

1.

The Origins of Genocide

This chapter analyzes the origins of genocide as a global-historical phenomenon, providing a sense, however fragmentary, of genocide's frequency through history. It then turns to examine the origin and evolution of the concept itself, and explore some "contested cases" that test the boundaries of the genocide framework. No chapter in the book tries to cover so much ground, and the discussion at points may 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 Leo Kuper in his seminal text of genocide studies (1981).^{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 early study, is that such historical records as exist are ambiguous and undependable. While history today is generally written with some fealty to "objective" facts, most previous accounts aimed rather to praise the writer's patron (normally the leader) and to emphasize the superiority of one's own gods and religious beliefs. They might also have been intended as rattling 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 chilling command encapsulates a fondly-held fantasy of kings and commoners alike. Humanity has always nurtured conceptions of social difference that generate a primordial sense of in-group versus out-group, as well as hierarchies of good and evil, superior and inferior, desirable and undesirable. Chalk and Jonassohn again:

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

*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.

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

A vivid example of this mindset is the text that underpins the cultural tradition common to most readers of this book: the biblical Old Testament. This frequently depicts God, as one commentator put it, as “a despotic and capricious sadist,”⁶ and his followers as *génocidaires* (genocidal killers). The trend starts early on, 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. Elsewhere, “the principal biblical rationale for genocide is the danger that God’s people will be infected (by intermarriage, for example) by the religious practices of the people who surround them. They are to be a holy people – i.e., a people kept apart, separated from their idolatrous neighbors. Sometimes, the only sure means of accomplishing this is to destroy the neighbors.”⁷ Thus, in 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.”⁸ Sometimes, as in Numbers 31, the genocide is more selective – too selective for God’s tastes. As Yehuda Bauer summarizes this passage:

All Midianite men are killed by the Israelites in accordance with God’s command, but his order, transmitted by Moses, to kill all the women as well is not carried out, and God is angry. Moses berates the Israelites, whereupon they go out and kill all the women and all the male children; only virgin girls are left alive, for obvious reasons.⁹

“Obvious reasons,” in that many genocides in prehistory and antiquity were designed not just to eradicate enemy ethnicities, but to incorporate and exploit some of their members. Usually, it was children (particularly girls) and women who were spared murder. They were simultaneously seen as unable to offer physical resistance, and as sources of future offspring for the dominant group (descent in patrilineal society being traced through the bloodline of the male). We see here the roots of *gendercide* against adult males and adolescent boys, discussed further in chapter 13.

A combination of gender-selective (gendercidal) mass killing and root-and-branch genocide pervades accounts of the wars of antiquity. 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.”

Rome’s siege and eventual razing of Carthage at the close of the Third Punic War (149-46 BCE) has been labelled “The First Genocide” by Yale scholar 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.¹⁰

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 growing legions of followers were subjected to savage persecutions and mass murder. The scenes of torture and public spectacle were duplicated by Christians themselves during Europe’s medieval era (roughly the ninth to fourteenth centuries CE). This period produced onslaughts such as the Crusades: religiously-sanctified rampages against “unbelievers,” whether in France (the Albigensian crusade against heretic Cathars) or in the Holy Land of the Middle East.¹¹ Other 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.”¹²

In addition to religious and cultural beliefs, what appears to have motivated these genocides was the hunger for wealth, power, and fame. These factors combined to fuel the genocides of the early modern era, dating roughly from 1492, the year of Caribbean Indians’ fateful (and fatal) discovery of Christopher Columbus. The encounter between expansionist European civilization and the indigenous populations of the world is detailed in chapter 3. The following section focuses briefly on two cases from the early modern era: a European one that presages the genocidal civil wars of the twentieth century, and an African one reminding us that genocide knows no geographical or cultural boundaries.

The Vendée uprising. In 1789, French revolutionaries, inspired by the example of their American counterparts, overthrew the despotic regime of King Louis XVI and established a new order based on the “Rights of Man.” Their actions provoked immediate and intractable opposition at home and abroad. European armies massed on French borders, posing a mortal threat to the revolutionary government in Paris. And in March 1793 – following the execution of King Louis and the imposition of a *levée en masse* (mass conscription) – homegrown revolt sprouted in the Vendée. The population of this isolated and conservative region of western France declared itself unalterably opposed to the replacement of their priests by pro-

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

revolutionary designates, and the evisceration of the male population by the *levée*. Well-trained and led by royalist officers, Vendéans rose up against the central authority. That authority was itself undergoing a rapid radicalization: the notorious “Terror” of the Jacobin faction was instituted the same month as the rebellion in St.-Florent-le-Vieil. The result was a ferocious civil war that, according to French author Reynald Secher among others, constituted a genocide against the Vendean people.¹³

Early rebel victories were achieved through the involvement of all demographic sectors of the Vendée, and humiliated the central authority. Fueled by the ideological fervour of the Terror, and by foreign and domestic counterrevolution, the revolutionaries in Paris implemented a classic campaign of root-and-branch genocide. Under Generals Jean-Baptiste Carrier and Louis Marie Turreau, the Republican authorities launched a scorched-earth drive by the aptly-named *colonnes infernales* (“hellish columns”). On 11 December 1793, Carrier wrote to the Committee of Public Safety in Paris, pledging to purge the Vendean peasantry “absolutely and totally.”¹⁴ Similar edicts by General Turreau in early 1794 were enthusiastically approved by the Committee, which declared that the “race of brigands” in the Vendée was to be “exterminated to the last.” This included even children, who were “just as dangerous [as adults], because they were or were in the process of becoming brigands.” Root-and-branch extermination was “both sound and pure,” the Committee wrote, and should “show great results.”¹⁵

The resulting slaughter targeted all inhabitants of the Vendée – even those who supported the Republicans (in today’s terminology, 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.¹⁶ 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, in a refinement of barbarism, perhaps without precedent, pregnant women were stretched out and crushed beneath wine presses. ... Bloody limbs and nursing infants were carried in triumph on the points of bayonets.¹⁷

Possibly 150,000 people died in the carnage, though not all were civilians. The generalized 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 rare – parity. Only after this “ferocious ... expression of ideologically charged avenging terror,”¹⁸ and with the collapse of the Committee of Public Safety in Paris, did the genocidal impetus wane, though scattered clashes with rebels continued through 1796.

In the context of comparative genocide studies, the Vendée uprising stands as a notable 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 largescale 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 one of the most ambitious campaigns of expansion and annihilation the region has ever known. Huge swaths of present-day South Africa and Zimbabwe were laid waste by Zulu armies. The European invasion of these regions, which began shortly afterward, was greatly assisted by the upheaval and depopulation caused by the Zulu assault.

The scale of the destruction was such, and the obliteration or dispersal of victims so intensive, that relatively little historical evidence was left to bear testimony to the terror. But it remains alive in the oral traditions of peoples of the region whose ancestors were subjugated, slaughtered, or put to flight by the Zulus.¹⁹ “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.”²⁰

At times, Shaka apparently implemented a gender-selective extermination strategy that is all but 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.²¹

However, root-and-branch strategies reminiscent of the French rampage in the Vendée seem also to have been common. According to Yale 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.”²² Especially brutal means, including impaling, were chosen to eliminate the targets. In exterminating the helpless 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.”²³

Mahoney characterizes 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.”²⁴

Naming genocide: Raphael Lemkin

Until the Second World War, the phenomenon of genocide was a “crime without a name,” in the words of British Prime Minister Winston Churchill.²⁵ The man who named the crime, placed it in a global-historical context, and demanded intervention and remedial action was an obscure Polish-Jewish jurist, a refugee from Nazi-occupied Europe, named Raphael Lemkin (1900-59). His personal story is one of the most remarkable of the twentieth century.

Lemkin is an exceptional example of a “norm entrepreneur” (see ch. 12). In four short years, he succeeded in coining a term – genocide – that concisely captured an age-old historical phenomenon. He supported it with a wealth of historical 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 another to secure the necessary national ratifications. Yet Lemkin 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.

It is important not to romanticize Lemkin. He was an austere loner who antagonized many of those he came in contact with.²⁶ His preoccupation with genocide also drew him into bizarre opposition to other human rights initiatives, such as the Declaration of Human Rights (which became the central rights document of the contemporary age). Many have criticized the ambiguities of the genocide framework, as well as its allegedly archaic elements. We will consider these criticisms shortly. First, though, let us review the extraordinary course of Lemkin’s life. This is examined at length in the first chapters of Samantha Power’s “*A Problem from Hell*,” with access to Lemkin’s letters and papers; the following account is based on Power’s study.²⁷

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 national 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. Thus began Lemkin’s lifelong obsession with mass killing in history and the contemporary world. He “raced through an unusually grim reading list”²⁸ 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 ch. 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.”²⁹ *Why?* was the question that began to consume Lemkin. Why did states kill their own and other citizens on the basis of nationality, ethnicity, or religion? Why did onlookers ignore the killing, or applaud it? Why didn’t someone intervene?

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.”³⁰ 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-World War One prosecutions of Turks for “crimes against humanity” (ch. 4), 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. But the Madrid delegates did not share his passionate 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 travelled first to eastern Poland, and then to Vilnius, Lithuania. From that Baltic city, he made use of connections in Sweden, and succeeded in securing refuge there.

After a spell of 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 had been offered a professorship at Duke University.

In his new American surroundings, Lemkin struggled with his concepts and vocabulary. "Vandalism" and "barbarity" had not struck much of a chord with his legal audiences. Inspired by, of all things, the Kodak camera,³¹ Lemkin trolled 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, as Lemkin repeatedly stressed:

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.³²

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.³³ The issue of whether mass killing is definitional to genocide has been debated ever since, by legal scholars, social scientists, 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 presented in *Axis Rule in Occupied Europe*). But by the end of the 1940s, and into the twilight of the Stalinist era in the 1950s, it was clear that political groups would play a prominent if not dominant role as targets for destruction. Moreover, the appellations applied to “communists,” or by communists to “kulaks” or “class enemies” – when imposed by a totalitarian state – seemed every bit as difficult to shake as ethnic identifications, if the Nazi and Stalinist onslaughts were anything to go by. This does not even take into account the important but ambiguous areas of crossover among ethnic, political, and social categories.

But Lemkin 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 concerns was almost atavistic, and US law professor 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.³⁴

It is probably true that Lemkin’s formulation had its archaic elements. It is certainly the case that subsequent scholarly and legal interpretations of “Lemkin’s word” have tended to be more capacious in their framing. What *can* be defended, I think, 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 largescale 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.³⁵ He saw the Nazis’ assaults on Jews, Poles, and Polish Jews for what they were, and labelled the broader genre for the ages.

But 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 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 generation of "comparative genocide scholars," drawing upon a generation's work on the Jewish Holocaust,^{*} began to discuss, debate, and refine Lemkin's concept – a trend that shows no sign of abating.

Defining genocide: The UN Convention

Lemkin's extraordinary "norm entrepreneurship" around genocide is described in chapter 12. Suffice it to say for the present that "rarely has a neologism had such rapid success" (William Schabas). Barely a year after Lemkin coined the term, it was included in the Nuremberg indictments of Nazi war criminals (ch. 15). To Lemkin's chagrin, genocide did not figure in the Nuremberg judgments. But "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."³⁶

The "detailed and 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.³⁷

Thematically, Lemkin's conviction that genocide needed to be confronted, whatever the context, was ringingly endorsed with the Convention's declaration that genocide is a crime

^{*} 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, Ottoman Armenians in World War One, Jews and Roma during World War Two, 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, note 1.

“whether committed in time of peace or in time of war.” This removed the roadblock thrown up by the Nuremberg trials, which had only considered Nazi crimes committed after the invasion of Poland on 1 September 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, meanwhile, 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 have been subject to considerable subsequent interpretation. The position of the Rwanda tribunal (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, note the diversity of actions in Article II that qualify as genocidal – 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 rare, and has stood little chance of being 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 Rwanda tribunal (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.”³⁸ “Measures to prevent births” can 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 possible application of the Convention to Soviet

crimes (see ch. 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.” The provision against transferring children between groups, meanwhile, “was added to the Convention almost as an afterthought, with little substantive debate or consideration.”³⁹

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.” But this leaves actual 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.⁴⁰ 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 *Taking Lives* (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 Jewish Holocaust, and most of the scholars were Jewish. “Holocaust Studies” has remained central to the field. But rereading this early work, one is struck by how inclusive and comparative is its framing. It tends to be global in scope, and broadly interdisciplinary at many points. The classic edited 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 Jewish Holocaust, did Israel Charny’s *Encyclopedia of Genocide* (1999). A rich body of case-study literature has also developed, with genocides like 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 would be a hopeless task. What I hope to do is, first, utilize that literature constructively

throughout this book; and, second, 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 at various points in these pages. 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 can 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 some 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.

Genocide: Scholarly Definitions (in chronological order)

Peter Drost (1959)

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

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.”

Thompson and 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 2000 to read, “murder in whole or in substantial part ...”)

Israel Charny (1994)

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

Irving Louis Horowitz (1996)

“Genocide is herein defined as a *structural and systematic destruction of innocent people by a state bureaucratic apparatus* [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.”

Discussion. The elements of definition can 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.”⁴¹

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

It should be noted that these basic positions do not map perfectly onto individual authors and authorities. A given definition may even alternate between harder and softer positions – as with the UN Convention, which features a decidedly “soft” framing of genocidal strategies (including non-fatal ones), but a “hard” approach when it comes to the victim groups whose destruction qualifies as genocidal. Steven Katz’s 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. However, some scholars abjure the state-centric approach (e.g., Chalk and Jonassohn’s “state or other authority”; Fein’s [1993] “perpetrator”; Thompson & Quets’s “whatever agents”). 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 (ch. 3) – nonstate actors may play a prominent or dominant role.

Victims are standardly identified as social minorities. They exhibit deep vulnerability and/or “essential defencelessness” (Charny). This is reflected in the intensively “one-sided mass killing” inflicted upon them (see Dadrian, Horowitz, Chalk & Jonassohn, and Fein [1993]). They 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 be defined by the perpetrators: e.g., Chalk & 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 and/or its culture. But beyond this, the element of motive is surprisingly 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." Dadrian and Horowitz go a step further, with the former's reference to a collectivity "whose ultimate extermination is held to be desirable and useful," and Horowitz's assertion of a state desire "to assure conformity and participation of the citizenry."

As for required *scale*, this ranges from Steven Katz's targeting of a victim group "in its totality" (paralleled by Yehuda Bauer's genocide/holocaust distinction), to phrasing like "in whole or part" (Harff, the UN Convention); "in whole or in large part" (Wallimann & Dobkowski); and "in whole or in substantial part" (my modification of Katz's definition). Irving Louis Horowitz emphasizes the absolute dimension of "mass" murder "for which genocide is a synonym."⁴² 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.

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 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 listed in our set, genocidal strategies may be direct or indirect (Fein [1993]), including "economic and biological subjugation" (Wallimann & 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 & 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.

Crucially, there is growing agreement that group “destruction” must involve mass killing and physical liquidation (see, e.g., Fein 1994, Charny, Horowitz, Katz/Jones). But to repeat, this is not a feature of either Raphael Lemkin’s original formulations or of the UN Convention. In both of these definitions, mass killing is only one of a panoply of strategies available to génocidaires; the emphasis is on the destruction of the group “as such,” not necessarily the physical annihilation of its members.

The question of genocidal intent. Most scholars and legal theorists agree that intent defines genocide. But what defines intent?

We can begin by distinguishing *intent* from *motive*. According to Gellately and Kiernan,

in criminal law, including international criminal law, the specific motive is irrelevant. Prosecutors need only prove that the criminal act was intentional, not accidental. A conquest or a revolution that causes total or partial destruction of a group, legally qualifies as intentional and therefore as genocide whatever the goal or motive, so long as the acts of destruction were pursued intentionally.⁴³

Beyond this, the question of intent, as is so often true in genocide studies, centres on whether a harder or softer framing is preferred. Does one require that intent be wedded to a high degree of *purposive, coordinated action* against a target group? This would seem to be called for by the Genocide Convention’s “enigmatic” phrasing, that groups must be targeted “as such.” But as we have seen, this phrase was among the spontaneous formulations of the drafting process; it was inserted to satisfy delegates who sought “recognition of a motive component.”⁴⁴ It was not central to the drafting of the Convention, and it need not dominate the concerns of genocide scholars.

An opposing perspective declares that, regardless of the claimed objective of the actions in question, they are intentional if they are perpetrated with the knowledge *or reasonable expectation* that they will destroy a human group in whole or in part. Legal opinion surrounding genocide has increasingly favoured this more liberal interpretation (see also ch. 15). The Rome Statute of the International Criminal Court (1998) reflects “a relatively broad understanding of intent”: “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.*”⁴⁵ Likewise, the International Criminal Tribunal for Rwanda stated in its historic Akayesu judgment (1998) that “the offender is culpable because he knew or should have known that the act committed would destroy, in whole or in part, a group.”⁴⁶

This understanding of intent combines *specific* intent, on the one hand, with *constructive* intent on the other. As elegantly summarized by Michael Reisman and Charles Norchi, specific intent can be inferred “where actions with predictable results are taken over an extended period of time, and the consequences of these actions regularly confirm their outcome ...”⁴⁷ Constructive intent, meanwhile (in Alex Alvarez’s words),

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. ... Systematically hunting down and killing members of a group, 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.⁴⁸

Personal observations. Having explored some of the commonalities and complexities of genocide frameworks, let me make clear my own preferences, since you will find them reflected in this book. I adopt a generally soft and inclusive, rather than hard and restrictive, definition of genocide. I share with Yale historian Jay Winter the conviction that “If possible, the boundaries surrounding genocide ought to be drawn liberally and not exclusively.”⁴⁹ I also share the Spanish National Audience's desire, expressed in a November 1998 legal ruling, for “a dynamic or evolutive interpretation of the [Genocide] Convention.”⁵⁰ Accordingly, I prefer a broader rather than narrower concept of genocidal *intent*; a fairly liberal approach to the issue of requisite numbers killed; and an acceptance of diverse genocidal *agents, strategies, and victim groups*.

However, my position is at the harder end of the spectrum in one sense. I adopt a narrower conception of genocidal strategy than some authorities (including Raphael Lemkin and the Genocide Convention). Specifically, I consider mass killing to be definitional to genocide. The inclusion of what some call “ethnocide” (cultural genocide) is important, valid, and entirely in keeping with Lemkin's original conception. It is also actionable under the UN Convention. But in charting my own course, I am wary of labelling as “genocide” cases where mass killing has not occurred.

The most succinct definition of genocide that I know of and agree with came out of the UN Convention – but from the initial draft as prepared by the UN Secretariat, not the one finally passed in 1948. The preamble here states that genocide is “the intentional destruction of a group of human beings.”⁵¹ “A group” is as concise a formulation as we will have, if the collective dimension of genocide is considered foundational. If a broad framing of *intent* is then adopted – for instance, if “a conscious act or acts of advertent omission may be as culpable [because intentional] as an act of commission,” in Benjamin Whitaker's liberal (1985) interpretation – then this is serviceable shorthand for the approach I take in this volume.⁵²

The definition of genocide that I have used most often over the past few years adjusts Steven Katz's 1994 offering. I appreciate Katz's “soft” approach to victim groups, and I think these are also worth listing, as he does. I support his emphasis on the diversity of genocidal strategies (“by whatever means”) and on mass killing as a core element. But with an italicized phrase, I remove Katz's requirement of the attempted *total* extermination of a group. Genocide is thus “the actualization of the intent, however successfully carried out, to murder *in whole or in substantial part* any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means.” I prefer to leave “substantial” imprecise; I hope its parameters will expand over time, together with our capacity for empathy. It seems clear, though, that a threshold is passed when victims mount into the tens or hundreds of thousands – although relative group size must always be factored in.

The reader should remember, however, that there is just one *legal* definition of genocide, and it is not mine. 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 dominant consideration.

Contested cases

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 downplayers and deniers (see ch. 14). In the case of perhaps the most enduring and destructive genocide of all time, against indigenous peoples of the Americas (ch. 3), *most* individuals in the countries concerned would probably reject the genocide label.

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 the chapter on Stalin’s USSR.

Atlantic slavery. 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.⁵³ A reasonable estimate of the deaths caused by this institution is 15-20 million people – by any standard, one of the worst holocausts in human history.⁵⁴ However, Atlantic slavery is rarely included in analyses or anthologies of genocide. A notable exception – Seymour Drescher’s chapter in the volume *Is the Holocaust Unique?* – avoids the “genocide” label, and stresses the differences between slavery and the Jewish Holocaust.⁵⁵ (Admittedly, these are not few.) More recently, the renowned 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.⁵⁶

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 largescale 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 the West.⁵⁷

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,⁵⁸ as well as meeting every other requirement of the UN Genocide Convention's definition.⁵⁹ Moreover, the killing and destruction were intentional, whatever the incentives to preserve survivors of the Atlantic passage for labour 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?

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 spills over into genocide. The line is difficult to draw, in part because of the intimate relationship between war and genocide, discussed in detail in chapter 2. In the case of strategic or "area" bombing (in which entire cities were blanketed with high explosives, after pinpoint bombing had been rejected as unworkable), the debate centres on the military utility and moral proportionality of the policy. "The effects [themselves] are clear and undisputed":

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. Overall, 2.7 million tons of bombs were dropped, destroying 3.6 million homes (20 per cent of the country's total), leaving 7.5 million homeless. ... The loss of life was substantial. Estimates of deaths range from about 300,000 to 600,000, and of injuries from 600,000 to over a million. ... [M]ost of the civilian victims were women, infants, and elderly people. ... About 19 per cent of the victims were children under the age of 16, 5 per cent of whom were babies and children below school age, and about 20 per cent of the casualties were over the age of 60.⁶⁰

Similar destruction was inflicted on Japan, where some 900,000 civilians died. A single night's firebombing of Tokyo (9-10 March 1945) killed between 90,000 and 100,000 people, more than died in the atomic bombing of Nagasaki.⁶¹ Can this mass killing be seen as militarily necessary, or at least defensible? Did it shorten the war, for example, 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 vastly more civilians than military requirements could possibly justify?

From a genocide studies perspective, at issue is whether civilian populations were targeted (a) outside the boundaries of "legitimate" warfare, and (b) on the basis of their ethnic or

national identity. Answers have predictably differed, with the groundbreaking genocide scholar Leo Kuper arguing that area bombing *was* genocidal (as were the atomic bombings).⁶² After a nuanced consideration of the matter, Eric Markusen and David Kopf agreed.⁶³ Others reject 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.”⁶⁴

The genocide framing is perhaps more persuasively applied in the Japanese case, given the racist propaganda that pervaded the Pacific War, including the common depiction of Japanese as apes and vermin (see ch. 2). As well, the bombing reached a crescendo when Japan was arguably prostrate before Allied air power. At times, the destruction (through the “thousand-bomber” raids) appears to have been inflicted to push the boundaries of the logistically possible, rather than for a coherent military purpose.

Fewer ambiguities attach to the atomic bombings at war’s end. These were carried out when Japan’s defeat was virtually certain; both Supreme Allied Commanders, General Dwight D. Eisenhower and General Douglas MacArthur, considered them “completely unnecessary.”⁶⁵ Other options were also available to the US planners – including a softening of the demand for unconditional surrender, and demonstration bombing away from major population centres. There is a consensus that the destruction of Nagasaki, in particular, was gratuitous, since the power of atomic weaponry was already evident, and the Japanese government was in crisis discussions on surrender.⁶⁶

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 rapidly 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 ...⁶⁷

The debate has sparked controversy and some rancour 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.⁶⁸

Those, including myself, who hold that the Iraq sanctions *did* constitute genocide acknowledge the despotic nature of the Iraqi regime (see, e.g., box text 4a). However, they point to the human damage linked by many impartial observers to the sanctions, and the awareness of that damage, reflected in comments like those of then-Secretary of State Madeleine Albright in May 1996. Responding to figures showing 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.”⁶⁹ Is this “infanticide masquerading as policy,” as US Congressman David Bonior alleged?⁷⁰

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 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.”⁷¹

9/11. The attacks launched on New York and Washington on the morning of 11 September 2001 constituted the worst terrorist attack in history.⁷² Perhaps never outside wartime and natural disasters have so many people – well over 2,000 – been killed more or less 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?⁷³

In the aftermath of 11 September, 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.”⁷⁴

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 highly 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” (e.g., US Americans).

There is thus, at least, a palpable genocidal impetus and intent in 9-11 – one that could yet result in fully-fledged genocide. Only the coming decades will enable us to place the attacks in proper perspective: to decide whether they stand as isolated and discrete events and campaigns, or as opening salvos in a systematic campaign of genocide.

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.”⁷⁵ Jean Ziegler, the UN Special Rapporteur on the Right to Food, stated in October 2005 that “Every child who dies of hunger in today’s world is the victim of an assassination,” and referred to the *daily* death by starvation of 100,000 people as a “massacre of human beings through malnutrition.”⁷⁶ My own work on gender and genocide (see ch. 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 structural and institutional violence is diffuse, part of the “background” of human relations. It is accordingly difficult to ascribe clear agency to phenomena like 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.”⁷⁷

These points are well taken. Nonetheless, in my opinion, genocide studies should move to incorporate a nuanced portrait 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 swaths of humanity?⁷⁸ Are we not in danger of “catching the small fry and letting the big fish loose,” as Galtung put it?⁷⁹

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 the world’s poor. Harvard 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.”⁸⁰ In such cases, as Holsti points out, “distinct agents with distinct policies and identifiable consequences” may be discerned, and moral and legal responsibility may likewise be imputed.⁸¹

Is genocide ever justified?

This question is not often posed in genocide studies; it may provoke a collective intake of breath.⁸² 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., ch. 3). Is any of this justifiable, morally or legally?

Perhaps the most common form of genocide justification and celebration is a utilitarian one, applied most frequently in the case of indigenous peoples. These populations have standardly been accused of failing to exploit the land they inhabit, and its natural resources.⁸³ This latent economic potential, viewed through the lens of the Protestant work ethic and capitalist profit, is held to warrant confiscation of territories, and marginalization or annihilation of their populations.

Oppressed indigenous communities sometimes rose up in rebellion against colonial authority. While these rebellions evince widespread sympathy, they can also be held to have taken, on occasion, 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 really recovered. As in Bolivia and Yucatán, rebellion and counter-rebellion assumed the form of unbridled race war. Yet this war 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 sanctioned the race war on the grounds of past atrocities and exploitation by whites. Acknowledging that the victims were defenceless, 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.⁸⁴

Bolivia, Mexico, and Haiti are all examples of what Nicholas Robins and I call *subaltern genocide*, or “genocides by the oppressed.”⁸⁵ 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 to have been 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 World War Two, 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 (ch. 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.⁸⁶)

Even the 11 September 2001 terrorist attacks on the World Trade Center and Pentagon, which could be considered genocidal massacres, 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 can be found among many Arabs, and other Palestinian supporters, after massacres of Jewish civilians in Israel.

Apart from cases of subaltern genocide, the defenders and deniers of some of history’s worst genocides often justify the killings on the grounds of *legitimate defensive or retributory action against traitors and subversives*. The Turkish refusal to acknowledge the Armenian genocide (ch. 4) depicts atrocities or “excesses” as the inevitable results of an Armenian rebellion aimed at undermining the Ottoman state. Apologists for Hutu Power in Rwanda claim the genocide of 1994 was nothing more than the continuation of “civil war” or “tribal conflict”; or that Hutus were seeking to preempt the kind of genocide at Tutsi hands that Hutu had suffered in neighbouring Burundi (ch. 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 text 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 ch. 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 notes 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.”⁸⁷ But Schabas has a tendency, in defending a “hard” and predictably legalistic interpretation of the UN Convention, to use terms like “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.⁸⁸ And we may be less ready to label as genocidal the atrocities that our chosen “worthy” commit. We will return to this issue at the close of the book, when considering personal responsibility for genocide prevention.

Further Reading

Alex Alvarez, *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach*. Bloomington, IN: Indiana University Press, 2001. If I selected one work to accompany or substitute for this one in a genocide course, it would be Alvarez’s superb study.

George J. Andreopoulos, ed., *Genocide: Conceptual and Historical Dimensions*. Philadelphia, PA: University of Pennsylvania Press, 1994. Uneven but sometimes helpful compendium.

Omer Bartov, Anita Grossmann, and Mary Nolan, eds. *Crimes of War: Guilt and Denial in the Twentieth Century*. New York: New Press, 2002. Fine introduction to war crimes and genocide.

Kenneth J. Campbell, *Genocide and the Global Village*. New York: Palgrave, 2001. Brief but piquant essay.

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

Israel W. Charny, ed., *The Encyclopedia of Genocide*, 2 vols. Santa Barbara, CA: ABC-CLIO, 1999. Useful reference work.

Levon Chorbajian and George Shirinian, eds., *Studies in Comparative Genocide*. New York: St. Martin’s Press, 1999. First-rate collection of essays, with special attention to the Armenian genocide.

Robert Gellately and Ben Kiernan, eds., *The Specter of Genocide: Mass Murder in Historical Perspective*. Cambridge: Cambridge University Press, 2003. One of the best edited volumes on the subject; diverse and vigorously written throughout.

Jonathan Glover, *Humanity: A Moral History of the Twentieth Century*. New Haven, CT: Yale University Press, 1999. Addresses genocide but ranges far beyond it; a central work of our time.

William L. Hewitt, ed., *Defining the Horrific: Readings on Genocide and Holocaust in the Twentieth Century*. Upper Saddle River, NJ: Pearson Education, 2004. Accessible, wide-ranging readings designed for classroom use.

Kurt Jonassohn with Karin Solveig Björnson, *Genocide and Gross Human Rights Violations in Comparative Perspective*. New Brunswick, NJ: Transaction Publishers, 1998. Eclectic, open-minded volume.

Adam Jones, ed., *Genocide, War Crimes & the West: History and Complicity*. London: Zed Books, 2004. “The most comprehensive treatment of Western responsibility for mass atrocity yet published” (Richard Falk); naturally I agree.

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

Raphael Lemkin, *Key Writings of Raphael Lemkin on Genocide*. Compiled by PreventGenocide.org, <http://www.preventgenocide.org/lemkin>. Online selection of Lemkin’s core work on genocide.

Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing*. Cambridge: Cambridge University Press, 2005. Sprawling, frankly exhausting study of modernity and “murderous ethnic cleansing.”

Nicolaus Mills and Kira Brunner, eds., *The New Killing Fields: Massacre and the Politics of Intervention*. New York: Basic Books, 2002. Exceptional essays, with a journalistic tinge.

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

Alan S. Rosenbaum, ed. *Is the Holocaust Unique? Perspectives on Comparative Genocide*. Boulder, CO: Westview Press, 1998. Important, controversial essays.

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

Samuel Totten *et al.*, eds., *Century of Genocide: Eyewitness Accounts and Critical Views*. New York: Garland Publishing, 1997. Unparalleled collection of analyses and testimony; now available in a new edition.

Samuel Totten and Steven Leonard Jacobs, eds., *Pioneers of Genocide Studies*. New Brunswick, NJ: Transaction Publishers, 2002. Testimonial essays by leading scholars of comparative genocide studies.

Isidor Wallimann and Michael N. Dobkowski, eds., *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*. Syracuse, NY: Syracuse University Press, 2000. Reissue of an early, now rather dated work.

Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation*. Princeton, NJ: Princeton University Press, 2003. Cogent overview, with case studies paralleling some in this volume.

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

Notes

1. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (Harmondsworth: Penguin, 1981), p. 9.
2. Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven: Yale University Press, 1990), p. 64.
3. Quoted in Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 58. Notably, when Troy finally did fall, women and girl children were spared extermination, and instead abducted as slaves (Israel Charny, ed., *The Encyclopedia of Genocide* [Santa Barbara, CA: ABC-CLIO, 1999], p. 273). See the discussion of gender and genocide in chapter 13.
4. Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 28.
5. Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993), p. 26.
6. K. Armstrong, *A History of God*; quoted in Roy F. Baumeister, *Evil: Inside Human Violence and Cruelty* (New York: W.H. Freeman & Co.), p. 171. “As a Jew,” writes Yehuda Bauer, “I must live with the fact that the civilization I inherited ... encompasses the call for genocide in its canon.” Bauer, *Rethinking the Holocaust* (New Haven, CT: Yale University Press, 2001), p. 41. For other examples of Old Testament genocide, see Chalk and Jonassohn, *The History and Sociology of Genocide*, pp. 62-63; Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press, 2003), p. 18, citing Joshua’s “destruction by the edge of the sword [of] all in the city [of Jericho], both men and women, young and old, oxen, sheep, and donkeys.”
7. “Genocide, God, and the Bible,” <http://stripe.colorado.edu/~morrsto/genocide.html>.
8. Cited in Louis W. Cable, “The Bloody Bible,” *Freethought Today*, June/July 1997. http://www.ffrf.org/ftoday/june_july97/cable.html. See also the numerous examples of “God-ordered genocide” cited in Bill Moyers, “9/11 and the Sport of God,” [Commondreams.org](http://www.commondreams.org), 9 September 2005, <http://www.commondreams.org/views05/0909-36.htm>.
9. Bauer, *Rethinking the Holocaust*, p. 19.
10. Ben Kiernan, “The First Genocide: Carthage, 146 BC,” *Diogenes*, 203 (2004), pp. 27-39.
11. 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.
12. Eric S. Margolis, *War at the Top of the World: The Struggle for Afghanistan, Kashmir, and Tibet* (New York: Routledge, 2001), p. 155.
13. See Reynald Secher, *A French Genocide: The Vendée*, trans. George Holloch (Notre Dame, IN: University of Notre Dame Press, 2003). This section also draws on the analysis in Adam Jones, “Why Gendercide? Why Root-and-Branch? A Comparison of the Vendée Uprising of 1793-94 and the Bosnian War of the 1990s,” currently under submission to *Journal of Genocide Research*.
14. Cited in Alain Gérard, «Par principe d’humanité ...» *La Terreur et la Vendée* (Paris: Librairie Arthème Fayard, 1999), p. 295.

15. Cited in Arno J. Mayer, *The Furies: Violence and Terror in the French and Russian Revolutions* (Princeton, NJ: Princeton University Press, 2000), p. 353.
16. In the estimation of France's greatest historian, Jules Michelet; quoted in Mayer, *The Furies*, p. 325.
17. Quoted in Secher, *A French Genocide*, p. 132.
18. Mayer, *The Furies*, p. 340.
19. Michael R. Mahoney, "The Zulu Kingdom as a Genocidal and Post-Genocidal Society, c. 1810 to the Present," *Journal of Genocide Research*, 5: 2 (2003), p. 263.
20. Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 223.
21. Chalk and Jonassohn, *The History and Sociology of Genocide*, pp. 224-25, citing Eugene Victor Walter, *Terror and Resistance: A Study of Political Violence*.
22. Mahoney, "The Zulu Kingdom," p. 254.
23. Chalk and Jonassohn, *The History and Sociology of Genocide*, pp. 224-25. Emphasis added.
24. Mahoney, "The Zulu Kingdom," p. 255.
25. See PreventGenocide.org, "A Crime without a Name," <http://www.preventgenocide.org/genocide/crimewithoutaname.htm>.
26. Power herself describes Lemkin as a "wild-eyed professor with steel-rimmed glasses and a relentless appetite for rejection." Samantha Power, *A Problem from Hell: America and the Age of Genocide* (New York: Basic Books, 2002), p. 51.
27. The only other book that purports to examine Lemkin's life and work turns out, upon naïve ordering, to be a mendacious Holocaust-denial tract. Lemkin's unpublished writings, including a global history of genocide, have long been in the hands of genocide scholar Steven Jacobs, but have yet to see the light of day.
28. Power, "A Problem from Hell," p. 20.
29. Lemkin quoted in Power, "A Problem from Hell," p. 20.
30. Lemkin quoted in Power, "A Problem from Hell," p. 21.
31. "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.
32. Lemkin cited in Steven L. Jacobs, "Indicting Henry Kissinger: The Response of Raphael Lemkin," in Adam Jones, ed., *Genocide, War Crimes & the West: History and Complicity* (London: Zed Books, 2004), p. 217.
33. On this point, see Ward S. Churchill, "Genocide by Any Other Name: North American Indian Residential Schools in Context," in Jones, ed., *Genocide, War Crimes & the West*, p. 80.
34. Stephen Holmes, "Looking Away," *London Review of Books*, 14 November 2002 (review of Power, "A Problem from Hell").
35. According to Helen Fein, Lemkin's "examples of genocide or genocidal situations include: Albigensians, American Indians, Assyrians in Iraq, Belgian Congo, Christians in Japan, French in Sicily (c. 1282), Hereros, Huguenots, Incas, Mongols, the Soviet Union/Ukraine, [and] Tasmania." Fein, *Genocide: A Sociological Perspective*, p. 11. Lemkin's study of Tasmania has now been edited for publication: see Raphaël Lemkin, "Tasmania," edited by Ann Curthoys, *Patterns of Prejudice*, 39: 2 (2005), pp. 170-96 (and Curthoys' introduction, pp. 162-69).
36. William A. Schabas, *Genocide in International Law* (Cambridge: Cambridge University Press, 2000), p. 14.
37. As supplied in W. Michael Reisman and Chris T. Antoniou, eds., *The Laws of War: A Comprehensive Collection of Primary Documents on International Laws Governing Armed Conflict* (New York: Vintage Books, 1994), pp. 84-85.

38. Cited in Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities: Beyond the Nuremberg Legacy*, 2nd ed. (Oxford: Oxford University Press, 2001), pp. 30, 32.
39. Schabas, *Genocide in International Law*, pp. 140, 175, 178.
40. For a survey of the early legal literature, see David Kader, “Law and Genocide: A Critical Annotated Bibliography,” *Hastings International and Comparative Law Review*, 11 (1988).
41. 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.”
42. Irving Louis Horowitz, *Taking Lives: Genocide and State Power*, 4th ed. (New Brunswick, NJ: Transaction Publishers, 1996), p. 265.
43. Robert Gellately and Ben Kiernan, “The Study of Mass Murder and Genocide,” in Gellately and Kiernan, eds., *The Spectre of Genocide: Mass Murder in Historical Perspective* (Cambridge: Cambridge University Press, 2003), p. 15.
44. Schabas, *Genocide in International Law*, p. 254.
45. Alexander K.A. Greenawalt, “Rethinking Genocidal Intent: The Case for a Knowledge-Based Interpretation,” *Columbia Law Review*, 99: 8 (1999), p. 2269; emphasis added.
46. *Akayesu* judgment quoted in Schabas, *Genocide in International Law*, p. 212. Schabas considers this approach “definitely inappropriate in the case of genocide.”
47. Reisman and Norchi quoted in Helen Fein, “Discriminating Genocide from War Crimes: Vietnam and Afghanistan Reexamined,” *Denver Journal of International Law and Policy*, 22: 1 (1993), p. 58. Gellately and Kiernan likewise write 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,” p. 15.
48. Alex Alvarez, *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach* (Bloomington and Indianapolis: Indiana University Press, 2001), p. 52. “Gradations of culpability” for genocide can usefully be mapped onto domestic law’s concept of “degrees” of homicide. This is the project of Ward Churchill in his “Proposed Convention on Prevention and Punishment of the Crime of Genocide.” Churchill 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.” Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights Books, 1997), pp. 434-35.
49. Jay Winter, “Under Cover of War: The Armenian Genocide in the Context of Total War,” in Gellately and Kiernan, eds., *The Specter of Genocide*, p. 194.
50. Spanish National Audience quoted in Schabas, *Genocide in International Law*, p. 150.
51. UN Secretariat quoted in Schabas, *Genocide in International Law*, p. 53. Leo Kuper’s reference to “the destruction of human groups” is even more distilled, though it eliminates intention; Kuper, *The Prevention of Genocide*, p. 6.

52. 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.

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

54. 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 roughly 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.

55. Seymour Drescher, "The Atlantic Slave Trade and the Holocaust: A Comparative Analysis," in Alan S. Rosenbaum, ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide* (Boulder, CO: Westview Press, 2001), pp. 97-117.

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

57. See, for example, the Black American journalist Keith Richburg's controversial article, "American in Africa," in *Washington Post Magazine*, 26 March 1995, available online at <http://www.washingtonpost.com/wp-srv/inatl/longterm/richburg/richbrg1.htm>.

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

59. 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 tens of 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.

60. Eric Langenbacher, "The Allies in World War II: The Anglo-American Bombardment of German Cities," in Jones, ed., *Genocide, War Crimes & the West*, pp. 117-19. See also Howard Zinn, "Hiroshima and Royan," in William L. Hewitt, ed., *Defining the Horrific: Readings on Genocide and Holocaust in the Twentieth Century* (Upper Saddle River, NJ: Pearson, 2004), pp. 187-99. Zinn, a renowned dissident historian, is also a US veteran of the area bombing campaign against Germany; the chapter relates some of his personal experiences.

61. See the description of the raid in Eric Markusen and David Kopf, *The Holocaust and Strategic Bombing: Genocide and Total War in the Twentieth Century* (Boulder: Westview Press, 1995), pp. 175-80.

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

63. "... 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.
64. Taylor quoted in Chalk and Jonassohn, *The History and Sociology of Genocide*, p. 25.
65. Ronald Takaki, *Hiroshima: Why America Dropped the Atomic Bomb* (Boston, MA: Little, Brown & Co., 1995), pp. 30, 153 (n. 3).
66. See, e.g., Brahma Chellaney, "No Rationalization for Nagasaki Attack," *The Japan Times*, 10 August 2005, <http://www.japantimes.co.jp/cgi-bin/geted.pl5?eo20050810bc.htm>.
67. 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 & 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 16-17 November 1996. For more on people's tribunals, see ch. 15. Clark's phrase "for the purpose of" is not clearly supported by the evidence; an accusation of genocide founded on wilful and malignant negligence is, for me, more persuasive.
68. For an argument along these lines, see John G. Heidenrich, *How to Prevent Genocide: A Guide for Policymakers, Scholars, and the Concerned Citizen* (Westport, CT: Praeger, 2001), pp. 101-03.
69. Albright on *60 Minutes*, 12 May 1996. She later disowned the comment.
70. Bonior quoted in "US Congressmen Criticise Iraqi Sanctions," BBC Online, 17 February 2000, http://news.bbc.co.uk/1/hi/world/middle_east/646783.stm.
71. Denis J. Halliday, "US Policy and Iraq: A Case of Genocide?," in Jones, ed., *Genocide, War Crimes & the West*, p. 264 (based on a November 1999 speech in Spain).
72. 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).
73. 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.
74. See the H-Genocide discussion logs for September 2001 at <http://h-net.msu.edu/cgi-bin/logbrowse.pl?trx=lx&list=H-Genocide&user=&pw=&month=0109>. The posts cited here can be found in the archives for 16 September 2001 (Ronayne) and 20 September (Cribb).
75. Vandana Shiva, "War against Nature and the Peoples of the South," in Sarah Anderson, ed., *Views from the South* (San Francisco, CA: Food First Books, 2000), pp. 93, 113. See also Paul Farmer, "On Suffering and Structural Violence: A View from Below," in Nancy Scheper-Hughes and Philippe Bourgois, eds., *Violence in War and Peace* (London: Blackwell Publishing, 2004), pp. 281-89.
76. Ziegler quoted in "UN Expert Decries 'Assassination' By Hunger of Millions of Children," UN News Center, 28 October 2005. An assistant to Ziegler confirmed that the comments were "directly translated from the French," and added that Ziegler in the past had described the "world order" as "murderous" (Sally-Anne Way, personal communication, 3 November 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.
77. Kal Holsti, personal communication, 29 June 2005.
78. See Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy*, 2nd ed. (Princeton, NJ: Princeton University Press, 1996), p. 207 (n. 17). I am citing Shue somewhat out of context: his phrase refers to specific historical events during World War Two, 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 ch. 2), Martin Ewans also refers to "genocide by neglect" in Africa post-

independence, “with a massive, on-going loss of life ... being treated in Europe [and elsewhere] with near total indifference.” Evans, *European Atrocity, African Catastrophe: Leopold II, the Congo Free State and its Aftermath* (London: RoutledgeCurzon, 2002), p. 252.

79. Galtung quoted in Joseph Nevins, *A Not-So-Distant Horror: Mass Violence in East Timor* (Ithaca, NY: Cornell University Press, 2005), p. 191.

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

81. Holsti, personal communication, 29 June 2005.

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

83. For example, this comment by “a British observer” of the genocide against Herero and Nama in German South West Africa (ch. 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.

84. C.L.R. James, *The Black Jacobins: Toussaint L’Ouverture and the San Domingo Revolution*, 2nd rev. ed. (New York: Vintage Books, 1989), pp. 373-74. Emphasis added.

85. “Subaltern genocide” and “genocides by the oppressed” are terms that Nicholas Robins and I deploy in a forthcoming edited volume, *Genocides by the Oppressed: Subaltern Genocide in Theory and Practice*.

86. Writes Martin Shaw: “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 & Genocide: Organized Killing in Modern Society* (Cambridge: Polity Press, 2003), p. 187.

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

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