Convention framing, the 9/11 attacks resulted in "killing members of the group," intentionally and (in most cases) "as such." Also, the "destruction[,] . . . terror and anguish" they inflicted caused serious "bodily [and] mental harm to members"

Figure 1.13 Sunlight streams through the still-smoldering ruins of the World Trade Center in lower Manhattan on September 15, 2001, four days after Al-Qa'eda terrorist attacks on New York and Washington in which nearly 3,000 people were killed, overwhelmingly civilians. Was it an act of genocide?

Source: Kurt Sonnenfeld/FEMA Photo Library/Wikimedia Commons.

of the group. Moreover, it seems likely that the ferocity of the attack was limited only by the means available to the attackers (passenger jets used as missiles). Were nuclear bombs at hand, one suspects that they would be used against civilian populations in the US, and perhaps elsewhere. This brings us close to the Convention requirement that genocidal acts be "committed with intent to destroy, in whole or in part, a national . . . group" (i.e., US Americans).

There was thus, at least, a palpable genocidal impetus and intent in 9/11— one that could yet result in fully-fledged genocide. Only the coming decades will enable us to place the attacks in proper perspective: to decide whether they stand as isolated and discrete events and campaigns, or as opening salvos in a systematic campaign of genocide. Daniel Jonah Goldhagen goes too far in describing "Political Islam" as "currently the one expressly, publicly, and unabashedly genocidal major political movement." It is not a unified movement, nor are its adherents uniformly violent in their programs and actions, as Al-Qa'eda is. But certain strands of political Islam do evince "eliminationist civilizations' hallmark features: tyrannical regimes, eliminationist-oriented leaders, transformative eschatological visions, populaces brimming with eliminationist beliefs and passions, a sense of impunity, and eliminationism at the center of its normal political repertoire and existing practice."[200] At the time of writing, there is no need to look further than the murderous militants of Islamic State (IS) in Iraq, Syria, and Libya to observe this genocidal ideology in proudly-proclaimed practice. See Box 4a for further discussion.[201]

Structural and institutional violence

In the 1960s, peace researchers such as Johan Galtung began exploring the phenomenon of "structural violence": destructive relations embedded in social and economic systems. Some commentators argue that certain forms of structural and institutional violence are genocidal, "deliberately inflicting on [a designated] group conditions of life calculated to bring about its physical destruction in whole or in part," in the language of the UN Convention. For example, the Indian scholar and activist Vandana Shiva has described "the globalization of food and agriculture systems" under neoliberal trade regimes as "equivalent to the ethnic cleansing of the poor, the peasantry, and small farmers of the Third World. . . . Globalization of trade in agriculture implies genocide."[202] Jean Ziegler, the UN Special Rapporteur on the Right to Food, stated in October 2005: "Every child who dies of hunger in today's world is the victim of assassination," and referred to the *daily* death by starvation of 100,000 people as a "massacre of human beings through malnutrition."[203] My own work on gender and genocide

Figure 1.14 Genocide is usually represented as an *event*, and even recent scholarship on genocide as a "process" tends to focus on the structured evolution of a given "case" (the popular case-study format, not avoided in this book, is also biased in this respect). But can genocide take the form of *structural violence*, and vice-versa? Can we speak, for example, of "poorcide" (p. 37) against the world's most underprivileged people, like this child in a Coptic Christian neighborhood of Cairo, Egypt? How are relationships of structural violence evident in the daily practices and exclusions of more privileged societies, as suggested by Nancy Scheper-Hughes's concept of a "genocidal continuum"? (See Chapter 11, pp. 590–591)

Source: Author's photo, 1989.

(see Chapter 13) explores "gendercidal institutions" such as female infanticide and even maternal mortality, suggesting that they are forms of gender-selective mass killing, hence genocidal.

Much of structural violence is diffuse, part of the "background" of human relations. It is accordingly difficult to ascribe clear agency to phenomena such as racism, sexism, and other forms of discrimination. International relations scholar Kal Holsti rejects global-systemic visions of structural violence, like Galtung's, as "just too fuzzy," and evincing a tendency to "place all blame for the ills of the Third World on the first one." In Holsti's view, this overlooks the essential role of many Third World leaders and elites in the suffering and violence experienced by their populations. "It also fails to account for many former Third World countries that today have standards of living and welfare higher than those found in many 'industrial' countries."[204]

These points are well taken. Nonetheless, in my opinion, genocide studies should move to incorporate an understanding of structural and institutional violence as genocidal mechanisms. If our overriding concern is to prevent avoidable death and suffering, how can we shut our eyes to "the Holocaust of Neglect" that malnutrition, ill-health, and structural discrimination impose upon huge swathes of humanity?[205] Are we not in danger of "catching the small fry and letting the big fish loose," as Galtung put it?[206]

Moreover, when it comes to human institutions, it is not necessarily the case that responsibility and agency are impossible to establish. Consider the neoliberal economic policies and institutions that shape the destinies of much of the world's poor. Economist Jeffrey Sachs played a key role in designing the "structural adjustment" measures imposed by the World Bank and International Monetary Fund (IMF) around the Third World and former Soviet bloc. He later turned against such prescriptions, commenting in 2002 that they had "squeezed [targeted] countries to the point where their health systems are absolutely unable to function. Education systems are broken down, and *there's a lot of death associated with the collapse of public health and the lack of access to medicine*."[207] In such cases, as Holsti has pointed out, "distinct agents with distinct policies and identifiable consequences" may be discerned, and moral and legal responsibility may likewise be imputed.[208]

In a recent essay on the structural genocide question, I argue that a claim of genocide related to structural and institutional forms of violations was *most* sustainable where evidence of debility and death as a result of the event or phenomenon in question is strong; where the causal chain is direct rather than indirect, and agency centralized and individualized rather than decentralized or diffuse; where actors' awareness of the impact of their policies is high; and where a meaningful measure of voluntary agency[209] among victims is lacking. I argue in the same essay that a discourse of genocide and structural/institution violence "deserves to be taken seriously, and moved closer to the mainstream of genocide studies."[210] Among other things, as historian Norbert Finzsch has suggested, it could serve as a useful corrective to the fact that "genocides in modern history tend to be perceived as chronologically limited occurrences that punctuate time, rather than as repetitive and enduring processes.[211]

IS GENOCIDE EVER JUSTIFIED?

This question may provoke a collective intake of breath.[212] Examining ourselves honestly, though, most people have probably experienced at least a twinge of sympathy with those who commit acts that some people consider genocidal. Others have gone much further, to outright *celebration* of genocide (see, e.g., Chapter 3). Is any of this justifiable, morally or legally?

In one sense, genocide clearly *is* justified—that is, people often seek to justify it. Perhaps the most common strategy of exculpation and celebration is a utilitarian one, applied most frequently in the case of indigenous peoples (Chapter 3). These populations have been depicted stereotypically as "an inertial drag on future agendas,"[213] failing to properly exploit the lands they inhabit and the rich resources underfoot.[214] A latent economic potential, viewed through the lens of the Protestant work ethic and a capitalist hunger for profit, is held to warrant confiscation of territories, and marginalization or annihilation of their populations.

Those subaltern populations sometimes rose up in rebellion against colonial authority, and those rebellions frequently evoke sympathy—though occasionally they have taken a genocidal form. To the cases of Upper Peru (Bolivia) in the late eighteenth century, and the Caste War of Yucatán in the nineteenth, we might add the revolution in the French colony of Saint-Domingue that, in 1804, created Haiti as the world's first free black republic. This was a revolt not of indigenous people, but of slaves. It succeeded in expelling the whites, albeit at a devastating cost from which Haiti never fully recovered. As in Bolivia and Yucatán, rebellion and counter-rebellion assumed the form of unbridled race war.[215] Yet this particular variant finds many sympathizers. The great scholar of the Haitian revolution, C.L.R. James, described in the 1930s "the complete massacre" of Saint-Domingue's whites: "The population, stirred to fear at the nearness of the counter-revolution, killed all [whites] with every possible brutality." But James's appraisal of the events excused the race war on the grounds of past atrocities and exploitation by whites. Acknowledging that the victims were defenseless, James lamented only the damage done to the souls of the killers, and their future political culture:

> The massacre of the whites was a tragedy; *not for the whites.* For these old slaveowners, those who burnt a little powder in the arse of a Negro, who buried him alive for insects to eat . . . and who, as soon as they got the chance, began their old cruelties again; for these there is no need to waste one tear or one drop of ink. *The tragedy was for the blacks and the Mulattoes* [who did the killing]. It was not policy but revenge, and revenge has no place in politics. *The whites were no longer to be feared*, and such purposeless massacres degrade and brutalise a [perpetrator] population, especially one which was just beginning as a nation and had had so bitter a past. . . . Haiti suffered terribly from the resulting isolation. Whites were banished from Haiti for generations, and the unfortunate country, ruined economically, its population lacking in social culture, had its inevitable difficulties doubled by this massacre.[216]
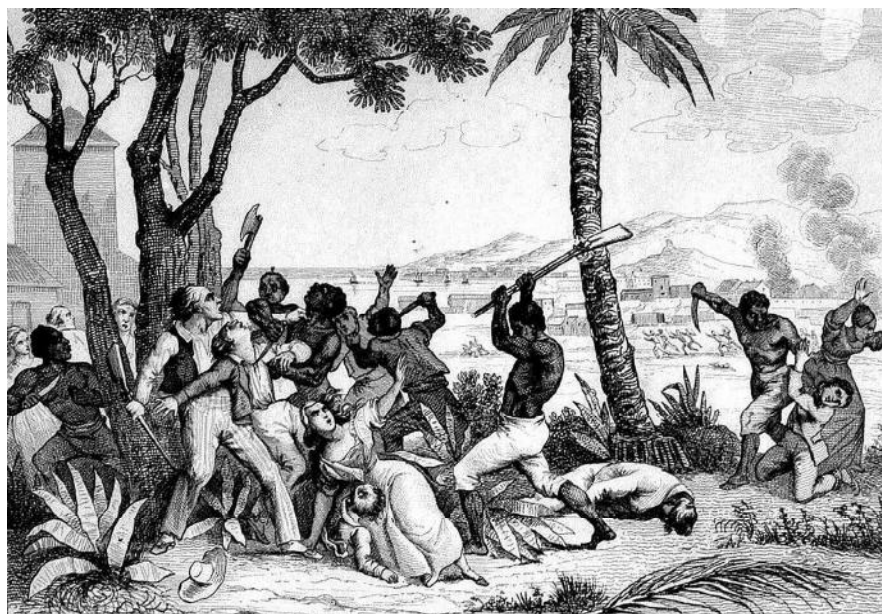
Figure 1.15 "Burning of the Plaine du Cap—Massacre of Whites by the Blacks," August 1791. This 1832 French depiction of slaves slaughtering Europeans during the uprising in Saint-Domingue/ Haiti (1791–1804) is predictably slanted. For long stretches of the revolutionary period, all sides waged no-holds-barred race war. But the stylized image is not inaccurate in itself. It indicates what elites might expect when underclasses violently rebel—here, against genocidal hyperexploitation on the plantations of the "Plaine du Cap." Our sympathies will likely lie with the oppressed. But we should recognize that out of desperation and a desire for vengeance, subaltern populations frequently employ genocidal strategies mirroring those of their oppressors.

Source: France Militaire/Wikimedia Commons.

Bolivia, Mexico, and Haiti are examples of what Nicholas Robins and I call *subaltern genocide*, or "genocides by the oppressed."[217] In general, genocidal assaults that contain a morally plausible element of revenge, retribution, or revolutionary usurpation are less likely to be condemned, and are often welcomed. Allied fire-bombing and nuclear-bombing of German and Japanese cities, which Leo Kuper and other scholars considered genocidal, are often justified on the grounds that "they started it" (that is, the German and Japanese governments launched mass bombings of civilians before the Allies did). The fate of ethnic-German civilians in Czechoslovakia, Poland, and other Central European countries at the end of the Second World War, and in its aftermath, likewise attracted little empathy until recent times—again because, when it came to mass expulsions of populations and attendant atrocities, the Germans too had "started it." The quarter of a million Serbs expelled from the Krajina and Eastern Slavonia regions of Croatia in 1995 (Chapter 8) now constitute the largest refugee population in Europe; but their plight evokes no great outrage, because of an assignation of collective guilt to Serbs for the Bosnian genocide. (The trend was evident again after the 1999 Kosovo war,

when Serb civilians in the province were targeted for murder by ethnic Albanian extremists.)[218]

Even the September 11, 2001 terrorist attacks on the World Trade Center and Pentagon, which could be considered genocidal massacres (see pp. 60–61), secured the equivocal or enthusiastic support of hundreds of millions of people worldwide. Americans were deemed to have gotten what was coming to them after decades of US imperial intervention. A similar vocabulary of justification and celebration may be found among many Arabs, and other Palestinian supporters, after massacres of Jewish civilians in Israel.

Apart from cases of subaltern genocide, the defenders and deniers of some of history's worst genocides often justify the killings on the grounds of *legitimate defensive or retributory action against traitors and subversives.* The Turkish refusal to acknowledge the Armenian genocide (Chapter 4) depicts atrocities or "excesses" as the inevitable results of an Armenian rebellion aimed at undermining the Ottoman state. Apologists for Hutu Power in Rwanda claim the genocide of 1994 was nothing more than the continuation of "civil war" or "tribal conflict"; or that Hutus were seeking to preempt the kind of genocide at Tutsi hands that Hutus had suffered in neighboring Burundi (Chapter 9). Sympathizers of the Nazi regime in Germany sometimes present the invasion of the USSR as a preemptive, defensive war against the Bolshevik threat to Western civilization (Box 6a). Even the Nazis' demonology of a Jewish "cancer" and "conspiracy" resonated deeply with millions of highly educated Germans at the time, and fuels Holocaust denial to the present, though as a fringe phenomenon.

All these cases of denial need to be rejected and confronted (see Chapter 14). *But are there instances when genocide may occur in self-defense?* The Rome Statute of the International Criminal Court abjures criminal proceedings against "the person [who] acts reasonably to defend himself or herself or another person or . . . against an imminent and unlawful use of force, in a manner proportionate to the degree of danger to the person or the other person or property protected." Citing this, William Schabas has noted that "reprisal and military necessity are not formally prohibited by international humanitarian law." However, "reprisal as a defense must be proportional, and on this basis its application to genocide would seem inconceivable."[219] But Schabas has a tendency, in defending his "hard" and predictably legalistic interpretation of the UN Convention, to use terms such as "inconceivable," "obviously incompatible," "totally unnecessary," "definitely inappropriate." Sometimes these may close off worthwhile discussions, such as: What is the acceptable range of responses to genocide? Can genocidal counter-assault be "proportional" in any meaningful sense?

A large part of the problem is that the plausibility we attach to reprisals and retribution frequently reflects our political identifications. We have a harder time condemning those with whom we sympathize, even when their actions are atrocious. Consciously or unconsciously, we distinguish "worthy" from "unworthy" victims.[220] And we may be less ready to label as genocidal the atrocities that our chosen "worthies" commit.

On a personal note, I find myself wrestling with this issue most vexedly in the case of the Islamic State (IS) movement, which burst onto the geopolitical and genocidal map in summer 2014 (see Chapter 4a). I am mistrustful of language

like US Secretary of State John Kerry's, in the wake of the Paris mass shootings of November 2015, referring to ISIS militants as "psychopathic monsters."[221] But if the shoe fits … Many of us across the political spectrum have likely harbored secret fantasies, as I have, of pressing a button and vaporizing all black-flag-waving ISIS *génocidaires* and *génocidaires*-in-training between Tunisia and Afghanistan. Would this be a tragic loss to humanity and civilization, of the kind that Raphael Lemkin feared? Or might the extermination of the members of this criminal conspiracy be a decided gain, and a protection for those minority peoples who would otherwise disappear into the ISIS meat-grinder? But surely any such annihilatory enterprise would meet the requirements of the Genocide Convention for the "crime of crimes," as do the cases I cited of subaltern genocide. ISIS is certainly a distinct religious sect as well as a political movement—the distinction is anyway meaningless, as the term "theocracy" implies. How far are my sentiments, then, from the kind of crusading, militantly anti-Islamic rants that I criticize elsewhere (pp. 121–122)? Far enough to preserve such meaningful distinctions as combatant and civilian, I hope. But this far from resolves the issue, or the moral quandary.

FURTHER STUDY

Hirad Abtahi and Philippa Webb, eds., *The Genocide Convention: The Travaux Préparatoires* (2 vols.). Leiden: Martinus Nijhoff Publishers, 2008. An exhaustive compendium (2,200 pages in total) of the 1946–1948 drafting sessions and negotiations for the UN Genocide Convention. Includes reams of dry procedural material, but also the fascinating debates of the Ad Hoc Committee on Genocide over core issues such as the role of the state in genocide, physical/biological versus cultural forms of genocide, and the inclusion (finally exclusion) of political groups.

Alex Alvarez, *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach*. Bloomington, IN: Indiana University Press, 2001. A tautly-written analysis from a sociological and criminological perspective. See also *Genocidal Crimes*.

Paul Bartrop and Steven L. Jacobs, *Fifty Key Thinkers on the Holocaust and Genocide*. London: Routledge, 2010. Informative short essays on leading figures in Holocaust research and comparative genocide studies.

Donald W. Beachler, *The Genocide Debate: Politicians, Academics, and Victims*. New York: Palgrave MacMillan, 2011. A commendably balanced and fair-minded introduction to some controversial themes in genocide studies.

Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies*. Oxford: Oxford University Press, 2010. Indispensable, erudite essays, with richly-detailed attention to the pre-modern and early-modern periods, as well as twentieth-century cases. Probably the best book to accompany or replace this one in graduate-level courses.

Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide*. New Haven, CT: Yale University Press, 1990. Early and eclectic treatment, still widely read and cited.

John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention*. London: Palgrave Macmillan, 2008. The first full-length biography of Lemkin and his extraordinary campaign, competently handled.

John Cox, *To Kill a People: Genocide in the Twentieth Century*. Oxford: Oxford University Press, 2016. The best short introduction to the subject: wide-ranging, well-informed, and fluently written, with an excellent bibliographic essay.

Lawrence Davidson, *Cultural Genocide*. New Brunswick, NJ: Rutgers University Press, 2012. Groundbreaking short survey of "the purposeful weakening and ultimate destruction of cultural values and practices of feared out-groups." Includes chapter-length treatments of American Indians, Jews in Russia, Israel—Palestine, and Tibet.

Robert Gellately and Ben Kiernan, eds., *The Specter of Genocide: Mass Murder in Historical Perspective*. Cambridge: Cambridge University Press, 2003. One of the richest edited volumes on genocide; diverse in scope and consistent in quality.

Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity*. New York: Basic Books, 2009. Usefully situates genocide within a broader framework of "eliminationist" ideologies and strategies.

Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson, eds., *Hidden Genocides: Power, Knowledge, Memory*. New Brunswick, NJ: Rutgers University Press, 2014. A short but provocative study of genocides usually marginalized in the "canon." Includes my chapter, "The [African] Great Lakes Genocides: Hidden Histories, Hidden Precedents."

Adam Jones, ed., *New Directions in Genocide Research*. London: Routledge, 2012. Highlights contributions from the new generation of genocide scholars.

Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur*. New Haven, CT: Yale University Press, 2007. The magnum opus of the director of Yale University's Genocide Studies Program.

Leo Kuper, *Genocide: Its Political Use in the Twentieth Century*. Harmondsworth: Penguin, 1981. The foundational text of comparative genocide studies, still in print.

Raphael Lemkin, *Lemkin on Genocide*, ed. Steven Leonard Jacobs. Lanham, MD: Lexington Books, 2012. At last, Lemkin's unfinished but epoch-spanning history of genocide, ably edited and introduced by Steven Jacobs.

Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin*, ed. Donna-Lee Frieze. New Haven, CT: Yale University Press, 2013. With the publication of Lemkin's autobiography, previously available only in excerpts and archives, the core of Lemkin's corpus on genocide is now complete (see *Lemkin on Genocide*, above).

Mark Levene, *Genocide in the Age of the Nation State, Vol. 1: The Meaning of Genocide* and *Vol. 2: The Rise of the West and the Coming of Genocide* (London: I.B. Tauris, 2005); *The Crisis of Genocide, Vol. 1: Devastation: The European Rimlands 1912–1938* and *Vol. 2: Annihilation: The European Rimlands 1939–1953* (Oxford: Oxford University Press, 2013). Levene's four-volume masterwork is the most nourishing and mind-expanding work of genocide studies. The first two volumes trace the rise of modern genocide and link it conceptually and

historically to European state-building and processes of imperialism/colonialism. The concluding installments make a seminal contribution to the literature on the European "Rimlands" in an age of toxic nationalisms and world wars (see Box 2.3). Frustratingly, both volumes were unavailable in paperback nearly three years after publication.

Jens Meierhenrich, ed., *Genocide: A Reader*. Oxford: Oxford University Press, 2014. Appealingly diverse, bite-sized selections from the literature; another volume worth considering to accompany this one in the classroom (see also Totten and Parsons, eds., below).

David L. Nersessian, *Genocide and Political Groups*. Oxford: Oxford University Press, 2010. The first in-depth study of the controversial exclusion of political groups from the Genocide Convention, with proposals for reform.

Samantha Power, *"A Problem from Hell": America and the Age of Genocide.* New York: Basic Books, 2002. Power's multiple award-winning work focuses on the US response to various genocides.

John Quigley, *The Genocide Convention: An International Law Analysis.* London: Ashgate, 2006. Stimulating analysis of the Convention, especially provocative on framings of genocidal intent.

Nehemiah Robinson, *The Genocide Convention: A Commentary*. New York: Institute of Jewish Affairs, 1960. If you can find this book it will be on a dusty shelf, but Robinson's short early work provides an incisive legal commentary on the 1948 UN Convention and the debates that attended its drafting.

Richard L. Rubenstein, *The Age of Triage: Fear and Hope in an Overcrowded World*. Boston, MA: Beacon Press, 1983. Groundbreaking study of the elimination of unwanted populations.

Martin Shaw, *What is Genocide?*, 2nd edn. Cambridge: Polity Press, 2015. Thoughtful examination of what, exactly, genocide "destroys," revised and updated to deepen the conceptual discussion.

Dinah Shelton, ed., *Encyclopedia of Genocide and Crimes Against Humanity* (3 vols). Detroit, MI: Macmillan Reference, 2005. Massive and admirably inclusive; so far the leading work of this type.

Dan Stone, ed., *The Historiography of Genocide.* London: Palgrave Macmillan, 2008. Wide-ranging compilation examining core themes of the genocide studies literature.

Samuel Totten and William S. Parsons, eds., *Centuries of Genocide: Essays and Eyewitness Accounts* (4th edn). New York: Routledge, 2013. Unparalleled collection of analyses and testimonies, richer than ever in this edition. From an instructor's perspective, perhaps the best companion to the book you're reading.

Samuel Totten and Paul R. Bartrop, eds., *The Genocide Studies Reader.* London: Routledge, 2009. A comprehensive selection of essays from the literature. As Totten/Parsons (above) is ideal for undergraduate courses, this is a highly useful volume for graduate students.

Hannibal Travis, *Genocide in the Middle East: The Ottoman Empire, Iraq, and Sudan*. Durham, NC: Carolina Academic Press, 2010. Broader in scope than its title suggests: one of the most meticulously documented of the major histories of genocide, with a solid focus on the contemporary period.

Benjamin Whitaker, *Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide* (The Whitaker Report). ECOSOC (United Nations), July 2, 1985, available in full at www.preventgenocide.org/prevent/UNdocs/whitaker. A significant attempt to rethink and revise the UN Genocide Convention.[222]

Matthew White, *Atrocitology: Humanity's 100 Deadliest Achievements*. Edinburgh: Canongate, 2011. Not entirely reliable, but certainly the most encyclopedic compendium of mass atrocities throughout history, and amusing (!) to boot.

NOTES

1 Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (Harmondsworth: Penguin, 1981), p. 9.

2 Raphael Lemkin, *Lemkin on Genocide*, ed. Steven Leonard Jacobs (Lanham, MD: Lexington Books, 2012), p. 20.

3 Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990), p. 64.

4 Quoted in Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 58. Notably, when Troy did finally fall, women and girl children were spared extermination, and instead abducted as slaves (Israel Charny, ed., *The Encyclopedia of Genocide* [Santa Barbara, CA: ABC-CLIO, 1999], p. 273). See the discussion of gender and genocide in Chapter 13.

5 Quoted in Lemkin, *Lemkin on Genocide*, p. 90 (citing L. Delaporte, *Mesopotamia: The Babylonian and Assyrian Civilization*, 1925).

6 Rick Weiss, "Climate Link to Neanderthal Demise Abates, *Washington Post*, September 13, 2007, www.washingtonpost.com/wp-dyn/content/article/2007/09/12/AR2007091202323.html.

7 Larry O'Hanlon, "Shocking New Theory: Humans Hunted, Ate Neanderthals," *NBCNews.com*, May 21, 2013, www.nbcnews.com/science/shocking-new-theory-humans-hunted-ate-neanderthals-6C10012944.

8 Pat Shipman, *The Invaders: How Humans and Their Dogs Drove Neanderthals to Extinction*, 3rd edn. (Cambridge, MA: The Belknap Press, 2015).

9 James Gorman, "Prehistoric Massacre Hints at War Among Hunter-Gatherers," *The New York Times*, January 20, 2016, www.nytimes.com/2016/01/21/science/prehistoric-massacre-ancient-humans-lake-turkana-kenya.html.

10 Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 28.

11 Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993), p. 26.

12 Karen Armstrong, *A History of God;* quoted in Roy F. Baumeister, *Evil: Inside Human Violence and Cruelty* (New York: W.H. Freeman, 1999), p. 171. For other examples of Old Testament genocide, see Chalk and Jonassohn, *The History and Sociology of Genocide*, pp. 62–63; Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press, 2003), p. 18, citing Joshua's "destruction by the edge of the sword [of] all in the city [of Jericho], both men and women, young and old, oxen, sheep, and donkeys."

13 "Genocide, God, and the Bible," http://stripe.colorado.edu/~morristo/genocide.html.

14 Mark Levene, *Genocide in the Age of the Nation State, Vol. 1: The Meaning of Genocide* (London: I.B. Tauris, 2005), p. 151.

15 Cited in Louis W. Cable, "The Bloody Bible," *Freethought Today*, June/July 1997. http://ffrf.org/legacy/fttoday/1997/june_july97/cable.html. See also the numerous examples of "God-ordered genocide" cited in Bill Moyers, "9/11 and the Sport of God," *CommonDreams.org*, September 9, 2005, www.commondreams.org/views/2005/09/09/911-and-sport-god.

16 Numbers 31, Revised Standard Edition, quoted in Daniel Chirot and Clark McCauley, *Why Not Kill Them All? The Logic and Prevention of Mass Political Murder* (Princeton, NJ: Princeton University Press, 2006), pp. 29–30. For discussion and debates over biblical genocide, see J. Harold Ellens, ed., *The Destructive Power of Religion: Violence in Judaism, Christianity, and Islam* (Westport, CT: Praeger, 2007); Paul Copan and Matthew Flannagan, *Did God Really Command Genocide? Coming to Terms with the Justice of God* (Grand Rapids, MI: Baker Books, 2014); C.S. Cowles *et al.*, *Show Them No Mercy: Four Views on God and Canaanite Genocide* (Grand Rapids, MI: Zondervan, 2003); from an openly Christian-apologist perspective, Douglas S. Earl, *The Joshua Delusion? Rethinking Genocide in the Bible* (Eugene, OR: Wipf & Stock, 2011); Paul Copan, *Is God a Moral Monster? Making Sense of the Old Testament God* (Ada, MI: Baker Publishing Group, 2012). On religiously-inspired terrorism and genocide in general, see Omer Bartov and Phyllis Mack, eds., *In God's Name: Genocide and Religion in the Twentieth Century* (New York: Berghahn Books, 2001); Steven Leonard Jacobs, ed., *Confronting Genocide: Judaism, Christianity, Islam* (Lanham, MD: Lexington Books, 2009); James W. Jones, *Blood That Cries Out From the Earth: The Psychology of Religious Terrorism* (Oxford: Oxford University Press, 2012).

17 Hans van Wees wrote that "if a distinction by gender and age was made, it was because communities were conceived of as consisting essentially of adult men. Women, children, and the aged were mere dependants. The death of the men amounted to the annihilation of the community; killing the others was not necessary," and often they could be usefully employed as slaves. Van Wees, "Genocide in the Ancient World," in Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2013), p. 245.

18 For a nuanced exploration of classical strategies of genocide (and non-genocide), see van Wees, ibid., pp. 239–258.

19 Ben Kiernan, "The First Genocide: Carthage, 146 BC," *Diogenes*, 203 (2004), pp. 27–39.

20 Ibid., p. 202.

21 See "The Albigensians," in Lemkin, *Lemkin on Genocide*, pp. 59–81; Sean Martin, *The Cathars: The Rise and Fall of the Great Heresy* (Harpenden: Pocket Essentials, 2014), especially chs. 3–4.

22 Andrew Bell-Fialkoff writes that the First Crusade (1096–1099) left "a trail of blood and destruction, throughout the Rhine and the Moselle valleys, as well as in Prague and Hungary. Entire communities, perhaps tens of thousands of people in all, were wiped out. The Crusade culminated in a wholesale massacre of all non-Christians in Jerusalem." Bell-Fialkoff, *Ethnic Cleansing* (New York: St. Martin's Griffin, 1999), p. 13.

23 Matthew White, *Atrocitology: Humanity's 100 Deadliest Achievements* (Edinburgh: Canongate, 2011). The full list of 100 multicides is at pp. 529–531. The "self-described atrocitologist" quote is from Steven Pinker's foreword.

24 Eric S. Margolis, *War at the Top of the World: The Struggle for Afghanistan, Kashmir, and Tibet* (New York: Routledge, 2001), p. 155. In Hannibal Travis's summary: "After 1200 CE, Genghis Khan led a campaign through Asia that destroyed millions of lives and many ancient cities. In Beijing in 1219, the Mongols slaughtered thousands of people and set the city ablaze, causing it to burn for a month. . . . In present-day Konye-Urgench in Turkmenistan, then called Gurganj, a contingent from Genghis Khan's army, with 100,000 Mongols in all, killed over a million people, in house-to-house fighting that burned large sections of the city. . . . " Matthew White recorded that when Genghis Khan "finally beat the Tatars, he is said to have lined up all of the men and boys alongside a wagon and ordered his followers to kill every Tatar male who stood taller than the lynch pin of the wagon wheel." According to Travis, Genghis Khan's grandson, Hulagu Khan, "reached Baghdad in the 1250s and massacred 100,000 to two million people there, seizing enormous amounts of gold and treasure, destroying libraries, and soiling and ruining mosques. Mesopotamia's irrigation system was severely damaged, leaving a legacy of dependency on imported food that would have catastrophic consequences during U.N. sanctions in the 1990s." Travis, *Genocide in the Middle East:*

The Ottoman Empire, Iraq, and Sudan (Durham, NC: Carolina Academic Press, 2010), pp. 167–168; White, *Atrocitology*, p. 117.

25 Lemkin, *Lemkin on Genocide*, p. 115.

26 Hitler quoted in Cathie Carmichael, *Genocide before the Holocaust* (New Haven, CT: Yale University Press, 2009), p. 102.

27 See Reynald Secher, *A French Genocide: The Vendée*, trans. George Holoch (Notre Dame, IN: University of Notre Dame Press, 2003); Mark Levene, "The Vendée—A Paradigm Shift?," in Levene, *Genocide in the Age of the Nation State, Vol. 2: The Rise of the West and the Coming of Genocide* (London: I.B. Tauris, 2005), pp. 103–161. This section also draws on Adam Jones, "Why Gendercide? Why Root-and-Branch? A Comparison of the Vendée Uprising of 1793–94 and the Bosnian War of the 1990s," *Journal of Genocide Research*, 8: 1 (2006), pp. 9–25. For an interesting reportage of travel in the Vendée region, including sites connected with the genocide, see Anthony Peregrine, "France: Vengeance on the Vendée," *The Telegraph*, August 18, 2009, www.telegraph.co.uk/travel/destinations/europe/france/6048204/France-Vengeance-on-the-Vendee.html. The war and atrocities are depicted in Victor Hugo's renowned final novel, *Ninety-Three* (1874), available online at https://en.wikisource.org/wiki/Ninety-three.

28 Cited in Alain Gérard, *"Par principe d'humanité . . ." La Terreur et la Vendée* (Paris: Librairie Artheme Fayard, 1999), p. 295.

29 Cited in Arno J. Mayer, *The Furies: Violence and Terror in the French and Russian Revolutions* (Princeton, NJ: Princeton University Press, 2000), p. 353.

30 In the estimation of France's greatest historian, Jules Michelet; quoted in Mayer, *The Furies*, p. 325.

31 Quoted in Secher, *A French Genocide*, p. 132.

32 Westermann quoted in David A. Bell, *The First Total War: Napoleon's Europe and the Birth of Warfare As We Know It* (Boston, MA: Houghton Mifflin Company, 2007), p. 173.

33 Mayer, *The Furies*, p. 340.

34 For a perceptive analysis of the French Revolutionary and Napoleonic Wars as a "watershed" in the transition between "the uncoordinated, retributive massacres of the *ancien régime*, and the bureaucratized, purposeful massacres of the latter nineteenth and twentieth centuries," see Philip G. Dwyer, "Violence and the Revolutionary and Napoleonic Wars: Massacre, Conquest and the Imperial Enterprise," *Journal of Genocide Research*, 15: 2 (2013), pp. 117–131 (quote p. 127).

35 Bell, *The First Total War*, p. 184, emphasis added. Bell is skeptical of the "genocide" label for the Vendée (p. 158), but on grounds that are more restrictive (emphasizing ethnicity) than the definition and framing deployed in this book.

36 Michael R. Mahoney, "The Zulu Kingdom as a Genocidal and Post-genocidal Society, c. 1810 to the Present," *Journal of Genocide Research*, 5: 2 (2003), p. 263.

37 Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 223.

38 Ibid., pp. 224–225, citing Eugene Victor Walter, *Terror and Resistance: A Study of Political Violence*.

39 Mahoney, "The Zulu Kingdom," p. 254.

40 Chalk and Jonassohn, *The History and Sociology of Genocide*, pp. 224–225.

41 Mahoney, "The Zulu Kingdom," p. 255.

42 See *PreventGenocide.org*, "A Crime without a Name," www.preventgenocide.org/genocide/crimewithoutaname.htm.

43 John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (London: Palgrave Macmillan, 2008), p. 213.

44 Raphael Lemkin, *Totally Unofficial: The Autobiography of Raphael Lemkin* (New Haven, CT: Yale University Press, 2013), pp. 1–2.

45 Ibid., p. 2.

46 Ibid., p. 17.

47 Lemkin, *Lemkin on Genocide*, pp. 157–185, 343–370.

48 Michael Ignatieff puts it well: "[Lemkin's] self-identification as a Jew was always rela-tively weak, and his objective was never to save the Jewish people from genocide but mankind as a whole. This is why, when other Jews who survived the Holocaust became Zionists and put their faith in a defensible state of their own, Lemkin put his faith instead in international law and a convention that would proscribe the crime forever for every victim group." Ignatieff adds: "This does not mean he was not shaped, through and through, by Jewish fate, in his case, by the glory and the burden of being born a Jew in what the historian Timothy Snyder has taught us to call the Bloodlands [see Box 2.3], the killing fields of Byelorussia, Lithuania and eastern Poland." Ignatieff, "Raphael Lemkin and Genocide," 2013, www.michaelignatieff.ca/assets/pdfs/LemkinandGeno cide2013.pdf, pp. 13–14.

49 Tehlirian's testimony at his trial—that he personally witnessed the murder of his family members on a death march—was a cover story. He did indeed lose loved ones to the Turkish genocide, but this occurred while he was fighting against the Turks, as an Armenian revolutionary attached to Russian forces. He subsequently joined a hit squad organized by the Dashnak Party that worked to track down and assassinate perpetrators of the genocide, especially those convicted *in absentia* by the postwar Constantinople tribunal (see Chapters 4, 15). For a full account of the assassination campaign and Tehlirian's role, see Eric Bogosian, *Operation Nemesis: The Assassina-tion Plot That Avenged the Armenian Genocide* (New York: Little, Brown and Company, 2015).

50 Lemkin quoted in Travis, *Genocide in the Middle East*, p. 28.

51 Lemkin quoted in Power, *"A Problem from Hell,"* p. 21.

52 Ibid., p. 58.

53 "Of particular interest to Lemkin were the reflections of George Eastman, who said he had settled upon 'Kodak' as the name for his new camera because: 'First. It is short. Second. It is not capable of mispronunciation. Third. It does not resemble anything in the art and cannot be associated with anything in the art except the Kodak.'" Power, *"A Problem from Hell,"* pp. 42–43. It had, Eastman said, a "rigorous and distinctive per-sonality" (quoted in Lemkin, *Lemkin on Genocide*, p. 24).

54 Lemkin, *Axis Rule in Occupied Europe*, p. 79. Michael Ignatieff called Axis Rule "one of the very rare examples of scholarship as heroism: patient, dogged empirical research by a legal scholar, whose purpose is to discern the infernal logic of despot-ism." Ignatieff, "The Legacy of Raphael Lemkin," address to the United States Holo-caust Memorial Museum, December 13, 2000, www.ushmm.org/confront-genocide/speakers-and-events/all-speakers-and-events/the-legacy-of-raphael-lemkin.

55 On this point, see Thomas M. Butcher, "A 'Synchronized Attack': On Raphael Lem-kin's Holistic Conception of Genocide," *Journal of Genocide Research*, 15: 3 (2013), pp. 253–271.

56 David Nersessian, citing research by Barbara Harff and Ted Gurr (see Chapter 12), esti-mates that "in the four decades following World War II, the destruction of opposition groups on political grounds outnumbered destruction on xenophobic or hegemonical grounds by four to one." Nersessian, *Genocide and Political Groups* (Oxford: Oxford University Press, 2010), p. 189.

57 See Douglas Irvin-Erickson, "Genocide, the 'Family of Mind' and the Romantic Sig-nature of Raphael Lemkin," *Journal of Genocide Research*, 15: 3 (2013), pp. 273–296.

58 Stephen Holmes, "Looking Away," *London Review of Books*, November 14, 2002 (review of Power, *"A Problem from Hell"*).

59 See also Mark Levene's interesting observations: "Like [Johann] Herder a century and a half earlier, Lemkin's starting point was to both accept and celebrate the existence of primordial national groups as an ostensible fact of humanity's natural history. Like Herder, too, what mattered about this 'reality' was enabling the sum of the nations' diverse parts to operate within an ecumenical discourse, the consequence of which would be the creation of a truly cosmopolitan, international civilization. Lemkin's idea

of the nation thus derived from a firm Enlightenment optimism." Levene, *The Crisis of Genocide, Vol. 1: Devastation: The European Rimlands 1912–1938* (Oxford: Oxford University Press, 2013), p. 242.

60 According to Helen Fein, Lemkin's "examples of genocide or genocidal situations include: Albigensians, American Indians, Assyrians in Iraq, Belgian Congo, Christians in Japan, French in Sicily (c. 1282), Hereros, Huguenots, Incas, Mongols, the Soviet Union/Ukraine, [and] Tasmania." Fein, *Genocide: A Sociological Perspective*, p. 11. Lemkin's study of Tasmania was edited by Ann Curthoys and published in *Patterns of Prejudice*, 39: 2 (2005), pp. 170–196 (and Curthoys's introduction, pp. 162–169).

61 William A. Schabas, *Genocide in International Law* (Cambridge: Cambridge University Press, 2000), p. 14.

62 As supplied in W. Michael Reisman and Chris T. Antoniou, eds., *The Laws of War: A Comprehensive Collection of Primary Documents on International Laws Governing Armed Conflict* (New York: Vintage Books, 1994), pp. 84–85.

63 Daniel Feierstein, *Genocide as Social Practice: Reorganizing Society under the Nazis and Argentina's Military Juntas* (New Brunswick, NJ: Rutgers University Press, 2014), p. 20.

64 Ad Hoc Committee on Genocide, "Summary Record of the Twelfth Meeting," April 19, 1948. In Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, p. 861.

65 Ad Hoc Committee on Genocide, "Commentary on Articles Adopted by the Committee," April 26, 1948. In Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, p. 980 (emphasis in original).

66 Ad Hoc Committee on Genocide, "Report of the Committee and Draft Convention Drawn Up by the Committee," May 24, 1948, in Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, p. 1125.

67 "Two Hundred and Eighteenth Meeting," in Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, p. 1222.

68 Economic and Social Council, "Seventy-Fourth Meeting," October 14, 1948. In Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 2, pp. 1391, 1396.

69 Nersessian, *Genocide and Political Groups*, p. 70.

70 Nersessian, *Genocide and Political Groups*, p. 76.

71 Martin Shaw, *What is Genocide?* (Cambridge: Polity, 2007), p. 22.

72 L.J. van den Herik concurs that "it is not likely that genocidal acts other than killing—sub (b) to (e)—will be perceived as genocide when they are committed outside a context of mass killing." Van den Herik, *The Contribution of the Rwanda Tribunal to the Development of International Law* (Leiden: Martinus Nijhoff Publishers, 2005), p. 146.

73 Cited in Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (2nd edn) (Oxford: Oxford University Press, 2001), pp. 30, 32.

74 Schabas, *Genocide in International Law*, p. 140.

75 See Beth Van Schaack, "The Crime of Political Genocide: Repairing the Genocide Convention's Blind Spot," *Yale Law Journal*, 106 (1997), pp. 2259–2291.

76 Schabas, *Genocide in International Law*, pp. 175, 178.

77 For a survey of the early legal literature, see David Kader, "Law and Genocide: A Critical Annotated Bibliography," *Hastings International and Comparative Law Review*, 11 (1988).

78 See my "Filmography of Genocide and Crimes Against Humanity" at www.genocidetext.net/gaci_filmography.htm.

79 Christopher Rudolph, "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals," *International Organization*, 55: 3 (Summer 2001), p. 659. Rudolph cites Kenneth Abbott and Duncan Snidal, who "define 'hard' legalization as legally binding obligations characterized by high degrees of obligation, precision, and delegation, and define 'soft' legalization as a more flexible manifestation characterized by varying degrees along one or most of these same dimensions."

80 See also the "Comments on Article IV" in the early (June 1947) Secretariat Draft E/447 of the UN Convention: "The heaviest responsibility [for genocide] is that of statesmen or rulers in the broad sense of the word, that is to say, heads of state,

ministers and members of legislative assemblies . . . Officials who commit genocide at government orders—the most frequent case—or do so on their own initiative, also bear a heavy responsibility. Finally, private persons, that is to say, persons who are neither rulers nor officials, can also commit acts of genocide . . . either by collective action (through a political group, league, or clandestine or other association), or by individual action." In Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, p. 241.

81 In this context, it is worth noting the verdict of the ICTR that the law of genocide "did not include a requirement that the perpetrator be a State official. Hence, individuals connected to non–State actors, such as the *Interahamwe* [genocidal militia] and RTLM [extremist radio station], and other persons not affiliated with the government, such as businessmen, who had all played a major role in the preparation, organization and execution of the genocide, could also be held responsible for genocide" (see Chapter 9). Van den Herik, *The Contribution of the Rwanda Tribunal*, p. 269.

82 Stathis Kalyvas, *The Logic of Violence in Civil War* (Cambridge: Cambridge University Press, 2006), focusing on the Greek civil war of the 1940s.

83 This element of *imputed/assigned identity* is essential to understanding the nature of genocidal targeting, as international law (most notably the International Criminal Tribunal for Rwanda) have acknowledged. It was hardly necessary for women and men in early-modern Europe to be self-identified witches in order for them to be targeted as such. Indeed, it is a reasonable proposition that "witches" as imagined by the perpetrators were precisely that—imaginary. Likewise, there were few card–carrying "enemies of the people" in the populations genocided as class enemies in Lenin's and Stalin's USSR and Maoist China (Chapter 5), or in Cambodia under the Khmer Rouge (Chapter 7). As Christopher Powell eloquently argued: "Once individuals are assigned to the victim group, they belong to it for all practical purposes—or at least, for the practical purposes that matter most in such a situation. Such groups are, in effect, *constituted through genocide.*" Powell, *Barbaric Civilization: A Critical Sociology of Genocide* (Montreal & Kingston: McGill–Queen's University Press, 2011), p. 82. Patrick Wolfe likewise contends that a property like "race cannot be taken as given. It is made in the targeting." Wolfe, "Structure and Event: Settler Colonialism, Time, and the Question of Genocide," in A. Dirk Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn Books, 2008), p. 111. Scott Straus writes that "Genocide is not carried out against a group bounded by essential internal properties. Rather, genocide is carried out against a group that the perpetrator *believes* has essential properties . . . however fictive such a belief may be." Straus quoted in Levene, *Genocide in the Age of the Nation State, Vol. 1*, p. 87.

84 Irving Louis Horowitz, *Taking Lives: Genocide and State Power* (4th edn) (New Brunswick, NJ: Transaction Publishers, 1996), p. 265. Benjamin Whitaker, in his mid-1980s reevaluation of the Genocide Convention for the UN, likewise contended that "in part" should mean a "reasonably significant number, relative to the total of the group as a whole, or else a significant section of a group such as its leadership." Quoted in John Quigley, *The Genocide Convention: An International Law Analysis* (London: Ashgate, 2006), p. 141.

85 "Genocide Watch Calls for Prosecution of Zimbabwe's Robert Mugabe for Genocide," press release, September 16, 2010.

86 The December 11, 1946 General Assembly declaration, "The Crime of Genocide," is available online at https://documents–dds–ny.un.org/doc/RESOLUTION/GEN/NR0/033/47/IMG/NR003347.pdf?OpenElement.

87 Drost quoted in Curthoys and Docker, "Defining Genocide," p. 22.

88 Barbara Harff and Ted Robert Gurr, "Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases Since 1945," *International Studies Quarterly*, 32: 3 (1988), p. 360.

89 Steven Katz, *The Holocaust in Historical Context, Vol. 1: The Holocaust and Mass Death before the Modern Age* (New York: Oxford University Press, 1994), p. 131.

90 "Annan's Nobel Speech in Oslo," *The New York Times*, December 11, 2001. Also eloquent were French representative Charles Chaumont's comments at an October 1948 meeting of the UN Economic and Social Council, shortly before the General Assembly voted to adopt the Genocide Convention. Chaumont "held that the crime of genocide existed as soon as an individual became the victim of acts of genocide. If a motive for the crime existed, genocide existed even if only a single individual were the victim. The French delegation had therefore proposed to replace the words 'acts committed with the intent to destroy a . . . group' by the words 'an attack on life directed against a human group, or against an individual as a member of a human group . . .' The group was an abstract concept; it was an aggregate of individuals; it had no independent life of its own; it was harmed when the individuals composing it were harmed." In Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 2 (Leiden: Martinus Nijhoff Publishers, 2008), p. 1380.

91 Chile Eboe-Osuji, "Rape as Genocide: Some Questions Arising," *Journal of Genocide Research*, 9: 2 (2007), pp. 262–263. Eboe-Osuji adds: "This mischief was especially evident during the Rwandan genocide, when the US government refused to acknowledge that a genocide was in progress, for fear of being impelled to do something about it, while semantically acknowledging that 'acts of genocide' (rather than genocide) were occurring."

92 UN-appointed commissioner Benjamin Whitaker (see note 220) wrote that the phrase "in part" denotes "a reasonably significant number, relative to the total of the group as a whole, or else a significant section of a group such as its leadership." Quoted in William A. Schabas, "The Law and Genocide," in Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2013), pp. 136–137.

93 Fein quoted in René Lemarchand, "Introduction," in Lemarchand, ed., *Forgotten Genocides: Oblivion, Denial, and Memory* (Philadelphia, PA: University of Pennsylvania Press, 2011), p. 9. I must say that between the last edition and this, the most cogent framing of genocide I have come across is a very old one: Nehemiah Robinson's, in his 1960 work *The Genocide Convention: A Commentary* (New York: Institute of Jewish Affairs; see p. 23).

94 Charny quoted in Edina Becirevic, *Genocide on the Drina River* (New Haven, CT: Yale University Press, 2014), p. 173.

95 On the Marsh Arabs, see Joseph W. Dellapenna, "The Iraqi Campaign against the Marsh Arabs: Ecocide as Genocide," *Jurist*, January 31, 2003. www.jurist.org/forum/forumnew92.php.

96 Andrew Woolford, *This Benevolent Experiment: Indigenous Boarding Schools, Genocide, and Redress in Canada and the United States* (Winnipeg, MB: University of Manitoba Press, 2015), p. 27.

97 See Ilan Pappé, "The Memoricide of the Nakba," in Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld, 2006), pp. 225–234; Jonathan Cook, "Memoricide in the West Bank," *Counterpunch.org*, March 10, 2009, www.counterpunch.org/2009/03/10/memoricide-in-the-west-bank/.

98 The Liberal Ironist, "Harff's Genocide Typology, Along with Some Explanation," January 25, 2011, https://liberalironist.wordpress.com/2011/01/25/harffs-genocide-typology-along-with-some-explanation/.

99 Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Basic Books, 2009) p. 122.

100 Allan D. Cooper, *The Geography of Genocide* (Lanham, MD: University Press of America, 2009), p. 67. Provocatively, Cooper asserts a gender dimension to urbicide: for genocidal perpetrators, who generally adhere to a traditional patriarchal model of gender relations, "the city, in particular, becomes a female terrain marked by chaos and uncontrolled sexual license where patriarchal social controls are surrendered. And by

female I really mean that which is not heterosexually male" (p. 73). See the discussion of gender and genocide in Chapter 13.

101 The quoted passage is drawn from a posted announcement of "an international and interdisciplinary academic workshop" entitled "Urbicide: The Killing of Cities," at the University of Durham, November 24–25, 2005.

102 Lemkin, *Lemkin on Genocide*, p. 95.

103 Keith Lowe, *Savage Continent: Europe in the Aftermath of World War II* (New York: St. Martin's Press, 2012), pp. 25–26 (e-book). Urbicides may have numbered in the *thousands* across Nazi-occupied Europe, especially eastern Europe. "About 80 per cent of the city of Minsk in Belarus was destroyed: only 19 of 332 major factories in the city survived, and only then because mines set by the retreating Germans were defused by Red Army sappers just in time. Approximately 1,700 towns and cities were devastated in the USSR, 714 of them in Ukraine alone" (Lowe, p. 28, e-book).

104 On the urbicide of Hama in 1982 by the forces of Hafez al-Assad, father of the current Syrian dictator, see Scott Peterson, "How Syria's Brutal Past Colors Its Future," *The Christian Science Monitor*, June 20, 2000, www.csmonitor.com/2000/0620/p1s3. html—strikingly prescient in retrospect.

105 On the urbicide of the city of Agdam by victorious Armenian forces in the Nagorno-Karabakh war, including some powerful images, see "Agdam, Azerbaijan: Ghost Town of War," http://sometimes-interesting.com/2011/08/04/agdam-azerbaijan-ghost-town-of-war/. I toured the ruins of Agdam with my companion Griselda Ramírez in July 2015, but we were prohibited from taking photos by our rather nervous taxi driver. The former city is today inhabited only by Armenian soldiers, police, and a few traders and squatters. There are no utilities or public services, and indeed no highway signs for what was once a thriving urban center of 50,000 people, overwhelmingly ethnic Azeris who were comprehensively "cleansed" after the Armenian conquest. For more on Nagorno-Karabakh, see pp. 232–233.

106 Of Lemkin, Thomas M. Butcher wrote that he "conceived of genocide in a fundamentally cultural manner, because the ultimate purpose of genocide (under his definition of the term) is to destroy a cultural unit." See Butcher, "A 'Synchronized Attack': On Raphael Lemkin's Holistic Conception of Genocide," *Journal of Genocide Research*, 15: 3 (2013), p. 254.

107 Shaw, *What is Genocide?*, pp. 34, 106, 156. Emphasis in original.

108 Feierstein, *Genocide as Social Practice*, p. 14. For a concise summation, see Daniel Feierstein, "The Concept of 'Genocidal Social Practices,'" in Adam Jones, ed., *New Directions in Genocide Research* (London: Routledge, 2012), pp. 18–35; also Feierstein, "Beyond the Binary Model: National Security Doctrine in Argentina as a Way of Rethinking Genocide as a Social Practice," in Alexander Laban Hinton, Thomas La Pointe, and Douglas Irvin-Erickson, eds., *Hidden Genocides: Power, Knowledge, Memory* (New Brunswick, NJ: Rutgers University Press), pp. 68–80.

109 Lemkin quoted in Cooper, *Raphael Lemkin*, p. 241.

110 A. Dirk Moses, "Empire, Colony, Genocide: Keywords and the Philosophy of History," in Moses, ed., *Empire, Colony, Genocide*, pp. 12, 15.

111 Lemkin quoted (my emphasis) in Dirk Moses, "Raphael Lemkin, Culture, and the Concept of Genocide," in Donald Bloxham and A. Dirk Moses, eds., *The Oxford Handbook of Genocide Studies* (Oxford: Oxford University Press, 2013), p. 33.

112 Lemkin, *Lemkin on Genocide*, pp. 35, 72.

113 Lemkin, *Totally Unofficial*, p. 172.

114 William A. Schabas, "Convention on the Prevention and Punishment of the Crime of Genocide," United Nations Treaty Collection, http://legal.un.org/avl/ha/cppcg/ cppcg.html.

115 Danish delegation quoted in A. Dirk Moses, "The Holocaust and Genocide," in Dan Stone, ed., *The Historiography of the Holocaust* (London: Palgrave Macmillan, 2004), p. 541.

116 See Elisa Novic, "Physical–Biological or Socio–Cultural 'Destruction' in Genocide? Unravelling the Legal Underpinnings of Conflicting Interpretations," *Journal of Genocide Research*, 17: 1 (2015), pp. 63–82.

117 Text as supplied in Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, pp. 1155–1156.

118 Robert van Krieken, "Cultural Genocide in Australia," in Stone, ed., *The Historiography of Genocide* (London: Palgrave Macmillan, 2008), p. 131. For a nuanced exploration of the applicability of the genocide framework to indigenous peoples' experiences, see Andrew Woolford, "Ontological Destruction: Genocide and Canadian Aboriginal Peoples," *Genocide Studies and Prevention*, 4: 1 (2009), pp. 81–97.

119 Cooper, *Raphael Lemkin*, p. 158. The statements of the Canadian government representative during the drafting of the Genocide Convention seem self-interested in retrospect. The Canadian government "was opposed to inclusion under the term 'genocide,' and within the framework of the Convention, of a form of cultural destruction which appeared to it to be wholly and essentially a matter of minority rights and would, as such, best be dealt with in the Covenant on Human Rights. It was a far cry from the unspeakable crimes which had been perpetrated at the Nazi crematoria, and which had so fundamentally shocked mankind, to the prohibition of the use of a museum cherished by some particular cultural group or other acts of cultural repression, deplorable and revolting though they might be." He added: "The Convention would enjoy the overwhelming popular support of decent people throughout the world, if they understood that it was intended to prevent and punish the slaughter of whole racial, national, religious *or political* [n.b.] groups. . . . But if the term were broadened to include the suppression of a minority-language newspaper or the closing of a school, confusion would inevitably ensue." "Two Hundred and Eighteenth Meeting," in Abtahi and Webb, eds., *The Travaux Préparatoires*, Vol. 1, p. 1219, emphasis added.

120 Lawrence Davidson, *Cultural Genocide* (New Brunswick, NJ: Rutgers University Press, 2012), p. 128.

121 John Quigley, *The Genocide Convention: An International Law Analysis* (London: Ashgate, 2006), p. 105.

122 CBC Digital Archives, "Fighting Words: Bill 101," www.cbc.ca/archives/topic/fighting-words-bill-101.

123 Benoit Aubin, "Bill 101: 30 Years On," *The Canadian Encyclopedia*, August 13, 2007.

124 "The UN says ethnic cleansing is by genocide or forced migration. In black and white I guess Bill 101 fits pretty well" (blog post by Wheresmyneighbours, February 28, 2009, http://blog.fagstein.com/2009/02/24/journal-lockout-1-month). A March 31, 2009 post by blogger Steve Karmazenuk, apparently a disenchanted member of the provincial Liberal Party, assailed "Quebec's War on Anglos," alleging an "underreported and ongoing campaign of ethnic cleansing by attrition [which] has continued to be ignored" by the Liberals (http://kspaceuniverse.blogspot.com/2009/03/message-to-anglo-community.html). Interestingly, the language of genocide has recently been revived on the other side of the language fence—reflecting francophone concerns over creeping Anglicization and bilingualism. In a TV interview in 2008, the writer Victor-Levy Beaulieu declared that "If all Quebec becomes bilingual, what awaits us is a slow genocide." Graeme Hamilton, "Lost in Translation: 30 Years On, Quebecers Are Still Hot about Bill 101," *National Post*, February 16, 2008.

125 Government of Canada Privy Council Office figures cited and supplemented in "English-Speaking Quebecker," *Wikipedia*, http://en.wikipedia.org/wiki/English-speaking_Quebecker. See also Garth Stevenson, *Community Besieged: The Anglophone Minority and the Politics of Quebec* (Montreal, PQ: McGill-Queen's University Press, 1999).

126 *CBC News Online*, "Language Laws in Quebec," March 30, 2005.

127 *CBC Digital Archives*, "Fighting Words."

128 "A generation later, the language charter is widely accepted as an intrinsic part of Quebec's social fabric. Both anglos and francophones of moderate persuasion say the law has engendered an unprecedented era of social peace and easing of language

tensions and fostered a cross-cultural communication between English and French Quebecers that has served as an important bridge between the storied 'two solitudes' of the bad old days." Hubert Bauch, "Bill 101 Paved Way for Peace," *The Gazette* (Montreal), August 25, 2007.

129 Kuper, *Genocide*, p. 166.

130 Martin Shaw, *Genocide and International Relations: Changing Patterns in the Transitions of the Late Modern World* (Cambridge: Cambridge University Press, 2013), p.79. Emphasis added.

131 Kuper, *Genocide*, p. 166.

132 See the discussion of genocide as an essentially contested concept in Powell, *Barbaric Civilization*, pp. 66–70.

133 David Moshman, "Conceptions of Genocide and Perceptions of History," in Dan Stone, ed., *The Historiography of Genocide* (London: Palgrave Macmillan, 2008), p. 86.

134 Adam Jones, "Problems of Gendercide," in Jones, ed., *Gendercide and Genocide* (Nashville, TN: Vanderbilt University Press, 2004), p. 260.

135 Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge, MA: The Belknap Press of Harvard University Press, 2006), pp. 150–151. For another important study of the "Judeo–Bolshevik" motif, see Lorna Waddington, *Hitler's Crusade: Bolshevism and the Myth of the International Jewish Conspiracy* (London: Tauris Academic Studies, 2007). Like Herf, Waddington contends that in Hitler's mind, "the scourge of Bolshevism had always been inextricably linked to the wider danger presented to Germany and the world by the machinations of international Jewry. That fact alone is indicative of the profound significance of anti-Bolshevism as a determinant of his political actions" (p. 210), and as a determinant of how the Jew was depicted in the Nazi *Weltanschauung* (world-view).

136 Nazi press report quoted in Herf, *The Jewish Enemy*, p. 189. Daniel Feierstein likewise emphasizes that "Nazi ideology made a clear link between the ethnic and the political. To claim, as many have done, that the victims [of the Holocaust] 'were killed simply because they were Jews' erases the political nature of extermination and treats ethnicity as if it were singular and set in stone." Feierstein, *Genocide as Social Practice*, p. 172.

137 Mark Levene writes that for Hitler and the Nazis, "the international Jewish conspiracy" "operat[ed] through manifold, multi-layered forces of subversion and pollution, including Bolshevism, capitalism, cultural modernism, sexual contamination, racial emasculation and disease . . ." Levene, *Genocide in the Age of the Nation State, Vol. 1*, p. 69.

138 Nazi pamphlet quoted in Herf, *The Jewish Enemy*, p. 101. In fact, as Herf shows (p. 96), while at one point Jews constituted over a quarter of Bolshevik Central Committee members (around 1917), by 1939 (when World War Two erupted, supposedly at Jewish behest) it was roughly 10 percent. At no time did Jewish members of the Communist Party exceed around 5 percent of the total.

139 Peter Fritzsche, *Life and Death in the Third Reich* (Cambridge, MA: The Belknap Press of Harvard University Press, 2008), p. 196.

140 Saul Friedländer similarly notes that "on occupied Soviet territory . . . the extermination was first aimed at Jews as carriers of the Soviet system, then at Jews as potential partisans and finally as hostile elements living in territories ultimately destined for German colonization: The three categories merged of course into one." Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939–1945* (New York: HarperCollins, 2007), p. 237.

141 Shaw, *What is Genocide?*, p. 117.

142 Karl A. Schleunes, *The Twisted Road to Auschwitz: Nazi Policy toward German Jews, 1933–1939* (Urbana, IL: University of Illinois Press, 1990); Browning's comment is in his back-cover endorsement.

143 Levene, *Genocide in the Age of the Nation State, Vol. 1*, p. 61.

144 A. Dirk Moses, "Empire, Colony, Genocide: Keywords and the Philosophy of History," in Moses, ed., *Empire, Colony, Genocide*, p. 29.

145 Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006), p. 12.

146 Mark Levene, "The Tragedy of the Rimlands, Nation-State Formation and the Destruction of Imperial Peoples, 1912–48," in Panikos Panayi and Pippa Virdee, eds., *Refugees and the End of Empire: Imperial Collapse and Forced Migration in the Twentieth Century* (New York: Palgrave Macmillan, 2011), pp. 55–56. From a similar historical-political-sociological perspective, Martin Shaw asserts: "Genocidal policies often represent more pragmatic situational responses to threats, difficulties and the actions of others, including the target groups as well as third parties. We must take seriously the idea that genocide often constitutes *policy* and like all policy develops situationally, rather than as some sort of unbending implementation of an original idea." Shaw, *Genocide in International Relations: Changing Patterns in the Transitions of the Late Modern World* (Cambridge: Cambridge University Press, 2013), p. 40.

147 As the International Law Commission, "which drafts treaties for the UN General Assembly," analyzed the question of genocidal intent: "The prohibited acts enumerated in subparagraphs (a) to (e) [of the Genocide Convention] are *by their very nature conscious, intentional or volitional acts* which an individual could not usually commit without knowing that certain consequences were likely to result." Quoted in Quigley, *The Genocide Convention*, p. 91. Emphasis added.

148 Robert Gellately and Ben Kiernan contend that under the prevailing international-legal understanding, "genocidal intent also applies to acts of destruction that are not the specific goal but are predictable outcomes or by-products of a policy, which could have been avoided by a change in that policy." Gellately and Kiernan, "The Study of Mass Murder and Genocide," in Gellately and Kiernan, eds., *The Specter of Genocide: Mass Murder in Historical Perspective* (Cambridge: Cambridge University Press, 2003), p. 15. Helen Fein has argued along similar lines: "Intent or purposeful action—or inaction—is not the same in law or everyday language as either motive or function. An actor performs an act, we say, with intent if there are foreseeable ends or consequences: for what purpose is different from why or for what motive is the act designed." Quoted in Martin Shaw, "Sociology and Genocide," in Bloxham and Moses, eds., *The Oxford Handbook*, p. 149.

149 Quigley, *The Genocide Convention*, pp. 121–122.

150 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: 3 (2010), p. 241.

151 Ibid., p. 242.

152 In his "Proposed Convention on Prevention and Punishment of the Crime of Genocide," Churchill maps "gradations of culpability" for genocide onto domestic law's concept of "degrees" of homicide. He distinguishes among "(a) *Genocide in the First Degree*, which consists of instances in which evidence of premeditated intent to commit genocide is present. (b) *Genocide in the Second Degree*, which consists of instances in which evidence of premeditation is absent, but in which it can be reasonably argued that the perpetrator(s) acted with reckless disregard for the probability that genocide would result from their actions. (c) *Genocide in the Third Degree*, which consists of instances in which genocide derives, however unintentionally, from other violations of international law engaged in by the perpetrator(s). (d) *Genocide in the Fourth Degree*, which consists of instances in which neither evidence of premeditation nor other criminal behavior is present, but in which the perpetrator(s) acted with depraved indifference to the possibility that genocide would result from their actions and therefore [failed] to effect adequate safeguards to prevent it." Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco, CA: City Lights Books, 1997), pp. 434–435.

153 Alexander K.A. Greenawalt, "Rethinking Genocidal Intent: The Case for a Knowledge-based Interpretation," *Columbia Law Review*, 99: 8 (1999), p. 2269. Emphasis added.

154 *Akayesu* judgment quoted in Schabas, *Genocide in International Law*, p. 212. Emphasis added. Schabas considers this approach "definitely inappropriate in the case of genocide."

155 Goldsmith, "The Issue of Intent," p. 246.

156 For a superbly accessible introduction to the institution of Atlantic slavery, see Robert Harms, *The Diligent: A Voyage Through the Worlds of the Slave Trade* (New York: Basic Books, 2002).

157 After conducting a useful review of available sources, Matthew White concludes: "If we assume the absolute worst, a death toll as high as 60 million is at the very edge of possibility; however, the likeliest number of deaths would fall somewhere from 15 to 20 million." White, "Twentieth Century Atlas—Historical Body Count," http:// users.erols.com/mwhite28/warstatv.htm. To arrive at such a total, one can begin with the figure of eleven to fifteen million slaves "shipped between the fifteenth and the nineteenth century," cited in Hugh Thomas, *The Slave Trade: The Story of the Atlantic Slave Trade: 1440–1870* (New York: Touchstone, 1997), p. 862. (Thomas himself argues for an "approximate figure . . . [of] something like eleven million slaves, give or take 500,000.") A widely held view is that approximately 50 percent of those captured as slaves died before they were shipped from West African ports. To these eleven to fifteen million victims, one adds approximately two million more who died on the "middle passage" between Africa and the Americas, and an unknown but certainly very large number who perished after arrival, either during the brutal "seasoning" process or on the plantations.

158 Seymour Drescher, "The Atlantic Slave Trade and the Holocaust: A Comparative Analysis," in Alan S. Rosenbaum, ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide* (Boulder, CO: Westview Press, 2001), pp. 97–117. See also Jeffrey Herf, "Comparative Perspectives on Anti-Semitism, Radical Anti-Semitism in the Holocaust and American White Racism," *Journal of Genocide Research*, 9: 4 (2007), pp. 575– 600; and A. Dirk Moses, "The Fate of Blacks and Jews: A Response to Jeffrey Herf," *Journal of Genocide Research*, 10: 2 (2008), pp. 269–287.

159 Michael Ignatieff, "Lemkin's Word," *The New Republic*, February 26, 2001.

160 The "social death" concept, explored by Orlando Patterson in his magisterial *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982), has also been deployed in the genocide studies literature, notably by Claudia Card. See her article "Genocide and Social Death," *Hypatia*, 18: 1 (2003), pp. 63–79: "Social death, central to the evil of genocide (whether the genocide is homicidal or primarily cultural), distinguishes genocide from other mass murders. Loss of social vitality is loss of identity and thereby of meaning for one's existence. Seeing social death at the center of genocide takes our focus off body counts and loss of individual talents, directing us instead to mourn losses of relationships that create community and give meaning to the development of talents" (from the article's abstract). The usage thus ties in with discussions of cultural genocide (Chapter 1)—and also with discussions of gender and genocide, notably the mental suffering inflicted by genocidal rape (Chapter 13). Raped women and men in a traditional society, for instance, are exposed to much the same kind of shame, stigmatization, and anathematization as the slave. In a genocidal and post-genocidal situation, the intent is often (and the consequences more often still) to undermine the "relationships that create community" and erode the cohesion of the targeted ethnic or national group.

161 See, e.g., the African-American journalist Keith Richburg's controversial article, "American in Africa," in *Washington Post Magazine*, March 26, 1995, available online at www. washingtonpost.com/wp-srv/inatl/longterm/richburg/richbrg1.htm.

162 Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982), p. 164.

163 The fact that slavery in the United States was far less destructive of slaves' lives, compared to the Caribbean or Portuguese America (Brazil), is an important factor in weighing the applicability of the genocide framework to different slavery institutions

in the Americas. Life for slaves in the US was a calvary; in French-controlled Haiti it was a holocaust. Recall, however, that millions of slaves died *en route* to West African ports and New World plantations. These rates do not seem to have been lower for slaves shipped to US destinations.

164 *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: International Publishers, 1970), p. xv.

165 The Ku Klux Klan was, and in a somewhat transformed guise still is, a white-supremacist organization based in the US South. It began as an armed militia in the post-Civil War era, and was responsible for many acts of terrorism and violent vigilantism against blacks. See Allen W. Trelease, *White Terror: The Ku Klux Klan Conspiracy and Southern Reconstruction* (Baton Rouge, LA: Louisiana State University Press, 1995); Stephen Budiansky, *The Bloody Shirt: Terror after the Civil War* (New York: Plume, 2008).

166 *We Charge Genocide*, p. 6.

167 Raphael Lemkin's response to the controversy was illuminating, and not in a way that reflects well on the founder of genocide studies. According to Ann Curthoys and John Docker, Lemkin "argued vehemently that the provisions of the Genocide Convention bore no relation to the US Government or its position vis-à-vis Black citizens." He was anxious that the charges not derail American ratification of his cherished Genocide Convention. Moreover, Lemkin was ardently wooing the Slavic and Baltic populations that had fallen under Soviet rule (and receiving significant funding from their usually self-appointed representatives). Thus we have his frankly craven comments to *The New York Times* on December 18, 1951, accusing Patterson and Robeson of being "un-American," and declaring that *We Charge Genocide* was a communist ploy to "divert attention from the crimes of genocide committed against Estonians, Latvians, Lithuanians, Poles and other Soviet-subjugated peoples." For Curthoys and Docker, his response raises "disturbing questions ... concerning Lemkin and his attitudes to African American history and people: perhaps there was a fundamental lack of sympathy." Ann Curthoys and John Docker, "Defining Genocide," in Stone, ed., *The Historiography of Genocide*, pp. 19–20. In this respect, the authors contend, Lemkin was "conforming to a long tradition of European superiority and contempt towards Africa" (p. 21).

168 Eric Langenbacher, "The Allies in World War II: The Anglo-American Bombardment of German Cities," in Jones, ed., *Genocide, War Crimes and the West*, pp. 117–119. See also Howard Zinn, "Hiroshima and Royan," in William L. Hewitt, ed., *Defining the Horrific: Readings on Genocide and Holocaust in the Twentieth Century* (Upper Saddle River, NJ: Pearson, 2004), pp. 187–199. Zinn, a renowned dissident historian, was also a US veteran of the area-bombing campaign against Germany; the chapter relates some of his personal experiences.

169 LeMay quoted in Paul Ham, *Hiroshima Nagasaki: The Real Story of the Atomic Bombings and Their Aftermath* (New York: Thomas Dunne Books, 2011), pp. 482–483. See the description of the Tokyo raid in Eric Markusen and David Kopf, *The Holocaust and Strategic Bombing: Genocide and Total War in the Twentieth Century* (Boulder, CO: Westview Press, 1995), pp. 175–180.

170 "I cannot accept the view that ... the bombing, in time of war, of such civilian enemy populations as those of Hiroshima, Nagasaki, Hamburg, and Dresden does not constitute genocide within the terms of the [UN] convention." Kuper, *Genocide*, cited in Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 24. Mary Kaldor also argues that "the indiscriminate bombing of civilians ... creat[ed] a scale of devastation of genocidal proportions." Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford, CA: Stanford University Press, 2001), p. 25.

171 "Was strategic bombing genocidal? Put bluntly, our answer is yes." Markusen and Kopf, *The Holocaust and Strategic Bombing*, p. 255; see the extended discussion at pp. 244–258. For a judgment of the area bombings of German and Japanese cities as "moral crimes," see A.C. Grayling, *Among the Dead Cities: The History and Moral Legacy of the WWII*

Bombing of Civilians in Germany and Japan (New York: Walker & Company, 2006). On Germany, see also W.G. Sebald, *On the Natural History of Destruction* (New York: Modern Library, 2004); Richard Overy, *The Bombers and the Bombed: Allied Air War over Europe, 1940–1945* (New York: Viking, 2013); and Keith Lowe, *Inferno: The Fiery Destruction of Hamburg 1943* (New York: Scribner, 2007). On the atomic bombings of Hiroshima and Nagasaki, see Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Basic Books, 2009), pp. 3–8, arguing that "the willful slaughter of more than a quarter of a million people, in full view of the world, should be universally recognized for what it was, causing the label 'mass *murderer*' to be affixed to [President Harry] Truman's name . . . putting Truman and his deeds into the same broad categories of Hitler and the Holocaust, Stalin and the gulag, Pol Pot, Mao, Saddam Hussein, and Slobodan Milosevic and their victims," though "without judging them morally as being equivalent" (pp. 6, 8).

172 Taylor quoted in Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 25.

173 LeMay quoted in Donald L. Miller, *D-Days in the Pacific* (New York: Simon & Schuster, 2005), p. 252.

174 Ronald Takaki, *Hiroshima: Why America Dropped the Atomic Bomb* (Boston, MA: Little, Brown, 1995), pp. 30, 153 (n. 3).

175 Paul Ham's detailed recent investigation concludes: "While the bombs obviously contributed to Japan's general sense of defeat, not a shred of evidence supports the contention that the Japanese leadership surrendered *in direct response* to the atomic bombs. On the contrary, Tokyo's hardline militarists shrugged as the two irradiated cities were added to the tally of 66 already destroyed [by 'conventional' bombing], and overrode the protests of the moderates. . . . In the eyes of the Imperial forces . . . the decisive factor in the surrender was the Soviet invasion [of Manchuria on August 8, 1945]. . . . The most that may be said in defence of the bombing of Hiroshima—in strictly military and political terms—is that it bounced the Russians into the war a week or so earlier than Moscow planned. Whether that justified the destruction of a city is a different question. There appears to be no justification—in military or political terms—for Nagasaki. . . . The truth is, the bombs were militarily unnecessary, as the plain facts show and the leading American commanders confirmed after the war . . . The atomic attacks were the culmination of [a] process of deliberate civilian annihilation." Ham, *Hiroshima Nagasaki*, pp. 404, 473, 485, 509–510. Some 20,000 of those killed in the Hiroshima attack were Korean slave-laborers; hundreds of enslaved Chinese also died (Ham, p. 408).

176 Chinua Achebe, *There Was a Country: A Personal History of Biafra* (New York: The Penguin Press, 2012), p. 51.

177 Michael Gould, *The Biafran War: The Struggle for Modern Nigeria* (London: I.B. Tauris, 2013), p. 34.

178 Ibid., p. 34.

179 Nixon quoted in Achebe, *There Was a Country*, p. 231.

180 Gould, *The Biafran War*, p. 131.

181 Herbert Ekwe-Ekwe, "The Nigerian State, Igbo Genocide and the Africom," *Tensões Mundiais/World Tensions*, 7: 13 (July/December 2011), p. 157.

182 Lasse Heerten and A. Dirk Moses, "The Nigeria–Biafra War: Postcolonial Conflict and the Question of Genocide," *Journal of Genocide Research*, 16: 2–3 (2014), p. 184.

183 Ibid., p. 185.

184 The major English-language reportage on Biafra at the time of the conflict, by Frederick Forsyth, also found "a reasonable suspicion of genocide," but stated "it would be presumptuous for a writer to arrogate to himself the functions either of an inquiry or of a court." Forsyth, *The Biafra Story* (Barnsley: Pen & Sword Books, 2007 [reprint edition]), p. 229.

185 Ekwe-Ekwe, "The Nigerian State," p. 157. See also Ekwe-Ekwe, "Longest Genocide—Since 29 May 1966," paper presented to the conference of the International Association of Genocide Scholars (IAGS), Winnipeg, Manitoba, July 19, 2014.

186 Gould, *The Biafran War*, pp. 146–147.

187 See, e.g., "Revealed: 'How Ojukwu Rejected Food Aid for Starving Biafrans,'" *The Nation*, October 20, 2012, http://thenationonlineng.net/revealed-how-ojukwu-rejected-food-aid-for-starving-biafrans/.

188 Joy Gordon, *Invisible War: The United States and the Iraq Sanctions* (Cambridge, MA: Harvard University Press, 2010), p. 190.

189 Ibid., p. 33.

190 Albright on *60 Minutes*, May 12, 1996. She later disowned the comment.

191 Bonior quoted in "US Congressmen Criticise Iraqi Sanctions," BBC Online, February 17, 2000, http://news.bbc.co.uk/1/hi/world/middle_east/646783.stm.

192 See Ramsey Clark, "Criminal Complaint against the United States and Others for Crimes against the People of Iraq (1996) and Letter to the Security Council (2001)," in Jones, ed., *Genocide, War Crimes and the West*, p. 271. The forum in question was the International Court on Crimes Against Humanity Committed by the UN Security Council on [*sic*] Iraq, held on November 16–17, 1996. For more on citizens' tribunals, see Chapter 15. Clark's phrase "for the purpose of" is not clearly supported by the evidence; an accusation of genocide founded on willful and malignant negligence is, for me, more persuasive.

193 For an argument along these lines, see John G. Heidenrich, *How to Prevent Genocide: A Guide for Policymakers, Scholars, and the Concerned Citizen* (Westport, CT: Praeger, 2001), pp. 101–103.

194 Gordon, *Invisible War*, p. 221. She provides a detailed evaluation of the legal provisions for genocide and crimes against humanity at pp. 221–230.

195 Ibid., p. 244.

196 Denis J. Halliday, "US Policy and Iraq: A Case of Genocide?," in Jones, ed., *Genocide, War Crimes and the West*, p. 264 (based on a November 1999 speech in Spain).

197 A useful definition of terrorism is offered by the US Congress: "any [criminal] activity that . . . appears to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping." Quoted in Noam Chomsky, *9–11* (New York: Seven Stories Press, 2001), p. 16 (note).

198 For Kuper, genocidal massacres are "expressed characteristically in the annihilation of a section of a group—men, women and children, as for example in the wiping out of whole villages." Kuper, *Genocide*, p. 10.

199 See the H-Genocide discussion logs for September 2001, searchable at www.h-net .org/logsearch/. The posts cited here can be found in the archives for September 16, 2001 (Ronayne) and September 20 (Cribb).

200 Goldhagen, *Worse Than War*, pp. 490–491. Goldhagen defines "Political Islam" as a "phenomenon includ[ing] only Islamic-grounded *political* regimes, organizations, and initiatives that share . . . a common ideological foundation about Islam's *political* primacy or its need to systematically and politically roll back the West—a conviction that the fundamentally corrupt modern world must be refashioned, including by annihilating others" (p. 492). In addition to the terrorists of Al-Qa'eda, he cites established regimes such as Iran's (see p. 521) and Omar al-Bashir's in Sudan (Box 9a).

201 The Islamists of the Boko Haram movement and proto-state, centered in northeastern Nigeria and now formally allied with Islamic State/ISIS, are comparably genocidal and millenarian in their ideology and praxis. See, e.g., Emmanuel Ogebe, "Time to Recognize Boko Haram's Genocide," *LinkedIn*, February 2, 2016, www.linkedin. com/pulse/time-recognize-boko-harams-genocide-emmanuel-ogebe. On the parallel al-Shabaab movement in Somalia, see Stig Jarle Hansen, *Al-Shabaab in Somalia: The History and Ideology of a Militant Islamist Group, 2005–2012* (Oxford: Oxford University Press, 2012).

202 Vandana Shiva, "War against Nature and the Peoples of the South," in Sarah Anderson, ed., *Views from the South* (San Francisco, CA: Food First Books, 2000), pp. 93, 113. See also Paul Farmer, "On Suffering and Structural Violence: A View from Below," in

Nancy Scheper-Hughes and Philippe Bourgois, eds., *Violence in War and Peace* (London: Blackwell, 2004), pp. 281–289.

203 Ziegler quoted in "UN Expert Decries 'Assassination' By Hunger of Millions of Children," UN News Center, October 28, 2005. An assistant to Ziegler confirmed that the comments were "directly translated from the French," and added that in the past Ziegler had described the "world order" as "murderous" (Sally-Anne Way, personal communication, November 3, 2005). In a similar vein, Stephen Lewis, the UN Special Envoy for HIV/AIDS in Africa, stated of the global AIDS crisis: "This pandemic cannot be allowed to continue, and those who watch it unfold with a kind of pathological equanimity must be held to account. There may yet come a day when we have peacetime tribunals to deal with this particular version of crimes against humanity." Lewis quoted in Michael Mann, *Incoherent Empire* (London: Verso, 2005), p. 61.

204 Kal Holsti, personal communication, June 29, 2005.

205 See Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (2nd edn) (Princeton, NJ: Princeton University Press, 1996), p. 207 (n. 17). I am citing Shue somewhat out of context: his phrase refers to specific historical events during the Second World War, when "over 6 million Asians were . . . allowed to starve" under colonial (British and French) dominion. See also the discussion of imperial famines in Chapter 2. In his study of Belgian genocide in the Congo (see Chapter 2), Martin Ewans also refers to "genocide by neglect" in post-independence Africa, "with a massive, on-going loss of life . . . being treated in Europe [and elsewhere] with near total indifference." Ewans, *European Atrocity, African Catastrophe: Leopold II, the Congo Free State and its Aftermath* (London: RoutledgeCurzon, 2002), p. 252.

206 Galtung quoted in Joseph Nevins, *A Not-So-Distant Horror: Mass Violence in East Timor* (London: RoutledgeCurzon, 2002), p. 252.

207 Sachs quoted in J. Tyrangiel, "Bono," *Time* (Latin American edition), March 4, 2002. Princeton professor Stephen F. Cohen has argued that the death toll exacted by the "nihilistic zealotry" of proponents of "savage capitalism" was *tens of millions in Russia alone* following the collapse of the Soviet Union: to US supporters of radical free-market policies there, "the lost lives of perhaps 100 million Russians seem not to matter, only American investments, loans, and reputations." See Cohen, *Failed Crusade: America and the Tragedy of Post-Communist Russia* (New York: W.W. Norton, 2000), pp. 38, 50.

208 Holsti, personal communication, June 29, 2005.

209 The issue of "voluntarism" is pertinent, for example, in the case of tobacco sale and consumption. It kills millions of people each year around the world, and is strongly "pushed" by corporate actors; but it is also to a significant extent "pulled" by the voluntary (though also dependent) agency of the tobacco consumer.

210 Adam Jones, "Genocide and Structural Violence: Challenges of Definition, Prevention, and Intervention," in Jones, ed., *New Directions in Genocide Research* (London: Routledge, 2012), pp. 132–151.

211 Norbert Finzsch, "'The Aborigines . . . Were Never Annihilated, and Still They are Becoming Extinct': Settler Imperialism and Genocide in Nineteenth-Century America and Australia," in Moses, ed., *Empire, Colony, Genocide*, p. 253.

212 Ervin Staub does ask "Is mass killing ever justified?," but quickly answers in the negative, and even rejects the notion that "genocides and mass killings [are] ever 'rational' expressions of self-interest." Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), pp. 11–12.

213 Levene, *Genocide in the Age of the Nation State, Vol. 2*, p. 8.

214 For example, this comment by "a British observer" of the genocide against Herero and Nama in German South-West Africa (Chapter 3): "There can be no doubt, I think, that the war has been of an almost unmixed benefit to the German colony. Two warlike races have been exterminated, wells have been sunk, new water-holes discovered, the country mapped and covered with telegraph lines, and an enormous amount of

capital has been laid out." Quoted in Mark Levene, "Why Is the Twentieth Century the Century of Genocide?" *Journal of World History*, 11: 2 (2000), pp. 315–316.

215 For a study of French genocidal violence during the revolution, see Philippe R. Girard, "French Atrocities during the Haitian War of Independence," *Journal of Genocide Research*, 15: 2 (2013), pp. 133–149; Philip G. Dwyer, "Memories of Massacres and Atrocities during the Revolutionary and Napoleonic Wars," in Philip G. Dwyer and Lyndall Ryan, eds., *Theatres of Violence: Massacre, Mass Killing and Atrocity throughout History* (New York: Berghahn Books, 2012), pp. 157–169.

216 C.L.R. James, *The Black Jacobins: Toussaint L'Ouverture and the San Domingo Revolution*, 2nd rev. edn (New York: Vintage Books, 1989), pp. 373–374. Emphasis added.

217 "Subaltern genocide" and "genocides by the oppressed" are terms that Nicholas Robins and I coined in 2004, and deployed in our edited volume, *Genocides by the Oppressed: Subaltern Genocide in Theory and Practice* (Bloomington, IN: Indiana University Press, 2009). Robins elsewhere explores the wider implications for genocide studies: "Such cases of subaltern genocides [by indigenous peoples in Latin America] call into question widely held views of genocide. For example, such uprisings were the means to establishing an Indian state, not an expression of state policy. Furthermore, genocidal movements are not bound to any specific time period, and subaltern genocides demonstrate that genocides are not always from above or about the strong over the weak. . . . Unlike genocides from above, subaltern perpetrators of genocide often were defeated by their enemies. Subaltern genocide also challenges prevailing concepts of leadership," with some movements characterized by "highly fragmented, confederational, and far from bureaucratic" leadership structures. "In some cases . . . the objectives of the formal leadership were considerably more limited in scope and generally more conservative than that of those who operated in their name." Robins, "Colonial Latin America," in Bloxham and Moses, eds., *The Oxford Handbook*, p. 319. The only legal-political articulation of this dynamic that I know of is that of Lin Mousheng, the Chinese representative to the Ad Hoc Committee on Genocide that framed the UN Genocide Convention. At a committee meeting in April 1948, in countering Soviet assertions that "the crime of genocide is organically bound up with Fascism–Nazism and other similar race 'theories'," Lin "added the following considerations": "so-called racial theories were not necessarily bound up with genocide, *and so-called 'inferior' races were capable of acts of genocide against so-called 'superior' races.*" In Abtahi and Webb, eds., *The Travaux Préparatoires*, *Vol. 1*, p. 964, emphasis added.

    The Soviet Union's consistent pressing of a "Fascism–Nazism" phrasing sparked some exasperation during UN deliberations. This was reflected in the comments of UK representative Gerald Fitzmaurice at an October 1948 meeting: he "was sorry to have to note that the USSR representatives were unable to discuss a draft or advance arguments without attributing base motives to their colleagues. He must repeat once again that the United Kingdom delegation did not concede to the Soviet Union any moral authority over other delegations. The USSR representatives had no monopoly of wisdom; and the other representatives were not children." It reads like a "War Room" speech by US president Merkin Muffley (Peter Sellers) in Stanley Kubrick's *Dr. Strangelove* (1964). Quoted in ibid., p. 1419.

218 Martin Shaw writes: "Groups are always to some extent actors, participants in conflict, as well as victims of it. . . . Liberal humanitarianism often finds it easiest to represent victim groups as pure victims—innocent civilian populations attacked by state or paramilitary power. Thus the West sees Iraqi Kurds and Kosova Albanians only as helpless civilians, not as groups that have supported political movements or guerrilla struggle. . . . Armed groups may even carry out mutually genocidal war, against each others' populations. In these situations, we need to recognize the complex patterns that make groups—and often individuals—both participants and victims, at different times." Shaw, *War and Genocide: Organized Killing in Modern Society* (Cambridge: Polity Press, 2003), p. 187.

219 Schabas, *Genocide in International Law*, p. 341.

220 The terms "worthy" and "unworthy" victims are deployed by Edward S. Herman and Noam Chomsky in *Manufacturing Consent: The Political Economy of the Mass Media* (New York: Pantheon, 1988).

221 "John Kerry Calls ISIS 'Psychopathic Monsters' After Paris Attacks," *Time*, November 17, 2015, http://time.com/4115823/paris-attacks-john-kerry-isis-terrorism/.

222 In 1982, the Englishman Benjamin Whitaker was appointed Special Rapporteur by the UN's Economic and Social Council (ECOSOC) to revise a previously commissioned study on reform to the Genocide Convention. Whitaker's report was submitted in 1985 and "made a number of innovative and controversial conclusions . . . Whitaker wanted to amend the Convention in order to include political groups and groups based on sexual orientation, to exclude the plea of superior orders, to extend the punish-able acts to those of 'advertent omission' and to pursue consideration of cultural genocide, 'ethnocide' and 'ecocide.'" Schabas, *Genocide in International Law*, p. 467. Whitaker's proposals so divided his sponsors that his report was tabled and never acted upon—in my view, an opportunity missed to substantially advance legal and scholarly understandings of genocide.