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 The roots of genocide are lost in distant millennia, and will remain so unless an “archaeology of genocide” can be developed.² The difficulty, as Frank Chalk and Kurt Jonassohn pointed out in their study *The History and Sociology of Genocide*, is that such historical records as exist are ambiguous and

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¹ 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 early 2010. 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 in a reasonably concise format. Where I consider them too lengthy and ungainly to print, a Web search by author and title will generally bring them up.
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. \(^3\)

Factually reliable or not, Agamemnon’s command encapsulates a fantasy of kings and commoners alike. 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. \(^4\)

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).” \(^5\)

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,” \(^6\) 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. \(^7\) In “the most unequivocally extirpatory of [the] Old Testament texts,” \(^8\) 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.” \(^9\)

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."10

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 offspring for the dominant group, descent in patrilineal society being traced through the male bloodline. 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 depredations 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.”

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. The “first” designation is debatable; the label of genocide, less so. 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 subsequent centuries.11

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 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), Germany (against Jews), or the Holy Land of the Middle East.12

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Further génocidaires 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.”

In addition to religious and cultural beliefs, a hunger for wealth, power, and “death-defying” glory seems to have motivated these acts of mass violence (see Chapter 10). These factors combined to fuel 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. The next section focuses briefly on two cases from the early modern era: one from Europe, presaging the genocidal civil wars of the twentieth century; and one from 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.

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.” 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.”

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. \(^{17}\) In the account of a Vendean abbé, perhaps self-interested but buttressed by other 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.\(^{18}\)

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 evidenced not the usual war-related disparity of male versus female victims, but a rough – and unusual – parity. Only after this “fervorous . . . expression of ideologically charged avenging terror,”\(^{19}\) 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).

**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:\(^{20}\) “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.”\(^{21}\) 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.\(^{22}\)

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.”\(^{23}\) 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.”

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.”

### 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. 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 (1900–59). 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,” 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 talent for languages (he would end up mastering a dozen or more), and a passionate curiosity about the cultures that produced them. He was struck by accounts of the suffering of Christians at Roman hands, and its parallel in the pogroms then afflicting the Jews of eastern Poland. More generally, 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.”
Thus began Lemkin’s lifelong study of mass killing in history and the contemporary world. He “raced through an unusually grim reading list”\(^{29}\) that familiarized him with cases from antiquity and the medieval era (including Carthage, discussed above, and the fate of the Aztec and Inca empires, described in Chapter 3). “I was appalled by the frequency of the evil,” he recalled later, “and, above all, by the impunity coldly relied upon by the guilty.”\(^{30}\) Why? was the question that began to consume Lemkin. A key moment came in 1921, while he was studying 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. 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?”\(^{31}\)

Lemkin determined to stage an intellectual and activist intervention in what he at first called “barbarity” and “vandalism.” The former referred to “the premeditated destruction of national, racial, religious and social collectivities,” while the latter he described as the “destruction of works of art and culture, being the expression of the particular genius of these collectivities.”\(^{32}\) At a conference of European legal scholars in Madrid in 1933, Lemkin’s framing was first presented (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 took flight. He traveled first to eastern Poland, and then to Vilnius, Lithuania. From that Baltic city he succeeded 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. In the US, he moonlighted at Yale University’s Law School before moving to Durham, North Carolina, where he became a professor at Duke University.

In his new American surroundings, Lemkin struggled with his concepts and vocabulary. “Vandalism” and “barbarity” had not struck a chord with his legal audiences. Inspired by, of all things, the Kodak camera,\(^{33}\) 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. Physical killing was an important part of the picture, but it was only a part:

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. 34

The critical question, for Lemkin, was whether the multifaceted 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. 35 The issue of whether mass killing is definitional to genocide has been debated ever since, by myriad scholars and commentators. Equally vexing for subsequent generations was the emphasis on ethnic and national groups. These predominated as victims in the 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. 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 cross-over among ethnic, political, and social categories (see “Multiple and Overlapping Identities,” below).

Lemkin, though, would hear little of this. Although he did not exclude political groups as genocide victims, he had a single-minded focus on nationality and ethnicity, for their culture-carrying capacity as he perceived it. His attachment to these core

Figure 1.2 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 offered also the most detailed and vivid account to that date of Raphael Lemkin’s life and his struggle for the UN Genocide Convention. As of 2010, Power was on leave from the Harvard Kennedy School, serving as a special advisor on foreign policy to the Barack Obama administration. She is shown here speaking at Columbia University, New York, in March 2008.

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. 36

It is probably true that Lemkin’s formulation had its archaic elements. 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. 37 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,38 began to discuss, debate, and refine Lemkin’s concept – a trend that shows no sign of abating.

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*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, 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).
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.”

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.

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. 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 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. 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. (I return below to the question of killing.)

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.” “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 Chapter 5). Schabas quashes this notion, pointing out 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.”
In the estimation of many genocide scholars, this is the Convention’s greatest oversight. As for the provision against transferring children between groups, it “was added to the Convention almost as an afterthought, with little substantive debate or consideration.”

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. 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. 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, has 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*.)

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 reading, encouraging readers to explore the bounty 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, and combining them with the Lemkin and UN framings already cited, we can group them into two broad categories, and isolate some key features and variables.

### BOX 1.1 GENOCIDE: SCHOLARLY DEFINITIONS (in chronological order)

<table>
<thead>
<tr>
<th>Author</th>
<th>Year</th>
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<tbody>
<tr>
<td>Peter Drost</td>
<td>1959</td>
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<tr>
<td>Vahakn Dadrian</td>
<td>1975</td>
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<tr>
<td>Irving Louis Horowitz</td>
<td>1976</td>
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<tr>
<td>Leo Kuper</td>
<td>1981</td>
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**Peter Drost (1959)**

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

**Vahakn Dadrian (1975)**

“Genocide is the successful attempt by a dominant group, vested with formal authority and/or with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision for genocide.”

**Irving Louis Horowitz (1976)**

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

**Leo Kuper (1981)**

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

**Jack Nusan Porter (1982)**

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

**Yehuda Bauer (1984)**

*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, ethnic) economic life, with the same intent; (e) biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent . . . [Holocaust is] the planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic, or racial group.”

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

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

**Isidor Wallimann and Michael N. Dobkowski (1987)**

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

**Henry Huttenbach (1988)**

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

**Helen Fein (1988)**

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

**Frank Chalk and Kurt Jonassohn (1990)**

“Genocide is a form of one-sided mass killing in which a state or other authority intends to destroy a group, as that group and membership in it are defined by the perpetrator.”

**Helen Fein (1993)**

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

**Steven T. Katz (1994)**

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

**Barbara Harff (2003)**

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

**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 ethnoreligious 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.”
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.\textsuperscript{48}

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

<table>
<thead>
<tr>
<th>Jacques Sémelin (2005)</th>
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<td>“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.”</td>
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<table>
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<tr>
<th>Daniel Chirot and Clark McCauley (2006)</th>
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<tr>
<td>“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.”</td>
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<table>
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<th>Martin Shaw (2007)</th>
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<td>“[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.”</td>
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<th>Donald Bloxham (2009)</th>
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<td>“[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.”</td>
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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 focus 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 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 Quet’s “whatever agents”; Shaw’s “armed power organizations”). The UN Convention, too, cites “constitutionally responsible rulers, public officials or private individuals” among possible agents (Article IV). 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.

Victims are routinely identified as 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). 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 “in whole or part” (Harff, the UN Convention, my modification of Katz’s definition) and “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.”51 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.

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**BOX 1.2 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.

**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 1915–22 (see Chapter 4). Today, “the Holocaust” (note: capital “H”) is used for the Nazis’ attempted destruction of Jews during World War II (Chapter 6; but see also Shoah, below). The phrase “Nazi 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 lower-case “h”) to describe “especially severe or destructive genocides” throughout history, as in my own framing (see note, p. 12).

**Holodomor** – the Ukrainian “famine-extermination” of 1932–33 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,” http://www.preventgenocide.org/genocide/languages-printerfriendly.htm). Rwandans also use **jenosid**, an adaption of the English/French “genocide/génocide.”
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, cheapens 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.”

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), “sustained” (Harff), 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., Fein [1993], Charny, Horowitz, Katz/Jones, Bloxham). 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.” This is central to my own framing of genocide.

My definition of genocide, cited above, alters only slightly that of Steven Katz as published in his 1994 volume, The Holocaust in Historical Context, Vol. 1. 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.” 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.  

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, discussed 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. 538–41). 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. 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. 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.
BOX 1.3 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).


**Ecocide.** The wilful 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 p. 76); Saddam Hussein’s campaign against the Marsh Arabs in Iraq (see Figure 1.3). Source: Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed* (Viking, 2004).


**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 à l’ethnocide* (“White Peace: Introduction to Ethnocide”) (Seuil, 1970).

The UN Declaration on the Rights of Indigenous Peoples (2007) declares (Article 8): “Indigenous peoples and individuals have the right not to be subjected to forced
assimilation or destruction of their culture,” and instructs states to “provide effective mechanisms for prevention of, and redress for . . . any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities . . .”

Femicide/Feminicide. The systematic murder of females for being female. 
Examples: Female infanticide; killings in Ciudad Juárez, Mexico, in the 1990s and 2000s; the École Polytechnique massacre in Montreal (1989). (See also Gendercide.) 

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, transvestites). 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).


**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 Sémenlin). Term coined by Croatian doctor and scholar Mirko D. Grmek during the siege of Sarajevo. Examples: Israel in Palestine; 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).


**Politicide.** Barbara Harff and Ted Gurr’s term for mass killing according to political affiliation, whether actual or imputed. 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 “subversives” 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).

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. This question – what, precisely, is destroyed in genocide? – has sparked one of genocide studies’ most fertile lines of inquiry. It is closely connected to sociologist Martin Shaw, who in his 2007 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.⁶⁰

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, the “connecting thread” among cases of genocide is “a technology of power based on the ‘denial of others,’ their physical disappearance (their bodies) and their symbolic disappearance (the memory of their existence).” The partial (physical) elimination of the victim group “is intended to have a profound effect on the survivors: it aims to suppress their identity by destroying the network of social relations that makes identity possible at all . . . The main objective of genocidal destruction is the transformation of the victims into ‘nothing’ and the survivors into ‘nobodies,’” that is, their social death (see further discussion of this theme on pp. 119–20).⁶¹
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.” However, Lemkin felt that cultural genocide had to involve “acts of violence which are qualified as criminal by most of the criminal codes”: he was always concerned that patterns of gradual cultural assimilation, for example, should not be depicted as genocidal, or even necessarily malign.

Debates over cultural genocide were some of the most vigorous in the drafting stages of the Genocide Convention, and it was Lemkin’s most personally wounding experience in that process to see his concept jettisoned. 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.” But 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 actual 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 (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” – a phenomenon explored in Buffy Sainte-Marie’s masterful song, “My Country ’Tis of Thy People You’re Dying” (see pp. 112–14).

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.

Nonetheless, despite this early and enduring sidelining of cultural genocide from legal understandings of genocide, the concept has resurfaced in this setting in the 1990s – not as genocidal in itself, but as powerfully indicative of genocide. Specifically, as John
Quigley notes, “the destruction of cultural objects may provide evidence that such acts were done with intent to destroy the group.” 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 framing of genocidal destruction resonates in the mind long after one has read it, and seems to me one of the most searching 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

Figure 1.4 UN peacekeepers walk past 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).

seems entirely relevant to the study of genocide (notably with regard to indigenous peoples), and to legal prosecutions 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 (Chapter 11). 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 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 Québécois (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 50 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.69 “Words like ‘cultural re-engineering’ and ‘akin to ethnic cleansing’ were printed” at the time,70 and they remain popular to the present day.71

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 2006.72 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.”73 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.  

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. Again, the genocide framing seems unhelpful and outsized, 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 incarnation 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 90 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 labour. Despite international protest, noted Leo Kuper 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.”

Here we have an instance of persecution, dispossession, forcible uprooting, and 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. Yet Shaw does not mention Uganda’s Indians in his book. As for Kuper’s early analysis, it is not clear to me 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. Since Kuper’s book 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 large-scale 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, by itself, 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.
MULTIPLE AND OVERLAPPING IDENTITIES

Huge 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.”

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.’”

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 . . .’” This was the foundation of the mixed political-ethnic construction of “the threatening Jewish-Bolshevik danger,” in the language of a 1943 press report. “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. 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.
Figure 1.5 “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 racial/ethnic, political, and gender ones – overlap and interpenetrate in complex ways (the Cyrillic caption reads “Vinnytsia.” See also Figure 13.10, p. 488).

Source: Library of Congress, Prints and Photographs Division, Washington, DC.
In a single sentence (“Through subversion . . .”), the Judeo-Bolshevik is depicted as a “racial,” “nation[al],” “religi[ous]” and “cultur[al]” enemy, seeking to 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”84 – and one has the essential ingredients of the ideological pastiche and mortal terror that fuelled the architects and perpetrators of the Holocaust.85 According to Martin Shaw,

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 grishly reports claiming to itemize the numbers of victims in different categories? Can we, historians and sociologists many decades later, make these distinctions with certainty?286

**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.87 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 displayed a similar intellectual trajectory. In tandem with an increased recognition of multiple and overlapping identities, moncausal 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 sees “the same scenario . . . played out time and time again”:

Whether on coastal shore, distant prairie or desert interior, both North America and Australia witnessed essentially the same native-settler dynamic: first contact in which there were tentative and strained efforts at co-existence; mounting native resistance to increasing and insupportable settler depredations; a redoubled settler determination to seize absolute territorial control; an ensuing crisis leading to a genocidal explosion; finally an aftermath in which any surviving . . . natives either retreat elsewhere or are allowed to exist as subjugated dependants on the margins of the now established and victorious white society.88

Historian Benjamin Madley has emphasized that indigenous resistance to conquest and exploitation often led to colonial genocides against native peoples.89 Levene has likewise noted that native resistance can create “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.90 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.”91 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 [Juvénal 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.92

THE QUESTION OF GENOCIDAL INTENT

Most scholars and legal theorists agree that intent defines genocide.93 A “special intent” must be shown to target members of a particular group “as such.” Leaving aside the question of what “as such” can mean when genocide always targets its victims on the basis of multiple identities (see above), what defines special intent for legal purposes?

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.94 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.\textsuperscript{95}

A holistic understanding of “special intent” to commit genocide combines specific intent, on the one hand, with general intent, on the other. Specific intent implies a direct and manifest connection between act and outcome: for example, executing in cold blood a member of a designated group. For some scholars, a charge of genocide should not be considered if a specific intent cannot be demonstrated; many would consider it probative of a kind of “first-degree” genocide.\textsuperscript{96}

With general intent, the act and its genocidal consequences may be relatively widely separated in geographical and temporal terms. This “includes cases in which the perpetrators did not intend to harm others but should have realized or known that the behavior made the harm likely.” For example, “forcibly removing other members to reservations and then withholding food and medicine, and kidnapping many of their children to raise as slaves outside of the group’s culture clearly results in the destruction of that group of people, even if that result is neither intended nor desired.”\textsuperscript{97}

Note again that motive is not central in the equation. When colonists removed indigenous populations from their historic territories to barren reservations, their primary motive was to gain possession of land and resources, not to exterminate natives for the simple satisfaction of destroying an “execrable race.” Nevertheless, if the coveting of native lands led to the removal of indigenous populations to territories incapable of sustaining life; if this unsustainability was “reasonably foreseeable,” and confirmed when the deported population started to die \textit{en masse};\textsuperscript{98} and if the policies were not promptly reversed or ameliorated, then genocidal intent may still be said to have existed – albeit in a general form.\textsuperscript{99}

Recent legislation and case-law have incorporated this understanding of general as well as specific 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.”\textsuperscript{100} Likewise, the International Criminal Tribunal for Rwanda stated in its historic \textit{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.”\textsuperscript{101} As John Quigley points out, the trial chamber in this case decided “that the intent required for liability, even as a principal, can be satisfied by less than purpose”\textsuperscript{102} – that is, by a general intent, rather than a specific one.

Establishing the \textit{mens rea} (mental element) of genocidal intent poses significant challenges. How can one know what is in the perpetrator’s mind? In the absence of a formal confession, intent must be \textit{inferred}. In the \textit{Akayesu} case of the International Criminal Tribunal for Rwanda, for example,

the Trial Chamber submitted that genocidal intent could be inferred from a number of indicators, such as a general range of criminal acts systematically targeting the same group, committed by the same perpetrator or others, the scale
and nature of these acts, and the fact that victims were systematically and deliberately singled out because of their membership of a group, in contrast to non-group members.  

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. A reasonable estimate of the deaths caused by this institution is fifteen to twenty million people – by any standard, a major human cataclysm. 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. (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.

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.¹⁰⁸

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 particular slavery institutions that inflicted “incalculable demographic and social losses” on West African societies,¹⁰⁹ as well as meeting every other requirement of the UN Genocide Convention’s definition.¹¹⁰ Moreover, the killing and destruction were intentional, whatever the 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.111

**BOX 1.4 WE CHARGE GENOCIDE**

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

**Figure 1.7** *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.

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. 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.


Among the atrocities, abuses, and discrimination detailed in *We Charge Genocide* (see Box 1.4) was the murder of “10,000 Negroes . . . on the basis of ‘race,’” 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 com-
Communities and authorities, as I explore in further detail in Chapter 13 (pp. 482–87). 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.  

Area bombing and nuclear warfare

Controversy has swirled around the morality both of the area bombing of German and Japanese cities by British and US air forces, and the atomic bombing 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. “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 range from about 300,000 to 600,000 . . . . Most of the civilian victims were women, infants, and elderly people.”

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

Figure 1.8  The almost unimaginable devastation inflicted on German and Japanese cities in the Allied area bombing campaigns of 1943–45 led some observers to allege that a “just war” spilled over into genocide. This photo shows the heart of the historic German city of Dresden, destroyed by a firestorm generated by US and British incendiary bombing on February 13–15, 1945. An estimated 25,000–35,000 civilians were killed.

Source: Deutsche Fotothek/Wikimedia Commons.

Figure 1.9  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.

Source: Lynn P. Walker, Jr./Wikimedia Commons.
100,000 people, more than in the atomic bombing of Nagasaki. 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 of more Allied pilots? Or was the bombing indefensible, 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. After a nuanced consideration of the matter, Eric Markussen and David Kopf agreed. 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.”

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.

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.” 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.

**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.

It soon became evident that the sanctions were exacting an enormous human toll on Iraqis, particularly children. According to a “criminal complaint” filed by former US Attorney General Ramsey Clark before a people’s tribunal in Madrid, the policies were 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.

The resulting debate has sparked controversy and some rancor among genocide scholars. A majority rejects 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 emphasize 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.

Those, including myself, who hold that the Iraq sanctions did constitute genocide acknowledge the despotic nature of the Iraqi regime (see, e.g., Box 4a). However, they point to the human damage linked by many impartial observers to the sanctions, and the awareness of that damage among key leadership figures. In legal scholar John Quigley’s estimation, “the deaths being caused by the sanctions were widely known, even as the UN Security Council repeatedly voted to extend sanctions.” Critics also cite the notorious comments of then-US Secretary of State Madeleine Albright in May 1996. Asked about statistics indicating 500,000 child deaths from sanctions, Albright said: “I think this is a very hard choice. But the price – we think the price is worth it.” Is this “infanticide masquerading as policy,” as US Congressman David Bonior alleged?

The reticence about the effects of sanctions may reflect 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.”

9/11: Terrorism as genocide?

The attacks launched on New York and Washington on the morning of September 11, 2001 constituted the worst terrorist attack in history. 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-Qaeda movement, more than terroristic? Did they in fact constitute genocidal massacres, by Leo Kuper’s definition?

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.”

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” 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

Figure 1.10 Sunlight streams through the still-smoldering ruins of the World Trade Center in lower Manhattan on September 15, 2001, four days after al-Qaeda terrorist attacks on New York and Washington in which nearly three thousand people were killed, overwhelmingly civilians. Was it an act of genocide?

Source: Andrea Booher/FEMA Photo Library/Wikimedia Commons.
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-Qaeda 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.”

**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.” 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.” My own work on gender and genocide (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.”

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? Are we not in danger of “catching the small fry and letting the big fish loose,” as Galtung put it?
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.”

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.

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 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.”

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.”

IS GENOCIDE EVER JUSTIFIED?

This question may provoke a collective intake of breath. 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,” failing to properly exploit the lands they inhabit and the rich resources underfoot. 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. 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 slave-owners, 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.  

Bolivia, Mexico, and Haiti are all examples of what Nicholas Robins and I call *subaltern genocide*, or “genocides by the oppressed.” 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.)  

Even the September 11, 2001 terrorist attacks on the World Trade Center and Pentagon, which could be considered genocidal massacres (see pp. 45–47), 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 retaliatory 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 pre-empt 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 pre-emptive, 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.” 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. And we may be less ready to label as genocidal the atrocities that our chosen “worthies” commit. We will return to this issue at the close of the book, when considering personal responsibility for genocide prevention.
FURTHER STUDY


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 and up-to-date of the major histories of genocide.


NOTES


2 Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990), p. 64. Ronald Wright has cited archaeological evidence suggesting that the destruction of the Neanderthal population of Western Europe, roughly 25,000 years ago, “may have been the first genocide. Or, worse, not the first – merely the first of which evidence survives. It may follow from this that we are descended from a million years of ruthless victories, genetically predisposed by the sins of our fathers to do likewise again and again. . . . A bad smell of extinction follows *Homo sapiens* around the world.” Wright, *A Short History of Progress* (Toronto: Anansi Press, 2004), pp. 25, 37.


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


12 Andrew Bell-Fialkoff writes that the First Crusade (1096–99) 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.

army, with 100,000 Mongols in all, killed over a million people, in house-to-house fighting that burned large sections of the city. . . .” For his part, 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. 167–68. On the UN sanctions, see pp. 44–45.


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


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


23 Mahoney, “The Zulu Kingdom,” p. 254.


25 Mahoney, “The Zulu Kingdom,” p. 255.


28 Ibid., p. 24.


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


33 “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.

34 Lemkin, *Axis Rule in Occupied Europe*, p. 79.


41 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.


43 Schabas, Genocide in International Law, p. 140.


45 Schabas, Genocide in International Law, pp. 175, 178.


48 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.”

49 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.

50 Mark Levene also stresses that “it is the perpetrator, not the victim (or bystander) who defines the group” (emphasis in original). Levene, Genocide in the Age of the Nation State, Vol. 1, p. 79. Patrick Wolfe 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. According to Scott Straus, “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, Vol. 1, p. 87.


55 Chile Eboe-Osuji, “Rape as Genocide: Some Questions Arising,” *Journal of Genocide Research*, 9: 2 (2007), pp. 262–63. 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 compelled to do something about it, while semantically acknowledging that ‘acts of genocide’ (rather than genocide) were occurring.”


71 “The UN says ethnic cleansing is by genocide or forced migration. In black and white I guess Bill 101 fits pretty well” (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, Quebeckers Are Still Hot about Bill 101,” National Post, February 16, 2008.


CBC Digital Archives, “Fighting Words.”

“...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 Quebeckers 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.

Kuper, Genocide, p. 166.


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. 150–51. 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).


Mark Levene writes that for Hitler and the Nazis, “the international Jewish conspiracy” “operated 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.

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.


Saul Friedländer similarly notes that “...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
86 Shaw, *What is Genocide?*, p. 117.
87 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.
91 A. Dirk Moses, “Empire, Colony, Genocide: Keywords and the Philosophy of History,” in Moses, ed., *Empire, Colony, Genocide*, p. 29.
93 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.
94 Robert Gellately and Ben Kiernan contend similarly 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.
96 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. 434–35.
99 This part of the discussion draws on personal correspondence with John Quigley, February 13, 2010.


105 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.


110 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.


112 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).
113 We Charge Genocide, p. 6.

114 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).


118 “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. 244–58. 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 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).

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


122 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.


124 Quigley, The Genocide Convention, p. 204.

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


128 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).

129 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.

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

131 Goldhagen, Worse Than War, pp. 490–91. 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-Qaeda, he cites established regimes such as Mahmoud Ahmadinejad’s in Iran (see p. 521) and Omar al-Bashir’s in Sudan (Box 9a).


133 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.

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

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.


138 Holsti, personal communication, June 29, 2005.

139 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.


144 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. 315–16.


146 “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).

147 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.


150 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 punishable 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.