Genocide and International Law
A Reader

FSPAC

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Purpose of the Course "International Law and Genocide"

This course aims to provide students with a conceptual and historical overview of genocide from an international legal perspective.

Segment 1 of the course introduces the concept of genocide and, briefly, its history throughout the ages. In Segment 2, the Holocaust will be discussed with the students. Segment 3 focuses on the elements of the concept of genocide, its methods and forms. Segment 4 presents a range of empirical case studies involving the crime of genocide and the responses of the international community, with specific emphasis on international law and justice. The last segment of the course discusses the concept of memory and denial of genocide. It will also look at the role justice and the media can play in preventing the occurrence of this crime.

It is anticipated that the students will emerge with a thorough understanding of genocide in the modern age and the relevance of international law in prosecuting and preventing it.

Language of the Course

The course, all discussions and the evaluation will be held in **English**.

Literature for the Course

1) Compulsory literature

Reader (enclosed)

The following pages contain compulsory reading materials. For each segment, you will find a short description of the topics to be touched upon, discussion points to be addressed and an indication of the text you need to review.

Excerpts from Jones, A., *Genocide: A Comprehensive Introduction*, Routledge, 2011 (enclosed in the Reader)

2) Optional literature

Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: The Viking Press, 1965.

Donald Bloxham, *Genocide on Trial. War Crimes and the Formation of Holocaust History and Memory*, Oxford University Press, 2001.

Donald Bloxham and Dirk Moses (eds.), *The Oxford Handbook of Genocide Studies*, Oxford University Press, 2010

Thomas Buergenthal and Sean D. Murphy, *Public International Law in a Nutshell*, Thomson West, 2007

Martin Dixon, *Textbook on International Law*, Oxford University Press, 2013

Slavenka Drakulic, *They Would Never Hurt a Fly*, Abacus, 2004

Jean Hatzfeld, *A Time for Machetes. The Rwandan Genocide: The Killers Speak*, Serpent's Tail, 2008.

Ludovic Hennebel and Thomas Hochmann, *Genocide Denials and the Law*, Oxford University Press, 2011

Raphael Lemkin, *Key Writings of Raphael Lemkin on Genocide*. http://www.preventgenocide.org/lemkin/

Robert Jay Lifton, *The Nazi Doctors. A Study in the Psychology of Evil*, Papermac, 1986

Deborah E. Lipstadt, *The Eichmann Trial*, Nextbook, 2011

Tim Maga, *Judgment at Tokyo. The Japanese War Crime Trials*, The University Press of Kentucky, 2001.

Jens Meierhenrich, *Genocide. A Reader*, Oxford University Press, 2014.

William A. Schabas, *Genocide in International Law: The Crime of Crimes*. Cambridge: Cambridge University Press, 2000

Andrew Walker, *Nazi War Trials*, Pocket Essentials, 2006.

For the course you are only expected to have read the compulsory reading materials enclosed in this reader.

3) Online resources

Holocaust Encyclopaedia, United States Holocaust Memorial Museum, http://www.ushmm.org/learn/holocaust-encyclopedia

PreventGenocide.org. http://www.preventgenocide.org

Evaluation Procedures

The **evaluation** for this course will consist of a written examination, the submission of a written paper and participation in classroom discussions.

- Written test 40%
- Written individual paper 40%
- Participation in classroom discussions 20%

Attendance is mandatory. If you have good reason to be absent from one or more of these lectures, you are expected to discuss it with the lecturer beforehand.

Reading materials

Segment 1

Topics:

- Brief overview of organized mass killings throughout history (prehistory, antiquity, early modernity, modernity, 20th century)

Discussion points

- Exercise: Spectrum of Violence
- How pervasive is genocide in human history?
- Genocides of indigenous peoples
    - "indigenous peoples"
    - the "discourse of extinction"
    - the role genocide played in the conquest of indigenous peoples in the Americas, Africa, and Australasia
- The Armenian Genocide
    - "eliticide" and "gendercide" in the Armenian genocide
    - the role of mass deportations in the genocide

Compulsory reading material (enclosed):

- Jones, A., *Genocide: A Comprehensive Introduction*, Routledge, 2011, pp. 3-8, 105-125, 149-178

The Origins of Genocide

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

GENOCIDE IN PREHISTORY, ANTIQUITY, AND EARLY MODERNITY

"The word is new, the concept is ancient," wrote sociologist Leo Kuper in his seminal 1981 text of genocide studies.[1]* The roots of genocide are lost in distant millennia, and will remain so unless an "archaeology of genocide" can be developed.[2] The difficulty, as Frank Chalk and Kurt Jonassohn pointed out in their study *The History and Sociology of Genocide*, is that such historical records as exist are ambiguous and

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* Throughout this book, to reduce footnoting, I gather sequential quotations and citations from the same source into an omnibus note at the end of the passage. Epigraphs for chapters and sections are not footnoted. All Web links cited in the notes were "live" as of early 2010. If you find one broken, search the title of the source in quotation marks; often it will be archived elsewhere. I have included link addresses for media and other reports when they are in a reasonably concise format. Where I consider them too lengthy and ungainly to print, a Web search by author and title will generally bring them up.

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

> We are not going to leave a single one of them alive, down to the babies in their mothers' wombs – not even they must live. The whole people must be wiped out of existence, and none be left to think of them and shed a tear.[3]

Factually reliable or not, Agamemnon's command encapsulates a fantasy of kings and commoners alike. Humanity has always nurtured conceptions of social difference that generate a sense of in-group versus out-group, as well as hierarchies of good and evil, superior and inferior, desirable and undesirable. As Chalk and Jonassohn observed:

> Historically and anthropologically peoples have always had a name for themselves. In a great many cases, that name meant "the people" to set the owners of that name off against all other people who were considered of lesser quality in some way. If the differences between the people and some other society were particularly large in terms of religion, language, manners, customs, and so on, then such others were seen as less than fully human: pagans, savages, or even animals.[4]

The fewer the shared values and standards, the more likely members of the out-group were (and are) to find themselves beyond the "universe of obligation," in sociologist Helen Fein's evocative phrase. Hence the advent of "religious traditions of contempt and collective defamation, stereotypes, and derogatory metaphor indicating the victim is inferior, sub-human (animals, insects, germs, viruses) or super-human (Satanic, omnipotent)." If certain classes of people are "pre-defined as alien . . . subhuman or dehumanized, or the enemy," it follows that they must "be eliminated in order that we may live (Them or Us)."[5]

An example of this mindset is the text that underpins the Christian, Jewish, and Muslim cultural traditions: the Old Testament (particularly its first five books, the Pentateuch). In general, these texts depict God as "a despotic and capricious sadist,"[6] and his followers as eager *génocidaires* (genocidal killers). The trend begins in the Book of Genesis (6:17–19), where God decides "to destroy all flesh in which is the breath of life from under heaven," with the exception of Noah and a nucleus of human and animal life.[7] In "the most unequivocally extirpatory of [the] Old Testament texts,"[8] 1 Samuel 15: 2–3, "the Lord of hosts" declares: "I will punish the Amalekites for what they did in opposing the Israelites when they came up out of Egypt. Now go and attack Amalek, and utterly destroy all that they have; do not spare them, but kill both man and woman, child and infant, ox and sheep, camel and donkey."[9]

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

> They warred against Midian, as the Lord commanded Moses, and slew every male. . . . And the people of Israel took captive the women of Midian and their little ones; and they took as booty all their cattle, their flocks, and all their goods. All their cities . . . they burned with fire. . . . And Moses was angry with the officers of the army. . . . [He] said to them, "Have you let all the women live? Behold, these caused the people of Israel, by the counsel of Balaam, to act treacherously against the Lord . . . and so the plague came to the congregations of the Lord. Now, therefore, kill every male among the little ones, and kill every woman who has known man by lying with him [sexually]. But all the young girls who have not known man by lying with him, keep alive for yourselves.[10]

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

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

The Roman siege and eventual razing of Carthage at the close of the Third Punic War (149–46 BCE) has been labeled "The First Genocide" by historian Ben Kiernan. The "first" designation is debatable; the label of genocide, less so. Fueled by the documented ideological zealotry of the senator Cato, Rome sought to suppress the supposed threat posed by (disarmed, mercantile) Carthage. "Of a population of 2–400,000, at least 150,000 Carthaginians perished," writes Kiernan. The "Carthaginian solution" found many echoes in the warfare of subsequent centuries.[11]

Among Rome's other victims during its imperial ascendancy were the followers of Jesus Christ. After his death at Roman hands in 33 CE, Christ's followers were subjected to persecutions and mass murder. The scenes of torture and public spectacle were duplicated by Christians themselves during Europe's medieval era (approximately the ninth to fourteenth centuries CE). This period produced onslaughts such as the Crusades: religiously sanctified campaigns against "unbelievers," whether in France (the Albigensian crusade against Cathar heretics), Germany (against Jews), or the Holy Land of the Middle East.[12]

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* "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.

Further *génocidaires* arose on the other side of the world. In the thirteenth century, a million or so Mongol horsemen under their leader, Genghis Khan, surged out of the grasslands of East Asia to lay waste to vast territories, extending to the gates of Western Europe; "entire nations were exterminated, leaving behind nothing but rubble, fallow fields, and bones."[13]

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

The Vendée uprising

In 1789, French rebels, inspired by the American revolutionaries, overthrew King Louis XVI and established a new order based on the "Rights of Man." The French revolution provoked immediate opposition at home and abroad. European armies massed on French borders, and in March 1793 – following the execution of King Louis and the imposition of mass military conscription – revolt erupted in the Vendée. The population of this isolated and conservative region of western France declared itself opposed to conscription, and to the replacement of their priests by pro-revolutionary designates. Well trained and led by royalist officers, Vendeans rose up against the rapidly radicalizing central government: the "Terror" of the Jacobin faction was instituted in the same month as the rebellion in St.-Florent-le-Vieil. The result was a civil war that, according to French author Reynald Secher, constituted a genocide against the Vendeans – and for historian Mark Levene, a turning point in the evolution of genocide.[14]

Early Vendean victories were achieved through the involvement of all demographic sectors of the Vendée, and humiliated the Republican government. Fueled by the ideological fervor of the Terror, and by foreign and domestic counter-revolution, the Republicans in Paris implemented a campaign of root-and-branch genocide. Under Generals Jean-Baptiste Carrier and Louis Marie Turreau, the Republicans launched a scorched-earth drive by the *colonnes infernales* ("hellish columns"). On December 11, 1793, Carrier wrote to the Committee of Public Safety in Paris, pledging to purge the Vendean peasantry "absolutely and totally."[15] Similar edicts by General Turreau in early 1794 were approved by the Committee, which declared that the "race of brigands" in the Vendée was to be "exterminated to the last." Targeted victims included even children, who were "just as dangerous [as adults], because they were or were in the process of becoming brigands." Extermination was "both sound and pure," the Committee wrote, and should "show great results."[16]

The slaughter targeted all Vendeans, including Republicans (these victims were seen as "collateral damage"). Specifically, none of the traditional gender-selective

exemptions was granted to adult females, who stood accused of fomenting the rebellion through their defense of conservative religion, and their "goad[ing] . . . into martyrdom" of Vendean men.[17] In the account of a Vendean abbé, perhaps self-interested but buttressed by other testimony:

> There were poor girls, completely naked, hanging from tree branches, hands tied behind their backs, after having been raped. It was fortunate that, with the Blues [Republicans] gone, some charitable passersby delivered them from this shameful torment. Elsewhere . . . pregnant women were stretched out and crushed beneath wine presses. . . . Bloody limbs and nursing infants were carried in triumph on the points of bayonets.[18]

Perhaps 150,000 Vendeans died in the carnage, though not all were civilians. The character of the killings was conveyed by post-genocide census figures, which evidenced not the usual war-related disparity of male versus female victims, but a rough – and unusual – parity. Only after this "ferocious . . . expression of ideologically charged avenging terror,"[19] and with the collapse of the Committee of Public Safety in Paris, did the genocide wane, though scattered clashes with rebels continued through 1796.

In a comparative context, the Vendée uprising stands as an example of a mass-killing campaign that has only recently been conceptualized as "genocide." This designation is not universally shared, but it seems apt in light of the large-scale murder of a designated group (the Vendean civilian population).

Zulu genocide

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

Oral histories help document the scale of the destruction:[20] "To this day, peoples in Zimbabwe, Malawi, Zambia, Tanzania, Kenya, and Uganda can trace their descent back to the refugees who fled from Shaka's warriors."[21] At times, Shaka apparently implemented a gender-selective extermination strategy that may be unique in the historical record. In conquering the Butelezi clan, Shaka "conceived the then [and still] quite novel idea of utterly demolishing them as a separate tribal entity by incorporating all their manhood into his own clan or following," thereby bolstering his own military; but he "usually destroyed women, infants, and old people," who were deemed useless for his expansionist purposes.[22]

However, root-and-branch strategies reminiscent of the French rampage in the Vendée seem also to have been common. According to historian Michael Mahoney, Zulu armies often aimed not only at defeating enemies but at "their total destruction. Those exterminated included not only whole armies, but also prisoners of war, women, children, and even dogs."[23] In exterminating the followers of Beje, a minor

Genocides of Indigenous Peoples

INTRODUCTION

This chapter considers the impact of European invasion upon diverse indigenous peoples. Vast geographic, temporal, and cultural differences exist among these cases, but there are important common features in the strategies and outcomes of genocide.[1]

To grasp this phenomenon, we must first define "indigenous peoples." The task is not easy. Indeed, both in discourse and in international law, the challenge of definition remains a "complex [and] delicate" one, in anthropologist Ronald Niezen's appraisal.[2] Nevertheless, there are "some areas of general consensus among formal attempts at definition," well captured in a 1987 report by the UN Special Rapporteur on indigenous issues, José Martínez Cobo:

> Indigenous communities, peoples and nations are those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the society now prevailing in those territories, or parts of them. They form at present nondominant sectors of society and are determined to preserve, develop and transmit to future generations their ancestral territories and their ethnic identity, as the basis of their continued existence as peoples, in accordance with their own cultural patterns, social institutions and legal systems.[3]

By this definition, "indigenous" peoples are inseparable from processes of colonialism and imperialism that consigned the previously dominant population of a colonized

territory to a marginal status.[4] A nexus of indigenous identity and structural subordination is generally held to persist today.

The political and activist components of the indigenist project are also clear from Martínez Cobo's definition. Indigenous peoples proclaim the validity and worth of their cultures, languages, laws, religious beliefs, and political institutions; they demand respect and political space. Increasingly, they have mobilized to denounce the genocides visited upon them in the past and demand their rights in the present. In large part thanks to the growth of international governmental and nongovernmental organizations, notably the United Nations system, these mobilizations have assumed a global character. This is analyzed further in the section on "Indigenous revival," below.

COLONIALISM AND THE DISCOURSE OF EXTINCTION

The histories of indigenous peoples cannot be understood without reference to imperialism and colonialism, examined in the previous chapter. In general, though not overlooking the counterexample of African slavery, the destruction of indigenous peoples was less catastrophic in cases of "empire lite," where foreign settlement was mostly limited to coastal settlements, and networks of trade and exploitation were predominantly in the hands of native satraps. Correspondingly, policies of extermination and/or exploitation unto death were most pronounced in areas where Europeans sought to conquer indigenous territories and both displace and supplant their native populations. The focus here is on this latter variant, known as "settler colonialism."

Three ideological tenets stand out as justifying and facilitating European conquest, "pacification," and "settlement." The first, most prominent in the British realm (especially the United States, Canada, and Australasia), was a *legal-utilitarian* justification, according to which native peoples had no right to territories they inhabited, owing to their "failure" to exploit them adequately. As Benjamin Madley has pointed out, this translated in Australasia to the fiction of *terra nullius*, i.e., that the territories in question had no original inhabitants in a legal sense; and, in America, to the similar concept of *vacuum domicilium*, or "empty dwelling."[5] The second tenet, most prominent in Latin America, was a religious ideology that justified invasion and conquest as a means of saving native souls from the fires of hell. The third, more diffuse, underpinning was a *racial-eliminationist* ideology. Under the influence of the most modern scientific thinking of the age, world history was viewed as revolving around the inevitable, sometimes lamentable supplanting of primitive peoples by more advanced and "civilized" ones. This would be engineered through military confrontations between indigenous peoples and better-armed Europeans, and "naturally," through a gradual dying-off of the native populations. "Genocide began to be regarded as the inevitable byproduct of progress," as literary scholar Sven Lindqvist observed – even if its perpetrators and supporters grew misty-eyed in the process.[6]

A sophisticated study of this pervasive ideology of inevitable extinction is Patrick Brantlinger's *Dark Vanishings*. Brantlinger pointed to the remarkable "uniformity . . . of extinction discourse," which pervaded the speech and writings of "humanitarians, missionaries, scientists, government officials, explorers, colonists, soldiers,

journalists, novelists, and poets." Extinction discourse often celebrated the destruction of native peoples, as when the otherwise humane author Mark Twain wrote that the North American Indian was "nothing but a poor, filthy, naked scurvy vagabond, whom to exterminate were a charity to the Creator's worthier insects and reptiles."[7] Often, though, the discourse was more complex and ambivalent, including nostalgia and lament for vanishing peoples. English naturalist Alfred Russel Wallace, who shared credit with Charles Darwin for the theory of natural selection, wrote:

> The red Indian in North America and in Brazil; the Tasmanian, Australian, and New Zealander in the southern hemisphere, die out, not from any one special cause, but from the inevitable effects of an unequal mental and physical struggle. The intellectual and moral, as well as the physical qualities of the European are superior; the same powers and capacities which have made him rise in a few centuries from the condition of the wandering savage . . . to his present state of culture and advancement . . . enable him when in contact with the savage man, to conquer in the struggle for existence, and to increase at the expense of the less adapted varieties in the animal and vegetable kingdoms, – just as the weeds of Europe overrun North America and Australia, extinguishing native productions by the inherent vigor of their organization, and by their greater capacity for existence and multiplication.[8]

Several features of extinction discourse are apparent here, including the parallels drawn with natural biological selection, and the claims of racial superiority imputed to northern peoples. Yet it is interesting that Wallace depicted the European conquerors as analogous to "weeds . . . overrun[ning] North America and Australia," rather than as representatives of a noble race. Wallace was in fact an "anti-imperialist and anti-capitalist";[9] hence his critical edge. But like some contemporary observers (several of whom are cited in the section on "Denying genocide, celebrating genocide," below), Wallace found little difficulty in reconciling the extermination of native peoples with his progressive political views.

There is a close link between extinction discourse and the more virulent and systematically hateful ideologies that fueled the Nazi Holocaust in Europe (Box 6a). The Nazis, wrote Lindqvist, "have been made sole scapegoats for ideas of extermination that are actually a common European heritage."[10] We should also note the interaction of extinction discourse with ideologies of modernization and capitalist development, which created "surplus or redundant population[s]," in genocide scholar Richard Rubenstein's phrase. As Rubenstein explained in his *Age of Triage*, these ideologies produced destructive or genocidal outcomes in European societies as well, as with the colonial famines of the nineteenth century, or the Holocaust.[11] Ironically, this modernizing ideology also resulted in the migration – as convicts or refugees from want, political persecution, and famine – of millions of "surplus" Europeans to the New World. In Australia and the United States, among other locations, these settlers would become key, often semi-autonomous instruments of genocide against indigenous peoples.

THE CONQUEST OF THE AMERICAS

> The reader may ask himself if this is not cruelty and injustice of a kind so terrible that it beggars the imagination, and whether these poor people would not fare far better if they were entrusted to the devils in Hell than they do at the hands of the devils of the New World who masquerade as Christians.
>
> <div align="right">Bartolomé de las Casas, Spanish friar, 1542</div>

> I have been looking far,
> Sending my spirit north, south, east and west.
> Trying to escape death,
> But could find nothing,
> No way of escape.
>> Song of the Luiseno Indians of California

The European holocaust of indigenous peoples in the Americas may have been the most extensive and destructive genocide ever. Ethnic studies scholar Ward Churchill has called it "unparalleled in human history, both in terms of its sheer magnitude and its duration."[12] Over nearly five centuries, and perhaps continuing to the present, wide-ranging genocidal measures have been imposed.[13] These include:

- genocidal massacres;
- biological warfare, using pathogens (especially smallpox and plague) to which the indigenous peoples had no resistance;[14]
- spreading of disease via the "reduction" of Indians to densely crowded and unhygienic settlements;
- slavery and forced/indentured labor, especially though not exclusively in Latin America,[15] in conditions often rivaling those of Nazi concentration camps;
- mass population removals to barren "reservations," sometimes involving death marches *en route*, and generally leading to widespread mortality and population collapse upon arrival;
- deliberate starvation and famine, exacerbated by destruction and occupation of the native land base and food resources;
- forced education of indigenous children in white-run schools, where mortality rates sometimes reached genocidal levels.

Spanish America

The Spanish invasion, occupation, and exploitation of "Latin" America began in the late fifteenth century, and resulted, according to American studies scholar David Stannard, in "the worst series of human disease disasters, combined with the most extensive and most violent program of human eradication, that this world has ever seen."[16] The tone was set with the first territory conquered, the densely populated Caribbean island of Hispaniola (today the Dominican Republic and Haiti). Tens of thousands of Indians were exterminated: the Spanish "forced their way into native

Figure 3.1   After invading Hispaniola, the Spanish enslaved the population and inflicted systematic atrocities, like the severing of limbs depicted here, upon natives who failed to deliver sufficient gold to the Spaniards. In two or three decades, the indigenous population of Hispaniola was exterminated. The carnage sparked outrage in Europe, resulting in some stylized but otherwise accurate contemporary representations, like this (sixteenth-century?) rendering.

Source: Wikimedia Commons.

Figure 3.2   A detail of Diego Rivera's mural "La Gran Tenochtitlán" (1945), depicting the grandeur and social complexity of the pre-conquest Aztec capital. (Tenochtitlán is today's Mexico City; Rivera's mural, of which this is only a small section, occupies a wall of the presidential palace, just a few meters from the ruins of the Aztec main temple.) The accomplishments of indigenous societies – in engineering, agriculture, and urban sanitation, for example – often far outstripped those of early-modern Europe. But indigenous military technologies were no match for European ones. Moreover, some American societies – like the Aztecs, Mayans, and Iroquois – appear themselves to have waged war-unto-genocide, whether prior to or following European contact. In the Aztec case, this provoked neighboring Indian nations to join with the Spanish conquistadors, and supply most of the foot-soldiers who finally besieged and overthrew "the great Tenochtitlán."

Source: Diego Rivera/Courtesy James Kiracofe.

settlements," wrote eyewitness Bartolomé de las Casas, "slaughtering everyone they found there, including small children, old men, [and] pregnant women."[17] Those men not killed at the outset were worked to death in gold mines; women survivors were consigned to harsh agricultural labor and sexual servitude. Massacred, sickened, and enslaved, Hispaniola's native population collapsed, "as would any nation subjected to such appalling treatment"[18] – declining from as many as eight million people at the time of the invasion to a scant *20,000* less than three decades later.[19] African slaves then replaced native workers, and toiled under similarly genocidal conditions.

Rumors of great civilizations, limitless wealth, and populations to convert to Christianity in the Aztec and Inca empires lured the Spanish on to Mexico and Central America. Soon thereafter, assaults were launched against the Inca empire in present-day Peru, Bolivia, and Ecuador. The Incas constituted the largest empire in the world, but with their leader Atahuallpa captured and killed, the empire was decapitated, and quickly fell. "It is extremely difficult now to grasp the beliefs and
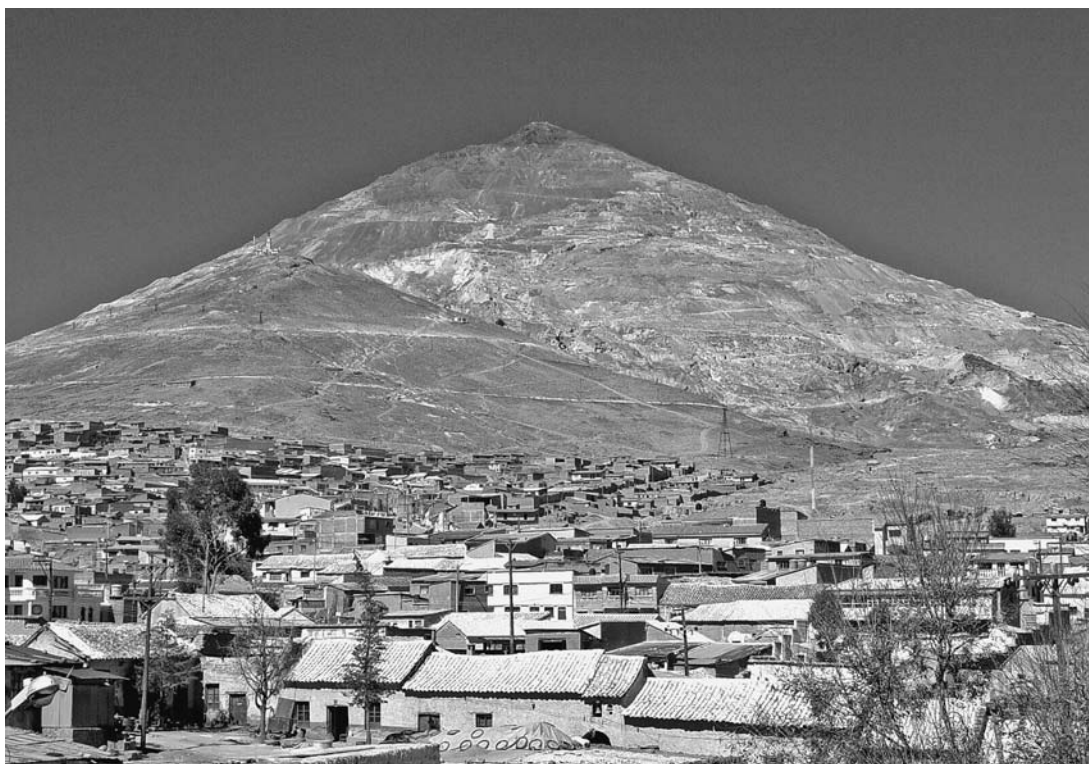

Figure 3.3   The Cerro Rico overlooking Potosí, Bolivia. Following the discovery of silver in the mid-sixteenth century, this mountain largely paid for the profligacy and foreign wars of the Spanish Crown for some two hundred years. Millions of Indians and some African slaves were forced to work in horrific conditions, making the Cerro possibly the world's single biggest graveyard: anywhere from one million to eight million forced laborers perished in the mines, or from silicosis and other diseases soon after. By some estimates, the mines killed seven out of every ten who worked there. Time for a Potosí holocaust museum, perhaps?

Source: Author's photo, 2005.

motives of the Conquistadores [conquerors] as they cheated, tortured, burnt, maimed, murdered and massacred their way through South and Meso-America, causing such ferocious destruction that their compatriot Pedro de Ciéza de Léon complained that 'wherever Christians have passed, conquering and discovering, it seems as though a fire has gone, consuming.'"[20] A holocaust it indeed proved for the Indians enslaved on plantations and in silver mines. Conditions in the mines – notably those in Mexico and at Potosí (see Figure 3.3) and Huancavelica in Upper Peru (Bolivia) – resulted in death rates matching or exceeding those of Hispaniola. According to Stannard, Indians in the Bolivian mines had a life expectancy of three to four months, "about the same as that of someone working at slave labor in the synthetic rubber manufacturing plant at Auschwitz in the 1940s."[21] In the contemporary testimony of Fray Toribio de Motolinía, "The Indians that died in the mines produced such a stench that it caused the plague . . . for about half a square league you could hardly walk without stepping on dead bodies or on bones; and so many birds and ravens came to eat that they greatly shadowed the sun, and many towns were depopulated."[22]

Only in the mid-sixteenth century did the exterminatory impact of Spanish rule begin to wane. A *modus vivendi* was established between colonizers and colonized, featuring continued exploitation of surviving Indian populations, but also a degree of autonomy for native peoples. It survived until the mid-nineteenth century, when the now-independent governments of Spanish America sought to implement the economic prescriptions then popular in Europe. This resulted in another assault on "uneconomic" Indian landholdings, the further erosion of the Indian land base and impoverishment of its population, and the "opening up" of both land and labor resources to capitalist transformation. Meanwhile, in both South America and North America, expansionist governments launched "Indian wars" against native nations that were seen as impediments to economic development and progress. The campaigns against Araucana Indians in Chile and the Querandí in Argentina form part of national lore in these countries. Only relatively recently have South American scholars and others begun to examine such exterminations under the rubric of genocide.[23]

The United States and Canada

The first sustained contact between Europeans and the indigenous peoples of North America developed around the whaling industry that, in the sixteenth century, began to cross the Atlantic in search of new bounty. Whaling crews put ashore to process the catch, and were often welcomed by the coastal peoples. Similarly, when the Pilgrims arrived at Plymouth Rock, Massachusetts, in 1608, their survival through the first harsh winters was due solely to the generosity of Indians who fed them and trained them in regional agriculture. The settlers, though, responded to this amity with contempt for the "heathen" Indians. In addition, as more colonists flooded into the northeastern seaboard of the future United States, they brought diseases that wreaked havoc on Indian communities, leading to depopulation that paved the way for settler expansion into the devastated Indian heartlands.

BOX 3.1 BUFFY SAINTE-MARIE, "MY COUNTRY 'TIS OF THY PEOPLE YOU'RE DYING"

Figure 3.4 Cree Canadian singer Buffy Sainte-Marie in concert. Sainte-Marie exemplified the North American Indian cultural and political revival of the 1960s and 1970s. Her 1965 song, "My Country 'Tis of Thy People You're Dying," was likely the first engagement with American Indian genocide in North American popular culture. It still stands as one of the most powerful and poetic statements on the subject.

Source: Courtesy www.creative-native.com.

My Country 'Tis of Thy People You're Dying

By Buffy Sainte-Marie

From *Little Wheel Spin and Spin* (1965)

Now that your big eyes have finally opened
Now that you're wondering how must they feel
Meaning them that you've chased across America's movie screens
Now that you're wondering "how can it be real?"
That the ones you've called colorful, noble and proud
In your school propaganda
They starve in their splendor?
You've asked for my comment I simply will render
My country 'tis of thy people you're dying.

Now that the longhouses breed superstition
You force us to send our toddlers away
To your schools where they're taught to despise their traditions.
Forbid them their languages, then further say
That American history really began
When Columbus set sail out of Europe, then stress

That the nation of leeches that conquered this land
Are the biggest and bravest and boldest and best.
And yet where in your history books is the tale
Of the genocide basic to this country's birth,
Of the preachers who lied, how the Bill of Rights failed,
How a nation of patriots returned to their earth?
And where will it tell of the Liberty Bell
As it rang with a thud
O'er Kinzua mud[24]
And of brave Uncle Sam in Alaska this year?
My country 'tis of thy people you're dying.

Hear how the bargain was made for the West:
With her shivering children in zero degrees,
Blankets for your land, so the treaties attest,
Oh well, blankets for land is a bargain indeed,
And the blankets were those Uncle Sam had collected
From smallpox-diseased dying soldiers that day.
And the tribes were wiped out and the history books censored,
A hundred years of your statesmen have felt it's better this way.
And yet a few of the conquered have somehow survived,
Their blood runs the redder though genes have paled.
From the Grand Canyon's caverns to craven sad hills
The wounded, the losers, the robbed sing their tale.
From Los Angeles County to upstate New York
The white nation fattens while others grow lean;
Oh the tricked and evicted they know what I mean.
My country 'tis of thy people you're dying.

The past it just crumbled, the future just threatens;
Our life blood shut up in your chemical tanks.
And now here you come, bill of sale in your hands
And surprise in your eyes that we're lacking in thanks
For the blessings of civilization you've brought us,
The lessons you've taught us, the ruin you've wrought us
Oh see what our trust in America's brought us.
My country 'tis of thy people you're dying.

Now that the pride of the sires receives charity,
Now that we're harmless and safe behind laws,
Now that my life's to be known as your heritage,
Now that even the graves have been robbed,
Now that our own chosen way is a novelty
Hands on our hearts we salute you your victory,

Choke on your blue white and scarlet hypocrisy
Pitying the blindness that you've never seen
That the eagles of war whose wings lent you glory
They were never no more than carrion crows,
Pushed the wrens from their nest, stole their eggs, changed their story;
The mockingbird sings it, it's all that he knows.
"Ah what can I do?" say a powerless few
With a lump in your throat and a tear in your eye
Can't you see that their poverty's profiting you?
My country 'tis of thy people you're dying.

Lyrics reprinted by permission of Buffy Sainte-Marie[25]

According to demographer Russell Thornton, disease was "without doubt . . . the single most important factor in American Indian population decline,"[26] which in five centuries reduced the Indian population of the present-day United States from between seven and ten million (though anthropologist Henry Dobyns has estimated as many as eighteen million) to *237,000* by the end of the nineteenth century.[27] Smallpox was the biggest killer: uncounted numbers of Indians died as did O-wapa-shaw, "the greatest man of the Sioux, with half his band . . . their bodies swollen, and covered with pustules, their eyes blinded, hideously howling their death song in utter despair."[28] At least one epidemic was deliberately spread, by British commander Lord Jeffery Amherst in 1763. Amherst ordered a commanding officer in 1763: "You will Do well to try to Inoculate the Indians [with smallpox] by means of Blanketts, as well as to try Every other method that can serve to extirpate this Execrable Race."[29] It is likely that other attempts were made to infect Indian populations with the pox, according to Norbert Finzsch, though their "success" is harder to determine.[30] Cholera, measles, plague, typhoid, and alcoholism also took an enormous toll. Other, often interlocking factors included "the often deliberate destructions of flora and fauna that American Indians used for food and other purposes,"[31] whether as a military strategy or simply as part of the exploitation of the continent's resources. An example of both was the extermination of the bison, which was hunted into near extinction. Perhaps sixty million buffalo roamed the Great Plains before contact. ". . . By 1895 there were fewer than *1,000* animals left," and the ecocidal campaign (see p. 26) "had not only driven [the Indians] to starvation and defeat but had destroyed the core of their spiritual and ceremonial world."[32]

Genocidal massacres were also prominent. According to Thornton, though direct slaughter was a subsidiary cause of demographic decline, it was decisive in the trajectories of some Indian nations "brought to extinction or the brink of extinction by . . . genocide in the name of war."[33] Perhaps the first such instance in North America was the Pequot War (1636–37) in present-day Connecticut, when Puritan settlers reacted to an Indian raid by launching an extermination campaign.[34] This "created a precedent for later genocidal wars,"[35] including that targeting Apaches in the 1870s. "As there has been a great deal said about my killing women and children," the civilian scout leader King Woolsey wrote to military authorities,

"I will state to you that we killed in this Scout 22 Bucks [males] 5 women & 3 children. We would have killed more women but [did not] owing to having attacked in the day time when the women were at work gathering Mescal. It sir is next to impossible to prevent killing squaws in jumping a rancheria [settlement] even were we disposed to save them. For my part I am frank to say that I fight on the broad platform of *extermination*."[36]

Perhaps most infamous was Colonel John Chivington's command to his volunteer soldiers, in November 1864 at Sand Creek, Colorado, to "kill and scalp all, little and big." Children could not be exempted, Chivington declared, because "Nits make lice."[37] The ensuing massacre prompted a government inquiry, at which Lieutenant James Connor testified:

> I did not see a body of man, woman or child but was scalped, and in many instances their bodies were mutilated in the most horrible manner – men, women and children's privates cut out, &c; I heard one man say that he cut out a woman's private parts and had them for exhibition on a stock . . . I also heard of numerous instances in which men had cut out the private parts of females and stretched them over their saddle-bows and wore them over their hats . . . .[38]

Recalling this rampage, US President Theodore Roosevelt would call it "as righteous and beneficial a deed as ever took place on the frontier."[39]

As noted above, killing was just one of a complex of genocidal strategies that were intended to result in the elimination of Indian peoples from the face of the earth. The Yuki Indians, for example, were subjected to one of the clearest and fastest genocides of a native nation in US history. The Yuki, numbering perhaps 20,000, inhabited territory in northern California. With the seizure of California and other Mexican territories in 1847, the Yuki fell under US control. The following year, the California Gold Rush began. It proved "probably the single most destructive episode in the whole history of Native/Euro-American relations."[40] Ranchers and farmers flowed in and, among many other atrocities, murdered Yuki men and stripped the communities of children and women, taking the former for servants and the latter for "wives" and concubines. The Yuki land base was expropriated and the "natives' food supply . . . severely depleted." Settler depredations received state sanction in 1859, when California governor John B. Weller "granted state commissions to companies of volunteers that excelled in the killing of Indians." The volunteers were dispatched to "Indian country," despite warnings from Army officers that they would "hunt the Indians to extermination." They proceeded to slaughter "all the Indians they encountered regardless of age or sex"; their actions were legitimized *post facto* by the state legislature's awarding of wages for their genocidal work. The combination of "kidnapping, epidemics, starvation, vigilante justice, and state-sanctioned mass killing" virtually annihilated the Yuki, reducing their numbers from the original 20,000 to about 3,500 in 1854, and *168* by 1880.[41] Special Treasury Agent J. Ross Browne subsequently wrote:

> In the history of the Indian race, I have seen nothing so cruel or relentless as the treatment of those unhappy people by the authority constituted by law for their
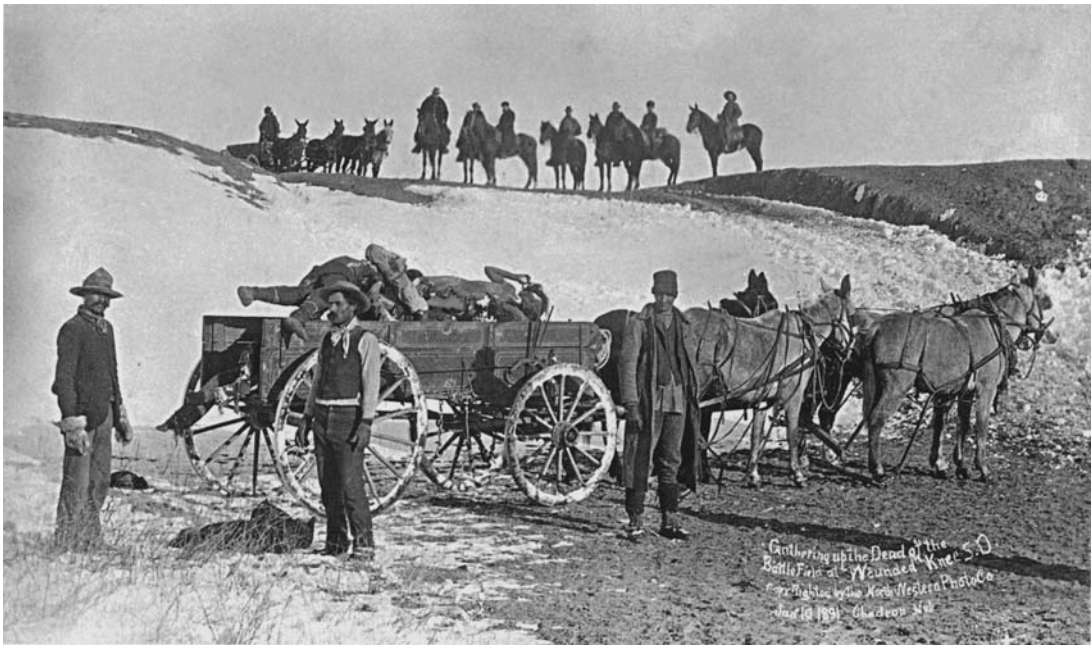
Map 3.1 Historian Benjamin Madley, a postdoctoral fellow at Dartmouth College, has published prizewinning investigations of systematic violence against Native Americans in the continental United States. This map, his latest (early 2010), is based on archival research and locates fifty massacres from North American colonial and post-colonial history.

Source: Courtesy and copyright Benjamin Madley.

Figure 3.5   US soldiers load the corpses of Indian victims of the Wounded Knee massacre for burial in mass graves, December 1890.

Source: Smithsonian Institution National Archives.

protection. Instead of receiving aid and succor they have been starved and driven away from the Reservations and then followed into the remote hiding places where they have sought to die in peace, cruelly slaughtered until that [*sic*] a few are left and that few without hope.[42]

James Wilson has likewise called this "a sustained campaign of genocide," and has argued that "more Indians probably died as a result of deliberate, cold-blooded genocide in California than anywhere else in North America."[43]

Other genocidal strategies

Forced relocations of Indian populations often took the form of genocidal death marches, most infamously the "Trails of Tears" of the Cherokee nation and the "Long Walk" of the Navajo, which killed between 20 and 40 percent of the targeted populations *en route*.[44] The "tribal reservations" to which survivors were consigned exacted their own toll through malnutrition and disease.

Then there were the so-called "residential schools," in which generations of Indian children were incarcerated after being removed from their homes and families. The schools operated until recent times; the last one in the US was closed in 1972. In an account of the residential-school experience, titled "Genocide by Any Other Name," Ward Churchill describes the program as

the linchpin of assimilationist aspirations . . . in which it was ideally intended that every single aboriginal child would be removed from his or her home, family, community, and culture at the earliest possible age and held for years in state-sponsored "educational" facilities, systematically deculturated, and simultaneously indoctrinated to see her/his own heritage – and him/herself as well – in terms deemed appropriate by a society that despised both to the point of seeking as a matter of policy their utter eradication.[45]

As Churchill has pointed out, the injunction in the UN Genocide Convention against "forcibly transferring children of the [targeted] group to another group" qualifies this policy as genocidal – and in Australia, where a similar policy was implemented, a government commission found that it met the Convention's definition of genocide (see further below). In addition, there was much that was genocidal in the operation of the North American residential schools apart from the "forcible transfer" of the captive native children. Crucially, "mortality rates in the schools were appalling from the outset," resulting in death rates – from starvation, disease, systematic torture, sexual predation,[46] and shattering psychological dislocation – *that matched or exceeded the death rates in Nazi concentration camps*. In Canada, for example, the 1907 "Bryce Report," submitted by the Indian Department's chief medical officer,

revealed that of the 1,537 children who had attended the sample group of facilities since they'd opened – a period of ten years, on average – 42 per cent had died of "consumption or tuberculosis," either at the schools or shortly after being discharged. Extrapolating, Bryce's data indicated that of the 3,755 native children then under the "care" of Canada's residential schools, 1,614 could be expected to have died a miserable death by the end of 1910. In a follow-up survey conducted in 1909, Bryce collected additional information, all of it corroborating his initial report. At the Qu'Appelle School, the principal, a Father Hugonard, informed Bryce that his facility's record was "something to be proud of" since "only" 153 of the 795 youngsters who'd attended it between 1884 and 1905 had died in school or within two years of leaving it.[47]

The experience of the residential schools reverberated through generations of native life in Canada and the US. Alcoholism and substance abuse are now increasingly understood to reflect the "worlds of pain" inflicted by residential schooling, and the traumas that Indians in turn inflicted on their own children. Churchill wrote of a "Residential School Syndrome" (RSS) studied in Canada, which

includes acutely conflicted self-concept and lowered self-esteem, emotional numbing (often described as "inability to trust or form lasting bonds"), somatic disorder, chronic depression and anxiety (often phobic), insomnia and nightmares, dislocation, paranoia, sexual dysfunction, heightened irritability and tendency to fly into rages, strong tendencies towards alcoholism and drug addiction, and suicidal behavior.[48]

AUSTRALIA'S ABORIGINES AND THE NAMIBIAN HEREROS

The cases of the aboriginal populations of British-colonized Australia and German-colonized Namibia further illuminate the fate of indigenous peoples worldwide. In both instances, decades of denial gave way, at the twentieth century's close, to a greater readiness to acknowledge the genocidal character of some colonial actions.

Genocide in Australia

In 1788, the "First Fleet" of British convicts was dumped on Australian soil. Over the ensuing century-and-a-half, the aboriginal population – estimated at about 750,000 when the colonists arrived – was reduced to just 31,000 by 1911. As in North America, the colonists did not arrive in Australia with the explicit intention of exterminating the Aborigines. The destruction inflicted on Australian Aborigines instead reflected a concatenation of ideologies, pressures, and circumstances. Arriving whites were aghast at the state of the Aborigines, and quickly determined that they were (1) barely, if at all, human[49] and (2) largely useless. Aboriginal lands, however, were coveted, particularly as convicts began to be freed (but not allowed to return to England) and as new waves of free settlers arrived. As the Australian colonial economy came to center on vast landholdings for sheep-raising and cattle-grazing, expansion into the interior brought colonists into ever-wider and more conflictive contact with the Aborigines. Through direct massacre – "at least 20,000 aborigines, perhaps many more, were killed by the settlers in sporadic frontier skirmishes throughout the nineteenth century and lasting into the late 1920s"[50] – Aborigines were driven away from areas of white colonization and from their own sources of sustenance. When they responded with raids on the settlers' cattle stocks, colonists "retaliated" by "surround[ing] an aborigine camp at night, attack[ing] at dawn, and massacr[ing] men, women, and children alike."[51]

Formal colonial policy did not generally favor genocidal measures. Indeed, the original instructions to colonial Governor Arthur Phillip were that he "endeavour by every means in his power to open an intercourse with the natives and to conciliate their goodwill, requiring all persons under his Government to live in amity and kindness with them." But these "benign utterances of far-away governments" contrasted markedly with "the hard clashes of interest on the spot."[52] Colonial officials often turned a blind eye to atrocities against the Aborigines, and failed to intervene effectively to suppress them. The most murderous extremes were reached in Queensland, where a state militia – effectively a death squad – was "given carte blanche to go out and pursue 'niggers' far into the bush and indiscriminately shoot them down – often quite regardless of whether a particular tribal group had been responsible for an alleged wrongdoing or not – with the rape of cornered women inevitably being one unofficially sanctioned perk of these operations."[53] Historian Henry Reynolds estimated between 8,000 and 10,000 Aborigines murdered in Queensland from 1824 to 1908.[54]

Legal discrimination, and the imposition of broader "social death" measures, buttressed these frequent genocidal massacres. Until the late nineteenth century, no

Aborigine was allowed to give testimony in a white man's court, rendering effective legal redress for dispossession and atrocity a practical impossibility. Moreover, extinction discourse took full flight, with the British novelist Anthony Trollope, for example, writing in the 1870s that the Aborigines' "doom is to be exterminated; and the sooner that their doom is accomplished, – so that there can be no cruelty [!], – the better will it be for civilization."[55]

The combination of clashes between colonists and natives, disease, and extermination campaigns was strikingly similar to the North American experience. The destruction of the aboriginal population of the island of Tasmania is often cited as a paradigmatic colonial genocide. The 3,000–15,000 native inhabitants were broken down by the usual traumas of contact, and survivors were dispatched (in a supposedly humanitarian gesture) to barren Flinders Island.[56] There "they died, if not directly from observable neglect, bad conditions and European illness, then from alcohol-assisted anomie, homesickness and the pointlessness of it all. Tellingly, there were few and ultimately no births on the island to make up for deaths."[57]

The destruction was so extensive that many observers contended that the island's aboriginals had been completely annihilated. This appears to have been true for full-blooded aboriginals, one of the last of whom, a woman named Truganini (Figure 3.6), died in 1876. It ignored, however, aboriginals of mixed blood, thousands of whom live on today.[58]

As was true for indigenous peoples elsewhere, the twentieth century witnessed not only a demographic revival of the Australian Aborigines but – in the latter half of the century – the emergence of a powerful movement for land rights and restitution. Subsequently, this movement's members worked to publicize the trauma caused by the kidnapping of aboriginal children and their placement in white-run institutional "homes." These were strikingly similar, in their underlying (assimilationist) ideology, rampant brutality, and sexual predation, to the "residential schools" imposed upon North American Indians. In response to growing protest about these "stolen generations" of aboriginal children (the title of a landmark 1982 book by Peter
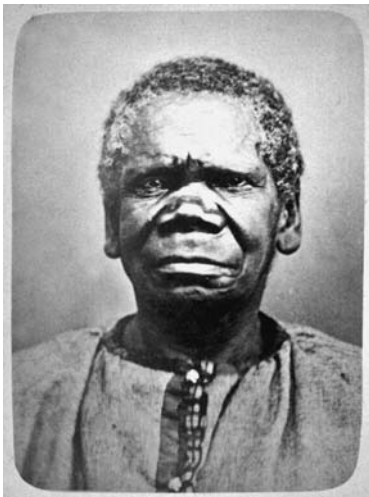

Figure 3.6   Truganini (also known as Trugernanner) (1812–76) was often described as the last of the full-blooded aboriginal population of Tasmania, though in fact several may have outlived her. "Before she was eighteen, her mother had been killed by whalers, her first fiancé died while saving her from abduction, and in 1828, her two sisters, Lowhenunhue and Maggerleede, were abducted and taken to Kangaroo Island, off South Australia and sold as slaves." ("Trugernanner," http://en.wikipedia.org/wiki/Trugernanner.) Truganini was one of the approximately 200 Aborigines removed to Flinders Island off the Tasmanian coast, where most died from disease between 1833 and 1847. After her death in 1876, Truganini's skeleton was displayed by the Royal Society of Tasmania. Only in 1976 were her remains removed and cremated; fragments of her skin and hair housed in the Royal College of Surgeons, UK, were returned for burial in Tasmania in 2002. The date of the photo is uncertain.

Source: Anton Brothers/Wikimedia Commons.

Figure 3.7   February 8, 2008: Children at a school in Perth, Australia, join forces to spell out "Sorry," shortly before the country's prime minister issued a formal apology to the "Stolen Generations" of aboriginal children. A national "Sorry Day," expressing remorse for Australia's treatment of its indigenous population, has become a national institution since it was first launched in 1998.

Source: Courtesy Mark Binns/Flickr.

Read),[59] a national commission of inquiry was struck in 1995. Two years later it issued *Bringing Them Home*, which stated that Australia's policy of transferring aboriginal children constituted genocide according to the UN Convention definition. This claim provoked still-unresolved controversy (and the report's co-author later abjured the term).[60] The Australian Prime Minister at the time, John Howard, denounced the "black armband" view of his country's history (that is, a focus on negative elements of the Australian and aboriginal experience). However, although many voices were raised in public fora and Australian media generally supported Howard's rejectionist stance, the report ensured that "the dreaded 'g' word is firmly with us," as Colin Tatz wrote. "Genocide is now in the vocabulary of Australian politics, albeit grudgingly, or even hostilely."[61]

In February 2008, incoming Labour prime minister Kevin Rudd declared as his government's first act of parliament: "We apologise for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians. . . . For the pain, suffering and hurt of these stolen generations, their descendants and for their families left behind, we say sorry."[62]

The Herero genocide

It is now widely acknowledged that the first genocide of the twentieth century was committed by German colonial forces in their near-extermination of the Herero nation in present-day Namibia, which took place during the century's first decade.[63]

The pattern of colonial invasion and occupation that provoked the Herero uprising was a familiar one. Drawn by the opportunities for cattle ranching, some 5,000 Germans had flooded into the territory by 1903. Colonists' deception, suasion, and violent coercion pushed the Hereros into an ever-narrower portion of their traditional landholdings. In 1904, the Hereros rose up against the Germans. Declaring, "Let us die fighting rather than die as a result of maltreatment, imprisonment, or some other calamity,"[64] Hereros paramount chief Samuel Maharero led his fighters against military outposts and colonists, killing about 120 Germans. This infuriated the German leader Kaiser Wilhelm II, who responded by dispatching the hardline Lt.-Gen. Lothar von Trotha. Von Trotha was convinced that African tribes "are all alike. They only respond to force. It was and is my policy to use force with terrorism and even brutality. I shall annihilate the revolting [rebellious] tribes with rivers of blood and rivers of gold. Only after a complete uprooting will something emerge."[65]

After five months of sporadic conflict, about 1,600 German soldiers armed with machine guns and cannons decisively defeated the Hereros at the Battle of Waterberg.[66] After vanquishing the Hereros, the German Army launched a "mass orgy of killing":

> Not only were there repeated machine gunnings and cannonades, but Herero men were slowly strangled by fencing wire and then hung up in rows like crows, while young women and girls were regularly raped before being bayoneted to death. The old, the sick, the wounded were all slaughtered or burnt to death. Nor were children spared, one account describing how men, women and children were corralled into a high thorn and log enclosure before being "doused with lamp oil and burnt to a cinder."[67]

Survivors fled into the Omahake desert. Von Trotha then issued his notorious "annihilation order" (*Vernichtungsbefehl*). In it, he pledged that "within the German borders every Herero, with or without a gun, with or without cattle, will be shot. I will no longer accept women and children [as prisoners], I will drive them back to their people or I will let them be shot at."[68] The order remained in place for several months, until a domestic outcry led the German Chancellor to rescind it. A contemporary account described Hereros emerging from the desert "starved to skeletons with hollow eyes, powerless and hopeless."[69] They were then moved to concentration camps. "A continuing desire to destroy the Hereros played a part in the German maintenance of such lethal camp conditions," wrote Benjamin Madley; he noted elsewhere that "according to official German figures, of 15,000 Hereros and 2,200 Namas incarcerated in camps, some 7,700 or 45 percent perished."[70] (In October 1904, another tribal nation, the Namas, also rose up in revolt against German rule and was crushed, with approximately half the population killed. Many scholars thus refer to the genocide of the Hereros and Namas.)
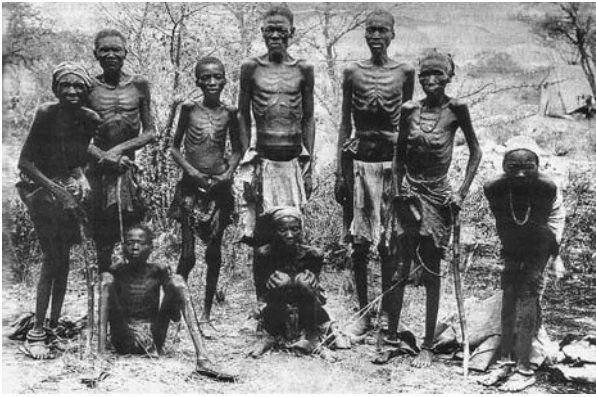
Figure 3.8 Famished Hereros after emerging from the Omahake desert in Namibia, c. 1907.

Source: Ullstein Bilderdienst, Berlin/Wikimedia Commons.

Figure 3.9   Conditions in the Shark Island concentration camp inflicted death tolls on Hereros and Namas that were comparable to Nazi slave labor camps. Today the island is a tourist campsite.

Source: Dr. Klaus Dierks/www.klausdierks.com.

A comparative and global-historical approach to genocide allows us to perceive important connections between campaigns of mass killing and group destruction that are widely separated in time and space. Scholarship on the genocide against the Hereros provides an excellent example. It is increasingly acknowledged that it paved the way, in important respects, for the prototypical mass slaughter of that century – Nazi mass murder (Chapter 6 and Box 6a). As summarized by Madley:

> The Herero genocide was a crucial antecedent to Nazi mass murder. It created the German word *Konzentrationslager* [concentration camp] and the twentieth century's first death camp. Like Nazi mass murder, the Namibian genocides were premised upon ideas like *Lebensraum* [living space], annihilation war [*Vernichtungskrieg*], and German racial supremacy. Individual Nazis were also linked to colonial Namibia. Hermann Goering, who built the first Nazi concentration camps, was the son of the first governor of colonial Namibia. Eugen Fischer, who influenced Hitler and ran the institute that supported Joseph Mengele's medical "research" at Auschwitz, conducted racial studies in the colony. And Ritter von Epp, godfather of the Nazi party and Nazi governor of Bavaria from 1933–1945, led German troops against the Herero during the genocide.[71]

Following the independence of Namibia in 1990 (from South Africa, which had conquered the territory during the First World War), survivors' descendants called on Germany to apologize for the Herero genocide, and provide reparations. In August 2004 – the centenary of the Herero uprising – the German development-aid minister, Heidemarie Wieczorek-Zeul, attended a ceremony at Okakarara in the region of Otjozondjupa, where the conflict had formally ended in 1906. The minister eloquently stated that:

A century ago, the oppressors – blinded by colonialist fervour – became agents of violence, discrimination, racism and annihilation in Germany's name. The atrocities committed at that time would today be termed genocide – and nowadays a General von Trotha would be prosecuted and convicted. We Germans accept our historical and moral responsibility and the guilt incurred by Germans at that time. And so, in the words of the Lord's Prayer that we share, I ask you to forgive us.[72]

Of Wieczorek-Zeul's declaration, Jürgen Zimmerer wrote: "To my knowledge it is the first and only apology by a high-ranking member of the government of a former colonial power referring to genocide for colonial crimes."[73] Moves were afoot early in 2010 to offer millions of euros in reparations in the form of German development aid aimed at traditionally Herero regions of Namibia.

DENYING GENOCIDE, CELEBRATING GENOCIDE

I celebrated Thanksgiving in an old-fashioned way. I invited everyone in my neighborhood to my house, we had an enormous feast, and then I killed them and took their land.

Jon Stewart, US comedian

Denial is regularly condemned as the final stage of genocide (see Chapter 14). How, then, are we to class the mocking or *celebrating* of genocide? These are sadly not uncommon responses, and they are nowhere more prominent than with regard to genocides of indigenous peoples.

Among most sectors of informed opinion in the Americas – from Alaska to Tierra del Fuego – the notion that indigenous peoples experienced genocide at the hands of their white conquerors is dismissed and derided.[74] In a September 2001 post to the H-Genocide academic mailing list, Professor Alexander Bielakowski of the University of Findlay engaged in what seemed outright genocidal denial, writing that "if [it] was the plan" to "wipe out the American Indians . . . the US did a damn poor job following through with it."[75] This is a curious way to describe the annihilation of up to 98 percent of the indigenous population of the United States over three centuries. The fine British historian Michael Burleigh took a similarly flippant jab in his book *Ethics and Extermination*, scoffing at notions of "the 'disappearance' of the [Australian] Aboriginals or Native Americans, some of whose descendants mysteriously seem to be running multi-million dollar casinos."[76] How can a tiny Indian elite be considered representative of the poorest, shortest-lived ethnic minority in the US and Canada?

Celebrations of indigenous genocide also have no clear parallel in mainstream discourse. Thus one finds prominent essayist Christopher Hitchens describing protests over the Columbus quincentenary (1992) as "an ignorant celebration of stasis and backwardness, with an unpleasant tinge of self-hatred." For Hitchens, the destruction of Native American civilization was simply "the way that history is made, and to complain about it is as empty as complaint about climatic, geological or tectonic shift." He justified the conquest on classic utilitarian grounds:

It is sometimes unambiguously the case that a certain coincidence of ideas, technologies, population movements and politico-military victories leaves humanity on a slightly higher plane than it knew before. The transformation of part of the northern part of this continent into "America" inaugurated a nearly boundless epoch of opportunity and innovation, and thus *deserves to be celebrated with great vim and gusto*, with or without the participation of those who wish they had never been born.[77]

The arrogance and contempt in these comments are echoed in the pervasive appropriation of Indian culture and nomenclature by North American white culture. Note, for example, the practice of adopting ersatz Indian names and motifs for professional sports teams. James Wilson has argued that calling a Washington, DC football franchise the "Redskins" is "roughly the equivalent of calling a team 'the Buck Niggers' or 'the Jewboys.'"[78] Other acts of appropriation include naming gas-guzzling vehicles (the Winnebago, the Jeep Cherokee) after Indian nations, so that peoples famous for their respectful custodianship of the environment are instead associated with technologies that damage it. This is carried to extremes with the grafting of Indian names onto weaponry, as with the Apache attack helicopter and the Tomahawk cruise missile. In Madley's opinion, such nomenclature "casts Indians as threatening and dangerous," subtly providing "a post-facto justification for the violence committed against them."[79]

COMPLEXITIES AND CAVEATS

Several of the complicating factors in evaluating the genocide of indigenous peoples have been noted. Prime among them is the question of intent.

Specific intent (see pp. 37–38) is easy enough to adduce in the consistent tendency towards massacre and physical extermination, evident from the earliest days of European conquest of the Americas, Africa, Australasia, and other parts of the world. Yet in most or perhaps all cases, this accounted for a minority of deaths among the colonized peoples.

The forced-labor institutions of Spanish America also demonstrated a high degree of specific intent. When slaves are dying in large numbers, after only a few months in the mines or on the plantations, and your response is not to improve conditions but to feed more human lives into the inferno, this is direct, "first-degree" genocide (in Ward Churchill's conceptualizing; see Chapter 1, note 96). The mechanisms of death were not appreciably different from those of many Nazi slave-labor camps.

Disease was the greatest killer. Here, specific intent arguably prevailed only in the direct acts of biological warfare against Indian nations. More significant was a general genocidal intent, with disease tolls greatly exacerbated by malnutrition, overwork, and outright enslavement.[80] In some cases, though, entire Indian nations were virtually wiped out by pathogens before they had ever set eyes on a European. In addition, many of the connections between lack of hygiene, overcrowding, and the spread of disease were poorly understood for much of the period of the attack on indigenous peoples. Concepts of second- and third-degree genocide might apply here, if one supports Churchill's framing.

The Ottoman Destruction of Christian Minorities

> They hate the Christians.
>
> Charlotte Kechejian, survivor of the Armenian genocide

INTRODUCTION

The murder of over a million Armenians in Turkey between 1915 and 1923 presaged Adolf Hitler's even more gargantuan assault on European Jews in the 1940s. However, for decades, the events were almost forgotten. War crimes trials – the first in history – were held after the Allied occupation of Turkey, but were abandoned in the face of Turkish opposition. In August 1939, as he prepared to invade western Poland, Hitler mused to his generals that Mongol leader "Genghis Khan had millions of women and men killed by his own will and with a gay heart. History sees in him only a great state builder." And in noting his instructions to the Death's Head killing units "to kill without mercy men, women and children of Polish race or language," Hitler uttered some of the most resonant words in the history of genocide: "*Who, after all, talks nowadays of the annihilation of the Armenians?*"[1]

Fortunately, Hitler's rhetorical question cannot sensibly be asked today – except in Turkey. Over the past four decades, a growing movement for apology and restitution has established the Armenian catastrophe as one of the three canonical genocides of the twentieth century, alongside the Holocaust and Rwanda. However, a variant of Hitler's question *could* still obtain: who, today, talks of the genocides of

the *other* Christian minorities of the Ottoman realm, notably the Assyrians (including Chaldeans, Nestorians, and Syrian/Syriac Christians)[2] and the Anatolian and Pontian Greeks?*

Historian Hannibal Travis, who has done more than any other scholar to bring the Assyrian catastrophe into mainstream genocide studies, notes that at the time of the anti-Christian genocides, "newspapers in London, Paris, New York, and Los Angeles regularly reported on the massacres of Assyrians living under Ottoman occupation." According to Travis, the attention the Assyrians received was such, and so intertwined with the Armenian atrocities, that when Raphael Lemkin pondered early versions of what would become his "genocide" framework, he had two main instances in mind: the Armenian holocaust, and a renewed round of anti-Assyrian persecutions, this time in post-Ottoman Iraq in 1933.[3]

As for the Anatolian, Thracean, and Pontian Greeks, they had been vulnerable ever since their linguistic brethren in the Greek mainland had become the first to successfully fling off Ottoman dominion – with numerous atrocities committed on both sides. This marked the beginning of the "Great Unweaving" that dismantled the Ottoman empire, and sent terrorized and humiliated Muslim refugees fleeing toward the Constantinople and the Anatolian heartland. By the beginning of the First World War, a majority of the region's ethnic Greeks still lived in present-day Turkey, mostly in Thrace (the only remaining Ottoman territory in Europe, abutting the Greek border), and along the Aegean and Black Sea coasts. They would be targeted both prior to and alongside the Armenians of Anatolia and the Assyrians of Anatolia and Mesopotamia.

For these reasons, while the events of the 1914–22 period have long been depicted in terms of the Armenian genocide and its aftermath, one is justified in portraying it instead as a unified campaign against all the empire's Christian minorities. This does greater justice to minority populations that have generally been marginalized in the narrative. The approach mirrors the discourse and strategizing of the time. Sultan Abdul Hamid II lamented "the endless persecutions and hostilities of the *Christian* world" as a whole.[4] Historian Donald Bloxham refers to "a general anti-Christian chauvinism" in which Christians "were cast as collective targets."[5] The German ambassador to the Ottoman empire, Baron Hans Freiherr von Wangenheim, described the regime's "internal enemies" as "local Christians."[6]

A "Christian genocide" framing acknowledges the historic claims of the Assyrian and Greek peoples, and the movements now stirring for recognition and restitution among Greek and Assyrian diasporas. It also brings to light the quite staggering cumulative death toll among the various Christian groups targeted. In Thea Halo's estimation, "Armenian deaths were estimated at 1.5 million. According to figures compiled by the Greek government in collaboration with the Patriarchate, of the 1.5 million Greeks of Asia Minor – Ionians, Pontians, and Cappadocians –

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* Anatolia is the "Asian" region of Turkey, extending east from the Bosphorus Strait, which bisects the city of Istanbul. The major populations of "Anatolian Greeks" include those along the Aegean coast and in Cappadocia (central Anatolia), but not the Greeks of the Thrace region west of the Bosphorus. In a geographical sense, Anatolia technically includes the Pontus region along the Black Sea coast, but the Pontian Greeks are culturally and historically such a distinct community that I designate them separately.

Figure 4.1   The genocide of the Christian populations of present-day Turkey produced "the first international human rights movement in American history," according to poet and genocide scholar Peter Balakian. The campaign spearheaded by the American Committee for Relief in the Near East, symbolized by this contemporary poster, raised an astounding $116 million between 1915 and 1930 – equivalent to over a billion dollars today. Nearly two million refugees benefited from the assistance.

Source: Wikimedia Commons.

approximately 750,000 were massacred and 750,000 exiled. Pontian deaths alone totaled 353,000."[7] As for the Assyrian victims, the Assyrian delegation to the Paris Peace Conference cited a figure of 250,000 killed, a figure which has been accepted by Hannibal Travis and David Gaunt, arguably the two leading scholars of the Assyrian genocide.[8]

A broader framing also encourages attention to vulnerable Christian populations in the region *today* – most notably in Iraq, home to the descendants of the Assyrian populations targeted in earlier rounds of persecution and genocide. I return to the movements for recognition at the end of this chapter, and address the present-day vulnerabilities of Christian minorities in Box 4a, "Iraq: Liberation and Genocide."[9]

ORIGINS OF THE GENOCIDE

Three factors combined to produce the genocide of Christian minorities: (1) the decline of the Ottoman Empire, which provoked desperation and humiliation among Turkey's would-be revolutionary modernizers, and eventually violent reaction;[10] (2) Christians' vulnerable position in the Ottoman realm; and (3) the First World War, which confronted Turkey with attack from the west (at Gallipoli) and invasion by the Russians in the northeast. Significant as well was the Turkish variant of racial hygiene theory, echoing many motifs familiar from the subsequent Nazi period in Europe. According to Vahakn Dadrian, "measures for the better 'health' of the national body, [and for] 'eugenic improvements' of the race" were actively promoted.[11] Young Turk racial theory, according to Ben Kiernan, connected the Turks

with the heroic Mongols, and contrasted them with inferior and untrustworthy Greeks, Armenians, and Jews.[12]

In Chapter 10, I argue that *humiliation* is one of the greatest psychological spurs to violence, including mass violence and genocide. Theories of Turkish racial superiority certainly provided a salve for the psychic wounds inflicted by the almost unbroken string of humiliations that constituted Ottoman history in its final decades. Indeed, the empire had been in decline ever since its armies were repulsed from the gates of Western Europe, at Vienna in 1688. "As well as the loss of Greece and effectively Egypt, in the first twenty-nine years of the nineteenth century alone the empire had lost control of Bessarabia, Serbia, Abaza, and Mingrelia." In 1878, the empire "cede[d] ownership of or genuine sovereignty over . . . Bosnia, Herzegovina, Bulgaria, Kars, Ardahan, and Cyprus," with "the losses of that year alone comprising one-third of Ottoman territory and 20 per cent of the empire's inhabitants."[13]

The human toll of this "Great Unweaving," from Greece's independence war in the early nineteenth century to the final Balkan wars of 1912–13, was enormous. Hundreds of thousands of Ottoman Muslims were massacred in the secessionist drive: Bloxham argued that "in the years up to the First World War, Muslims were the primary victims of violence in the region by state and sub-state Christian actors working in the name of nationalist liberation and self-determination for their ethno-religious group."[14] Hundreds of thousands more were expelled as refugees from the former imperial periphery to the heartland, where most festered in poverty, and many yearned for revenge. According to Taner Akçam, "it was precisely those people who, having only recently been saved from massacre themselves, would now take a central and direct role in cleansing Anatolia of 'non-Turkish' elements."[15]

The situation within the shrinking empire was ripe for nativist backlash, and when it occurred, Ottoman Armenians were the targets. They are an ancient people who, by the late nineteenth century, constituted the largest non-Muslim population in eastern Anatolia.[16] In the 1870s and 1880s, Armenian nationalist societies began to form – part of a broader "'Armenian Renaissance' (*Zartonk*) that gained momentum from the middle of the nineteenth century on."[17] Like the small number of Armenian political parties that mobilized later, they demanded full equality within the empire, and occasionally appealed to outside powers for protection and support. These actions aroused the hostility of Muslim nationalists, and eventually prompted a violent backlash. Suspicions were heightened by the advent, in the 1870s and 1880s, of a small number of Armenian revolutionary societies that would later carry out robberies and acts of terrorism against the Ottoman state.

With the Ottomans' hold over their empire faltering, foreign intervention increasing, and Armenian nationalists insurgent, vengeful massacres swept across Armenian-populated territories. Between 1894 and 1896, "the map of Armenia in Turkey went up in flames. From Constantinople to Trebizond to Van to Diyarbekir, and across the whole central and eastern plain of Anatolia, where historic Armenia was lodged, the killing and plunder unfolded."[18] Vahakn Dadrian, the leading historian of the Armenian genocide, considered the 1894–96 massacres "a test case for the political feasibility, if not acceptability by the rest of the world, of the enactment by central authorities of the organized mass murder of a discordant nationality."[19] The killings were, however, more selective than in the 1915–17 con-

flagration, and central state direction more difficult to discern. According to Bloxham, the main role was played by "Muslim religious leaders, students, and brotherhoods," though many ordinary Muslims, especially Kurds, also participated.[20] Between 80,000 and 200,000 Armenians were killed.[21]

In the first few years of the twentieth century, outright collapse loomed for the Ottoman empire. In 1908, Bulgaria declared full independence, Crete's parliament proclaimed a union with Greece, and the Austro-Hungarian empire annexed Bosnia and Herzegovina. Italy seized Libya in 1912. The following year, Albania and Macedonia seceded. Summarizing these disasters, Robert Melson noted that "out of a total area of approximately 1,153,000 square miles and from a population of about 24 million, by 1911 the Turks had lost about 424,000 square miles and 5 million people";[22] and by 1913, only a narrow strip of European territory remained in their grasp.

In 1908, the tottering Ottoman sultanate was overthrown in the Young Turk revolution, led by a group of modernization-minded military officers. Christian minorities joined with other Ottoman peoples in welcoming the transformations. In the first blush of post-revolutionary enthusiasm, "a wave of fraternal effusions between Ottoman Christians and Muslims swept the empire."[23] It seemed there was a place for all, now that despotism had been overturned. Indeed, Christians (together with Jews and other religious minorities) were now granted full constitutional rights.

Unfortunately, as with many revolutionary movements, the new Ottoman rulers (grouped under the Committee of Union and Progress, CUP) were split into liberal-democratic and authoritarian factions. The latter was guided by a "burgeoning ethnic nationalism (still informed by Islam) blended with a late-imperial paranoid chauvinism";[24] its leading ideologist was Ziya Gökalp, whose "pan-Turkism was bound up in grandiose romantic nationalism and a 'mystical vision of blood and race.'"[25] "Turks," declared Gökalp, "are the 'supermen' imagined by the German philosopher Nietzsche . . . New life will be born from Turkishness."[26] Within the CUP, amidst "economic and structural collapse, the vision of a renewed empire was born – an empire that would unite all Turkic peoples and stretch from Constantinople to central Asia. This vision, however, excluded non-Muslim minorities."[27]

In January 1913, in the wake of the shattering Balkan defeats of the previous year, the extremist CUP launched a coup against the moderates and took power. The new ruling triumvirate – Minister of Internal Affairs Talat Pasha; Minister of War Enver Pasha; and Minister of the Navy Jemal Pasha – quickly established a *de facto* dictatorship. Under the so-called Special Organization of the CUP that they directed, this trio would plan and oversee the genocides of the Christian minorities, with the Special Organization's affiliates in the Anatolia region serving as ground-level organizers.[28]

WAR, DEPORTATION, AND MASSACRE

The Ottoman genocide of Christians has long been depicted as starting in April 1915, when with Allied invaders on the doorstep in the Dardanelles, the Ottoman authorities rounded up Armenian notables, and the CUP's "final solution" to the

Armenian "problem" was implemented. If we speak of systematic, generalized destruction of a Christian population, either through direct murder or through protracted death marches, this may be true. Armenians, moreover, had been targeted for a premonitory wave of killings in 1909.[29] But the multipronged holocaust that swept the Ottoman realm during World War One was most directly presaged by violence not against Armenians, but against Greeks. It erupted in mid-1914, even before the outbreak of the war, with "group persecution" directed by the CUP against the "Ottoman Greeks living along the Aegean littoral," in Matthias Bjørnlund's account.[30] Historian Arnold Toynbee described a campaign of "general" attacks in which

> entire Greek communities were driven from their homes by terrorism, their houses and land and often their moveable property were seized, and individuals were killed in the process. . . . The terror attacked one district after another, and was carried on by "chetté" bands, enrolled from the Rumeli refugees [i.e., Muslim populations "cleansed" from the Balkans by Christian terror] as well as from the local population and nominally attached as reinforcements to the regular Ottoman gendarmerie.[31]

This was almost precisely the pattern that would be followed in the 1915 extermination campaign against all Christian minorities, only with a starker emphasis on direct killing.[32] US ambassador Henry Morgenthau cited testimony from his Turkish informants that they "had expelled the Greeks so successfully that they had decided to apply the same method toward all the other races in the empire."[33] Again the looting and destruction would be voracious; again the "Rumeli refugees," the most humiliated and dispossessed of the population, would be encouraged to avenge themselves on Christians; again the *chetés* would be mobilized for genocidal service under gendarmerie control.

When those "other races" were targeted in the full-scale genocide of 1915, the Aegean Greeks would again be among those exposed to the same process of concentration, deportation, and systematic slaughter as the Armenians and Assyrians. Of this second and more far-reaching wave of anti-Christian policies, Morgenthau wrote that the Ottoman authorities

> began by incorporating the Greeks into the Ottoman army and then transforming them into labor battalions using them to build roads in the Caucasus and other scenes of action. These Greek soldiers, just like the Armenians, died by thousands from cold, hunger, and other privations . . . The Turks attempted to force the Greek subjects to become Mohammadans; Greek girls . . . were stolen and taken to Turkish harems and Greek boys were kidnapped and placed in Muslim households . . . Everywhere, the Greeks were gathered in groups and, under the so-called protection of Turkish gendarmes, they were transported, the larger part on foot, into the interior.[34]

Alfred Van der Zee, Danish consul in the port city of Smyrna, reported in June 1916:

A reign of terror was instituted and the panic stricken Greeks fled as fast as they could to the neighbouring island of Mitylene. Soon the movement spread to Kemer, Kilissekeuy, Kinick, Pergamos and Soma. Armed *bashibozuks* [Turkish irregular troops] attacked the people residing therein, lifted the cattle, drove them from their farms and took forcible possession thereof. The details of what took place [are] harrowing, women were seduced, girls were ravished, some of them dying from the ill-treatment received, children at the breast were shot or cut down with their mothers.[35]

That same year, 1916, Ottoman deputy Emanuel Emanuelidi Efendi announced that some "550,000 [Greeks] . . . were killed."[36] By this point, the slaughter had spread to the Armenian population; to the Assyrians of southeast Anatolia and Mesopotamia (present-day Iraq); and to the Pontian Greek population of the Black Sea coast. We will consider the experiences of these groups in turn.

THE ARMENIAN GENOCIDE

> It appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.
>
> Ambassador Morgenthau to the US Secretary of State, July 16, 1915

As with the other Christian minorities, war catalyzed the onset of mass murder against the Armenians of the Ottoman empire. As early as December 1914 or January 1915, a special conference of the CUP issued a "strictly confidential" document ordering its agents to "close all Armenian Societies, and arrest all who worked against the Government at any time among them and send them into the provinces such as Bagdad or Mosul [i.e., in the distant eastern corner of the empire], *and wipe them out either on the road or there.*" Measures were to be implemented "to exterminate all males under 50, priests and teachers, leav[ing] girls and children to be Islamized," while also "kill[ing] off" all Armenians in the army.[37] This was essentially a blueprint for the genocide that followed.

In April 1915, just as the Allies were about to mount their invasion of the Dardanelles, the Turkish army launched an assault on Armenians in the city of Van, who were depicted as traitorous supporters of the Russian enemy. In scenes that have become central to Armenian national identity, the Armenians of Van organized a desperate resistance that succeeded in fending off the Turks for weeks. Eventually, the resistance was crushed, but it provided the "excuse" for genocide, with the stated justification of removing a population sympathetic to the Russian army. As one Young Turk, Behaeddin Shakir, wrote to a party delegate early in April: "It is the duty of all of us to effect on the broadest lines the realization of the noble project of wiping out of existence the Armenians who have for centuries been constituting a barrier to the Empire's progress in civilization."[38]

On April 24, in an act of "eliticide" in Constantinople and other major cities, hundreds of Armenian notables were rounded up and imprisoned. The great majority were subsequently murdered, or tortured and worked to death in isolated locales. (To the present, April 24 is commemorated by Armenians around the

world as "Genocide Memorial Day.") This was followed by a coordinated assault on Armenians throughout most of the Armenian-populated zone; a few coastal populations were spared, but would be targeted later.

The opening phase of the assault consisted of a gendercide against Armenian males. Like the opening eliticide, this was aimed at stripping the Armenian community of those who might mobilize to defend it. Throughout the Armenian territories, males of "battle age" not already in the Ottoman Army were conscripted. In Ambassador Morgenthau's account, Armenians "were stripped of all their arms and transformed into workmen," then worked to death. In other cases, it "became almost the general practice to shoot them in cold blood."[39] By July 1915, some 200,000 Armenian men had been murdered,[40] reducing the remaining community "to a condition of near-total helplessness, thus an easy prey for destruction."[41]

The CUP authorities turned next to destroying the surviving Armenians. A "Temporary Law of Deportation" and "Temporary Law of Confiscation and Expropriation" were passed by the executive.[42] Armenians were told that they were to be transferred to safe havens. However, as Morgenthau wrote, "The real purpose of the deportation was robbery and destruction; it really represented a new method of massacre. When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact."[43] Modern bureaucratic structures and communications technologies, especially the railroad and telegraph, were critical to the enterprise.

Figure 4.2 A Danish missionary, Maria Jacobsen, took this photo of Armenian men in the city of Harput being led away for mass murder on the outskirts of town, May 1915.

Source: Courtesy Karekin Dickran's Danish-Armenian archive collection.

The pattern of deportation was consistent throughout the realm, attesting to its central coordination.[44] Armenian populations were called by town criers to assemble in a central location, where they were informed that they would shortly be deported – a day to a week being the time allotted to frantically gather belongings for the journey, and to sell at bargain-basement prices whatever they could. In scenes that prefigured the Nazi deportation of Jews, local populations eagerly exploited Armenians' dispossession. "The scene reminded me of vultures swooping down on their prey," wrote US Consul Leslie Davis. "It was a veritable Turkish holiday and all the Turks went out in their gala attire to feast and to make merry over the misfortunes of others. . . . [It was] the opportunity of a lifetime to get-rich-quick."[45]

Looting and pillaging were accompanied by a concerted campaign to destroy the Armenian cultural heritage. "Armenian monuments and churches were dynamited, graveyards were plowed under and turned into fields of corn and wheat, and the Armenian quarters of cities were torn down and used for firewood and scrap, or occupied and renamed."[46] The Armenian population was led away on foot – or in some cases dispatched by train – to the wastelands of the Deir el-Zor desert in distant Syria, in conditions calculated to kill tens of thousands *en route*.

Kurdish tribespeople swooped down to pillage and kill, but the main strike force mobilized for mass killing was the *chétés*, bands of violent convicts who had been active since the 1914 "cleansings" of the Aegean Greeks, and were now released from prison to exterminate Armenians and other Christians. The genocide's organizers believed that using such forces "would enable the government to deflect responsibility. For as the death tolls rose, they could always say that 'things got out of control,' and it was the result of 'groups of brigands.'"[47]

Figure 4.3 Armenian children and women suffered systematic atrocities during the deportations; the minority that reached refuge were often on the verge of death from starvation, wounds, and exhaustion.

Source: Maria Jacobsen/Courtesy Karekin Dickran's Danish-Armenian archive collection.

Attacks on the surviving children, women, and elderly of the deportation caravans gave rise to hellish scenes. "The whole course of the journey became a perpetual struggle with the Moslem inhabitants," wrote Morgenthau:

> Such as escaped . . . attacks in the open would find new terrors awaiting them in the Moslem villages. Here the Turkish roughs would fall upon the women, leaving them sometimes dead from their experiences or sometimes ravingly insane. . . . Frequently any one who dropped on the road was bayoneted on the spot. The Armenians began to die by hundreds from hunger and thirst. Even when they came to rivers, the gendarmes [guards], merely to torment them, would sometimes not let them drink.[48]

"In a few days," according to Morgenthau,

> what had been a procession of normal human beings became a stumbling horde of dust-covered skeletons, ravenously looking for scraps of food, eating any offal that came their way, crazed by the hideous sights that filled every hour of their existence, sick with all the diseases that accompany such hardships and privations, but still prodded on and on by the whips and clubs and bayonets of their executioners.[49]

In thousands of cases, children and women were kidnapped and seized by villagers; the women were kept as servants and sex-slaves, the children converted to Islam and raised as "Turks." One young male survivor described his group being gathered together in a field while word went out to the local population: "Whoever wants a woman or child, come and get them." "Albert said that people came and took whomever they wanted, comparing the scene to sheep being sold at an auction."[50]

◾ BOX 4.1 ONE WOMAN'S STORY: ESTER AHRONIAN

Ester Ahronian remembered her childhood in the Anatolian town of Amasia as idyllic. "In the center of our courtyard we had a large mulberry tree with the sweetest mulberries I ever tasted. I would lie under the thick branches and reach up for handfuls of soft berries. Sometimes they fell off the branches onto my face and eyes. The cool, sweet juice ran down my cheeks into my ears. . . . I believed with all my heart that my world would never change. Nothing bad could ever happen to me."

But in May 1915, dark rumors began reaching Amasia – rumors of persecution of the Ottoman empire's Armenian population. One day, returning from school, Ahronian witnessed a young Armenian man being dragged to the town's central square and hanged. By the end of the month, "the streets were crowded with soldiers carrying rifles with fixed bayonets," and a Turkish leader of the town

announced that all able-bodied Armenian males were to present themselves to the authorities. "I watched from my window as groups of men gathered daily in the street. Then, bunches of twenty or thirty were marched out of the city by the soldiers." "As soon as they are outside the city limits they will kill them and come back for more," a neighbor declared.

Shortly after, Ester observed a group of Turkish soldiers approaching an Armenian church. She "watched as a soldier threw a lit torch into an open window. The other soldiers laughed and shouted, 'Let's see your Christian God save you now. You will roast like pigs.' Then the screaming began . . ." Her father was taken away to detention by Turkish forces – never to be seen again. In the face of the mounting persecution, some Armenian girls agreed to be married to Muslim men, "promis[ing] never to speak the Armenian language or practice Christianity again." But Ester refused, and instead joined one of the caravans leaving Amasia as the town was emptied of its Christian population. "*Aksor* – the deportation word everyone in town was whispering. What did it mean? What would it be like?"

She soon learned. "We were only a half hour out of town when a group of Kurds charged down from the mountains and attacked the first group at the front of the caravan." The soldiers allegedly guarding them joined, instead, in the slaughter and pillage. "Then the soldiers came for the girls. The prettiest ones were taken first." Ester's grandmother clad her in baggy garb and smeared her with mud and raw garlic, and she was momentarily spared.

Her caravan "passed a deep pit by the side of the road filled with the naked bodies of young and old men." Another attack by soldiers: "Wagons were overturned. The sound of bullets filled the air. . . . Around us lay the dead and near-dead." Pausing by a river, she watched bodies and parts of bodies floating by. Almost comatose with trauma and exhaustion, she was seized by Kurds who thought she had expired; they stripped her and threw her "into a wagon filled with naked dead bodies. I lay there, not moving under the pile of rotting flesh." She was dumped with the bodies over a cliff. An elderly Armenian woman, disguising her ethnicity in order to work for Kurds, rescued her, and offered her a life-saving proposition: to toil as a domestic with a Muslim notable, Yousouf Bey, and his family. "Yes, if they'll have me, I'll work for them," Ester agreed.[51]

In Yousouf Bey's home, she overheard Turks boasting of their massacre of Armenians. She was told that when she had recovered from her ordeal, she would be married off to a Muslim. She entreated Yousouf Bay to release her. He agreed to send her to an orphanage in the city of Malatya – but before doing so, he drugged her and raped her, brutally taking her virginity. "It was his parting gift to me."

At the orphanage, "once a week, Turks came and took their pick of the girls. They chose as many as they wanted for cooks, field workers, housekeepers, or wives. Like

slaves, no one asked any questions. No one had any choice." She was claimed by Shamil, a teenage Muslim boy, and forced to marry him. In Shamil's poor household, "three times a day we faced Mecca and chanted Muslim prayers." When she was discovered in possession of a cherished crucifix, Shamil whipped her until blood flowed.

Finally seizing her opportunity, Ester fled and took refuge with the Bagradians, one of the few Armenian families allowed to survive – they were blacksmiths, deemed essential laborers by the Turks. Finally, she was able to make her way back to her hometown of Amasia. "A heavy silence hung over the streets like a dark cloud. . . . I was returning to the scene of a violent crime." Approaching her house, she found it occupied by a Turkish woman. "You have no rights," the woman tells her. "I'm leaving, so you can have your house back but I'm taking everything in it with me. If you make a fuss, I'll have you arrested." Hunkering down there, she discovered that "those Armenian families that remained in the city spoke only Turkish. All the Armenian churches were boarded up and stood as empty shadows against the clear sky."

She was befriended by Frau Gretel, the wife of a distant relative. Eventually, the war ended; but in 1920 a new wave of killings of Armenians descended. "Escape with us to America," Gretel implored her, and she consented. "The only thing I brought with me to America was my memory – the thing I most wanted to leave behind." Ester forged a new life on the east coast of the US, living to the ripe age of 98. Resident in an old-age home, she finally opened up to her daughter, Margaret, about her experiences during the genocide of Anatolia's Christian population. She disclaimed any feeling of hatred for her Turkish persecutors: "Hatred is like acid, it burns through the container. You must let go of bad memories." Margaret published her mother's recollections several years after Ester's death, in 2007.[52]

For those not abducted, the death marches usually meant extermination. Morgenthau cited one convoy that began with 18,000 people and arrived at its destination with 150. The state of most survivors was such that they often died within days of reaching refuge. J.B. Jackson, the US consul in Aleppo, Syria, recounted eyewitness descriptions of

over 300 women [who] arrived at Ras-el-Ain, at that time the most easterly station to which the German–Baghdad railway was completed, entirely naked, their hair flowing in the air like wild beasts, and after travelling six days afoot in the burning sun. Most of these persons arrived in Aleppo a few days afterwards, and some of them personally came to the Consulate and exhibited their bodies to me, burned to the color of a green olive, the skin peeling off in great blotches, and many of them carrying gashes on the head and wounds on the body as a result of the terrible beatings inflicted by the Kurds.[53]

By 1917, between half and two-thirds of Ottoman Armenians had been exterminated. Large-scale massacres continued. In the final months of the First World War, Turkey crossed the Russian frontier and occupied sizable parts of Russian Armenia. There, according to Dadrian, "the genocidal engine of destruction unleashed by the Young Turk Ittihadists was once more activated to decimate and destroy the other half of the Armenian population living beyond the established frontiers of Turkey. . . . According to Soviet and Armenian sources, in five months of Turkish conquest and occupation about 200,000 Armenians of the region perished."[54] Meanwhile, "Armenians attacked civilian populations in Turkish towns and villages, massacring civilians and doing as much damage as they could. Having survived genocide, some of the Armenian irregulars were attempting to avenge the atrocities of 1915."[55]

THE ASSYRIAN GENOCIDE

In his careful research, beginning with a groundbreaking article in *Genocide Studies and Prevention* and continuing through his meticulous 2010 study of *Genocide in the Middle East*, Hannibal Travis has shown that the targeting of the Assyrians was fully comparable to that of the Armenians, in scale, strategy, and severity – and was recognized as such at the time it was inflicted. "The Assyrian genocide," he wrote, is "indistinguishable in principle from the Armenian genocide, despite being smaller in size":

> Starting in 1914 and with particular ferocity in 1915 and 1918, Ottoman soldiers and Kurdish and Persian militia subjected hundreds of thousands of Assyrians to a deliberate campaign of massacre, torture, abduction, deportation, impoverishment, and cultural and ethnic destruction. Established principles of international law outlawed this campaign of extermination before it was embarked upon, and ample evidence of genocidal intent has surfaced in the form of admissions by Ottoman officials. Nevertheless, the international community has been hesitant to recognize the Assyrian experience as a form of genocide.[56]

The foundation for the campaign against the Assyrians was an October 1914 edict from the Interior Ministry that the Assyrian population of the Van region should "depart." In June 1915, it was the same region that served as a flashpoint for both the Armenian and Assyrian mass killings, and the suffering of the Assyrian Christians was, as Travis says, "indistinguishable" from that of the Armenians. As David Gaunt describes the slaughter,

> The degree of extermination and the brutality of the massacres indicate extreme pent-up hatred on the popular level. Christians, the so-called *gawur* infidels, were being killed in almost all sorts of situations. They were collected at the local town hall, walking in the streets, fleeing on the roads, at harvest, in the villages, in the caves and tunnels, in the caravanserais [travelers' inns], in the prisons, under torture, on the river rafts, on road repair gangs, on the way to be put on trial. There was no specific and technological way of carrying out the murders like the Nazis'

extermination camps. A common feature was that those killed were unarmed, tied up, or otherwise defenseless. All possible means of killing were used: shooting, stabbing, stoning, crushing, throat cutting, throwing off of roofs, drowning, decapitation. Witnesses talk of seeing collections of ears and noses and of brigands boasting of their collections of female body parts.[57]

Joseph Naayem, an Assyro-Chaldean priest, received firsthand reports from the town of Sa'irt (also known as Seert) in Bitlis province. Assyro-Chaldean deaths in Sa'irt were later estimated as numbering 7,000 to 8,000 – with massacres of Chaldeans substantially adding to the toll.[58] Naayem cited testimony that the "chettés" (Ottoman criminal gangs) had gathered Sa'irt's men, marched them to the valley of Zeryabe, and massacred them. Women and girls were then set upon.[59] An Ottoman officer, Raphael de Nogales, described the aftermath:

> The ghastly slope was crowned by thousands of half-nude and still bleeding corpses, lying in heaps, or interlaced in death's final embrace. . . . Overcome by the hideous spectacle, and jumping our horses over the mountains of cadavers, which obstructed our passage, I entered Siirt with my men. There we found the police and the populace engaged in sacking the homes of the Christians. . . . I met various sub-Governors of the province . . . who had directed the massacre in person. From their talk I realized at once that the thing had been arranged the day before . . . Meanwhile I had taken up my lodging in a handsome house belonging to Nestorians, which had been sacked like all the rest. There was nothing left in the way of furniture except a few broken chairs. Walls and floors were stained with blood.[60]

Ambassador Morgenthau's account of the destruction of the Christian minorities asserted that the "same methods" of attack were inflicted on the Assyrians ("Nestorians" and "Syrians," as he called them) as on Armenians and Greeks. "The greatest crime of all ages," as he called it in a missive to the White House, was "the horrible massacre of helpless Armenians *and Syrians*."[61]

A British officer based in Persia, Sir Percy Sykes, later suggested that if the Assyrians had not fled in terror to northern Persia, they would have experienced "extermination at the hands of Turks and Kurds."[62] But as many as 65,000 died from exhaustion, malnourishment, and disease en route to refuge in Persia, or after their arrival.[63] The suffering of Assyrians in Mesopotamia (Iraq) was no less.[64] All told, "about half of the Assyrian nation died of murder, disease, or exposure as refugees during the war," according to Anglican Church representatives on the ground. "Famine and want were the fate of the survivors, whose homes, villages, churches and schools were wiped out."[65] The remnants of the Assyrian population of southeastern Anatolia crossed into Mesopotamia, then under British control, and settled in refugee camps there. The British brought no resolution to their plight, though a civil commissioner of the time acknowledged it was "largely of our own creation and a solution has been made more difficult by our own action, or rather inaction."[66] It is in that zone of present-day Iraq that their descendants have been exposed to new rounds of persecution, "ethnic cleansing," and genocidal killing, as described in Box 4a.

THE PONTIAN GREEK GENOCIDE

Approximately 350,000 Pontian Greeks are believed to be among the Christian minorities slaughtered between 1914 and 1922. The Turks began targeting the millennia-old community along the Black Sea coast as early as 1916. Their extermination therefore long predated the renewed killings and persecutions of the post-World War One period, accompanying the Greek invasion of Anatolia. Missionary testimony cited by George Horton in his account of the late-Ottoman genocides, *The Blight of Asia*, dated the onset of "the Greek deportations from the Black Sea" to January 1916:

> These Greeks came through the city of Marsovan by thousands [reported a missionary], walking for the most part the three days' journey through the snow and mud and slush of the winter weather. Thousands fell by the wayside from exhaustion and others came into the city of Marsovan in groups of fifty, one hundred and five hundred, always under escort of Turkish gendarmes. Next morning these poor refugees were started on the road and destruction by this treatment was even more radical than a straight massacre such as the Armenians suffered before.[67]

BOX 4.2 ONE WOMAN'S STORY: SANO HALO

Figure 4.4   Sano Halo (seated at left), aged 100, takes her oath of honorary Greek citizenship at the Greek consulate in New York City, June 11, 2009.[68] Sano is accompanied by her daughter Thea Halo, who told Sano's story of surviving the Pontian Greek genocide in her book *Not Even My Name*. Thea, who received honorary Greek citizenship alongside her mother, was a prime mover in a 2007 resolution by which the International Association of Genocide Scholars (IAGS) formally recognized the Greek and Assyrian genocides alongside the Armenian one.

Source: Costas Euthalitsidis/Courtesy Thea Halo.

Once Sano was Themía: like so many survivors of genocide, she has been stripped of her name along with the life she was born into, in the Pontian Greek-dominated region along the Black Sea coast, in 1909.

"We never thought that one day we would be forced to leave our paradise," Sano related in her daughter Thea's memoir, *Not Even My Name*. "Our history went back too far to believe that, and we had survived invasion after invasion for 3,000 years. By the time of Alexander the Great's short rule between 336 and 323 BC, Greeks had already been living in Asia Minor, or Ionia as they called it, for over 800 years. . . . Pontus flourished as a great commercial and educational center. After decades of war, the Romans finally conquered the kingdom of Pontus in 63 BC. But the Greek culture continued to have great influence. The conquered gave culture to the conqueror."

During the First World War, Halo's mountain village was not attacked, but her father was one of the many Greek men swept up by the notorious labor battalions, or *Amele Tabourou*. He managed to escape, and conveyed a chilling report to his family: "The camps are cold and full of vermin. We're worked day and night without enough food to eat or a decent place to sleep or wash. In some camps the Greeks are just left to die with nothing at all. Even when the war was still being fought, the Turks left the Greeks behind to be killed without arms to defend themselves or food to eat. I think that's what they want, for all of us to die."

When Themía and her family were finally swept up in the carnage, in 1921–22, the campaign bore the same genocidal hallmarks of massacre and death march that had been deployed against diverse Christian populations during the war period. Themía and her family were launched on a march that lasted "for seven to eight months from the frigid mountainous regions of the north through the desertlike plains of the south without concern for food, water, or shelter." The landscape changed from green to "jagged cliffs and parched, coarse earth . . . The sun beat down on us all day . . . " After four months, Themía's "shoes wore out completely. Walking through this barren land with bare feet was like walking on pitted glass. The food we had brought was also gone. Each day brought another death, another body left to decompose on the side of the road. Some simply fell dead in their tracks. Their crumpled bodies littered the road like pieces of trash flung from a passing cart, left for buzzards and wolves."[69]

To save her from starvation, Themía's mother left her with an Assyrian family in the south of Turkey, where she received the Kurdish name Sano. After she ran away, an Armenian family took Themía in and brought her to Aleppo, Syria. There she was presented to Abraham, an Assyrian Christian who had emigrated to America twenty years before. She agreed to marry him, beginning a new life across the oceans and surviving to the present day. In 2000, her daughter Thea published Sano's story, based in part on a journey that mother and daughter made to the Pontian village of Sano's youth. In 2009, on her centennial birthday, Sano was granted honorary Greek citizenship (see Figure 4.4).

Figure 4.5 "Weeding Out the Men: All men of military age were torn away from their wives and children and led away in groups for deportation to the interior" (original caption). Image from the Pontian Greek genocide – the date is given as 1915; the precise location is uncertain.

Source: George Horton, *The Blight of Asia* (1926)/Pontian.info.[70]

As the Paris Peace Negotiations ground on in 1919, the victorious Allies invited Greece, which had joined their side in 1917, to occupy the city of Smyrna on Turkey's Aegean coast. A large Greek community still resided there, even after the 1914–15 "cleansings," and by the end of the war, the Christian population of the city had been swelled by Armenian and Assyrian refugees. The 1920 Treaty of Sèvres, though never implemented, formally recognized Greece's intervention.

The problems associated with the decision to dispatch Turkey's historic enemy to occupy a major city and stretch of Turkish coastline were compounded by the further failure to specify how far the Greek zone of occupation extended. The result was a violent occupation of Smyrna in 1919, with the Greeks and fellow Christians inflicting atrocities while "pacifying" the city and expanding into surrounding areas. This was followed by an opportunistic invasion of the Anatolian heartland.[71] Ill-judged, abjured by the Allies, increasingly unpopular with the Greek population and its soldiers, this invasion was also accompanied by atrocities and destruction, in proclaimed vengeance for the wartime genocides of Greeks and other Christians. The atrocities and the strategic nature of the invasion appeared to "put the very survival of any Turkish state in question," wrote historian Benjamin Lieberman. ". . . With the Greek invasion there was no obvious end in sight, no boundary to fall back on, and no security for a new Turkey. Many Turks saw their nation threatened by nothing less than extermination."[72]

Turkish fury and vengefulness ignited a further genocidal explosion against Anatolian Greeks, including Pontians, before the Greek army was finally driven from Turkish soil at Smyrna in 1922. The Near East Relief committee (see Figure 4.1) described 30,000 Pontian Greek refugees in flight from their homes in 1922, with

some 14,000 killed, and noted that "the Turkish authorities were frank in their state-ments that it was the intention to have Greeks die and all of their actions . . . seem to fully bear this statement out," including forcing the deportees to march through "severe snow storms" while doing "practically everything within [their] power to prevent any relief."[73]

An estimate of the Pontian Greek death toll at all stages of the anti-Christian genocide is about 350,000; for all the Greeks of the Ottoman realm taken together, the toll surely exceeded half a million, and may approach the 900,000 killed that a team of US researchers found in the early postwar period. Most surviving Greeks were expelled to Greece as part of the tumultuous "population exchanges" that set the seal on a heavily "Turkified" state. Apart from an anti-Greek pogrom in Istanbul in 1955 (the culmination of a series that reduced the Greek population from 297,788 in 1924 to fewer than 3,000 today),[74] only the restive Kurdish minority remained to challenge ethnic-Turkish hegemony within the new state boundaries. The Kurds, accordingly, were mercilessly repressed from the 1930s to the 1980s, a story that lies beyond the bounds of this account.[75]

AFTERMATH: ATTEMPTS AT JUSTICE

Turkey's defeat in the First World War, and the subsequent collapse and occupation of the Ottoman Empire, offered surviving Armenians an opportunity for national self-determination. In 1918, an independent Republic of Armenia was declared in the southwestern portion of Transcaucasia, a historically Armenian territory that had been under Russian sovereignty since the early nineteenth century. US President Woodrow Wilson was granted the right to delimit a new Armenian nation, formalized at the Treaty of Sèvres in 1920. Later that year, Wilson supervised the drawing of boundaries for independent Armenia that included parts of historic Ottoman Armenia in eastern Turkey.

Turkey, however, staged a rapid political recovery following its abject military defeat. The new leader, Mustafa Kemal (known as Ataturk, "father of the Turks"), repelled the Greek invasion through the bloody and indiscriminate countermeasures as described above; renounced the Sèvres Treaty; and in a secret gathering, declared it "indispensable that Armenia be annihilated politically and physically."[76] The Kemalist forces invaded, and reconquered six of the former Ottoman provinces that had been granted to independent Armenia under Sèvres. What remained of Armenia was swallowed up by the new Soviet Union. Following a brief period of cooperation with Armenian nationalists, the Soviets took complete control in 1921, and Armenia was incorporated into the Transcaucasian Soviet Federated Socialist Republic (TSFSR) in 1922. A separate Armenian Soviet Socialist Republic was created in 1936. Greeks had nearly all been killed or expelled, and surviving Assyrian populations were clustered outside Anatolia, under British mandatory control in Mesopotamia. The stage was set for the rebirth of Turkish nationalism and the resuscitation of Turkish statehood.

In the interim (1918–20) between the Ottoman collapse and the ascendancy of the Ataturk regime, and at the insistence of the Allies (who, as early as 1915, with

Figure 4.6   Mustafa Kemal, known as Ataturk – "father of the Turks" – in the early 1920s. After the crushing defeat of the First World War, he used his common touch and charisma to rally the Turks to expel foreign occupiers and restore Anatolia as the heartland of a post-Ottoman state. Ataturk modernized and secularized Turkish society, and established the country as an influential and strategic player in international politics. But the Turkish ethnonationalism that he both mobilized and catalyzed has proved to be a volatile quantity. It led to further massacres of Christians in the early Kemalist period, and the marginalization and persecution of the country's large Kurdish minority thereafter. And it impeded Turks' honest engagement with their country's past, including the genocides of the First World War period. Turks are, of course, hardly alone in such nationalistic/patriotic hubris and selective readings of history. See Chapters 2, 10, 14, and 16 for examples and further discussion.

Source: Wikimedia Commons.

an eye on the postwar dismemberment of the Turkish heartland, had accused the Young Turk rulers of "crimes against humanity"), the Turkish government – at British insistence, and in the hope of winning more favorable terms from the Allies at the Paris Peace Conference – held a remarkable series of trials of those accused of directing and implementing the Armenian genocide.

In April 1919, the Court pronounced that "the disaster visiting the Armenians was not a local or isolated event. It was the result of a premeditated decision taken by a central body . . . and the immolations and excesses which took place were based on oral and written orders issued by that central body."[77] Over a hundred former government officials were indicted, and a number were convicted, with Talat, Enver, and a pair of other leadership figures sentenced to death in absentia. After three relatively minor figures were executed, nationalist sentiment in Turkey exploded, greatly strengthening Ataturk's revolution. The British Foreign Office reported that "not one Turk in a thousand can conceive that there might be a Turk who deserves

to be hanged for the killing of Christians"[78] – and in the face of that opposition and Allied pandering, the impetus for justice began to waver. "Correspondingly the sentences grew weaker, as the court refrained from handing down death sentences, finding most of the defendants only 'guilty of robbery, plunder, and self-enrichment at the expense of the victims.'"[79]

Eventually, in a tactic duplicated by Serbs in Bosnia-Herzegovina decades later (Chapter 8), Ataturk took dozens of British hostages from among the occupying forces. For Britain, which had decided some time earlier that the best policy was "cutting its losses," this was the final straw.[80] Anxious to secure the hostages' release, and to placate the new Turkish regime, the British freed many of the Turks in its custody. In July 1923, the Allies signed the Treaty of Lausanne with the Turks, which made no mention of the independent Armenia pledged at Sèvres. It was an "abject, cowardly and infamous surrender," in the estimation of British politician Lloyd George.[81]

Denied formal justice, Armenian militants settled on a vigilante version. All three of the main organizers of the genocide were assassinated: Talat Pasha in Berlin in 1921, at the hands of Soghomon Tehlirian, who had lost most members of his family in the genocide; Enver Pasha while leading an anti-Bolshevik revolt in Turkestan in 1922 (in an ambush "led by an Armenian Bolshevik officer");[82] and Jemal Pasha, by Armenians in Tiflis in 1922.

THE DENIAL

In 1915, the Allies staged an attempted invasion of Turkey at Gallipoli. During nine months of attacks launched from the narrow ribbon of beach they occupied, up precipitous cliffs and through thorny gullies, the Allies sought fruitlessly to reach the straits.[83] Fierce Turkish resistance stopped every thrust. In the end the Allies withdrew, having suffered tens of thousands of casualties, mostly from disease. Today, their carefully tended cemeteries dot the landscape, as do those where a similar number of Turkish casualties are buried.

It is likely that if the Gallipoli campaign had succeeded, the genocide against the Armenians would not have occurred. But it did – unless, that is, you shared the views of the author of a guidebook to the battlefields, available at souvenir shops in Çannakale across the Straits. According to this text, the Armenians were "privileged subjects of the Ottoman Empire [who] had been disloyal during the war, having crossed the [Russian] border, joined the Russian Army, and fought against the Turks":

> Furthermore, they were hoarding arms for a movement to set up an independent Armenian state in Turkey. They had staked their future on the victory of the Allies and, like the Greeks, gloated over every Turkish reverse in the war. They were rich, and many of them handled commerce throughout the empire. In effect, they were a fifth column inside the country. . . . The leaders were punished with death and the rest put on the road to the south of the empire, to Syria and Mesopotamia [Iraq], in order to reduce the Armenian population near the Russian border. This event would later be introduced to the world as the so-called "Turkish massacre"

and be turned into negative propaganda against the modern Republic of Turkey by the Armenian diaspora.[84]

For the guidebook's author, the death and destruction inflicted on the Armenians did not constitute genocide or even "massacre"; it was a necessary and morally justifiable response to the machinations of Armenian rebels. In espousing these views, moreover, the author was simply reflecting the general, indeed semi-official Turkish attitude towards the Armenian genocide.

This is classic genocide denial, force-fed to an international community by a sustained government campaign. As Bloxham summarized, Turkey has "written the Armenians out of its history books, and systematically destroyed Armenian architecture and monuments to erase any physical traces of an Armenian presence." Moreover, "Armenian genocide denial is backed by the full force of a Turkish state machinery that has pumped substantial funding into public-relations firms and American university endowments to provide a slick and superficially plausible defence of its position."[85] In these efforts (analyzed in comparative context in Chapter 14), Turkey has been greatly assisted by its alliance with the US.[86] For the US, Turkey was critically important in the "containment" of the Soviet Union during the Cold War. Today, it is seen as a secular bulwark against Muslim-fundamentalist ferment in the Middle East. Accordingly, US military leaders, as well as "security"-minded politicians, have played a key role in denial of the genocide.[87] The close US–Turkish relationship means that Turkish studies in the United States is well-funded, not only through Turkish government sources, but thanks to the large number of contractors (mainly arms manufacturers) who do business with Turkey.

In recent years, however, the denial efforts of the Turkish government and its supporters have met with decreasing success. "Today, twenty countries, most of them

Figure 4.7 1915: the missing volume of Ottoman history. Poster by Yervant Herian.

Source: Courtesy Yervant Herian/ www.armeniangenocide posters.org.

in Europe, acknowledge the Armenian Genocide, as do the European Parliament, the United Nations, and the International Association of Genocide Scholars."[88] The most prominent national-level action was a 1998 resolution by the French National Assembly: a single sentence reading, "France recognizes the Armenian genocide of 1915."[89] This was passed over strong Turkish objections and threats of economic reprisals against French companies doing business with Turkey. In April 2004, the Canadian House of Commons voted to recognize "the death of 1.5 million Armenians between 1915 and 1923 as a genocide . . . and condemn this act as a crime against humanity."[90]

The United States still held out. After numerous abortive initiatives, the House of Representatives seemed poised in October 2000 to acknowledge the Armenian tragedy as genocide, and condemn its perpetrators. However, "minutes before the House was due to vote" on the measure, "J. Dennis Hastert, the speaker, withdrew the resolution . . . citing President Clinton's warnings that a vote could harm national security and hurt relations with Turkey, a NATO ally." President-to-be Barack Obama expressed his support on the campaign trail for formal recognition of the Armenian genocide, including the proposed congressional resolution, while campaigning in 2008: "As a US Senator, I have stood with the Armenian American community in calling for Turkey's acknowledgement of the Armenian Genocide." But as president, he has refrained from issuing a presidential declaration on the subject – as he pledged to do – and he carefully avoided using the word "genocide" during his April 2009 visit to Turkey.[91]

One reason cited for Obama's demurral was the sensitive question of Turkish–Armenian relations, which reached a kind of resolution in October 2009 with the signing in Zurich of an accord to re-establish diplomatic and economic relations between the two countries, severed since the 1990s crisis over the Armenian-majority zone of Nagorno-Karabakh in Azerbaijan. This set aside the genocide recognition issue, merely establishing a joint "impartial historical commission" to examine the issue. For some Armenians in the diaspora, and others, this suggested that the factual status of the genocide still had to be determined: the International Association of Genocide Scholars president, William Schabas, responded with a declaration that "acknowledgement of the Armenian Genocide must be the starting point of any 'impartial historical commission,' not one of its possible conclusions."[92] The keen observer of international affairs, Gwynne Dyer, pointed to how the genocide was being "remembered" differently (see Chapter 14) by the two main Armenian branches:

> The most anguished protests came from the Armenian diaspora – eight million people living mainly in the United States, France, Russia, Iran and Lebanon. There are only three million people living in Armenia itself, and remittances from the diaspora are twice as large as the country's entire budget, so the views of overseas Armenians matter. Unfortunately, their views are quite different from those of the people who actually live in Armenia. For Armenians abroad, making the Turks admit that they planned and carried out a genocide is supremely important. Indeed, it has become a core part of their identity. For most of those who are still in Armenia, getting the Turkish border re-opened is a higher priority.[93]

In Turkey itself, the picture is mixed. The international community was shocked by the assassination of Hrant Dink, a Turkish newspaper editor of Armenian background who had published widely on the Armenian genocide and Turkish–Armenian reconciliation. After years of death threats, Dink was gunned down in the streets of Istanbul in January 2007; his assassin was a 17-year-old Turkish nationalist. Other prominent figures who have spoken about the genocide, including the Nobel Prize-winning author Orhan Pamuk, have likewise been hounded, threatened, and prosecuted (as was Dink, three times) for "insulting Turkishness."[94]

On the other hand, notable cracks have appeared in the façade of denial. In extraordinary scenes after Dink's killing, some two hundred thousand Turkish mourners marched in his funeral procession: "cries of *Hepimiz Ermeniz* ('We are all Armenians!') [sounded] in the throats of tens of thousands of Turks."[95] This new sense of solidarity was evident in the brave scholarship of Taner Akçam and others, and relatedly in the move towards rapprochement with the country's Kurdish minority. In 2008, a quartet of Turkish intellectuals – Ahmet Insel, Baskin Oran, Ali Bayramoglu, and Cengiz Aktar – risked the wrath of the state, and nationalist vigilantes, by issuing a "public apology" for the Armenian genocide, in which the signatories declared:

> My conscience does not accept the insensitivity showed to and the denial of the Great Catastrophe that the Ottoman Armenians were subjected to in 1915. I reject this injustice and for my share, I empathise with the feelings and pain of my Armenian brothers. I apologise to them.[96]

Despite such dramatic gestures, "history," according to the Turkish writer Sechuk Tezgul, was still "waiting for that honest Turkish leader who will acknowledge his ancestors' biggest crime ever, who will apologize to the Armenian people, and who will do his best to indemnify them, materially and morally, in the eyes of the world."[97]

Recognition of the genocides of the other Christian populations of the Ottoman realm has also proceeded incrementally. In an announcement which ran counter to a tendency toward an "exclusivity of suffering,"[98] the Armenian National Committee of America (ANCA) "join[ed] with Pontian Greeks – and all Hellenes around the world – in commemorating . . . the genocide initiated by the Ottoman Empire and continued by Kemalist Turkey against the historic Greek population of Pontus along the southeastern coast of the Black Sea." "We join with the Hellenic American community in solemn remembrance of the Pontian Genocide, and in reaffirming our determination to work together with all the victims of Turkey's atrocities to secure full recognition and justice for these crimes," said ANCA's director, Aram Hamparian. By 2007, a number of US states, including Florida, New York, New Jersey, Massachusetts, and Pennsylvania, had also passed formal acts of recognition.

A more recent initiative was spearheaded in the International Association of Genocide Scholars (IAGS). A resolution was placed before the IAGS membership to recognize the Greek and Assyrian/Chaldean components of the Ottoman genocide against Christians, alongside the Armenian strand of the genocide (which the IAGS had already formally acknowledged). The result, passed emphatically in December 2007 despite not inconsiderable opposition, was a resolution which I co-drafted, reading as follows:

WHEREAS the denial of genocide is widely recognized as the final stage of genocide, enshrining impunity for the perpetrators of genocide, and demonstrably paving the way for future genocides;

WHEREAS the Ottoman genocide against minority populations during and following the First World War is usually depicted as a genocide against Armenians alone, with little recognition of the qualitatively similar genocides against other Christian minorities of the Ottoman Empire;

BE IT RESOLVED that it is the conviction of the International Association of Genocide Scholars that the Ottoman campaign against Christian minorities of the Empire between 1914 and 1923 constituted a genocide against Armenians, Assyrians, and Pontian and Anatolian Greeks.

BE IT FURTHER RESOLVED that the Association calls upon the government of Turkey to acknowledge the genocides against these populations, to issue a formal apology, and to take prompt and meaningful steps toward restitution.[99]

In my view, the initiative typified one of the more positive aspects of genocide studies: the opportunity to help in resuscitating long-forgotten or marginalized events for a contemporary audience; in acknowledging the victims and survivors of the genocide; and in exposing accepted framings and discourses to critical reexamination. Such processes themselves represent a kind of "humanitarian intervention" – primarily in the realms of history and memory, but also in contemporary crises, by highlighting the plight of vulnerable descendant populations today.

FURTHER STUDY

Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility.* New York: Metropolitan Books, 2006. Based on intensive archival research in Turkish sources, the story of the planning, perpetration, and aftermath of the Armenian holocaust. See also *From Empire to Republic: Turkish Nationalism and the Armenian Genocide.*

Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response.* New York: HarperCollins, 2003. The best overview of the genocide and the US humanitarian response; see also *Black Dog of Fate* (memoir).

Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians.* Cambridge: Cambridge University Press, 2005. Excellent on the international machinations surrounding the "Armenian question." See also *Genocide, the World Wars and the Unweaving of Europe.*

Sébastien de Courtois, *The Forgotten Genocide: Eastern Christians, The Last Arameans*, trans. Vincent Aurora. Piscataway, NJ: Gorgias Press, 2004. One of the very few studies of the destruction of Assyrian/Syriac communities under the Ottomans.

Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus.* Providence, RI: Berghahn Books, 1995. Background to the genocide.

Marjorie Housepian Dobkin, *Smyrna 1922: The Destruction of a City*. New York: Newmark Press, 1998 (reprint). A standard though somewhat partisan account of one of the last spasms of war and "cleansing" in the Ottoman period.

David Gaunt, *Massacres, Resistance, Protectors: Muslim-Christian Relations in Eastern Anatolia during World War I*. Piscataway, NJ: Gorgias Press, 2006. Exhaustive survey of the mass violence in this little-studied corner of the empire.

Thea Halo, *Not Even My Name*. New York: Picador, 2001. Moving account of a survivor of the Pontian Greek genocide – the author's mother (Sano Halo, still alive in 2010, aged 100; see Figure 4.4, p. 163).

Richard G. Hovannisian, ed., *The Armenian Genocide in Perspective*. New Brunswick, NJ: Transaction Publishers, 1986. Early collection, still in print and still a concise and lucid introduction.

Donald E. Miller and Lorna Touryan Miller, *Survivors: An Oral History of the Armenian Genocide*. Berkeley, CA: University of California Press, 1999. Focuses on the experiences of Armenian children.

Henry Morgenthau, *Ambassador Morgenthau's Story*. http://www.gwpda.org/wwi-www/morgenthau/MorgenTC.htm. Memoirs of the US Ambassador to Constantinople.

Ronald Grigor Suny, *Looking Toward Ararat: Armenia in Modern History*. Bloomington, IN: Indiana University Press, 1993. Examines the rise of Armenian nationalism, the genocide, and the subsequent politics of Soviet Armenia and the diaspora.

The Treatment of Armenians in the Ottoman Empire, 1915–16. http://net.lib.byu.edu/~rdh7/wwi/1915/bryce/. Text of the British "Blue Book" (published in 1916) on atrocities against the Armenians.

Speros Vryonis, Jr., *The Mechanism of Catastrophe: The Turkish Pogrom of September 6–7, 1955, and the Destruction of the Greek Community of Istanbul*. New York: Greekworks, 2007. Meticulous investigation of an anti-Greek pogrom in post-Kemalist Turkey.

NOTES

1 In German, *"Wer redet heute noch von der Vernichtung der Armenier?"* Hitler quoted in Ronnie S. Landau, *The Nazi Holocaust* (Chicago, IL: Ivan R. Dee, 1994), p. 15. On the documentary evidence for Hitler's statement, see Vahakn N. Dadrian, *The History of the Armenian Genocide: Ethnic Conflict from the Balkans to Anatolia to the Caucasus* (6th rev. edn) (New York: Berghahn Books, 2003), pp. 403–09.

2 I follow Travis in referring "to the Assyrians, Nestorians, Chaldeans, and Syrian/Syriac Christians collectively as Assyrians. All of them are descended from the indigenous inhabitants of Mesopotamia, southeastern Anatolia, and northwestern Persia; Persian, Greek, and Arab rulers, as well as Chaldean Patriarchs, Syrian/Syriac priests and monks, and their Armenian neighbors, have referred to all three groups together as 'Assyrians.'" Travis, *Genocide in the Middle East: The Ottoman Empire, Iraq, and Sudan* (Durham, NC: Carolina Academic Press, 2010), p. 237 (n. 2).

3 Travis, *Genocide in the Middle East*, p. 299. As Travis points out, the original title of the famous "Blue Book," the Allied compilation of documents on Turkish atrocities, was *Papers and Documents on the Treatment of Armenians and Assyrian Christians by the Turks, 1915–1916, in the Ottoman Empire and North-West Persia*. The phrase "and Assyrian Christians" was deleted prior to the book's publication in Britain, and all references to

anti-Assyrian atrocities were removed from the French version presented at the postwar Paris Peace Conference (*Genocide in the Middle East*, p. 253).

4 Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility* (New York: Metropolitan Books, 2006), p. 43.

5 Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians* (Cambridge: Cambridge University Press, 2005), p. 71.

6 Wangenheim quoted in Akçam, *A Shameful Act*, p. 121.

7 Thea Halo, *Not Even My Name* (New York: Picador USA, 2001), p. 131.

8 Hannibal Travis, personal communication, January 25, 2010. Travis notes that the estimate squares with that of David Gaunt, and also the figures submitted to the Paris Peace Conference shortly after the events.

9 For a useful overview of contemporary anti-Christian persecution and genocide, asserting that "Christians are now considered the most persecuted religious group around the world," see "Christianity's Modern-Day Martyrs," *Spiegel Online*, February 28, 2010, http://www.spiegel.de/international/world/0,1518,680349,00.html.

10 Throughout this chapter, for convenience, I refer to "Turkey" and "the Ottoman Empire" interchangeably.

11 Vahakn Dadrian, "Documentation of the Armenian Genocide in Turkish Sources," in Israel Charny, ed., *Genocide: A Critical Bibliographic Review,* Vol. 2 (New Brunswick, NJ: Transaction Publishers, 1991); Dadrian, "The Role of Turkish Physicians in the World War I Genocide of Ottoman Armenians," *Holocaust and Genocide Studies*, 1 (1986), pp. 172–75, 184.

12 Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven, CT: Yale University Press, 2009), p. 402.

13 Bloxham, *The Great Game of Genocide*, pp. 30–31.

14 Donald Bloxham, *Genocide, the World Wars and the Unweaving of Europe* (London: Vallentine Mitchell, 2008), p. 1. However, Hannibal Travis contests Bloxham's claim of a clear primacy of Muslim victims: it "seems to ignore the massacres of 200,000 to 450,000 Ottoman Christians, including 30,000 Armenians in the 1900s, 100,000 to 300,000 mostly Armenians in the 1890s, about 15,000 Armenians and Slavs in the 1870s, about 12,000 Maronites in Lebanon around 1860, and about 70,000 Greeks in the 1820s." Travis, personal communication, January 24, 2010. Justin McCarthy's revisionist study, *Death and Exile: The Ethnic Cleansing of Ottoman Muslims, 1821–1922* (Princeton, NJ: The Darwin Press, 1995), claims that during the period under consideration, "Five and one-half million Muslims died, some of them killed in wars, others perishing as refugees from starvation and disease" (p. 1).

15 Akçam, *A Shameful Act*, p. 87.

16 The shrinking of the empire meant that the Ottoman realm became more homogeneous, and the minority Christians of the realm (the Armenians, Assyrians, and Pontian Greeks) stood out more prominently. Whereas the Ottoman Empire had once been unusually diverse, cosmopolitan, and tolerant, its dissolution spurred those who yearned for an ethnically "pure" Turkish homeland. I am indebted to Benjamin Madley for this point.

17 Stephan Astourian, "The Armenian Genocide: An Interpretation," *The History Teacher*, 23: 2 (February 1990), p. 123.

18 Balakian, *The Burning Tigris*, p. 59.

19 Dadrian, *The History of the Armenian Genocide*, p. 151. Daniel Jonah Goldhagen points out that "the Turks' massive assault upon the Armenians from 1894 to 1896 would rightly be called the Armenian Genocide – had an even more massive mass murder and elimination not followed twenty years later." Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Basic Books, 2009), p. 302.

20 Bloxham, *The Great Game of Genocide*, p. 55.

21 For analysis of the death-toll, see Dadrian, *The History of the Armenian Genocide*, pp. 153–57.

22 Melson quoted in Donald E. Miller and Lorna Touryan Miller, *Survivors: An Oral History of the Armenian Genocide* (Berkeley, CA: University of California Press, 1999), p. 47.
23 Astourian, "The Armenian Genocide," p. 129.
24 Donald Bloxham, personal communication, August 31, 2005.
25 Balakian, *The Burning Tigris*, p. 164.
26 Gökalp quoted in Akçam, *A Shameful Act*, p. 88.
27 Miller and Miller, *Survivors*, p. 39.
28 For example, Bahaeddin Sakir, who headed the Special Organization in the eastern Ottoman provinces, wrote in February 1915 of the CUP's decision that "the Armenians living in Turkey will be destroyed to the last. The government has been given ample authority. As to the organization of the mass murder, the government will provide the necessary explanations to the governors, and to the army commanders. The delegates of [the CUP] in their own regions will be in charge of this task." Cited in Astourian, "The Armenian Genocide," p. 139.
29 In April 1909, another massacre of Armenians occurred in the city of Adana, with similar killing campaigns occurring "all across Cilicia and around the Gulf of Alexandretta." However, "this time the new revolutionary government decided to act and prosecuted 34 Turks and 6 Armenians for their part in the communal strife." Andrew Bell-Fialkoff, *Ethnic Cleansing* (New York: St. Martin's Griffin, 1999), p. 150.
30 Matthias Bjørnlund, "The 1914 Cleansing of Aegean Greeks as a Case of Violent Turkification," *Journal of Genocide Research*, 10: 1 (2008), p. 42.
31 Toynbee quoted in Akçam, *A Shameful Act*, p. 105.
32 For an interpretation running somewhat counter to the one offered here, see Bloxham, *The Great Game of Genocide*, pp. 64, 164. Bloxham describes the policy adopted towards Ottoman Greeks from 1913 to 1916 as "a combination of population engineering and economic appropriation, using boycotts, murders, terrorization, and then deportation" (*The Great Game of Genocide*, p. 64). However, he argues that generalized killing of Greeks did not occur until 1921–22, following the Greek invasion and occupation of large parts of Turkey; and then it took place in the context of a "war of extermination" featuring comparably widespread atrocities against civilians by both Greek and Turkish forces.
33 Morgenthau quoted in Akçam, *A Shameful Act*, p. 111.
34 Morgenthau quoted in ibid., pp. 105–06.
35 Van der Zee quoted in Bjørnlund, "The 1914 Cleansing," p. 46.
36 Emanuelidi Efendi quoted in Akçam, *A Shameful Act*, p. 107.
37 CUP document cited in Kiernan, *Blood and Soil*, p. 408.
38 Shakir quoted in Ronald Grigor Suny, *Looking Toward Ararat: Armenia in Modern History* (Bloomington, IN: Indiana University Press, 1993), p. 112.
39 Henry J. Morgenthau, *Murder of a Nation*, http://www.gwpda.org/wwi-www/morgenthau/MorgenTC.htm.
40 Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005), p. 148.
41 Dadrian, *The History of the Armenian Genocide*, p. 226.
42 Ibid., pp. 221–22.
43 Morgenthau, *Murder of a Nation*.
44 "Some regional variations notwithstanding," wrote Taner Akçam, "the expulsions and massacres proceeded in the same way everywhere and are well documented in American, British and German archival materials, missionary reports, and survivors' accounts. The very persistence of the pattern indicates central planning." Akçam, *A Shameful Act*, p. 174.
45 Davis quoted in Balakian, *The Burning Tigris*, p. 234.
46 Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-century Europe* (Cambridge, MA: Harvard University Press, 2001), p. 41.

47 Balakian, *The Burning Tigris*, pp. 182–83.
48 Morgenthau, *Murder of a Nation*.
49 Ibid.
50 Miller and Miller, *Survivors*, p. 110.
51 For an overview of this practice, see Ara Sarafian, "The Absorption of Armenian Women and Children into Muslim Households As a Structural Component of the Armenian Genocide," ch. 9 in Omer Bartov and Phyllis Mack, *In God's Name: Genocide and Religion in the Twentieth Century* (New York: Berghahn Books, 2001), pp. 209–21.
52 Margaret Ajemian Ahnert, *The Knock at the Door: A Journey through the Darkness of the Armenian Genocide* (New York: Beaufort Books, 2007). The quoted passages are drawn from pp. 10, 15, 88–89, 91, 117, 121, 138, 168, 176.
53 Miller and Miller, *Survivors*, p. 119.
54 Vahakn N. Dadrian, "The Comparative Aspects of the Armenian and Jewish Cases of Genocide: A Sociohistorical Perspective," in Alan S. Rosenbaum, ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide* (Boulder, CO: Westview Press, 1998), pp. 127–28.
55 Balakian, *The Burning Tigris*, p. 320.
56 Ibid., p. 245. David Gaunt likewise contends that the CUP viewed "the Syriac groups in the Ottoman Empire . . . with the same degree of suspicion as they did the Armenians." Gaunt, *Massacres, Resistance, Protectors: Muslim–Christian Relations in Eastern Anatolia during World War I* (Piscataway, NJ: Gorgias Press, 2006), p. 122.
57 Gaunt, *Massacres, Resistance, Protectors*, p. 304.
58 Ibid., p. 252 (citing Arthur Beylerian, *Les Grandes Puissances: L'Empire Ottoman, et les Arméniens dans les archives françaises (1914–1918)* [New York: Holmes & Meier Publishers, 1983]), pp. 478–79; Viscount James Bryce and Arnold Joseph Toynbee, *The Treatment of Armenians in the Ottoman Empire, 1915–1916: Documents Presented to Viscount Grey of Fallodon* (ed. Ara Sarafian) (Reading: Taderon Press, 2000), p. 120.
59 Joseph Naayem, *Shall This Nation Die?* (New York: Chaldean Rescue, 1921), pp. 145–162.
60 Nogales quoted in Travis, *Genocide in the Middle East*, p. 248.
61 Morgenthau quoted in ibid., p. 257. Emphasis added.
62 Sykes quoted in Lt. Col. Ronald S. Stafford, "Iraq and the Problem of the Assyrians," *International Affairs*, March 1934, p. 182.
63 Christoph Baumer, *The Church of the East: An Illustrated History of Assyrian Christianity* (London: I.B. Tauris, 2006), p. 263. I am grateful to Hannibal Travis for bringing this source and the preceding one to my attention.
64 Stafford, *Iraq and the Problem of the Assyrians*, p. 177.
65 Travis, *Genocide in the Middle East*, p. 256.
66 Quoted in Ibid., p. 207.
67 Horton cited in Ibid., p. 287.
68 See also Nancy Kriz, "Greek Citizenship Bestowed upon 100-year-old Monroe Woman Who Survived the Pontic Greek Genocide," Atour.com, July 24, 2009, http://www.atour.com/~aahgn/news/20090724a.html.
69 Halo, *Not Even My Name*, pp. 98, 131, 135–36.
70 The image with its original caption appears online at http://members.fortunecity.com/fstav1/horton/deportations2_1915.jpg.
71 A British commission investigating the occupation of Smyrna and environs delivered a "verdict on Greek behavior during the offensive of 1921 [that] was damning in the extreme. The commissioners wrote of the 'burning and looting of Turkish villages' and the explosion of violence of Greeks and Armenians against the Turks . . . : 'There is a systematic plan of destruction and extinction of the Moslem population. This plan is being carried out by Greek and Armenian hands, which appear to operate under Greek instruction and sometimes even with the assistance of detachments of regular troops.'"

Norman M. Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge, MA: Harvard University Press, 2001), p. 45.

72 Benjamin Lieberman, *Terrible Fate: Ethnic Cleansing in the Making of Modern Europe* (Chicago, IL: Ivan R. Dee, 2006), p. 123.

73 Quoted in Travis, *Genocide in the Middle East*, p. 290.

74 See Speros Vryonis, Jr., *The Mechanism of Catastrophe: The Turkish Pogrom of September 6–7, 1955, and the Destruction of the Greek Community of Istanbul* (New York: Greekworks, 2007), pp. 16, 565.

75 See Jonathan C. Randal, *After Such Knowledge, What Forgiveness? My Encounters with Kurdistan* (Boulder, CO: Westview Press, 1999).

76 Cited in Balakian, *The Burning Tigris*, p. 328. In a precursor to subsequent Turkish campaigns of genocide denial, Ataturk claimed that the Armenians killed were "victims of foreign intrigues" and guilty of abusing "the privileges granted them."

77 Quoted in Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000), p. 127.

78 British Foreign Office dispatch quoted in Akçam, *A Shameful Act*, p. 294.

79 Balakian, *The Burning Tigris*, p. 341. For more on the trials, see Akçam, *A Shameful Act*, part 3; Vahakn Dadrian, "The Turkish Military Tribunal's Prosecution of the Authors of the Armenian Genocide," *Holocaust and Genocide Studies*, 11: 1 (1997).

80 Bass, *Stay the Hand of Vengeance*, p. 136.

81 Lloyd George quoted in Bass, *Stay the Hand of Vengeance*, p. 144.

82 Balakian, *The Burning Tigris*, p. 345.

83 See the photo galleries of the (beautiful) battlefield sites at http://adamjones.freeservers.com/turkey03-00.htm. Peter Weir's film, *Gallipoli*, is a fair depiction of events from the viewpoint of Australian soldiers.

84 Mustafa Aşkın, *Gallipoli: A Turning Point* (Çanakkale: Mustafa Aşkın, n.d.), p. 40.

85 Bloxham, *The Great Game of Genocide*, pp. 211, 228. See also Amy Magaro Rubin, "Critics Accuse Turkish Government of Manipulating Scholarship," *Chronicle of Higher Education*, October 27, 1995.

86 On the Turkish–Israeli relationship, see Yair Auron, *The Banality of Denial: Israel and the Armenian Genocide* (New Brunswick, NJ: Transaction Publishers, 2003). See also Robert Melson, "Responses to the Armenian Genocide: America, the Yishuv, Israel" (review article), *Holocaust and Genocide Studies*, 20: 1 (2006), pp. 103–111. It should be stressed that some Israeli scholars have persistently pressed the Israeli government to recognize the genocide. Israel Charny and Yehuda Bauer deserve special mention in this respect.

87 The trend began early on. Colby Chester, a retired US admiral, wrote in 1922 in the *New York Times Current History*: "The Armenians were moved from the inhospitable regions where they were not welcome and could not actually prosper but to the most delightful and fertile parts of Syria . . . where the climate is as benign as in Florida and California whither New York millionaires journey each year for health and recreation. . . . And all this was done at great expense of money and effort." Quoted in Balakian, *The Burning Tigris*, p. 376.

88 Peter Balakian, personal communication, September 11, 2005.

89 "French Parliament Recognises 1915 Armenian Genocide," Reuters dispatch, May 29, 1998. However, "the wording of the resolution was deliberately designed to remove any suggestion of the responsibility of the modern Turkish state for the genocide; indeed no perpetrator agency of any sort was recalled in the brief statement of recognition." Bloxham, *The Great Game of Genocide*, p. 224.

90 "Turkey Denounces Armenian Genocide Vote in Commons," CBC News, April 22, 2004 .

91 See Pierre Tristam, "Obama, Turkey and the Armenian Genocide," Pierre's Middle East Issues Blog, March 18, 2009; "Barack Obama Sidesteps Armenian Genocide Row on Trip to Turkey," *The Times*, April 6, 2009, http://www.timesonline.co.uk/tol/news/world/europe/article6045165.ece.

92 "IAGS: Armenian Genocide Recognition Must Be Starting Point of Historical Commission, Not One of Its Possible Conclusions," PanArmenian.net, October 14, 2009, http://www.panarmenian.net/news/eng/?nid=37827.

93 Gwynne Dyer, "Ending the Debate on an Armenian Genocide," Straight.com, October 15, 2009, http://www.straight.com/article-264662/gwynne-dyer-ending-debate-armenian-genocide.

94 Alison Flood, "Pamuk 'Insult to Turkishness' Claims Return to Court," *The Guardian*, May 15, 2009, http://www.guardian.co.uk/books/2009/may/15/pamut-insult-turkishness-court (*n.b.* "pamut" as given). "Pamuk said in [a] February 2005 interview that '30,000 Kurds and a million Armenians were killed in these [Turkish] lands and nobody but me dares to talk about it.' He was charged and tried for 'public denigration of Turkish identity' under Article 301 of the penal code later that year, but the case was subsequently dropped in the wake of international outrage. However, . . . six people – including the nationalist lawyer Kemal Kerincsiz, who has filed cases in the past against Pamuk and the murdered journalist Hrant Dink, and who is currently detained in the Ergenekon trial – have been given leave to demand 36,000 lira (£15,000) in compensation from the celebrated author . . . . Their case, which claims personal damages arising from the 'insult' to Turkishness, has been rejected twice previously, but . . . the case will now be reassessed." In October 2009, the Turkish Supreme Court of Appeals upheld the ruling, and the case for damages against Pamuk proceeded. No further updates were available at the time of writing (March 2010) (thanks to Jill Mitchell for research assistance with this case).

95 Hratch Tchilingirian, "Hrant Dink and Armenians in Turkey," OpenDemocracy.net, February 23, 2007, http://www.opendemocracy.net/democracy-turkey/dink_armenian_4378.jsp.

96 Robert Tait, "Writers Risk Backlash with Apology for Armenian Genocide," *The Guardian*, December 8, 2008.

97 Tezgul quoted in Balakian, *The Burning Tigris*, p. 391.

98 Thea Halo, "The Exclusivity of Suffering: When Tribal Concerns Take Precedence over Historical Accuracy," unpublished research paper, 2004.

99 A facsimile of the resolution as passed is available at http://www.greek-genocide.org/iags_resolution.html.

Segment 2

Topics

- The Holocaust
- The Holocaust in Transylvania

Discussion points

- (European) anti-Semitism
- Exercise: Bystander attitude – what would you do?
- Book-burning: cultural genocide?
- Medical experiments and genocide

Compulsory reading material (enclosed):

- Jones, A., *Genocide: A Comprehensive Introduction*, Routledge, 2011, pp. 233-282
- *The Holocaust in Northern Transylvania*, Yad Vashem Institute, https://www.yadvashem.org/yv/en/exhibitions/wiesel/holocaust_in_northern_transylvania.pdf

The Jewish Holocaust

INTRODUCTION

The genocide of European Jews – which many scholars and others call simply "the Holocaust"[1] – "is perhaps the one genocide of which every educated person has heard."[2] Between 1941 and 1945, five to six million Jews were systematically murdered by the Nazi regime, its allies, and its surrogates in the Nazi-occupied territories.[3] Yet despite the extraordinary scale and intensity of the genocide, its prominence in recent decades was far from preordained. The Second World War killed upwards of fifty million people in all, and attitudes following the Nazi defeat tended to mirror those during the war, when Western leaders and publics generally refused to ascribe special urgency to the Jewish catastrophe. Only with the Israeli capture of Adolf Eichmann, the epitome of the "banality of evil" in Hannah Arendt's famous phrase, and his trial in Jerusalem in 1961, did the Jewish *Shoah* (catastrophe) begin to entrench itself as the paradigmatic genocide of human history. Even today, in the evaluation of genocide scholar Yehuda Bauer, "the impact of the Holocaust is growing, not diminishing."[4]

This impact is expressed in the diverse debates about the Holocaust. Among the questions asked are: How could the systematic murder of millions of helpless individuals have sprung from one of the most developed and "civilized" of Western states? What are the links to European anti-semitism? How central a figure was Adolf Hitler in the genesis and unfolding of the slaughter? What part did "ordinary men" and "ordinary Germans" play in the extermination campaign? How extensive was Jewish resistance? What was the role of the Allies (notably Britain, France, the USSR, and the United States), both before and during the Second World War, in abandoning

Jews to destruction at Nazi hands? And what is the relationship between the Jewish Holocaust and the postwar state of Israel? This chapter addresses these issues in its later sections, while also alighting on the debate over the alleged "uniqueness" of the *Shoah*.

ORIGINS

Until the later nineteenth century, Jews were uniquely stigmatized within the European social hierarchy, often through stereotypical motifs that endure, in places, to the present.[5] Medieval Christianity "held the Jews to violate the moral order of the world. By rejecting Jesus, by allegedly having killed him, the Jews stood in defiant opposition to the otherwise universally accepted conception of God and Man, denigrating and defiling, by their very existence, all that is sacred. As such, Jews came to represent symbolically and discursively much of the evil in the world."[6] Jews – especially male Jews – were reviled as "uprooted, troublesome, malevolent, shiftless" (see pp. 488–90).[7]

The Catholic Church, and later the Protestant offshoot founded by the virulently anti-semitic Martin Luther, assailed Jews as "thirsty bloodhounds and murderers of all Christendom."[8] The most primitive and powerful myth was the so-called "blood

Figure 6.1   Jews were scapegoated and persecuted by many Christian regimes and populations in Europe. A medieval manuscript depicts a mass burning of Jews in 1349 as "punishment" for supposedly colluding with demonic forces to bring the Black Death (bubonic plague) to European shores.

Source: H.H. Ben-Sasson, ed., *A History of the Jewish People*/Wikimedia Commons.

Figure 6.2 The Nazis revived and vigorously inculcated anti-semitic stereotypes. This front page of the propaganda newspaper *Der Stürmer* (*The Attacker*) depicts innocent Aryan womanhood being ritually murdered (*Ritualmord*) and drained of blood by the demonic Jewish male.

Source: St. Brendan School Network.

libel": the claim that Jews seized and murdered Gentile children in order to use their blood in the baking of ceremonial bread for the Passover celebration.[9] Fueled by this and other fantasies, anti-Jewish *pogroms* – localized campaigns of violence, killing, and repression – scarred European Jewish history. At various points, Jews who refused to convert to Christianity were also rounded up and expelled, most notoriously from Spain and Portugal in 1492.[10]

The rise of modernity and the nation-state recast traditional anti-semitism in new and contradictory guises. (The term "anti-semitism" is a product of this era, coined by the German Wilhelm Marr in 1879.) On one hand, Jews were viewed as *enemies* of modernity. Cloistered in the cultural isolation of ghetto (to which previous generations had consigned them), they could never be truly part of the nation-state, which was rapidly emerging as the fulcrum of modern identity.[11] On the other hand, for sectors suspicious of or threatened by change, Jews were seen as dangerous *agents* of modernity: as key players in oppressive economic institutions; as urban, cosmopolitan elements who threatened the unity and identity of the *Volk* (people).

It would be misleading, however, to present European history as one long campaign of discrimination and repression against Jews. For several centuries Jews in Eastern Europe "enjoyed a period of comparative peace, tranquility and the flowering of Jewish religious life."[12] They were even more prominent, and valued, in Muslim Spain. Moreover, ideologies of nationalism sometimes followed the liberal "melting-pot" motif exemplified by the United States. Those Jews who sought integration with their societies could be accepted. The late nineteenth and early twentieth centuries are seen as something of a golden age for Jews in France, Britain, and Germany, even while some two-and-a-half million Jews were fleeing pogroms in tsarist Russia.

Germany was widely viewed as one of the more tolerant European societies; Prussia, the first German state to grant citizenship to its Jews, did so as early as 1812. How, then, could Germany turn first to persecuting, then to slaughtering, nearly

two-thirds of the Jews of Europe? Part of the answer lies in the fact that, although German society was in many ways tolerant and progressive, German politics was never liberal or democratic, in the manner of both Britain and France.[13] Moreover, German society was deeply destabilized by defeat in the First World War, and by the imposition of a humiliating peace settlement at Versailles in 1919. Germany was forced to shoulder full blame for the outbreak of the "Great War." It lost its overseas colonies, along with some of its European territories; its armed forces were reduced to a fraction of their former size; and onerous reparations were demanded. "A tidal wave of shame and resentment, experienced even by younger men who had not seen military service, swept the nation," wrote Richard Plant. "Many people tried to digest the bitter defeat by searching furiously for scapegoats."[14] These dark currents ran beneath the political order, the Weimar Republic, established after the war. Democratic but fragile, it presided over economic chaos – first, the hyperinflation of 1923, which saw the German mark slip to 4.2 trillion to the dollar, and then the widespread unemployment of the Great Depression, beginning in 1929.

The result was political extremism. Its prime architect and beneficiary was the NSDAP (the National Socialist or "Nazi" party), founded by Adolf Hitler and sundry alienated colleagues. Hitler, a decorated First World War veteran and failed artist from Vienna, assumed the task of resurrecting Germany and imposing its hegemony on all Europe. This vision would lead to the deaths of tens of millions of people. But it was underpinned in Hitler's mind by an epic hatred of Jews – "these black parasites of the nation," as he called them in *Mein Kampf* (My Struggle), the tirade he penned while in prison following an abortive coup attempt in 1923.[15]

As the failed *putsch* indicated, Hitler's path to power was far from direct. By 1932, he seemed to many to have passed his peak. The Nazis won only a minority of parliamentary seats in that year's elections; more Germans voted for parties of the Left than of the Right. But divisions between the Socialists and Communists made the Nazis the largest single party in the Reichstag, and allowed Hitler to become Chancellor in January 1933.

Once installed in power, the Nazis proved unstoppable. Within three months, they had seized "total control of [the] German state, abolishing its federalist structure, dismantling democratic government and outlawing political parties and trade unions." The Enabling Act of March 23, 1933 gave Hitler "*carte blanche* to terrorize and neutralize all effective political opposition."[16] Immediately thereafter, the Nazis' persecutory stance towards Jews became plain. Within a few months, Jews saw their businesses placed under Nazi boycott; their mass dismissal from hospitals, the schools, and the civil service; and public book-burnings of Jewish and other "degenerate" works. The Nuremberg Laws of 1935 stripped Jews of citizenship and gave legal shape to the Nazis' race-based theories: intermarriage or sexual intercourse between non-Jews and Jews was prohibited.

With the Nuremberg edicts, and the threat of worse measures looming, increasing numbers of Jews fled abroad. The abandonment of homes and capital in Germany meant penury abroad – the Nazis would allow only a fraction of one's wealth to be exported. The unwillingness of the outside world to accept Jewish refugees meant that many more Jews longed to leave than actually could. Hundreds of those who remained committed suicide as Nazi rule imposed upon them a "social death."[17]

Figure 6.3 "Germans pass by the broken shop window of a Jewish-owned business that was destroyed during Kristallnacht," Berlin, November 10, 1938. While many Germans strongly supported the Nazis' anti-semitic policies, many also bridled at the violence of the "Night of Broken Glass," and the "un-German" disorder it typified. The Nazis monitored public opinion carefully, and such sentiments prompted them, when the time came to impose a "final solution of the Jewish problem," to "outsource" the mass extermination process to the occupied territories in Poland and the USSR.

Source: United States Holocaust Memorial Museum/National Archives and Records Administration.

The persecution mounted further with the *Kristallnacht* (Night of Broken Glass) on November 9–10, 1938, "a proto-genocidal assault"[18] that targeted Jewish properties, residences, and persons. Several dozen Jews were killed outright, billions of deutschmarks in damage was inflicted, and some 30,000 male Jews were rounded up and imprisoned in concentration camps. Now attempts to flee increased dramatically, but this occurred just as Hitler was driving Europe towards crisis and world war, and as Western countries all but closed their frontiers to Jewish would-be emigrants.

"ORDINARY GERMANS" AND THE NAZIS

In recent years, a great deal of scholarly energy has been devoted to Hitler's and the Nazis' evolving relationship with the German public. Two broad conclusions may be drawn from the work of Robert Gellately, Eric Johnson, and David Bankier – and also from one of the most revelatory personal documents of the Nazi era, the diaries of Victor Klemperer (1881–1960). (Klemperer was a Jew from the German city of Dresden who survived the Nazi period, albeit under conditions of privation and persecution, thanks to his marriage to an "Aryan" woman.)

The first insight is that Nazi rule, and the isolation of the Jews for eventual expulsion and extermination, counted on a broad wellspring of popular support. This was based on Hitler's pledge to return Germany to social order, economic stability, and world-power status. The basic thesis of Gellately's book, *Backing Hitler: Consent and Coercion in Nazi Germany*, is that "Hitler was largely successful in getting the backing, one way or another, of the great majority of citizens." Moreover, this was based on the anathematizing of whole classes of citizens: "the Germans generally turned out to be proud and pleased that Hitler and his henchmen were putting away certain kinds of people who did not fit in, or who were regarded as 'outsiders,' 'asocials,' 'useless eaters,' or 'criminals.'"[19]

Victor Klemperer's diaries provide an "extraordinarily acute analysis of the day-to-day workings of German life under Hitler" and "a singular chronicle of German society's progressive Nazification."[20] Klemperer oscillated between a conviction that German society had become thoroughly Nazified, and the ironic conviction (given his expulsion from the body politic) that the Germany he loved would triumph. "I certainly no longer believe that [the Nazi regime] has enemies inside Germany," he wrote in May 1936. "The majority of the people is content, a small group accepts Hitler as the lesser evil, no one really wants to be rid of him. . . . And all are afraid for their livelihood, their life, all are such terrible cowards." Yet as late as March 1940, with the Second World War well underway, "I often ask myself where all the wild anti-Semitism is. For my part I encounter much sympathy, people help me out, but fearfully of course." He noted numerous examples of verbal contempt, but also a surprising number of cases where colleagues and acquaintances went out of their way to greet him warmly, and even police officers who accorded him treatment that was "very courteous, almost comically courteous." "Every Jew has his Aryan angel," one of his fellow inmates in an overcrowded communal house told him in 1941. But by then Klemperer had been stripped of his job, pension, house, and typewriter; he would shortly lose his right to indulge even in his cherished cigarettes. In September 1941, he was forced to put on a yellow Star of David identifying him as a Jew. It left him feeling "shattered": nearly a year later, he would describe the star as "torture – I can resolve a hundred times to pay no attention, it remains torture."[21] Hundreds of miles to the east, the program of mass killing was gearing up, as Klemperer and other Jews – not to mention ordinary Germans – were increasingly aware.

If Jews came to be the prime targets of Nazi demonization and marginalization, they were not the only ones, and for some years they were not necessarily the main ones. Communists (depicted as closely linked to Jewry) and other political opponents, handicapped and senile Germans, homosexuals, Roma (Gypsies), Polish intellectuals,

vagrants, and other "asocial" elements all occupied the attention of the Nazi authorities during this period, and were the victims of "notorious achievements in human destruction" exceeding the persecution of the Jews until 1941.[22] Of these groups, political opponents (especially communists) and the handicapped and senile were most at risk of extreme physical violence, torture, and murder. "The political and syndical [trade union] left," wrote Arno Mayer, "remained the principal target of brutal repression well past the time of the definitive consolidation of the new regime in July–August 1934."[23] In the slaughter of the handicapped, meanwhile, the Nazis first "discovered that it was possible to murder multitudes," and that "they could easily recruit men and women to do the killings."[24] Box 6a explores the fate of political oppositionists and the handicapped under Nazi rule in greater detail.

THE TURN TO MASS MURDER

I also took part in the day before yesterday's huge mass killing [of Jews in Belorussia] . . . When the first truckload [of victims] arrived my hand was slightly trembling when shooting, but one gets used to this. When the tenth load arrived I was already aiming more calmly and shot securely at the many women, children and infants. . . . Infants were flying in a wide circle through the air and we shot them still in flight, before they fell into the pit and into the water. Let's get rid of this scum that tossed all of Europe into the war . . .

> Walter Mattner, a Viennese clerk recruited for service in the *Einsatzgruppen* during the "Holocaust by Bullets"; letter to his wife (!), October 5, 1941

Between the outbreak of the Second World War in September 1939 and the onset of full-scale extermination in mid-1941, the Nazis were busy consolidating and confining the Jews under their control. The core policy in the occupied territories of the East was *ghettoization*: confinement of Jews in overcrowded neighborhoods of major cities. One could argue that with ghettoization came genocidal intent: "The Nazis sought to create inhuman conditions in the ghettos, where a combination of obscene overcrowding, deliberate starvation . . . and outbreaks of typhus and cholera would reduce Jewish numbers through 'natural wastage.'"[25] Certainly, the hundreds of thousands of Jews who died in the ghettos are numbered among the victims of the Holocaust.

In the two years following the German invasion of the Soviet Union on June 22, 1941, some 1.8 million Jews were rounded up and murdered, mostly by point-blank rifle fire, in what the Catholic priest Patrick Desbois has dubbed "the Holocaust by bullets." (For more on Desbois's activism and on this phase of the Holocaust, see Chapter 14.) The direct genocidal agents included the so-called *Einsatzgruppen*, four death-squad battalions – some 3,000 men in all – who followed behind the regular German army.[26] They were accompanied by SS formations and police units filled out with middle-aged recruits plucked from civilian duty in Germany – such as the "ordinary men" of Reserve Police Battalion 101, studied by both historian Christopher Browning and political scientist Daniel Goldhagen (see "Further Study"; Figures 6.10–6.11). Most of the killings occurred before the machinery of

industrial killing was erected in the death camps of Occupied Poland in spring 1942. They continued mercilessly thereafter, hunting down the last Jews still in flight or hiding. Bruno Mayrhofer, a German gendarme in Ukraine, reported that

> On 7 May 1943, 21.00 hours, following a confidential report [*n.b.* probably by a Ukrainian collaborator], 8 Jews, that is 3 men, 2 women and 3 children were flushed out of a well-camouflaged hole in the ground in an open field not far from the post here, and all of them were ["]shot while trying to escape["]. This case concerned Jews from Pohrebyshche who had lived in this hole in the ground for almost a year. The Jews did not have anything else in their possession except their tattered clothing. . . . The burial was carried out immediately on the spot.[27]

The role of the regular German army, or *Wehrmacht*, in this eruption of full-scale genocide was noted at the Nuremberg trials of 1945–46 (see Chapter 15). However, in part because the Western allies preferred to view the *Wehrmacht* as gentlemanly opponents, and subsequently because the German army was reconstructed as an ally by both sides in the Cold War, a myth was cultivated that the *Wehrmacht* had acted "honorably" in the occupied territories. Scholarly inquiry has now demonstrated that this is "a wholly false picture of the historical reality."[28] Permeated to the core by the Nazis' racist ideology, the *Wehrmacht* was key to engineering the mass murder of

Figure 6.4   Soviet Jews gathered in a ravine prior to their mass execution by *Einsatzgruppen* killing units during the "Holocaust by Bullets," 1941–42.

Source: Instytut Pamieci Narodowej/US Holocaust Memorial Museum.

3.3 million Soviets seized as prisoners-of-war (see Box 6a).[29] The *Wehrmacht* was also central to the perpetration of the Jewish Holocaust. The *Einsatzgruppen*, wrote Hannah Arendt, "needed and got the close cooperation of the Armed Forces; indeed, relations between them were usually 'excellent' and in some instances 'affectionate' (*herzlich*, literally 'heartfelt'). The generals . . . often lent their own men, ordinary soldiers, to assist in the massacres."[30] A great many soldiers "felt drawn to the killing operations . . . standing around as spectators, taking photographs, and volunteering to be shooters."[31] As SS Lieutenant-Colonel Karl Kretschmer wrote home in September 1942: "Here in Russia, wherever the German soldier is, no Jew remains."[32]

Even such intensive slaughter, however, could not eliminate European Jewry in a "reasonable" time. Moreover, the intensely intimate character of murder by gunfire, with human tissue and brain matter spattering onto the clothes and faces of the German killers, began to take a psychological toll. The difficulty was especially pronounced in the case of murders of children and women. While it was relatively easy for executioners to persuade themselves that adult male victims, even unarmed civilians, were dangerous and deserved their cruel fate, the argument was harder to make for people traditionally viewed as passive, dependent, and helpless.[33]

To reduce this stress on the killers, and to increase the logistical efficiency of the killing, the industrialized "death camp" with its gas chambers was moved to the fore. Both were refinements of existing institutions and technologies. The death camps grew out of the concentration-camp system the Nazis had established upon first taking power in 1933, while killings by gas were first employed in 1939 as part of the "euthanasia" campaign that was such a vital forerunner of the genocide of the Jews. (It was wound down, in fact, at the precise point that the campaign against European Jews turned to root-and-branch extermination.) Gas chambers allowed for the desired psychological distance between the killers and their victims: "It was the gas that acted, not the man who pulled the machine-gun trigger."[34]

Principally by this means, nearly one million Jews were killed at Auschwitz – a complex of three camps and numerous satellites, of which Auschwitz II (Birkenau) operated as the main killing center. Zyklon B (cyanide gas in crystal form) was overwhelmingly the means of murder at Auschwitz. Nearly two million more Jews died by gas, shootings, beatings, and starvation at the other "death camps" in occupied Poland, which were distinguished from the vastly larger Nazi network of concentration camps by their core function of extermination. These death camps were Chelmno (200,000 Jews slaughtered); Sobibor (260,000); Belzec (500,000); Treblinka (800,000, mostly from the Polish capital Warsaw); and Majdanek (130,000).[35]

It would be misleading to distinguish too sharply between the "death camps," where gas was the normal means of extermination, and the broader network of camps where "destruction through work" (the Nazis' term) was the norm.[36] Killings of Jews reached exterminatory levels in the latter institutions as well. As Daniel Goldhagen has argued, "after the beginning of 1942, the camp system in general was lethal for Jews," and well over a million died outside the death camps, killed by starvation, disease, and slave labor.[37] Perhaps 500,000 more, in Raul Hilberg's estimate, succumbed in the Jewish ghettos, themselves a kind of concentration camp. Finally, tens of thousands died on forced marches, often in the dead of winter, as Allied forces closed in.[38]

Map 6.1 The Holocaust in Europe

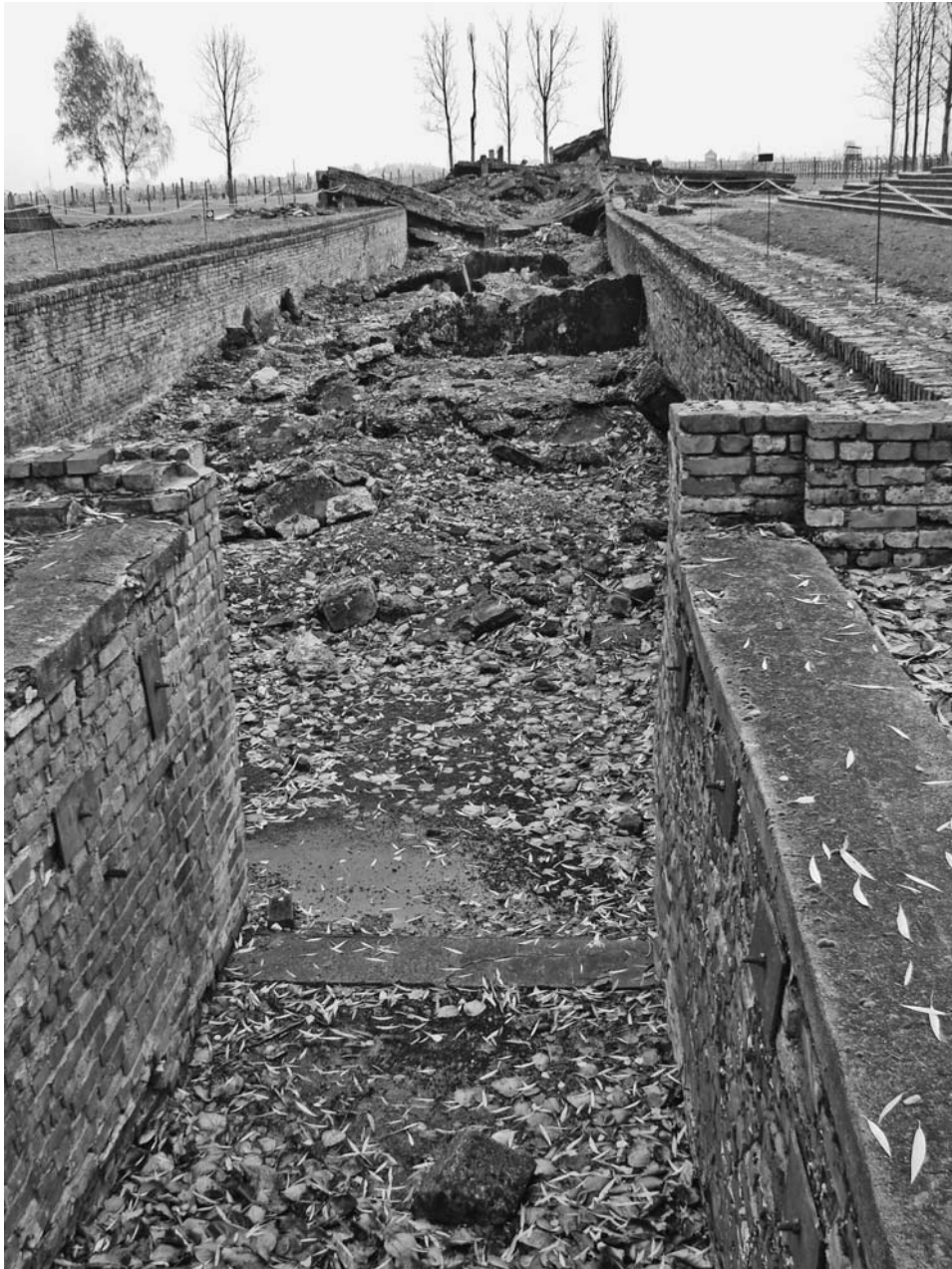*Source:* Map by Dennis Nilsson/Wikimedia Commons.

Figure 6.5   The haunting ruins of the Crematorium III death factory at Auschwitz II-Birkenau outside Oswiecim, Poland, dynamited by the Nazis just before the camp was liberated by Soviet soldiers in January 1945. The view is looking down the steps which victims, mostly Jews transported from all over Europe, were forced to tread en route to the undressing room within. They were then murdered in an underground gas chamber (at top left, not clearly visible), and cremated in ovens under the (now-collapsed) roof-and-chimney complex at the rear. More than one million children, women, and men – overwhelmingly Jews, but also Roma/Gypsies and Soviet prisoners-of-war – were murdered at Auschwitz-Birkenau. The site has become synonymous with the Jewish Holocaust and modern genocide.

Source: Author's photo, November 2009.
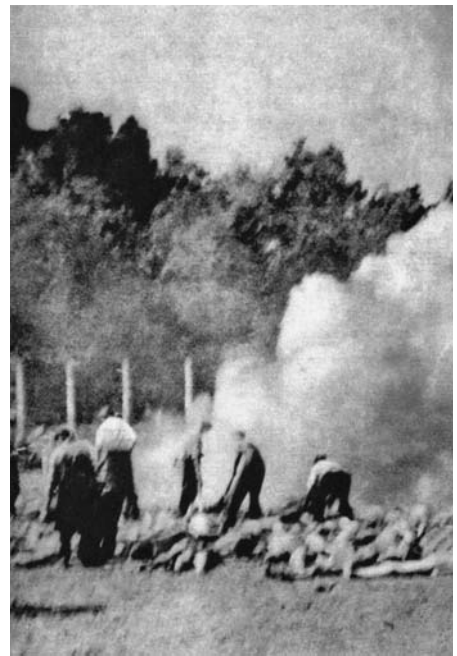
Figures 6.6–6.9   Four indelible images of the Jewish Holocaust. *Top left:* A Jewish man is murdered by pistol fire at a death pit outside Vinnytsia, Ukraine, during the "Holocaust by Bullets" of 1941–42. *Top right:* Near Novgorod, Russia, in 1942, a German soldier takes aim at civilian victims in the killing fields; the rifles of other members of the execution squad are partially visible at left (note also the victim – wounded? killed? – lying by the soldier's right foot). *Bottom left:* After the Warsaw Ghetto uprising of January–May 1943, Jewish survivors are rounded up for transport and extermination. *Bottom right:* In the final stages of the Holocaust, the death factories worked overtime to "process" victims, above all Jews, even when this diverted resources from the Nazi war effort. A member of a *Sonderkommando* corpse-disposal unit in Auschwitz II-Birkenau (see Figure 6.5) surreptitiously photographed the burning of the bodies of gassed victims, probably Jews from the last major genocidal roundup in Hungary, in an open pit near Crematorium V (May 1944).

Source: Wikimedia Commons.

Notoriously, the extermination system continued to function even when it impeded the war effort. In March 1944, the Nazis intervened to occupy Hungary as a bulwark against advancing Soviet forces. Adolf Eichmann promptly arrived to supervise the rounding up for slaughter of the country's Jews. Thousands were saved by the imaginative intervention of Swedish diplomat Raoul Wallenberg (see Chapter 10). But some 400,000 were packed off to be gassed at Auschwitz-Birkenau and other death camps – despite the enormous strain this imposed on the rail system and the Nazis' dwindling human and material resources. It seemed that the single-minded devotion to genocidal destruction outweighed even the Nazis' desire for self-preservation.

BOX 6.1 ONE WOMAN'S STORY: NECHAMA EPSTEIN

Nechama Epstein was a Polish Jew from Warsaw who was just 18 years old when she "and her family were herded into the city's ghetto together with 350,000 other Jews."[39] One of the few survivors of the Auschwitz death camp, she was interviewed after the war by David P. Boder, an American psychologist who published a book entitled *I Did Not Interview the Dead*. However, Boder chose not to include his conversation with Epstein; her testimony did not see the light of day until it was excerpted in Donald Niewyk's chapter for the *Century of Genocide* anthology. Her account, Niewyk noted, "reveals a remarkable breadth of experiences, including survival in ghettos, slave labor camps, and extermination centers."[40]

Epstein described the grim privations of life in the Warsaw ghetto – the very ghetto that would rise up so heroically against the Germans in early 1943, and be crushed. "It was very bad," she remembered. "We had nothing to sell any more. Eight people were living on a kilo of beets a day. . . . We did not have any more strength to walk. . . . Every day there were other dead, small children, bigger children, older people. All died of a hunger death."

Epstein was caught up in the mass round-up of Jews to be shipped to the extermination center at Treblinka in September 1942. Packed into a single cattle-car with 200 other Jews, she passed an entire night before the train began to move: "We lay one on top of the other. . . . One lay suffocating on top of another. . . . We could do nothing to help ourselves. And then real death began." Tormented by thirst and near-asphyxiation, Jews struggled with each other for a snatch of air or any moisture. "Mothers were giving the children urine to drink."

Some enterprising prisoners managed to saw a hole in the cattle-car, and Epstein, among others, leapt out. With the help of a Polish militia member, she found her way to the Miedryzec ghetto, where she passed the next eight months. "Every four weeks there were new deportations." The first of these she survived by hiding in an

attic and eating raw beets. "I did not have anything to drink. The first snow fell then, so I made a hole in the roof and pulled in the hand a little snow. And this I licked. And this I lived on."

Her luck ran out at the time of the last deportation. She was led away, to a transport and apparently her doom, on "a beautiful summer day" in 1943. This time the destination was Majdanek, another of the extermination centers in occupied Poland. There, "We were all lined up. There were many who were shot [outright]. . . . The mothers were put separately, the children separately, the men separately, the women separately. . . . The children and the mothers were led to the crematory. All were burned. . . . We never laid eyes on them again."

She spent two months at Majdanek. "I lived through many terrible things. We had nothing to eat. We were so starved. . . . The food consisted of two hundred grams of bread a day, and a little soup of water with nettles." A German SS woman entered the barracks every day "at six in the morning . . . beating everybody."

In July 1943, Epstein was shipped off to Auschwitz. By good fortune, she was consigned to a work camp rather than to immediate extermination in the Birkenau gas chambers. "We worked carrying stones on barrows, large stones. To eat they did not give us. We were beaten terribly" by German women guards: "They said that every day they must kill three, four Jews." She fell sick, and survived her time in the hospital only by hiding from the regular round-ups that carted off ill inmates to the crematoria. "Christian women were lying there, so I climbed over to the Christians, into their beds, and there I always had the good fortune to hide."

In October, the entire sick-ward was emptied. "There was a girl eighteen years old, and she was crying terribly. She said that she is still so young, she wants to live. . . . [But] nothing helped. They were all taken away." When she emerged from the ward, she saw the Auschwitz crematory burning in the night: "We saw the entire sky red [from] the glow of the fire. Blood was pouring on the sky." But Epstein again survived the selection for the Birkenau extermination center. She was sent back to Majdanek, where she witnessed SS and Gestapo killers forcing male inmates to dig mass graves, then lining up hundreds of female inmates to be shot. Over the course of a further eight months at Majdanek, she remained among the handful of inmates – several hundred only – spared gassing and cremation.

Epstein was eventually sent to a forced-labor center: Plaszow, near Krakow (the same camp featured in Steven Spielberg's film *Schindler's List*). By late 1944, the Soviets were approaching Plaszow. "We were again dragged away. I was the second time taken to Auschwitz." After that, she was dispatched to Bergen-Belsen; then to Aschersleben in Germany proper, where she labored alongside Dutch, Yugoslav, and French prisoners-of-war.

American forces were now closing in from the West. Epstein was conscripted into a death march alongside 500 other inmates. "Only women. Two hundred fell en route." At last, after a march of more than 250 kilometers, she reached Theresienstadt in Czechoslovakia. This had long served as a "model" detention facility for the Nazis – the only one to which Red Cross representatives were admitted. "We were completely in tatters. . . . We were very dirty. . . . We were badly treated. We were beaten. They screamed at us. 'Accursed swine! You are filthy. What sort of people are you?'" Epstein and her fellow inmates now looked like the "subhumans" the Germans had been indoctrinated to expect.

On the very last day of the European war, May 8, 1945, Theresienstadt was liberated by Russian forces. "We didn't believe it. . . . We went out, whoever was able. . . . We went out with great joy, with much crying. . . .

"But now there began a real death. People who had been starved for so many years. . . . The Russians had opened all the German storehouses, all the German stores, and they said, 'Take whatever you want.' People who had been badly starved, they shouldn't have eaten. . . . And the people began to eat, to eat too much, greedily. . . . Hundreds of people fell a day. . . . People crawled over the dead." Typhus broke out. But Epstein survived. She returned to Warsaw, married, and emigrated to Palestine.

DEBATING THE HOLOCAUST

Many of the central themes of the Nazis' attempted destruction of European Jews have served as touchstones for the broader field of comparative genocide studies. No other genocide has generated remotely as much literature as the Holocaust, including thousands of books and essays. It is important, therefore, to explore some major points of debate, not only for the insights they give into the events described in this chapter, but for their relevance to genocide studies as a whole.

Intentionalists vs. functionalists

The core of the debate over the past two decades has revolved around a scholarly tendency generally termed "intentionalist," and a contrasting "functionalist" interpretation. Intentionalists, as the word suggests, place primary emphasis on the *intention* of the Nazis, from the outset, to eliminate European Jews by means that eventually included mass slaughter. Such an approach emphasizes the figure of Adolf Hitler and his monomaniacal zeal to eliminate the Jewish "cancer" from Germany and Europe. ("Once I really am in power," Hitler allegedly told a journalist as early as 1922, "my first and foremost task will be the annihilation of the Jews.")[41] Necessary as well was the anti-semitic dimension of both Nazi ideology and European history.

This fueled the Nazis' animus against the Jews, and also ensured there would be no shortage of "willing executioners" to do the dirty work.

The functionalist critique, on the other hand, downplays the significance of Hitler as an individual. It "depicts the fragmentation of decision-making and the blurring of political responsibility," and emphasizes "the disintegration of traditional bureaucracy into a crooked maze of ill-conceived and uncoordinated task forces," in Colin Tatz's summary.[42] Also stressed is the evolutionary and contingent character of the campaign against the Jews: from legal discrimination, to concentration, to mass murder. In this view, "what happened in Nazi Germany [was] an unplanned 'cumulative radicalization' produced by the chaotic decision-making process of a polycratic regime and the 'negative selection' of destructive elements from the Nazis' ideological arsenal as the only ones that could perpetually mobilize the disparate and otherwise incompatible elements of the Nazi coalition."[43]

This sometimes acrimonious debate gave way, in the 1990s, to a recognition that the intentionalist and functionalist strands were not irreconcilable. "Both positions in the debate have a number of merits and demerits; both ultimately reflect different forms of historical explanation; and the ground between them is steadily narrowing in favour of a consensus which borrows elements from both lines of argument."[44] The raw material for Nazi genocide was present from the start, but required a host of historically contingent features to actualize and maximize it. Michael Shermer and Alex Grobman propose the term "intentional functionalism" to capture this interplay of actors and variables.[45]

Jewish resistance

The depiction of Jews as having gone meekly to their deaths was first advanced by Raul Hilberg in his 1961 treatise *The Destruction of the European Jews*, and was then enshrined by Hannah Arendt in her controversial account of *Eichmann in Jerusalem*. Both Hilberg and Arendt noted the close pre-war coordination between the Jewish Agency (which sought to promote Jewish immigration to Palestine) and the Nazi authorities.[46] They also stressed the role of the Jewish councils (*Judenräte*), bodies of Jews delegated by the Nazis to oversee the ghettos and the round-ups of Jewish civilians. "The whole truth," as Arendt summarized it, was that without Jewish leadership and organization, the Jewish people would have suffered "chaos and plenty of misery" at Nazi hands, "but the total number of victims would hardly have been between four and a half and six million people."[47]

While it may be true that "the salient characteristic of the Jewish community in Europe during 1933–1945 was its step-by-step adjustment to step-by-step destruction,"[48] research has undermined this depiction of Jewish passivity and complicity. Scholars have described how, under horrific circumstances, Jews found ways to resist: going into hiding; struggling to preserve Jewish culture and creativity; and even launching armed uprisings. (The Warsaw ghetto uprising which peaked in April–May 1943, and the mass escape from the Sobibor death camp in October 1943, are the most famous of these rebellions against the Nazis.)[49] Large numbers of Jews also joined the armed forces of the Allies, or fought as partisans behind German lines.

On balance, "it is pure myth that the Jews were merely 'passive,'" wrote Alexander Donat in his memoir *The Holocaust Kingdom*:

> The Jews fought back against their enemies to a degree no other community anywhere in the world would have been capable of were it to find itself similarly beleaguered. They fought against hunger and starvation, against disease, against a deadly Nazi economic blockade. They fought against murderers and against traitors within their own ranks, and they were utterly alone in their fight. They were forsaken by God and by man, surrounded by hatred or indifference. Ours was not a romantic war. Although there was much heroism, there was little beauty – much toil and suffering, but no glamour. We fought back on every front where the enemy attacked – the biological front, the economic front, the propaganda front, the cultural front – with every weapon we possessed.[50]

Moreover, to the extent that Jews did *not* mount an effective resistance to their extermination, it is worth noting – as Daniel Goldhagen does – that "millions of Soviet POWs, young military men with organization, and leadership, and initial vigor, died passively in German camps [see Box 6a]. If these men, whose families were not with them, could not muster themselves against the Germans, how could the Jews be expected to have done *more*?"[51]

The Allies and the churches: Could the Jews have been saved?

The genocide against European Jews *could* have been avoided, argues the historian Yehuda Bauer, just as the Second World War itself might never have occurred – "had the Great Powers stopped Nazi Germany when it was still weak." But at this point, "nobody knew that a Holocaust was even possible, because nobody knew what a Holocaust was; the Germans had not decided on anything like it in the 1930s."[52] The Allies, haunted by the carnage of the First World War, sought accommodation ("appeasement") rather than confrontation.

The Evian Conference of July 1938, held in a French town on Lake Geneva, brought together representatives of Western countries to address the Jewish plight. In retrospect, and even at the time, it offered the best chance to alleviate the plight of German Jews, through the simple expedient of opening up Western borders to Jewish refugees. But instead, the West ducked its responsibility. In Germany, Hitler could barely conceal his delight. The rejection of the Jews not only further humiliated Jews themselves, but highlighted the hypocrisy of the West's humanitarian rhetoric.

Turning to the period of full-scale genocide against the Jews, it seems clear that details of the killing operations were known to the Allies early on. For example, radio communications of the Nazi Order Police were intercepted, alluding to mass murder during the "Holocaust by Bullets." But the Allies were observing from a distance, with Germany at the height of its power on the European continent. The sheer speed of the slaughter also militated against meaningful intervention. "From mid-March 1942 to mid-February 1943," that is, in less than a year, "over one-half the victims of the Jewish Holocaust . . . lost their lives at the hands of Nazi killers."[53]

It may be argued that the inclusion of targets such as Auschwitz's gas chambers and crematoria in the Allied bombing campaign, along with key transport points for Jews, could have disrupted the Nazi killing machine. The case is especially cogent for the later stages of the war, as with the genocide of the Hungarian Jews in 1944–45 (when the USSR might also have been able to intervene). But on pre-war evidence, it is hard to believe that, if more effective military measures could have been found, the Allies would have placed saving Jews higher on the list of military priorities – or that doing so would have made much difference.

The role of the Christian churches has also been scrutinized and criticized. Pope Pius XII's placating of the Nazi regime in Germany, and his silence on the persecution of the Jews, are notorious.[54] While "the Holy See [Vatican] addressed numerous protests, demands, and inquiries *via diplomatic channels* both regarding the situation of Catholics in Poland and about the killing of the mentally ill . . . *Not one such diplomatic intervention dealt with the overall fate of the Jews.*" Regarding the fate of "non-Aryans in the territories under German authority," Pius wrote to a German bishop who had protested deportations of Jews: "Unhappily, in the present circumstances, We cannot offer them effective help other than through Our prayers."[55]

Within Germany, the churches did virtually nothing to impede the genocide and indeed strove not to notice it, thereby facilitating it. The Nazis at numerous points demonstrated a keen sensitivity to public opinion, including religious opinion – protests from German churches were partly responsible for driving the "euthanasia" campaign underground after 1941. But such protests were not forthcoming from more than a handful of principled religious voices. When it came to defending co-parishioners whom the Nazis deemed of Jewish origin, "both Church and Church members drove away from their community, from their churches, people with whom they were united in worship, as one drives away mangy dogs from one's door."[56]

The most successful examples of resistance to Hitler's genocidal designs for European Jewry came from a handful of Western and Northern European countries that were either neutral or under relatively less oppressive occupation regimes.[57] Here, sometimes, extension of the killing campaign could impose political costs that the Nazis were not willing to pay. The most vivid display of public opposition swept up virtually the entire adult population of Denmark, led by the royal family. When the Nazis decreed the imposition of the Jewish yellow star, non-Jewish Danes adopted it in droves as well, as a powerful gesture of solidarity. The regulation was rescinded. Subsequently, Danes arranged for the evacuation of the majority of the country's Jews to neutral Sweden, where they lived through the rest of the war (see Chapter 10). Sweden, meanwhile, saved "about half of Norwegian Jewry and almost all of the Danish Jews," and in 1944

> involved herself more heavily in the heart of Europe, particularly in Budapest, where, along with Switzerland, Portugal, and the Vatican, the Swedish legation issued "protective passports," established safe houses, and generally attempted to restrain the German occupants and their Hungarian puppets from killing more Jews on Hungarian soil in the final hours of the war. Upon the liberation of Jews in concentration camps in the spring of 1945, Sweden accepted thousands of victims for medical treatment and rehabilitation.[58]

Willing executioners?

Just as scholars have demonstrated increased interest in "micro-histories" of public opinion under the Nazis, and the role of ordinary German citizens in accepting and sustaining the regime, so have questions been raised about the role of different sectors of the German population in the genocide. After decades of research by Raul Hilberg and many others, it is a truism that not only German social and economic elites, but all the professions (up to and including the clergy, as we have seen), were corrupted or compromised by the Nazi state. In Michael Burleigh's words, an "understanding of the process of persecution [on racial grounds] now includes greater awareness of the culpable involvement of various sections of the professional intelligentsia, such as anthropologists, doctors, economists, historians, lawyers and psychiatrists, in the formation and implementation of Nazi policies."[59] For such figures, "the advent of the Nazi regime was coterminous with the onset of 'boom' conditions. No one asked or compelled these academics and scientists actively to work on the regime's behalf. Most of them could have said no. In fact, the files of the regime's many agencies bulge with their unsolicited recommendations."[60]

What of the genocidal participation of ordinary Germans? This subject has spawned the most vigorous debate in Holocaust studies over the past decade, though the illumination has not always matched the heat generated.

At the heart of the controversy was the publication, in 1992 and 1996 respectively, of Christopher Browning's *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*, and Daniel Goldhagen's *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. Both scholars examined the same archives on Reserve Police Battalion 101, which consisted overwhelmingly of Germans drafted from civilian police units (often too old for regular military service). The records described in detail the battalion's killings of helpless, naked Jewish civilians in occupied Poland during 1941–42, and the range of reactions among group members.

In interpreting the records, Browning acknowledged the importance of "the incessant proclamation of German superiority and incitement of contempt and hatred for the Jewish enemy." But he also stressed other factors: "conformity to the group," that is, peer pressure; the desire for praise, prestige, and advancement; and the threat of marginalization and anathematization in highly dangerous wartime circumstances. He referred to "the mutually intensifying effects of war and racism. . . . Nothing helped the Nazis to wage a race war so much as the war itself."[61]

Goldhagen, dismissing Browning's work, advanced instead an essentially mono-causal thesis. The Jewish Holocaust was the direct outgrowth of "eliminationist" anti-semitism, which by the twentieth century had become "common sense" for Germans. By 1941, "ordinary Germans easily became genocidal killers . . . [and] did so even though they did not have to." They "kill[ed] Jews willingly and often eagerly,"[62] though Goldhagen did recognize the importance of Nazi leaders in activating and channeling the anti-semitic impulse.

With the controversy now cooled, it is easier to appreciate the significance of "the Goldhagen debate."[63] Goldhagen did counter a trend toward bloodless analysis and abstract theorizing in studies of the Jewish catastrophe. In addition, by achieving mass popularity, Goldhagen's book, like Samantha Power's *"A Problem from Hell"* (2002),

Figures 6.10 and 6.11   The exchange between Christopher Browning (left), author of *Ordinary Men* (1992), and Daniel Jonah Goldhagen, author of *Hitler's Willing Executioners* (1996), centered on the motivations of "ordinary" German killers of Jews during the Holocaust. Was "eliminationist anti-semitism" the central factor, as Goldhagen argued? Or was it secondary to peer pressure and masculine bonding in wartime, as Browning suggested? The result was a defining – and continuing – debate in Holocaust and genocide studies.

Sources: *The Gazette*, University of North Carolina (Browning); JTN Productions (Goldhagen).

broke down the usual wall between scholarship and public debate. However, the core elements of Goldhagen's thesis – that there was something unique about German anti-semitism that spawned the Holocaust; that Germans were only too ready to leap to bloodthirsty murder of Jews – have been decisively countered. Not only was anti-semitism historically stronger in countries other than Germany, but the virulence of its expression during the Second World War in (for example) Lithuania and Romania exceeded that of Germany. The Nazis, as noted above, were reluctant to confront "ordinary Germans" with bloody atrocity, though according to Saul Friedländer, "recent historical research increasingly turns German ignorance of the fate of the Jews into a mythical postwar construct."[64] Nor could they rely on a widespread popular desire to inflict cruelty on Jews as the foundational strategy for implementing their genocide.

Israel, the Palestinians, and the Holocaust

Occasionally an experience of great suffering has been recognized as warranting creation or recognition of a homeland for the targeted group. Such was the case with East Timor (Box 7a), born from Indonesian occupation and genocide. The Kurdish protected zone and *de facto* state in northern Iraq may also qualify (Box 4a), together with the widespread recognition of Kosovo's declaration of independence from Serbia

in 2008. But no case is as dramatic as that of Israel in the wake of the Second World War. The dream of the Zionist movement founded in the nineteenth century, to establish a Jewish homeland in Palestine through mobilization and mass immigration, became a reality in the postwar period, as Britain abandoned its territorial mandate over Palestine, and Arabs and Jews fought over the territory. "Anti-Zionism in the Jewish community collapsed, and a consensus that Jewry, abandoned during the war, had to have a home of its own crystallized overnight."[65] Jewish survivors of Nazi genocide provided Palestine with a critical mass of Jewish immigrants and, in the decades following the declaration of the Israeli state on May 15, 1948, Israel received tens of billions of dollars from the Federal Republic of Germany as reparations for the Holocaust of the Jews.

To a significant degree, successive Israeli governments have relied on the Holocaust as a touchstone of Jewish experience and national identity, and have used the threat of another genocide of the Jews to justify military and security policies.[66] Israeli prime minister Benjamin Netanyahu, for example, commemorated the country's Holocaust Remembrance Day on April 21, 2009, by asserting that "only a matter of a few decades after the Holocaust, new forces have arisen that openly declare their intention to wipe the Jewish state off the face of the earth," a reference to statements allegedly made in 2005 by Iranian President Mahmoud Ahmadinejad (see p. 521). Netanyahu added: "Holocaust deniers cannot commit another Holocaust against the Jewish people. This is the state of Israel's supreme obligation." Deputy Prime Minister Silvan Shalom claimed that "what Iran is trying to do right now" – a reference to the country's nuclear program – "is not far away at all from what Hitler did to the Jewish people just 65 years ago."[67]

Palestinians and their supporters, for their part, have tended to adopt the genocide framework as well – but to attract attention to the Palestinian cause. They have sought to draw parallels between Israel's repressive policies and those of the Nazis against Jews. Often such comparisons have seemed hysterical and/or counterproductive;[68] but sometimes they have resonated. Notable was Israeli general (later prime minister) Ariel Sharon's dispatching of Christian Phalangist militia to the Palestinian refugee camps of Sabra and Shatila, during the Israelis' 1982 invasion of Lebanon. This led predictably to the *Einsatzgruppen*-style massacre of thousands of Palestinian civilians, as Israeli troops stood by. Renewed denunciations, employing the language of genocide and crimes against humanity, were issued after Israel imposed a ruinous blockade on the Gaza Strip, still in place at the time of writing (March 2010). The blockade was described as a "genocidal policy" by Israeli historian Ilan Pappé.[69] It prompted Richard Falk, subsequently the UN Human Rights Council's monitor for Israel-Palestine, to write in 2007 that Israeli strategies toward Gaza were reminiscent of Nazi ghettoization policies toward Jews, displaying "a deliberate intention . . . to subject an entire human community to life-endangering conditions of utmost cruelty."[70] In December 2008, Israel launched a massive assault on the Gaza Strip, killing many hundreds of Palestinian civilians and laying waste to large swathes of the territory. In the estimation of UN investigator Judge Richard Goldstone, this "deliberately disproportionate attack" was "designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever-increasing sense of dependency and vulnerability."[71]

Is the Jewish Holocaust "uniquely unique"?

Few historical and philosophical issues have generated such intense scholarly debate in genocide studies as the question of Holocaust uniqueness. On one level, it is clearly facile. As Alex Alvarez put it: "All genocides are simultaneously unique and analogous."[72] The question is whether the Jewish Holocaust is *sui generis* – that is, "uniquely unique."[73]

In genocide studies, a well-known exponent of the uniqueness thesis is Steven Katz, who devoted his immense tome *The Holocaust in Historical Context, Vol. 1* to arguing that the Jewish Holocaust was "phenomenologically unique by virtue of the fact that never before has a state set out, as a matter of intentional principle and actualized policy, to annihilate physically every man, woman, and child belonging to a specific people."[74] The Nazi campaign against the Jews was the only true genocide, as Katz defined the term (see p. 18; recall that my own preferred definition of genocide reworks Katz's).

Other scholars have argued against the uniqueness hypothesis. Historian Mark Levene has pointed to an "obvious contradiction": "while, on the one hand, the Holocaust has come to be commonly treated as the yardstick for all that might be described as 'evil' in our world, on the other, it is . . . a subject notably cordoned off and policed against those who might seek to make connections [with other genocides]."[75] Writer and poet Phillip Lopate has likewise argued that claims of uniqueness tend to bestow "a sort of privileged nation status in the moral honor roll."[76] This claim of privilege then carries over to "the Jewish state," Israel, helping to blunt criticism of its treatment of the Palestinians.[77]

My own view should be clearly stated: the Jewish Holocaust was *not* "uniquely unique." On no major analytical dimension – speed, scale, scope, intensity, efficiency, cruelty, ideology – does it stand alone and apart. If it is unique in its mix of these ingredients, so too are most of the other major instances of mass killing in their own way.[78] I also believe that uniqueness proponents, like the rest of us, were severely shaken by the holocaust in Rwanda in 1994 (see Chapter 9). The killing there proceeded much faster than the slaughter of the Jews; destroyed a higher proportion of the designated victim group (some 80 percent of Rwandan Tutsis versus two-thirds of European Jews); was carried out by "a chillingly effective organizational structure that would implement the political plan of genocide more efficiently than was achieved by the industrialized death camps in Nazi Germany";[79] and – unlike the Jewish catastrophe – featured active participation by a substantial portion of the general population. Was Rwanda, then, "uniquely unique"? The claim seems as tenable as in the case of the Jewish Holocaust – but in both cases, a nuanced comparative framework is preferable.[80]

The Jews *were* unique as a target of the Nazis. "In the end," wrote Raul Hilberg, ". . . the Jews retained their special place."[81] According to Omer Bartov,

> It was *only* in the case of the Jews that there was a determination to seek out every baby hidden in a haystack, every family living in a bunker in the forest, every woman trying to pass herself off as a Gentile. It was only in the case of the Jews that vast factories were constructed and managed with the sole purpose of killing

trainload after trainload of people. It was only in the case of the Jews that huge, open-air, public massacres of tens of thousands of people were conducted on a daily basis throughout Eastern Europe.[82]

Lastly, the Jewish Holocaust holds a unique place in genocide studies. Among all the world's genocides, it alone produced a scholarly literature that spawned, in turn, a comparative discipline. Specialists on the subject played a central role in constituting the field and its institutions, such as the International Association of Genocide Scholars (IAGS) and the *Journal of Genocide Research*: "Genocide studies is really the outgrowth of the study of the Holocaust," as sociologist Thomas Cushman has noted; according to historian Dan Stone, "for good or ill," the Holocaust "has provided many of the theoretical frameworks and research strategies for analyzing other genocides."[83]

Still, there is no denying that the Holocaust has been significantly de-centered from comparative genocide studies since the emergence of the post-Lemkin research agenda in the 1970s and 1980s. In introducing the third edition of his edited collection *Is the Holocaust Unique?* (2009), Alan S. Rosenbaum acknowledged that

> since [my] initial conception of this project some fifteen years ago, the center of gravity for the once-intense debate about the overall arguable claim for the significant uniqueness of the Holocaust may gradually but perceptibly be shifting. . . . It is not that the Holocaust is considered by most responsible or fair-minded scholars as any less paradigmatic, but rather [that] as the Holocaust recedes into history and other genocidal events occur, its scope and dimensions may naturally be better understood in the context of a broader genocide studies investigation.[84]

■ FURTHER STUDY

Note: No genocide has generated remotely as much scholarly attention as the Nazis' Holocaust against the Jews. The following is a bare sampling of core works in English; others are cited in subsequent chapters.

Irving Abella and Harold Troper, *None is Too Many: Canada and the Jews of Europe, 1933–1948*. Toronto, ON: Key Porter Books, 2002. Canada's shameful treatment of Jewish would-be refugees from Germany and Nazi-occupied Europe; one facet of the West's abandonment of the Jews.

Götz Aly, *"Final Solution": Nazi Population Policy and the Murder of the European Jews*. London: Arnold, 1999. Aly's "functionalist" argument stresses the role of Nazi bureaucrats confronted with problems of population management in the occupied territories. See also *Hitler's Beneficiaries: Plunder, Racial War, and the Nazi Welfare State*.

Omer Bartov, *Germany's War and the Holocaust: Disputed Histories*. Ithaca, NY: Cornell University Press, 2003. Essays by the principal scholar of the *Wehrmacht*'s war on the eastern front; see also *Hitler's Army*.

Donald Bloxham, *The Final Solution: A Genocide*. Oxford: Oxford University Press,

2009. A nuanced and fluidly written comparative treatment, by one of genocide studies' most dynamic younger scholars.

Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland*. New York: Perennial, 1993. Based on some of the same archival sources as Goldhagen's *Hitler's Willing Executioners* (see below), but emphasizes group dynamics in addition to anti-semitism. See also *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939–March 1942*.

Avraham Burg, *The Holocaust is Over, We Must Rise from Its Ashes*. London: Palgrave Macmillan, 2008. Critical examination of the use and misuse of the Holocaust in contemporary Israeli society.

Michael Burleigh and Wolfgang Wippermann, *The Racial State: Germany 1933–1945*. Cambridge: Cambridge University Press, 1991. How Nazi racial ideology inspired genocidal policy.

Lucy S. Dawidowicz, *The War Against the Jews, 1933–1945*. New York: Bantam, 1986 (reissue). Dawidowicz's 1975 work is now generally seen as too "intentionalist" in its interpretation of the Judeocide. But it is still in print and widely read.

Alexander Donat, *The Holocaust Kingdom*. New York: Holocaust Library, 1978. Classic memoir of ghetto and death camp, sensitively told and translated.

Saul Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939–1945*. New York: HarperCollins, 2007. Friedländer's work won the Pulitzer Prize, and has been praised for integrating firsthand testimonies with the historical and archival record. See also *Nazi Germany and the Jews, Volume I: The Years of Persecution, 1933–1939*.

Peter Fritzsche, *Life and Death in the Third Reich*. Cambridge, MA: Harvard University Press, 2008. Up-close, galvanizing account of daily life in Germany as the Nazi Holocaust was unleashed on Central and Eastern Europe.

Robert Gellately, *Backing Hitler: Consent and Coercion in Nazi Germany*. Oxford: Oxford University Press, 2001. Argues that ordinary Germans generally supported Nazi policies, often exhibiting enthusiasm beyond the call of duty.

Daniel J. Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust*. New York: Vintage, 1997. Controversial book ascribing a monocausal explanation for the genocide, rooted in Germans' visceral hatred of the Jews.

Jan T. Gross, *Fear: Anti-Semitism in Poland after Auschwitz*. New York: Random House, 2007. How murderous pogroms of Jews continued in Poland after the fall of the Third Reich. See also *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*.

Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust*. Cambridge, MA: The Belknap Press of Harvard University Press, 2006. Eye-opening study of the Nazi conception of Jews as political threats ("Judeo-Bolsheviks") above all else.

Raul Hilberg, *The Destruction of the European Jews* (3rd edn), 3 vols. New Haven, CT: Yale University Press, 2003. Massive, meticulous study of the bureaucracy of death.

Adolf Hitler, *Mein Kampf* (My Struggle), trans. Ralph Mannheim. Boston, MA: Houghton Mifflin, 1943. First published in 1925–26; lays out Hitler's vision of German destiny, as well as his virulent anti-semitism.

Eric A. Johnson and Karl-Heinz Reuband, *What We Knew: Terror, Mass Murder, and Everyday Life in Nazi Germany: An Oral History*. New York: Basic Books, 2005. Rich study based on interviews with German-Jewish Holocaust survivors.

Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation* (4th edn). London: Arnold, 2000. Overview of, and contribution to, scholarly debates about the nature of the Nazi regime.

Victor Klemperer, *I Will Bear Witness: A Diary of the Nazi Years*, 2 vols. New York: Modern Library, 1999, 2001. An essential document of the twentieth century: the testimony of a German Jewish professor who survived the entire Nazi era. See also *The Lesser Evil: The Diaries of Victor Klemperer, 1945–59*; and *The Language of the Third Reich: LTI – Lingua Tertii Imperii: A Philologist's Notebook*.

Ronnie S. Landau, *The Nazi Holocaust*. Chicago, IL: Ivan R. Dee, 1994. A good, accessible primer on the origins and course of the Jewish catastrophe.

Primo Levi, *Survival in Auschwitz*. New York: Touchstone, 1996. Haunting account of a year and a half in the Nazi death camp; see also *The Drowned and the Saved*.

Wendy Lower, *Nazi Empire-Building and the Holocaust in Ukraine*. Durham, NC: University of North Carolina Press, 2005. How Nazism exposed its imperial and genocidal nature most nakedly in the occupied territories of the East.

David B. MacDonald, *Identity Politics in the Age of Genocide: The Holocaust and Historical Representation*. London: Routledge, 2008. How non-Jews have deployed the language and motifs of the Holocaust to highlight their own and others' victimization.

Peter Novick, *The Holocaust in American Life*. Boston, MA: Mariner, 2000. Myth-shattering investigation of the Holocaust's evolving interpretations, and its emergence as a unifying force in American Jewish life.

Alan S. Rosenbaum, ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide*, 3rd edn. Boulder, CO: Westview Press, 2009. Important and controversial essays, including some significant new ones for this edition.

Ron Rosenbaum, *Explaining Hitler: The Search for the Origins of His Evil*. New York: Perennial, 1999. Quest for the essence of the malignancy that was Hitler.

Shlomo Venezia, *Inside the Gas Chambers: Eight Months in the Sonderkommando of Auschwitz*. Cambridge: Polity, 2009. Astonishing testimony of a Greek Jew forced to serve in the gas chambers and crematoria of the Nazis' most destructive death camp.

NOTES

1 In religious usage, a "holocaust" is "a sacrificial offering wholly consumed by fire in exaltation of God" (Arno J. Mayer, *Why Did the Heavens Not Darken? The "Final Solution" in History* [New York: Pantheon, 1988], p. 16). However, in the twentieth century, this was supplanted by a secular usage, in which "holocaust" designates "a wide variety of conflagrations, massacres, wars, and disasters." See Jon Petrie's fascinating etymological study, "The Secular Word HOLOCAUST: Scholarly Myths, History, and 20th Century Meanings," *Journal of Genocide Research*, 2: 1 (2000), pp. 31–64.

2 Donald L. Niewyk, "Holocaust: The Jews," in Samuel L. Totten *et al.*, eds, *Century of Genocide: Eyewitness Accounts and Critical Views* (New York: Garland Publishing, 1997), p. 136. The figure of 5.1 to 5.4 million killed is used by the US Holocaust Museum; see

Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response* (New York: HarperCollins, 2003), p. 195.

3 Statistics cited in Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (Berkeley, CA: University of California Press, 2002), p. 174. Saul Friedländer also estimates "between five and six million Jews . . . killed" in the Holocaust: Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939–1945* (New York: HarperCollins, 2007), p. 662.

4 Yehuda Bauer, *Rethinking the Holocaust* (New Haven, CT: Yale University Press, 2001), p. xi.

5 See Marvin Perry and Frederick M. Schweitzer, eds, *Antisemitic Myths: A Historical and Contemporary Anthology* (Bloomington, IN: Indiana University Press, 2008).

6 Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage, 1997), pp. 37–38. For a detailed study of the progressive demonization of the Jews, see Steven T. Katz, "Medieval Antisemitism: The Process of Mythification," ch. 6 in Katz, *The Holocaust in Historical Context, Vol. 1: The Holocaust and Mass Death before the Modern Age* (Oxford: Oxford University Press, 1994), pp. 225–316. However, as Mark Levene has pointed out to me, there was also a sense in which medieval Christianity *needed* the Jews – "for its own Christological endtime" and teleological myth. It may thus have been constrained from launching a full-scale genocidal assault on them. Levene, personal communication, August 26, 2005.

7 Colin Tatz, *With Intent to Destroy: Reflecting on Genocide* (London: Verso, 2003), p. 44.

8 Luther quoted in Raul Hilberg, *The Destruction of the European Jews* (3rd edn), Vol. 1 (New Haven, CT: Yale University Press, 2003), p. 13.

9 The most infamous anti-semitic tract of modern times is the *Protocols of the Elders of Zion* (1903), a pamphlet that is now generally held to have been devised by the Tsar's secret police in pre-revolutionary Russia, but which purported to represent the ambitions and deliberations of a global Jewish conspiracy against Christian civilization. For the complete text of the *Protocols*, and a point-by-point refutation, see Steven Leonard Jacobs and Mark Weitzman, *Dismantling the Big Lie: the Protocols of the Elders of Zion* (Jersey City, NJ: Ktav Publishing House, 2003 – *n.b.* the centenary of the *Protocols*). For a consideration of its bizarrely enduring influence, see Evan Derkacz, "Again With the 'Jewish Conspiracy,'" AlterNet.org, April 11, 2006. http://www.alternet.org/story/34812.

10 Nor is the institution of the anti-semitic pogrom unknown even in post-World War Two Europe, as Jan T. Gross's sterling study, *Fear: Anti-Semitism in Poland After Auschwitz: An Essay in Historical Interpretation*, (New York: Random House, 2006) makes clear.

11 In addition, for exponents of biological anti-semitism (a nineteenth-century invention), Jews came to be viewed as *innately* at odds with Western-Christian civilization. Religious conversion could no longer expunge their Jewishness – which helps explain why this option was denied to Jews under Nazi rule. My thanks to Benjamin Madley for this point.

12 Ronnie S. Landau, *The Nazi Holocaust* (Chicago, IL: Ivan R. Dee, 1994), p. 44.

13 In the case of France, strong arguments have been made that anti-semitism was far more widespread and virulent, in elite and popular opinion, than was true in Germany. But "in France – unlike Germany – whatever the strength of antisemitic feeling on the streets, in the bars and in the universities, political power always remained in the hands of the liberal republicans, a government which never endorsed political antisemitism" (Landau, *The Nazi Holocaust*, p. 63). However, when dictatorial government and "eliminationist anti-semitism" (Daniel Goldhagen's term) *were* imposed in France from 1940 to 1944 – under direct Nazi occupation and under the Vichy puppet regime – the authorities and a key section of the population cooperated enthusiastically in the transport for mass execution of the Jews.

14 Richard Plant, *The Pink Triangle: The Nazi War against Homosexuals* (New York: Owl Books, 1988), p. 23.

15 Adolf Hitler, *Mein Kampf* (My Struggle), trans. Ralph Mannheim (Boston, MA: Houghton Mifflin, 1943), p. 562.

16 Landau, *The Nazi Holocaust*, pp. 317, 122.

17 See Orlando Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, MA: Harvard University Press, 1982), and the discussion in Goldhagen, *Hitler's Willing Executioners*, pp. 168–70.

18 Goldhagen, *Hitler's Willing Executioners*, p. 141. A recent book treatment is Alan E. Steinweis, *Kristallnacht 1938* (Cambridge, MA: The Belknap Press of Harvard University Press, 2009). For an excellent short analysis, see Leonidas E. Hill, "The Pogrom of November 9–10, 1938 in Germany," in Paul R. Brass, ed., *Riots and Pogroms* (Washington Square, NY: New York University Press, 1996), pp. 89–113.

19 Robert Gellately, *Backing Hitler: Consent and Coercion in Nazi Germany* (Oxford: Oxford University Press, 2001), p. vii.

20 Omer Bartov, *Germany's War and the Holocaust: Disputed Histories* (Ithaca, NY: Cornell University Press, 2003), p. 197.

21 Victor Klemperer, *I Will Bear Witness 1933–1941* (New York: The Modern Library, 1999), pp. 165, 329–30, 393, 422, 429; Klemperer, *I Will Bear Witness 1942–1945* (New York: The Modern Library, 2001), pp. 66, 71. Elisabeth Freund, a Jewish Berliner, also described the mixed but frequently sympathetic reaction that German Jews received from "Aryans" when forced to don the yellow star in September 1941: "I am greeted on the street with special politeness by complete strangers, and in the street car ostentatiously a seat is freed for me, although those wearing a star are allowed to sit only if no Aryan is still standing. But sometimes guttersnipes call out abusive words after me. And occasionally Jews are said to have been beaten up. Someone tells me of an experience in the city train. A mother saw that her little girl was sitting beside a Jew: 'Lieschen, sit down on the other bench, you don't need to sit beside a Jew.' At that an Aryan worker stood up, saying: 'And I don't need to sit next to Lieschen.'" Quoted in Friedländer, *The Years of Extermination*, p. 253.

    The important study by Eric A. Johnson and Karl-Heinz Reuband, *What We Knew: Terror, Mass Murder, and Everyday Life in Nazi Germany: An Oral History* (New York: Basic Books, 2005), further buttresses Klemperer's impression that anti-semitism was not widespread in Germany before 1933. Most German Jewish Holocaust survivors interviewed for the volume "stated that they and their families had felt well accepted and integrated in German society. Only a few believed that anti-Semitism was especially prevalent in Germany before the Nazi takeover in January 1933." However, and again meshing with Klemperer's documentation of a swiftly darkening situation, "the figures show that after Hitler took power in 1933, the once positive relations between Jews and non-Jews deteriorated. Whereas over two-thirds of the survivors' families before 1933 had friendly relations with non-Jews in their communities, after 1933 nearly two-thirds had relations that the survivors described as clearly worse or even hostile . . . Very few Jewish families in any German communities after 1933 maintained friendly associations with non-Jews . . . Even more disturbing, 22 percent of the survivors . . . suffered physical beatings from German civilians, and this was nearly three times the percentage of those who suffered beatings from Nazi policemen or other officials . . . " (pp. 269, 273, 279). While one-third of survivors "received significant help and support from non-Jewish German civilians during the Third Reich," it was also the case that "about two-thirds could not find a single German willing to help them, and one can only wonder about the Jews who did not survive" (p. 283).

22 Christopher R. Browning, *The Path to Genocide: Essays on Launching the Final Solution* (Cambridge, MA: Cambridge University Press, 1992), p. ix.

23 Mayer, *Why Did the Heavens Not Darken?*, pp. 114, 116–17.

24 Michael Burleigh, "Psychiatry, German Society and the Nazi 'Euthanasia' Programme," in Omer Bartov, ed., *The Holocaust: Origins, Implementation, Aftermath* (London: Routledge, 2000), p. 70.

25 Landau, *The Nazi Holocaust*, pp. 154–55. In his memoir of the Warsaw ghetto, Alexander Donat gives a figure for half a million ghetto internees as "27,000 apartments in an area of 750 acres, with six or seven persons to a room" (Donat, *The Holocaust Kingdom*

[Washington, DC: Holocaust Library, 1999], p. 24). A famous portrait of life in the Warsaw ghetto in 1941, conveying the hardship and horror of ghetto life, is provided by the photographs taken by a German army officer, Heinrich Jost. See Gunther Schwarberg, *In the Ghetto of Warsaw: Photographs by Heinrich Jost* (Göttingen: Steidl Publishing, 2001).

26 See Richard Rhodes, *Masters of Death: The SS-Einsatzgruppen and the Invention of the Holocaust* (New York: Alfred A. Knopf, 2002).

27 Mayrhofer quoted in Wendy Lower, *Nazi Empire-Building and the Holocaust in Ukraine* (Durham, NC: University of North Carolina Press, 2005), pp. 133–34.

28 Omer Bartov, *Germany's War and the Holocaust: Disputed Histories* (Ithaca, NY: Cornell University Press, 2003), p. 14. See also the excellent two-part essay by Wolfgang Weber, "The Debate in Germany over the Crimes of Hitler's *Wehrmacht*," World Socialist Web Site, September 19–20, 2001, http://www.wsws.org/articles/2001/sep2001/wehr-s19.shtml and http://www.wsws.org/articles/2001/sep2001/wehr-s20.shtml.

29 A key "tipping point" for the Wehrmacht's "indiscriminate, systematic and wholesale resort to carnage" was the Commissar Order issued on June 6, 1941, which called for "Communist Party functionaries . . . to be identified . . . and murdered by the army either on the spot or in rear areas." "Effectively," notes Michael Burleigh, "the army was assuming the functions hitherto performed by the Einsatzgruppen, namely the killing of an entire group of people solely by virtue of their membership of that group and without formal process." Burleigh, *Ethics and Extermination: Reflections on Nazi Genocide* (Cambridge: Cambridge University Press, 1997), p. 67.

30 Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (New York: The Viking Press, 1965), p. 107.

31 Peter Fritzsche, *Life and Death in the Third Reich* (Cambridge, MA: The Belknap Press of Harvard University Press, 2008), p. 200.

32 Kretschmer quoted in Shermer and Grobman, *Denying History*, p. 185.

33 This gendered element of the slaughter is discussed further in Chapter 13.

34 Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia University Press, 2007), p. 276.

35 The statistics are drawn from Landau, *The Nazi Holocaust*.

36 Fritzsche, *Life and Death in the Third Reich*, p. 215.

37 "Whether the Germans were killing [Jews] immediately and directly in the gas chambers of an extermination camp or working and starving them to death in camps that they had not constructed for the express purpose of extermination (namely in concentration or 'work' camps), the mortality rates of Jews in camps was at exterminatory, genocidal levels and typically far exceeded the mortality rates of other groups living side by side with them. . . . The monthly death rate for Jews in Mauthausen [camp] was, from the end of 1942 to 1943, 100 percent. Mauthausen was not formally an extermination camp and, indeed, it was not for non-Jews, who at the end of 1943 all had a mortality rate below 2 percent." Goldhagen, *Hitler's Willing Executioners*, p. 173. For more on the Nazi system of forced and slave labour, see Wolf Gruner, *Jewish Forced Labor Under the Nazis: Economic Needs and Racial Aims, 1938–1944*, trans. Kathleen M. Dell'Orto (Cambridge: Cambridge University Press, 2006).

38 On the forced marches of Jews and other camp inmates, see "Marching to What End?," ch. 14 in Goldhagen, *Hitler's Willing Executioners*, pp. 355–71.

39 Niewyk, "Holocaust: The Jews," p. 150.

40 Ibid.; for Epstein's testimony, see pp. 150–70.

41 Hitler quoted in Gerald Fleming, *Hitler and the Final Solution* (Berkeley, CA: University of California Press, 1984), p. 17.

42 Tatz, *With Intent to Destroy*, p. 22.

43 Browning, *The Path to Genocide*, p. 86.

44 Michael Burleigh and Wolfgang Wippermann, *The Racial State: Germany 1933–1945* (Cambridge: Cambridge University Press, 1991), p. 96. Dan Stone likewise contends that "there are now very few historians who would take either an extreme intentionalist or an

extreme functionalist position, since most now recognize both that before 1941 or 1942 there was no clearly formulated blueprint for genocide and that a worldview built on mystical race thinking, especially anti-Semitism, lay at the heart of the regime." Stone, "The Holocaust and its Historiography," in Dan Stone, ed., *The Historiography of Genocide* (London: Palgrave Macmillan, 2008), p. 377.

45 Shermer and Grobman, *Denying History*, p. 213.

46 Hilberg, *The Destruction of the European Jews*, Vol. 1, pp. 139–40; Arendt, *Eichmann in Jerusalem*, pp. 59–60.

47 Arendt, *Eichmann in Jerusalem*, pp. 117–18, 125. See also the discussion in Hilberg, *The Destruction of the European Jews*, Vol. 1, pp. 218–22. "With the growth of the destructive function of the Judenräte, many Jewish leaders felt an almost irresistible urge to look like their German masters" (p. 219).

48 Raul Hilberg, *Perpetrators, Victims, Bystanders: The Jewish Catastrophe 1933–1945* (New York: Perennial, 1993), p. 170. In *The Destruction of the European Jews* (Vol. 2, p. 901), Hilberg referred to "masses of Jewish deportees, numb, fantasy-ridden, and filled with illusions, [who] reacted with mechanical cooperation to every German command" (the specific reference is to the Hungarian deportations of 1944).

49 See Richard Rashke, *Escape from Sobibor* (Champaign, IL: University of Illinois Press, 1995); Israel Gutman, *Resistance: The Warsaw Ghetto Uprising* (Boston, MA: Houghton Mifflin, 1998). Also notable was the doomed rebellion of the *Sonderkommando* (Jews selected to do the dirty work in the gas chambers and crematoria) at Auschwitz II-Birkenau in October 1944, and the Polish Jewish partisan movement led by the three Bielski brothers, depicted in the 2008 film *Defiance* (based on Nechama Tec, *Defiance: The True Story of the Bielski Partisans* [Oxford: Oxford University Press, 1994]).

50 Donat, *The Holocaust Kingdom*, p. 7.

51 Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Basic Books, 2009), p. 133.

52 Bauer, *Rethinking the Holocaust*, p. 213.

53 Browning, *The Path to Genocide*, p. ix.

54 See John Cornwell, *Hitler's Pope: The Secret History of Pius XII* (New York: Penguin, 2008); Daniel Jonah Goldhagen, *A Moral Reckoning: The Role of the Catholic Church in the Holocaust and Its Unfulfilled Duty of Repair* (New York: Alfred A. Knopf, 2002).

55 Friedländer, *The Years of Extermination*, pp. 568, 572.

56 Reginald H. Phelps, quoted in Goldhagen, *Hitler's Willing Executioners*, p. 443.

57 In the case of Denmark, Saul Friedländer wrote: "The Germans had allowed a semi-autonomous Danish government to stay in place, and their own presence as occupiers was hardly felt. Hitler had decided on this peculiar course to avoid unnecessary difficulties in a country [that was] strategically important . . . 'racially related' to the community of Nordic peoples, and mainly an essential supplier of agricultural products . . ." Friedländer, *The Years of Extermination*, p. 545.

58 Hilberg, *Perpetrators, Victims, Bystanders*, p. 258.

59 Burleigh, *Ethics and Extermination*, pp. 155, 164.

60 Burleigh and Wippermann, *The Racial State*, p. 51.

61 Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperPerennial, 1998), pp. 184, 186.

62 Goldhagen, *Hitler's Willing Executioners*, pp. 277, 446.

63 See Robert R. Shandley, ed., *Unwilling Germans? The Goldhagen Debate* (Minneapolis, MN: The University of Minnesota Press, 1998).

64 Friedländer, *The Years of Extermination*, p. 511. See Chapter 14 for further discussion of history and memory in Germany after the Second World War.

65 Hilberg, *Perpetrators, Victims, Bystanders*, p. 191. As Martha Minow comments, "The creation of Israel could be viewed as a kind of international reparation effort." Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon Press, 1998), p. 133.

66 See Idith Zertal, *Israel's Holocaust and the Politics of Nationhood* (Cambridge: Cambridge University Press, 2005).

67 "Israel Pledges to Protect Itself from 'New Holocaust' Threat Posed by Iran's Nuclear Programme," *Daily Telegraph*, April 21, 2009. Ahmadinejad's comments, made to a "World Without Zionism" conference in Tehran on October 26, 2005, were translated in many media as "Israel must be wiped off the map," suggesting the country and its population should be physically destroyed. However, this is disputed by, among others, Juan Cole, who claims a more accurate translation is: "This regime occupying Jerusalem must vanish from the page of time." In this reading, asserts Cole, "Ahmadinejad was not making a threat, he was quoting a saying of [Ayatollah] Khomeini and urging that pro-Palestinian activists in Iran not give up hope – that the occupation of Jerusalem was no more a continued inevitability than had been the hegemony of the Shah's government," overthrown in Iran in 1979. See Cole, "Informed Comment," May 3, 2006, http://www.juancole.com/2006/05/hitchens-hacker-and-hitchens.html.

68 See, e.g., "[Palestinian Authority president Mahmoud] Abbas: IDF [Israel Defense Forces] Action Worse than Holocaust," *The Jerusalem Post*, March 2, 2008; "Iran: Israeli Crimes Outstrip Holocaust," Reuters dispatch on Aljazeera.net, February 12, 2006.

69 Ilan Pappé, "Genocide in Gaza," *The Electronic Intifada*, September 2, 2006, http://electronicintifada.net/v2/article5656.shtml.

70 Richard Falk, "Slouching toward a Palestinian Holocaust," The Transnational Foundation for Peace and Future Research, June 29, 2007, http://www.transnational.org/Area_MiddleEast/2007/Falk_PalestineGenocide.html. A Red Cross report leaked in 2008 described a "progressive deterioration in food security for up to 70 per cent of Gaza's population" as a result of the Israeli siege, adding that "Chronic malnutrition is on a steadily rising trend and micronutrient deficiencies are of great concern." Quoted in Donald Macintyre, "Chronic Malnutrition in Gaza Blamed on Israel," *The Independent*, November 15, 2008. Former US president Jimmy Carter stated in 2008 that the Palestinian population of Gaza was being "starved to death," with caloric intakes lower than in the poorest African countries: "It's an atrocity what is being perpetrated as punishment on the people in Gaza. . . . I think it is an abomination that this continues to go on." Jonathan Wright, "Carter Calls Gaza Blockade a Crime and Atrocity," Reuters dispatch on Yahoo! News, April 18, 2008.

71 Goldstone report cited in Rory McCarthy, "UN Investigation Finds Evidence of War Crimes in Gaza Campaign," *The Guardian*, October 25, 2009.

72 Alex Alvarez, *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach* (Bloomington, IN: Indiana University Press, 2001), p. 14.

73 The phrase "uniquely unique" was first used by Alice L. Eckhardt and Roy Eckhardt; see Gunnar Heinsohn, "What Makes the Holocaust a Uniquely Unique Genocide?," *Journal of Genocide Research*, 2: 3 (2000), p. 430 (n. 95).

74 Katz, *The Holocaust in Historical Context*, p. 28.

75 Mark Levene, *Genocide in the Age of the Nation-State, Vol. 1: The Meaning of Genocide* (London: I.B. Tauris, 2005), p. 2.

76 Lopate, cited in Helen Fein, *Genocide: A Sociological Perspective* (London: Sage Publications, 1993), p. 52.

77 A recent polemic charges that a "Holocaust industry" has been created to win financial concessions from banks, industrial enterprises, and others who profited from the Jewish catastrophe. See Norman G. Finkelstein, *The Holocaust Industry: Reflections on the Exploitation of Jewish Suffering* (new edn) (New York: Verso, 2003).

78 As David Moshman put it: "True, the Holocaust is phenomenologically distinct from every other genocide, but so is every other genocide distinct from every other. Every genocide is unique, and the Holocaust is no exception." Moshman, "Conceptions of Genocide and Perceptions of History," in Stone, ed., *The Historiography of Genocide*, p. 72.

79 Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), p. 212.

80 Interestingly, Vol. 2 of Steven Katz's *The Holocaust in Historical Context*, which was supposed to apply his uniqueness thesis to twentieth-century cases of mass killing, was scheduled for publication some years ago, but has yet to appear. I have often wondered whether Katz hit an insuperable roadblock in applying his uniqueness thesis to the Rwandan genocide, which occurred the same year his first volume was published.

81 Hilberg, *The Destruction of the European Jews*, Vol. 3, p. 1075.

82 Bartov, *Germany's War and the Holocaust*, p. 106.

83 Thomas Cushman, "Is Genocide Preventable? Some Theoretical Considerations," *Journal of Genocide Research*, 5: 4 (2003), p. 528; Dan Stone, "Introduction," in Stone, ed., *The Historiography of Genocide*, p. 2. Interestingly, the fate of the Jews was not primary in Raphael Lemkin's framing of genocide in his 1944 book, which first propounded the concept. Martin Shaw has written: "For Lemkin (although himself Jewish and absolutely concerned about the horrors inflicted on the Jews), Nazi genocide was never exclusively or primarily an anti-Jewish campaign; that was not the standard against which other Nazi persecutions were measured. On the contrary, his book aimed to demonstrate (by placing on record translations of Nazi laws in the occupied countries) how comprehensively, against a range of subject peoples, the Nazis had attempted to destroy the existence of nations, their well-being, institutions and ways of life." Shaw, *What is Genocide?* (Cambridge: Polity, 2007), pp. 20–21.

84 Alan S. Rosenbaum, "Introduction to the Third Edition," in Rosenbaum, ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide* (Boulder, CO: Westview Press, 2009), p. 21. Martin Shaw goes further: "In order to understand other genocides . . . the imperative is not to compare them with the Holocaust – which as a specific episode was necessarily unique in many respects – but to interpret them in terms of a coherent general conception. We don't need a standard that steers all discussion towards a maximal concept of industrial extermination, a standard that distorts even the Nazi genocide against the Jews. We do need a coherent, generic, sociological concept of genocide that can make sense of a range of historical experiences." Shaw, *What is Genocide?*, p. 45.

BOX 6A THE NAZIS' OTHER VICTIMS

While most people associate Nazi genocide with the Jewish Holocaust, a plethora of other victim groups accounted for the majority of those killed by the Nazis. Only in 1942 did the mass murder of Jews come to predominate, as historian Christopher Browning pointed out:

> If the Nazi regime had suddenly ceased to exist in the first half of 1941, its most notorious achievements in human destruction would have been the so-called euthanasia killing of seventy to eighty thousand German mentally ill and the systematic murder of the Polish intelligentsia. If the regime had disappeared in the spring of 1942, its historical infamy would have rested on the "war of destruction" against the Soviet Union. The mass death of some two million prisoners of war in the first nine months of that conflict would have stood out even more prominently than the killing of approximately one-half million Jews in that same period.

"Ever since," wrote Browning, the Jewish Holocaust "has overshadowed National Socialism's other all-too-numerous atrocities."[1] It does so in this book

as well. Yet it is important to devote attention, however inadequate, to the Nazis' other victims.

PRE-WAR PERSECUTIONS AND THE "EUTHANASIA" CAMPAIGN

Communists and socialists

The first Nazi concentration camp was located at Dachau, near Munich. Opened in March 1933 – two months after the Nazis seized power – its stated purpose was "to concentrate, in one place, not only all Communist officials but also, if necessary, the officials of . . . other Marxist formations who threaten the security of the state."[2] Bolshevism was as central to Hitler's *Weltanschauung* (worldview) as anti-semitism, embodying the decadent modernist tendencies that he loathed. In fact, Hitler's ideology and geopolitical strategy are best seen as motivated by a hatred of "Judeo-Bolshevism," and a conviction that the Nazis' territorial ambitions in Central and Eastern Europe could be realized only through victory over "the Marxist-cum-Bolshevik 'octopus' and the Jewish world conspiracy."[3]

One can distinguish between pre-war and wartime phases of the campaign against communists and socialists. In the pre-war stage, these sectors dominated the security policies of the Reich. They were the major targets of state violence and incarceration in camps; Jews-as-Jews were not targeted for substantial physical violence or imprisonment until *Kristallnacht* in 1938, by which time the German Left had been crushed. Communists, socialists, and other Left-oppositionists were also purged from public institutions in a manner very similar to Jews.[4] Historian Arnold Sywottek estimates that the Gestapo murdered in excess of 100,000 communists during the twelve years of the Third Reich.[5]

After the occupation of western Poland in September–October 1939, and especially with the invasion of eastern Poland and the Soviet Union in June 1941, the struggle against Bolshevism became bound up with the Nazis' ambition to enslave and exterminate the Slavic "subhuman." "What the Bolsheviks are must be clear to anybody who ever set sight upon the face of a Red Commissar," declared an article in the Nazi military paper, *Mitteilungen für die Truppe* (Information for the Troops), as the invasion of the Soviet Union was launched in June 1941. "Here no theoretical explanations are necessary anymore. To call beastly the traits of these people, a high percentage of whom are Jews, would be an insult to animals. . . . In these Commissars we see the uprising of subhumans against noble blood."[6] As this quotation suggests, the Nazis' ideological struggle against communists and socialists became intertwined with the national and military struggle with the USSR; the threat of ethnic swamping by "barbarians from the East"; and the assault on European Jewry.

Asocials and undesirables

The Nazis' quest for racial purity and social homogeneity meant that "asocial" elements were to be annihilated or, in some cases, reformed. An effective study of this phenomenon is Robert Gellately's book on Nazism and German public opinion, *Backing Hitler*. Considered asocial was "anyone who did not participate as a good citizen and accept their social responsibilities." Among the groups harassed and punished were men seen as "shirking" paid work, or otherwise congenitally prone to unemployment or vagabondage.[7] Gellately describes a "special action" organized by Nazi police chief Heinrich Himmler in March 1937 "to arrest 2,000 people out of work":

> The instruction was to send to concentration camps, those who "*in the opinion of the Criminal Police*" were professional criminals, repeat offenders, or habitual sex offenders. The enthusiasm of the police was such that they arrested not 2,000, but 2,752 people, only 171 of whom had broken their probation. Police used the event as a pretext to get rid of "problem cases." Those arrested were described as break-in specialists (938), thieves (741), sex offenders (495), swindlers (436), robbers (56), and dealers in stolen goods (86). Only 85 of them [3 percent] were women.[8]

According to Gellately, "A recurrent theme in Hitler's thinking was that in the event of war, the home front would not fall prey to saboteurs, that is, anyone vaguely considered to be 'criminals,' 'pimps,' or 'deserters'." The result was that "asocial" men, along with some women accused of involvement in the sex trade or common crimes, were confined in "camps [that] were presented as educative institutions . . . places for 'race defilers, rapists, sexual degenerates and habitual criminals'" (quoting an article in *Das Schwarze Korps* newspaper). Although "these camps were nothing like the death camps in the eastern occupied territories, the suffering, death, and outright murder in them was staggering."[9]

Just as Jews and bolshevism blurred in the Nazis' ideology, it is important to recognize the overlap among asocials, Jews, and Roma (Gypsies). It was a cornerstone of the Nazi demonization of Jews that they were essentially a parasitic class, incapable of "honest" work and thus driven to usury, lazy cosmopolitanism, and criminality. Likewise, perhaps the *core* of the Nazi racial hatred of Roma lay in their stereotypical depiction as shiftless and inclined to criminal behavior. The genocidal consequences of these stereotypes are examined in the "Other Holocausts" section, below.

Homosexual men

For all the promiscuous hatreds of Adolf Hitler, "homophobia was not one of his major obsessions,"[10] and Hitler does not seem to have been the moving force

behind the Nazi campaign against gay men. (Lesbian women were never systematically targeted or arrested.)[11] Rather, that dubious honor goes to the owlish Heinrich Himmler, supreme commander of the SS paramilitary force, "whose loathing of homosexuals knew no bounds."[12] As early as 1937, in a speech to the SS academy at Bad Toelz, Himmler pledged: "Like stinging nettles we will rip them [homosexuals] out, throw them on a heap, and burn them. Otherwise . . . we'll see the end of Germany, the end of the Germanic world." Later he would proclaim to his Finnish physiotherapist, Dr. Felix Kersten:

> We must exterminate these people root and branch. Just think how many children will never be born because of this, and how a people can be broken in nerve and spirit when such a plague gets hold of it. . . . The homosexual is a traitor to his own people and must be rooted out.[13]

As these comments suggest, the reviling of gays was linked to Nazi beliefs surrounding asocial and "useless" groups, who not only contributed nothing productive to the body politic, but actively subverted it. Gay males – because they chose to have sex with men – "were self-evidently failing in their duty to contribute to the demographic expansion of the 'Aryan-Germanic race,' at a time when millions of young men had perished in the First World War."[14] Just as Roma and (especially) Jews were deemed parasites on German society and the national economy, so were gays labeled "as useless as hens which don't lay eggs" and "sociosexual propagation misfits."[15] (They did, however, have their uses: among some conquered peoples, homosexuality was to be encouraged, since it "would hasten their degeneracy, and thus their demise.")[16]

Richard Plant's study of the Nazi persecution of gays, *The Pink Triangle*, estimated the number of men convicted for homosexual "crimes" from 1933 to 1944 to be "between 50,000 and 63,000, of which nearly 4,000 were juveniles."[17] In the concentration camps that were the destiny of thousands of them, their "fate . . . can only be described as ghastly."[18] Like the Jews, they were forced to wear a special badge (the pink triangle of Plant's title), were referred to contemptuously as *Mannweiber* ("manwives"), and were segregated from their fellow prisoners, who often joined in the derision and brutalization. An inmate at Dachau reported that "the prisoners with the pink triangle did not live very long; they were quickly and systematically exterminated by the SS."[19] According to Konnilyn Feig, they found themselves "tormented from all sides as they struggle[d] to avoid being assaulted, raped, worked, and beaten to death."[20] Gay men were also among the likeliest candidates for medical experiments. At no point was support and solace likely from relatives or friends, because of the shame and stigma attaching to their "crimes." Plant estimates that the large majority of homosexuals consigned to concentration camps perished there – some 5,000 to 15,000 men.[21]

Jehovah's Witnesses and religious dissidents

If gays were dragged into the Nazi holocaust by their "traitorous" reluctance to contribute to Germany's demographic revival, Jehovah's Witnesses – already anathematized as a religious cult by the dominant Protestant and Catholic religious communities – were condemned for refusing to swear loyalty to the Nazi regime and to serve in the German military. In April 1935 the faith was formally outlawed, and later that year the first 400 Jehovah's Witnesses were consigned to the Sachsenhausen concentration camp. By 1939 the number incarcerated there and in other prisons and camps had ballooned to 6,000.

When war broke out in September 1939, the Witnesses' rejection of military service aroused still greater malevolence. Only a few days after the German invasion of Poland, a believer who refused to swear loyalty to the regime, August Dickmann, was executed by the Gestapo "in order to set an example."[22] In all, "Over the course of the dictatorship, as many as 10,000 members of the community were arrested, with 2,000 sent to concentration camps, where they were treated dreadfully and as many as 1,200 died or were murdered."[23]

In a curious twist, however, a positive stereotype also arose around the Witnesses. They came to be viewed in the camps as "industrious, neat, and tidy, and uncompromising in [their] religious principles." Accordingly,

> the SS ultimately switched to a policy of trying to exploit [the Witnesses'] devotion to duty and their reliability. . . . They were used as general servants in SS households or put to work in small Kommandos [work teams] when there was a threat that prisoners might escape. In Ravensbrück [women's concentration camp], they were showcased as "exemplary prisoners," while in Niederhagen, the only camp where they constituted the core population, they were put to work on renovations.[24]

As for mainstream religion, in general the Nazis distrusted it, preferring their own brand of mysticism and *Volk*-worship. Their desire not to provoke unrest among the general population, or (before the war) international opposition, limited their campaign against the main Protestant dominations and the large Catholic minority in Germany. No such restraint obtained in occupied Poland, however, where leading Catholic figures were swept up in the campaign of eliticide against the Polish intelligentsia. At home, as the war turned against Germany, religious dissidents of all stripes came to be hounded, imprisoned, and killed. The best-known case is that of the Protestant pastor Dietrich Bonhoeffer, who declaimed against the Nazi regime from his pulpit, and was hanged in Flossenburg concentration camp shortly before the war ended. His *Letters and Papers from Prison* has become a classic of devotional literature.[25]

The handicapped and infirm

As with every other group the Nazis targeted, the campaign against the handicapped and infirm exploited a popular receptiveness based on long-standing patterns of discrimination and anathematization in European and Western culture. An offshoot of the Western drive for modernity was the development of a science of eugenics, taking both positive and negative forms: "Positive eugenics was the attempt to encourage increased breeding by those who were considered particularly fit; negative eugenics aimed at eliminating the unfit."[26] The foci of this international movement were Germany, Great Britain, and the United States (the US pioneered the use of forced sterilization against those considered "abnormal").[27] In Germany in the 1920s, treatises by noted legal and medical authorities railed against those "unworthy of life" and demanded the "destruction" of disabled persons in institutions. This was not murder but "mercy death."[28] Such views initially received strong public backing, even among many relatives of institutionalized patients.[29]

Once in power, the Nazis intensified the trend. Within a few months, they had promulgated the Law for the Prevention of Hereditarily Diseased Progeny, beginning a policy that by 1945 had led to the forced sterilization of some 300,000 people. The Marriage Health Law followed in 1935, under which Germans seeking to wed were forced to provide medical documentation proving that they did not carry hereditary conditions or afflictions. If they could not so demonstrate, the application was rejected.[30]

In the two years prior to the outbreak of the Second World War, Hitler and other Nazi planners began paving the way for the collective killing of disabled infants and children, then of adults. Hitler used the "fog of war" to cover the implementation of the campaign (the authorization, personally signed by Hitler on September 8, 1939, was symbolically backdated to September 1 to coincide with the invasion of Poland). "An elaborate covert bureaucracy"[31] was established in a confiscated Jewish property at Tiergartenstrasse 4 in Berlin, and "Aktion T-4" – as the extermination program was dubbed – moved into high gear. The program's "task was to organise the registration, selection, transfer and murder of a previously calculated target group of 70,000 people, including chronic schizophrenics, epileptics and long-stay patients."[32] All were deemed *unnutze Esser*, "useless eaters" – surely one of the most macabre phrases in the Nazi vocabulary. In the end, the plan was overfulfilled. Among the victims were an estimated 6,000 to 7,000 children, who were starved to death or administered fatal medication. Many adults were dispatched to a prototype gas chamber.[33]

At every point in the chain of death, the complicity of nurses, doctors, and professionals of all stripes was enthusiastic. Yet as the scope of the killing widened, the general population (and Germany's churches) proved more ambivalent, eventually leading to open protest. In August 1941, "Aktion T-4" was closed down in Germany. But a decentralized version continued in operation until the last days of the war, and even beyond (the last victim died

on May 29, 1945, under the noses of Allied occupiers). Meanwhile, the heart of the program – its eager supervisors and technicians – was bundled east, to manage the extermination of Jews and others in the death camps of Treblinka, Belzec, and Sobibor in Poland. Thus, "the euthanasia program was the direct precursor of the death factories – ideologically, organizationally, and in terms of personnel."[34]

Predictably, then, mass murder in the eastern occupied territories also targeted the handicapped. "In Poland the Germans killed almost all disabled Poles . . . The same applied in the occupied Soviet Union."[35] With the assistance of the same *Einsatzgruppen* death squads who murdered hundreds of thousands of Jews in the first year of the war, some 100,000 people deemed "unworthy of life" were murdered at a single institution, the Kiev Pathological Institute in Ukraine.[36] In all, perhaps a quarter of a million handicapped and disabled individuals died to further the Nazis' fanatical social-engineering scheme.

Figure 6A.1   A farmer took this clandestine photo of smoke billowing from the crematorium chimney of the Schloss Hartheim killing complex in Germany, as Aktion (Operation) T-4 – the mass murder of the handicapped – was underway in 1940–41. Hartheim was one of six main facilities for the Nazi "euthanasia" campaign, which served as a trial run for the Holocaust, including the use of gas chambers to kill victims.

Source: Wolfgang Schuhmann/United States Holocaust Memorial Museum.

OTHER HOLOCAUSTS

The Slavs

The ethnic designation "Slav" derives from the same root as "slave," and that is the destiny to which Nazi policies sought to consign Poles, Russians, Ukrainians, White Russians (Belorussians), and other Slavic peoples. "The Slavs are a mass of born slaves, who feel the need of a master," Hitler declared, making clear his basically colonialist fantasies for the east: "We'll supply the Ukrainians with scarves, glass beads and everything that colonial peoples like."[37]

But if they were primitive and contemptible, the Slavic "hordes" were also dangerous and expansionist – at least when dominated and directed by Jews (i.e., "Judeo-bolsheviks"). It may be argued that the confrontation with the Slavs was inseparable from, and as central as, the campaign against the Jews. Consider the words of Colonel-General Hoepner, commander of Panzer Group 4 in the invasion of the Soviet Union, on sending his troops into battle:

> The war against the Soviet Union is an essential component of the German people's struggle for existence. It is the old struggle of the Germans against the Slavs, the defense of European culture against the Muscovite-Asiatic flood, the warding off of Jewish Bolshevism. This struggle must have as its aim the demolition of present Russia and must therefore be conducted with unprecedented severity. Both the planning and the execution of every battle must be dictated by an iron will to bring about a merciless, total annihilation of the enemy.[38]

The first victims of the anti-Slav genocide were, however, Polish. Hitler's famous comment, "Who, after all, talks nowadays of the annihilation of the Armenians?" (see Chapter 4), is often mistaken as referring to the impending fate of Jews in Nazi-occupied territories. In fact, Hitler was speaking just before the invasion of Poland on September 1, 1939, referring to commands he had issued to "kill without pity or mercy all men, women, and children of Polish descent or language. Only in this way can we obtain the living space we need."[39] Richard Lukas is left in little doubt of Nazi plans:

> While the Germans intended to eliminate the Jews before the end of the war, most Poles would work as helots until they too shared the fate of the Jews. . . . The conclusion is inescapable that had the war continued, the Poles would have been ultimately obliterated either by outright slaughter in gas chambers, as most Jews had perished, or by a continuation of the policies the Nazis had inaugurated in occupied Poland during the war – genocide by execution, forced labor, starvation, reduction of biological propagation, and Germanization.

Others dispute the claim that non-Jewish Poles were destined for annihilation. Nonetheless, as Lukas notes, "during almost six years of war, Poland lost 6,028,000 of its citizens, or 22 percent of its total population, the highest ratio of losses to population of any country in Europe." Nearly three million of the murdered Poles were Jews, but "over 50 percent . . . were Polish Christians, victims of prison, death camps, raids, executions, epidemics, starvation, excessive work, and ill treatment."[40] Six million Poles were also dispatched to toil in Germany as slave-laborers. The Soviets' depredations during their relatively brief occupation of eastern Poland (September 1939 to June 1941), and again after 1944, also contributed significantly to the death-toll (see Chapter 5).

As for the Slavs of Ukraine, Russia, and other parts of the Soviet Union, their suffering is legendary. A commonly cited estimate is that *about twenty-seven million* Soviet citizens died. The disproportionate number of militarized male victims would have "catastrophic . . . demographic consequences" for decades after, with women of the relevant age groups outnumbering men by two or even three to one.[41] But two-thirds of the victims – *about eighteen million people* – were civilians.[42] Exploitation of Slavs as slave laborers was merciless and genocidal. According to historian Catherine Merridale, "At least three million [Soviet] men and women (one famous Russian source gives a figure of over five million) were shipped off to the Reich to work as slaves. Many of these – probably more than two million – were worked so hard that they joined Europe's Jews in the death camps, discarded by the Reich for disposal like worn-out nags sent to the abattoir."[43]

Titanic Soviet sacrifices, and crushing military force, proved key to Nazi Germany's defeat, with the other Allies playing important supporting roles. Between the German invasion of the USSR in June 1941 and the D-Day invasion of France in June 1944, some 80 percent of German forces were deployed in the East, and the overwhelming majority of German military casualties occurred there. As Yugoslav partisan leader Arso Jovanovic put it at the time: "Over there on the Eastern front – that's the real war, where whole divisions burn up like matchsticks" – and millions of civilians along with them.[44]

Soviet prisoners-of-war

"Next to the Jews in Europe," wrote Alexander Werth, "the biggest single German crime was undoubtedly the extermination by hunger, exposure and in other ways of . . . Russian war prisoners."[45] Yet the murder of at least 3.3 million Soviet POWs is one of the least-known of modern genocides; there is still no full-length book on the subject in English. It also stands as one of the most intensive genocides of all time: "a holocaust that devoured millions," as Catherine Merridale acknowledges.[46] The large majority of POWs, some 2.8 million, were killed in just eight months of 1941–42, a rate of slaughter matched (to my knowledge) only by the 1994 Rwanda genocide.[47]

The Soviet men were captured in massive encirclement operations in the early months of the German invasion, and in gender-selective round-ups that occurred in the newly occupied territories. All men between the ages of 15 and 65 were deemed to be prisoners-of-war, and liable to be "sent to the rear." Given that the Germans, though predicting victory by such epic encirclements, had deliberately avoided making provisions for sheltering and feeding millions of prisoners, "sent to the rear" became a euphemism for mass murder.

"Testimony is eloquent and prolific on the abandonment of entire divisions under the open sky," wrote Alexander Dallin:

> Epidemics . . . decimated the camps. Beatings and abuse by the guards were commonplace. Millions spent weeks without food or shelter. Carloads of prisoners were dead when they arrived at their destination. Casualty figures varied considerably but almost nowhere amounted to less than 30 percent in the winter of 1941–42, and sometimes went as high as 95 percent.[48]

A Hungarian tank officer who visited one POW enclosure described "tens of thousands of Russian prisoners. Many were on the point of expiring. Few could stand on their feet. Their faces were dried up and their eyes sunk deep into their sockets. Hundreds were dying every day, and those who had any strength left dumped them in a vast pit."[49] German guards took their amusement by "throwing a dead dog into the prisoners' compound," citing an eyewitness

Figure 6A.2   Soviet prisoners-of-war await their fate in Nazi captivity, summer or autumn 1941. *Source*: Hulton-Deutsch Collection/Corbis.

Figure 6A.3   Mass grave of Soviet prisoners, 1941–42. "The photos . . . were found by chance during a search action. They are from the widow of a member of *Landesschützenbataillon* 432, which guarded the Dulag [= *Durchgangslager*, transit camp for POWs] 121 in Gomel . . . The photo in all probability shows a scene from the huge mass dying of the prisoners of war" (holocaustcontroversies.blogspot.com).

Source: Klaus-Michael Mallmann *et al.*, eds, *Deutscher Osten 1939–1945: Der Weltanschauungskrieg in Photos und Texten* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2003).

account: "Yelling like mad, the Russians would fall on the animal and tear it to pieces with their bare hands. . . . The intestines they'd stuff in their pockets – a sort of iron ration."[50] Cannibalism was rife. Nazi leader Hermann Goering joked that "in the camps for Russian prisoners of war, after having eaten everything possible, including the soles of their boots, they have begun to eat each other, and what is more serious, have also eaten a German sentry."[51]

Hundreds of thousands of Soviet prisoners were sent to Nazi concentration camps, including Auschwitz, which was originally built to house and exploit them. Thousands died in the first tests of the gas chamber complex at Birkenau. Like the handicapped and Roma, then, Soviet POWs were guinea-pigs and stepping-stones in the evolution of genocide against the Jews. The overall estimate for POW fatalities – 3.3 million – is probably low. An important additional group of victims consists of Soviet soldiers, probably hundreds of thousands, who were killed shortly after surrendering.

In one of the twentieth century's most tragic ironies, the two million or so POWs who survived German incarceration were arrested upon repatriation to the USSR, on suspicion of collaboration with the Germans. Most were sentenced to long terms in the Soviet concentration camps, where tens of thousands died in the final years of the Gulag (see Chapter 5).

The Romani genocide (*Porrajmos*)

Perhaps more than any other group, the Nazi genocide against Romani (Gypsy) peoples[*] parallels the attempted extermination of European Jews. Roma were subjected to virulent racism in the centuries prior to the Holocaust – denounced as dirty, alien, and outside the bonds of social obligation. (Ironically, the Roma "were originally from North India and belonged to the Indo-Germanic speaking, or as Nazi racial anthropologists would have it, 'Aryan' people.")[52]

The grim phrase "lives undeserving of life," which most people associate with Nazi policy towards the handicapped and the Jews, was coined with reference to the Roma in a law passed only a few months after Hitler's seizure of power. Mixed marriages between Germans and Roma, as between "Aryan" Germans and Jews, were outlawed in 1935. The 1935 legislation against "hereditarily diseased progeny," the cornerstone of the campaign against the handicapped, specifically included Roma among its targets.

Figure 6A.4 Roma interned in the Nazis' Belzec death camp in Poland. Of all demographic groups in Europe, the Roma and Sinti – long known as "Gypsies" – were probably the only ones destroyed in the Nazi holocaust in about the same proportion as European Jews. Roma and Sinti remain vulnerable across much of Europe, from Ireland in the west (where they are known as "Travellers") to Romania in the east. They are widely depicted as a shiftless and/or criminal element, and are liable to discrimination, harassment, and vigilante violence.[53]

Source: United States Holocaust Memorial Museum.

* The term "Gypsy" has derogatory connotations for some, and is now often substituted by Roma/Romani, a practice I follow here.

In July 1936, more than two years prior to the first mass round-up of Jewish men, Romani men were dispatched in their hundreds to the Dachau concentration camp outside Munich. (The measures were popular: Michael Burleigh noted "the obvious glee with which unwilling neighbours and local authorities regarded the removal of Sinti and Roma from their streets and neighbourhoods.")[54] While Hitler decreed a brief moratorium on anti-Jewish measures prior to the 1936 Berlin Olympics, raids were conducted in the vicinity of Berlin to capture and incarcerate Roma.

"On Combating the Gypsy Plague" was the title of a 1937 polemic by Heinrich Himmler, taking a break from his fulminations on homosexuals and Jews. It "marked the definitive transition from a Gypsy policy that was understood as a component of the extirpation of 'aliens to the community' . . . to a persecution *sui generis*."[55] The following year, the first reference to an *endgültige Lösung der Zigeunerfrage*, a "total solution" to the Romani "question," appeared in a Nazi pronouncement.[56] A thousand more Roma were condemned to concentration camps in 1938.

A few months after the outbreak of the Second World War, some 250 Romani children at Buchenwald became test subjects for the Zyklon-B cyanide crystals later used to exterminate Jews. In late 1941 and early 1942, about 4,400 Roma were deported from Austria to the death camp at Chelmno, where they were murdered in the mobile gas vans then being deployed against Jews in eastern Poland and the Soviet Union.[57] Up to a quarter of a million more perished in *Einsatzgruppen* executions, "legitimised with the old prejudice that the victims were 'spies.'"[58]

In December 1942, Himmler decreed that Roma be deported to the most notorious of the death camps, Auschwitz-Birkenau. There they lived in a "family camp" (so named because Romani families, unlike Jewish ones, were not broken up), while the Nazi authorities decided what to do with them. A camp doctor who spoke with psychologist Robert Jay Lifton described conditions in the Romani barracks as "extraordinarily filthy and unhygienic even for Auschwitz, a place of starving babies, children and adults."[59] Those who did not die from privation, disease, or horrific medical experiments were finally consigned to the gas chambers in August 1944. In all, "about 20,000 of the 23,000 German and Austrian Roma and Sinti deported to Auschwitz were killed there."[60]

When the toll of the camps is combined with *Einsatzgruppen* operations, the outcome in terms of Romani mortality rates was not very different from the Jewish Holocaust. From a much smaller population, the Roma lost between 500,000 and 1.5 million of their members in the catastrophe that they call the *Porrajmos* ("Devouring"). While the lower figure is standard, Romani scholar Ian Hancock argues that it is "grossly underestimated," failing to recognize the extent to which Romani victims of (for example) the *Einsatzgruppen* death squads were designated as "partisans" or "asocials," or assigned other labels that tended to obscure ethnic identity.[61] When to the camp victims are added the huge numbers of Roma – perhaps more than perished in the camps – who "were

murdered in the fields and forests where they lived,"[62] the death toll may well match that of the Armenian genocide.

Until recent years, however, the *Porrajmos* has been little more than a footnote in histories of Nazi mass violence. In part, this reflects the fact that Roma constituted a much smaller proportion of the German and European population than did Jews – about 0.05 percent. In addition, most Roma before and after the Second World War were illiterate, and thus unable to match the outpouring of victims' testimonies and academic analyses by Jewish survivors and scholars. Finally, and relatedly, while anti-semitism subsided dramatically after the war, Roma continued to be marginalized and stigmatized by European societies, as they remain today.

The result, in historian Sybil Milton's words, was "a tacit conspiracy of silence about the isolation, exclusion, and systematic killing of the Roma, rendering much of current Holocaust scholarship deficient and obsolete."[63] Even in contemporary Europe, Roma are the subject of violence and persecution; in a 2009 essay, Hancock declared that "anti-Gypsyism is at an all-time high."[64] Only since the late 1970s has a civil-rights movement, along with a body of scholarly literature, arisen to confront discrimination and to memorialize Romani suffering during the Nazi era.

Germans as victims

For decades after the end of the Second World War, it was difficult to give voice to German suffering in the war. Sixty years after the war's end, it is easier to accept claims that the Germans, too, should be numbered among the victims of Nazism – and victims of Nazism's victims.

Predictably, the debate is sharpest in Germany itself (see further discussion in Chapter 14). Two books published in 2003 symbolized the new visibility of the issue. A novel by Nobel Prize-winning author Günter Grass, *Im Krebsgang* (*Crabwalk*), centers on the twentieth century's worst maritime disaster: the torpedoing of the *Wilhelm Gustloff* by a Soviet submarine, as the converted liner attempted to carry refugees (and some soldiers) from East Prussia to the German heartland, ahead of advancing Soviet armies. Nine thousand people died. In addition, a revisionist historian, Jörg Friedrich, published *Brandstätten* (*Fire Sites*), a compendium of grisly, never-before-seen archival photographs of German victims of Allied fire-bombing (see Chapter 14).[65]

Estimates of the death-toll in the area bombing of German cities "range from about 300,000 to 600,000, and of injuries from 600,000 to over a million." The most destructive raids were those on Hamburg (July 27–28, 1943) and Dresden, "the German Hiroshima" (February 13, 1945).[66] Both strikes resulted in raging fire-storms that suffocated or incinerated almost all life within their radius. As discussed in Chapter 1, various genocide scholars have described these and other aerial bombardments as genocidal.

Among the estimated eight million German soldiers killed on all fronts during the war were those who died as prisoners-of-war in the Soviet Union. Many German POWs were executed; most were sent to concentration camps where, like their Soviet counterparts, they died of exposure, starvation, and additionally overwork. "In all, at least one million German prisoners died out of the 3,150,000 [captured] by the Red Army," and this does not reflect those summarily shot before they could be taken prisoner.[67] In one of the most egregious cases, of 91,000 Sixth Army POWs seized following the German surrender at Stalingrad in 1943, only 6,000 survived to be repatriated to Germany in the 1950s.[68]

A final horror inflicted on German populations was the reprisal killing and mass expulsion of ethnic Germans from the Soviet Union and Eastern Europe, often from territories their forebears had inhabited for centuries. As early as September 1939, in the opening weeks of the Nazi invasion of Poland, an estimated 60,000 ethnic Germans were allegedly murdered by Poles.[69] With the German army in retreat across the eastern front in 1944–45, large numbers of Germans fell prey to the vengeful atrocities of Soviet troops (notably in East Prussia) and local populations (especially in Poland and Czechoslovakia). Some twelve to fourteen million ethnic Germans were uprooted, of whom about two million perished. Much of this occurred after the war had ended, under the aegis of Allied occupation authorities, as the philosopher Bertrand Russell noted in an October 1945 protest letter:

> In Eastern Europe now mass deportations are being carried out by our allies on an unprecedented scale, and an apparently deliberate attempt is being made to exterminate millions of Germans, not by gas, but by depriving them of their homes and of food, leaving them to die by slow and agonizing starvation. This is not done as an act of war, but as a part of a deliberate policy of "peace."[70]

Moreover, an agreement reached among the Allies at the Yalta Conference (February 1945) "granted war reparations to the Soviet Union in the form of labor services. According to German Red Cross documents, it is estimated that 874,000 German civilians were abducted to the Soviet Union." They suffered a higher casualty rate even than German prisoners-of-war, with some 45 percent dying in captivity.[71]

FURTHER STUDY

Michael Berenbaum, ed., *A Mosaic of Victims: Non-Jews Persecuted and Murdered by the Nazis*. New York: New York University Press, 1990. Wide-ranging collection.

Michael Burleigh, *Ethics and Extermination: Reflections on Nazi Genocide*. Cambridge: Cambridge University Press, 1997. Essays on themes including "euthanasia," the German–Soviet war, and the racial state.

Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution*. Chapel Hill, NC: University of North Carolina Press, 1995. Traces the evolution of the Nazi killing machine from the initial targeting of disabled and handicapped Germans to the mass slaughter of Jews and Roma.

Robert Gellately and Nathan Stoltzfus, eds, *Social Outsiders in Nazi Germany*. Princeton, NJ: Princeton University Press, 2001. Examines the Nazi campaign against "unwanted populations."

Gerhard Hirschfeld, ed., *The Policies of Genocide: Jews and Soviet Prisoners of War in Nazi Germany*. Boston, MA: Allen & Unwin, 1986. The links between the fate of the Jews and the Soviet prisoners.

Norman M. Naimark, *The Russians in Germany: A History of the Soviet Zone of Occupation, 1945–1949*. Cambridge, MA: The Belknap Press, 1995. Especially strong on atrocities against German women and workers under Soviet occupation.

Richard Plant, *The Pink Triangle: The Nazi War against Homosexuals*. New York: Owl, 1986. The persecution and killing of homosexuals, described by a refugee of the Nazi regime.

Alexander B. Rossino, *Hitler Strikes Poland: Blitzkrieg, Ideology, and Atrocity*. Lawrence, KS: University Press of Kansas, 2003. First-rate survey of the Nazi rampage in Poland, which served as a trial run for the war against the Soviet Union.

Martin K. Sorge, *The Other Price of Hitler's War: German Military and Civilian Losses Resulting from World War II*. Westport, CT: Greenwood Press, 1986. Concise account of German suffering in the war.

Frederick Taylor, *Dresden: Tuesday, February 13, 1945*. New York: HarperCollins, 2004. In-depth study of the Allied fire-bombing of the historic German city.

Alfred-Maurice de Zayas, *A Terrible Revenge: The Ethnic Cleansing of the East European Germans, 1944–1950*. New York: St. Martin's Press, 1994. The atrocities against ethnic Germans, ably cataloged.

NOTES

1 Christopher R. Browning, *The Path to Genocide: Essays on Launching the Final Solution* (Cambridge: Cambridge University Press, 1992), p. ix.

2 Heinrich Himmler's announcement of Dachau's opening, quoted in Arno J. Mayer, *Why Did the Heavens Not Darken? The Final Solution in History* (New York: Pantheon, 1988), p. 125.

3 Mayer, *Why Did the Heavens Not Darken?*, pp. 107–8.

4 According to Dominique Vidal, approximately 150,000 communists and left-leaning social democrats were incarcerated in concentration camps between 1933 and 1939. Vidal, "From 'Mein Kampf' to Auschwitz," *Le Monde diplomatique*, October 1998.

5 Sywottek estimate cited in Adam LeBor and Roger Boyes, *Seduced by Hitler: The Choices of a Nation and the Ethics of Survival* (New York: Barnes & Noble, 2000), p. 69.

6 Quoted in Saul Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939–1945* (New York: HarperCollins, 2007), pp. 134–35.

7 "The 'work-shy' were [defined as] males medically fit to work, but who (without good reason) refused jobs on two occasions, or quit after a short time." Robert Gellately, *Backing Hitler: Consent and Coercion in Nazi Germany* (Oxford: Oxford University Press, 2001), p. 98.

8 Ibid., p. 96.

9 Ibid., pp. 60, 63, 68, 70.

10 Geoffrey J. Giles, "The Institutionalization of Homosexual Panic in the Third Reich," in R. Gellately and J. Stoltzfus, eds, *Social Outsiders in Nazi Germany* (Princeton, NJ: Princeton University Press, 2001), p. 233.

11 "Lesbians were not subjected to formal persecution in the Third Reich, despite the fact that some zealous legal experts demanded this. . . . In a state which extolled manly, martial roughness, lesbians were less of a threat to the regime than men who subverted its crude stereotypes of 'normal' male behaviour." Michael Burleigh and Wolfgang Wippermann, *The Racial State: Germany 1933–1945* (Cambridge: Cambridge University Press, 1991), p. 268.

12 Richard Plant, *The Pink Triangle: The Nazi War against Homosexuals* (New York: Owl Books, 1988), p. 62.

13 Himmler quoted in ibid., pp. 89, 99.

14 Michael Burleigh, *Ethics and Extermination: Reflections on Nazi Genocide* (Cambridge: Cambridge University Press, 1997), p. 162.

15 Quoted in Plant, *The Pink Triangle*, p. 102.

16 Ibid., p. 99.

17 Ibid., p. 149.

18 Quoted in ibid., p. 166.

19 Saul Friedländer, *Nazi Germany and the Jews, Volume 1: The Years of Persecution, 1933–1939* (New York: HarperCollins, 1997), p. 206.

20 Konnilyn Feig, "Non-Jewish Victims in the Concentration Camps," in Michael Berenbaum, ed., *A Mosaic of Victims: Non-Jews Persecuted and Murdered by the Nazis* (New York: New York University Press, 1990), p. 163.

21 Plant, *The Pink Triangle*, p. 154.

22 Gellately, *Backing Hitler*, p. 75.

23 Ibid. For Web links and a bibliography on the persecution and killings of Jehovah's Witnesses, see "A Teacher's Guide to the Holocaust: Jehovah's Witnesses," http://fcit.coedu.usf.edu/holocaust/people/VictJeho.htm.

24 Wolfgang Sofsky, *The Order of Terror: The Concentration Camp*, trans. William Templer (Princeton, NJ: Princeton University Press, 1999), pp. 122–23.

25 Dietrich Bonhoeffer, *Letters and Papers from Prison* (New York: Touchstone, 1997). See also the United States Holocaust Memorial Museum page on Bonhoeffer's life and work at http://www.ushmm.org/museum/exhibit/online/bonhoeffer/.

26 Henry Friedlander, "The Exclusion and Murder of the Disabled," in Gellately and Stolzfus, eds, *Social Outsiders in Nazi Germany*, p. 146.

27 "Between 1907 and 1939, more than 30,000 people in twenty-nine [US] states were sterilized, many of them unknowingly or against their will, while they were incarcerated in prisons or institutions for the mentally ill." See "Handicapped: Victims of the Nazi Era, 1933–1945," *A Teacher's Guide to the Holocaust*, http://fcit.coedu.usf.edu/holocaust/ people/USHMMHAN.HTM.

28 Friedlander, "The Exclusion and Murder of the Disabled," p. 147.

29 An opponent of such views, Ewald Meltzer, the director of Katherinenhof juvenile asylum in Saxony, decided in 1925 "to carry out a poll of the views on 'euthanasia' held by the parents of his charges. To his obvious surprise, some 73 per cent of the

162 respondents said that they would approve 'the painless curtailment of the life of [their] child if experts had established that it is suffering from incurable idiocy.' Many of the 'yes' respondents said that they wished to offload the burden represented by an 'idiotic' child, with some of them expressing the wish that this be done surreptitiously, in a manner which anticipated later National Socialist practice." Burleigh, *Ethics and Extermination*, p. 121.

30 Recall that under the UN Convention definition of genocide, preventing births within a group may be considered genocidal.

31 Burleigh, *Ethics and Extermination*, p. 123.

32 Ibid.

33 See "'Wheels Must Roll for Victory!' Children's 'Euthanasia' and 'Aktion T-4,'" ch. 3 in Michael Burleigh, *Death and Deliverance: 'Euthanasia' in Germany c. 1900–1945* (London: Pan Books, 1994), pp. 97–127.

34 Sofsky, *The Order of Terror*, p. 243. Peter Fritzsche also points to the connections between the "euthanasia" campaign and the Holocaust that would erupt shortly after: "Figuring out by trial and error the various stages of the killing process, from the identification of patients to the arrangement of special transports to the murder sites to the killings by gas in special chambers to the disposal of the bodies, and mobilizing medical experts who worked in secret with a variety of misleading euphemisms to conceal their work . . . the Nazis built important bureaucratic bridges that would lead to the extermination of Jews and Gypsies." Fritzsche, *Life and Death in the Third Reich* (Cambridge, MA: The Belknap Press of Harvard University, 2008), p. 118.

35 Friedlander, "The Exclusion and Murder of the Disabled," p. 157.

36 Friedlander, *The Origins of Nazi Genocide*, p. 142.

37 Hitler quoted in Jürgen Zimmerer, "The Birth of the *Ostland* out of the Spirit of Colonialism: A Postcolonial Perspective on the Nazi Policy of Conquest and Extermination," *Patterns of Prejudice*, 39: 2 (2005), p. 202. Raphael Lemkin recognized the colonialist core of the Nazi enterprise: "Hitler's plan covered the Poles, the Serbs, the Russians, the Frenchmen. . . . The main purpose of the Nazis was a commission of a G[enocide] against nations in order to get hold of their territory for colonisation purposes. This was the case of the Poles, and the Russians and the Ukrainians." Quoted in A. Dirk Moses, "Empire, Colony, Genocide: Keywords and the Philosophy of History," in Moses, ed., *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History* (New York: Berghahn Books, 2008), p. 21.

38 Quoted in Omer Bartov, *Hitler's Army: Soldiers, Nazis, and War in the Third Reich* (New York: Oxford University Press, 1992), p. 129.

39 Heinrich Himmler, tasked with engineering the destruction of the Polish people, parroted Hitler in proclaiming that "all Poles will disappear from the world. . . . It is essential that the great German people should consider it as its major task to destroy all Poles." Hitler and Himmler quoted in Richard C. Lukas, "The Polish Experience during the Holocaust," in Berenbaum, ed., *A Mosaic of Victims*, p. 89.

40 Lukas, "The Polish Experience," p. 90.

41 Orlando Figes, *The Whisperers: Private Life in Stalin's Russia* (New York: Metropolitan Books, 2007), p. 457.

42 Anthony Beevor, *Stalingrad* (New York: Viking Press, 1998), p. 428.

43 Catherine Merridale, *Ivan's War: Life and Death in the Red Army, 1939–1945* (New York: Picador, 2006), p. 291.

44 Quoted in Milovan Djilas, *Wartime* (New York: Harvest, 1980), p. 73. Omer Bartov has written: "It was in the Soviet Union that the Wehrmacht's back was broken long before the Western Allies landed in France, and even after June 1944

it was in the East that the Germans continued to commit and lose far more men. . . . By the end of March 1945 the *Ostheer*'s [German eastern front] casualties mounted to 6,172,373 men, or double its original manpower on 22 June 1941, a figure which constituted fully four-fifths of the [Germans'] total losses . . . on all fronts since the invasion of the Soviet Union." Bartov, *Hitler's Army*, pp. 29, 45. Alec Nove points out that more Russians died in the German siege of Leningrad alone (1941–43) "than the total of British and Americans killed from all causes throughout the war." Nove, *Stalinism and After* (London: George Allen & Unwin, 1975), p. 93.

45 Alexander Werth, *Russia at War, 1941–45* (New York: Carroll & Graf, 1999), p. 634.

46 Merridale, *Ivan's War*, p. 149.

47 If the upper-end estimates for those killed in Bangladesh genocide of 1971 are accurate (three million; see Box 8a), this might also match the intensiveness of Rwanda and the genocide against Soviet POWs.

48 Alexander Dallin, *German Rule in Russia, 1941–45: A Study of Occupation Policies* (2nd edn) (London: Macmillan, 1981), pp. 414–15; Omer Bartov, *The Eastern Front, 1941–45: German Troops and the Barbarization of Warfare* (Basingstoke: Macmillan, 1985), p. 110.

49 Quoted in Werth, *Russia at War*, pp. 635–36.

50 Merridale, *Ivan's War*, p. 290.

51 Goering quoted in Dallin, *German Rule in Russia*, p. 415.

52 Burleigh and Wippermann, *The Racial State*, p. 116.

53 See, e.g., Anna Porter, "Fascism: The Next Generation," *The Globe and Mail*, May 9, 2009; "Bottom of the Heap," *The Economist*, June 21, 2008.

54 Burleigh, *Ethics and Extermination*, p. 167.

55 Michael Zimmermann, "The National Socialist 'Solution of the Gypsy Question,'" ch. 7 in Ulrich Herbert, ed., *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies* (New York: Berghahn Books, 2000), p. 194.

56 Sybil H. Milton, "'Gypsies' as Social Outsiders in Nazi Germany," in Gellately and Stoltzfus, eds, *Social Outsiders in Nazi Germany*, p. 222.

57 Friedländer, *The Years of Extermination*, p. 317.

58 Burleigh and Wippermann, *The Racial State*, p. 125.

59 Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), p. 161 (the quoted passage is Lifton's paraphrase).

60 Milton, "'Gypsies' as Social Outsiders," p. 226.

61 Ian Hancock, "Responses to the Porrajmos: The Romani Holocaust," in Alan S. Rosenbaum, ed., *Is the Holocaust Unique? Perspectives on Comparative Genocide*, 3rd edn. (Boulder, CO: Westview Press, 2009), p. 86.

62 Sybil Milton, "Holocaust: The Gypsies," in Samuel Totten *et al.*, eds, *Century of Genocide* (New York: Garland Publishing, 1997), p. 188.

63 Ibid., p. 92.

64 Hancock, "Responses to the Porrajmos."

65 Günter Grass, *Crabwalk*, trans. Krishna Winston (New York: Harvest, 2004); Jörg Friedrich, *Brandstätten* (Berlin: Propylaen, 2003).

66 Eric Langenbacher, "The Allies in World War II: The Anglo-American Bombardment of German Cities," in Adam Jones, ed., *Genocide, War Crimes and the West: History and Complicity* (London: Zed Books, 2004), p. 118. See also Hermann Knell's study of the lesser-known attack on Würzburg in March 1945, *To Destroy a City: Strategic Bombing and Its Human Consequences in World War II* (Cambridge, MA: Da Capo Press, 2003).

67 S.P. MacKenzie, "The Treatment of Prisoners in World War II," *Journal of Modern History*, 66:3 (September 1994), p. 511.

68 Beevor, *Stalingrad*, p. 430.
69 Martin K. Sorge, *The Other Price of Hitler's War: German Military and Civilian Losses Resulting from World War II* (Westport, CT: Greenwood Press, 1996), p. 89.
70 Russell cited in Alfred-Maurice de Zayas, *A Terrible Revenge: The Ethnic Cleansing of the East European Germans, 1944–1950* (New York: St. Martin's Press, 1994), p. 111.
71 De Zayas, *A Terrible Revenge*, p.116.

THE HOLOCAUST IN NORTHERN TRANSYLVANIA

Toward the Second Vienna Award

The Nazis' assumption of power in Germany in January 1933 marked a watershed in modern history. Within a relatively short time after the establishment of the totalitarian regime, the Nazis initiated a series of radical changes in the domestic and foreign policies of Germany. Domestically, they destroyed the democratic institutions of the Weimar Republic and adopted a series of socioeconomic measures calculated to establish a Third Reich that was to last a thousand years. Toward this end, they resolved to bring about the "purification" of Germany by expelling all Jews living in their country—a drive that eventually culminated in the physical destruction of European Jewry during the Second World War.

An important foreign policy objective of the Nazi regime was to replace the world order established after World War I by the Allies, under the provisions of the Treaty of Versailles and the Covenant of the League of Nations, with a "New Order" reflecting the principles of National Socialism. In pursuit of this objective the Nazis violated Germany's obligations under the various treaties ending the First World War. Among other things, they launched a massive rearmament program and re-militarized the Rhineland—aggressive moves that were indirectly encouraged by the failure of the Western democracies and the League of Nations to effectively oppose them, as they were more afraid of the long-range danger of Bolshevism than of the immediate threat posed by the Third Reich. In fact, their appeasement merely encouraged the Nazis to pursue their aggressive revisionist policies with greater intensity.

In their drive for supremacy in Europe, the Nazis first aimed to gain a dominant role in East Central Europe. Within a few years they gradually tied the socioeconomic, political, and military interests of the countries of the region to those of the Third Reich. They largely achieved this objective by financially and politically supporting these countries' antisemitic press organs and right radical parties and movements.

Post World War I Hungary was a natural ally for the Third Reich. Following the collapse of the Austro-Hungarian Empire in 1918, the Hungarian Kingdom became one of the major losers of the war. After first relying unsuccessfully on the Western democracies and the League of Nations to rectify what it termed the injustices of Trianon, in the mid-1930s Hungary decided to pursue its revisionist objectives in tandem with the Third Reich.

Although they were not always in harmony, both Hungary and Nazi Germany aimed to undo the European world order created after World War I. Their first target was the Little Entente, whose members—Czechoslovakia, Romania, and Yugoslavia—had been the major beneficiaries of the disintegration of Greater Hungary.

A week before the German annexation of Austria on March 12, 1938, the Hungarian government launched a rearmament program that was intertwined with the adoption of the first major anti-Jewish law. The twin issues of revisionism and the Jewish question came to dominate Hungary's domestic and foreign policies. The alignment of Hungary with the Reich paid its first dividend shortly after the Western democracies surrendered in Munich (September 29, 1938) to the Nazis' demands for solving the crisis over the Sudetenland, Czechoslovakia. Under the terms of the so-called First Vienna Award of November 2, 1938, brokered by Joachim von Ribbentrop and Galeazzo Ciano, the foreign ministers of Germany and Italy, Hungary acquired from Czechoslovakia the Upper Province (Felvidék)—a strip of land in Southern Slovakia and western Carpatho-Ruthenia. Following the dismemberment of Czechoslovakia in March 1939, Hungary also acquired Carpatho-Ruthenia (*Kárpátalja*).

Hungary's revisionist ambitions were indirectly enhanced by the German-Soviet Non-aggression Pact of September 1939, under whose terms the USSR was given a free hand in several parts of Eastern Europe, including Romania. The USSR refrained from acting against Romania as long as France, the country's foremost supporter, was still considered Europe's most formidable military power. But on June 26, 1940, three days after a defeated France was compelled to sign an armistice agreement, the Soviet government issued an ultimatum: it demanded that Romania give up Bessarabia and Northern Bukovina within a few days.

The annexation of these territories had been preceded by an orchestrated Soviet press campaign against Romania. The campaign caught the attention of Hungarian governmental officials, who began working out plans for the possible recovery of Transylvania in synchronization with the expected Soviet occupation of the eastern provinces of Romania. The Hungarian state and governmental leaders contacted Hitler early in July 1940 to press their case concerning Transylvania. Since the Führer needed both Hungary and Romania as allies in the planned invasion of the Soviet Union, the leaders of the two countries were advised to settle their differences by negotiation.

The Arbitration Award of August 30, 1940

The Hungarian-Romanian negotiations that began on August 16, 1940 in Turnu Severin, Romania, yielded no results and, after ten days of futile wrangling, both parties

appealed to the Germans for help. The deadlock was broken shortly after István Csáky and Mihail Manoilescu, the foreign ministers of Hungary and Romania respectively, were invited to Vienna "for some friendly advice" by their Italian and German counterparts. The arbitration award worked out by Ciano and Ribbentrop and their staffs was signed on August 30. Under the terms of this agreement—usually referred to as the Second Vienna Award—Hungary received an area of 43,591 square kilometers with a population of approximately 2.5 million. The area included the northern half of Transylvania, encompassing Sălaj, Bistriţa-Năsăud, Ciuc, and Someş counties, most of Bihor, most of Trei Scaune and Mureş-Turda counties, and parts of Cluj County.[1] The territorial concessions also enabled Hungary to reestablish Maramureş, Satu Mare, and Ugocsa counties within their pre-World War I boundaries. The annexation of Northern Transylvania was completed by September 13, and the territory was formally incorporated into Hungary under a law passed by the Hungarian Parliament on October 2, 1940.

The Jews of Transylvania

The national-ethnic composition of Transylvania varied in the course of the three decades preceding the partition as reflected in the following table relating to Northern Transylvania:

Population of Ceded Portion of Transylvania

Census of 1910 (Hungarian by mother-tongue)	Census of 1930 (Romanian, by nationality)	Census of 1941 (Hungarian)
Magyar 1 125 732 Romanian 926 268 German ⎫ 90 195 Yiddish ⎭ Ruthene 16 284 Slovak 12 807 Others 22 968	Magyar 911 550 Romanian 1 176 433 German 68 694 Jews 138 885 Others 99 585	Magyar 1 347 012 Romanian 1 066 353 German 47 501 Yiddish 45 593 Ruthene 20 609 Slovak 20 908 Romany 24 729 Others 4 586
Total 2 194 254	**Total 2 395 147**	**Total 2 577 291**

Source: C. A. Macartney, *October Fifteenth. A History of Modern Hungary, 1929-1945* (Edinburgh: Edinburgh University Press, 1957), vol. 1, p. 423.

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[1] The county and district names and boundaries referred to in this study are those of Hungary of 1940-1944.

The census figures used in this table are dubious. Both the Hungarian and the Romanian census authorities appear to have juggled the figures relating to the ethnic and national minorities in order to advance their particular national interests with reference to their respective claims to the region. This was particularly true of the statistical treatment of the Jewish minority.

Before the partition, the total Jewish population of Transylvania was about 200,000. Of these, 164,052 lived in the territories ceded to Hungary.

The historical and cultural heritage that tied Transylvanian Jews to Hungary and the socioeconomic and political realities that bound them to Romania were the source of many conflicts during the interwar period. It is one of the ironies and tragedies of history that after the division of Transylvania in 1940 the Jews fared far worse in the part allotted to Hungary—the country with which they maintained so many cultural and emotional ties—than in the one left with Romania—the state identified with many antisemitic excesses in the course of its history.

The Jews of Transylvania were victims of the historical milieu in which they lived. Romanians resented them because of their proclivity to Hungarian culture and by implication Hungarian revisionism and irredentism. Hungarians, especially Right radicals, accused them of being "renegades" in the service of the Left.

The socioeconomic structure of Transylvanian Jewry was similar to that of the Jews in the neighboring provinces. Many were engaged in business or trade, and their percentage in the professions and white-collar fields outside of government was relatively high. There were, however, only a handful of Jews associated with mining and heavy industry. While no data on income distribution are available, the many studies on Transylvania reveal that there was a considerable proportion of Jews who could barely make a living; many depended for their survival on the generosity of the community. Most of these impoverished Jews lived in the densely populated Jewish centers of the northwest.

The original reaction of many of the North Transylvanian Jews to the historical changes in the region was to a large extent determined by their experiences during the previous three years, when the various Romanian governments instituted a series of antisemitic measures, and the memories they still nurtured about their lives in the Austro-Hungarian Empire. The illusions cherished by many among these Jews that the Hungarian annexation of the area would denote a return to the "Golden Era" soon gave way to disbelief and despair. The newly established Hungarian authorities lost no time in implementing the anti-Jewish laws and policies that had already been in effect in Hungary proper. The Jewish

newspapers were suppressed, as were all nondenominational clubs and associations. The general democratic and moderate press in the region fared no better: most of the local press organs and periodicals were transformed into mouthpieces of the chauvinistic Right.

The discriminatory measures affected the Jews particularly harshly in their economic and educational pursuits. While those in business and the professions managed to make ends meet by circumventing the laws or taking advantage of loopholes, civil servants, with a few exceptions, were dismissed, and students in secondary and higher education found themselves almost totally excluded from the state educational system.[2]

The heavy hand of the Hungarian military authorities was felt particularly in the four counties of the Szekely area, which the Hungarians considered "sacred." The Jews of the area were subjected to a review of their citizenship status; as a result many of them found themselves in custody because of their "doubtful" citizenship. Particularly hard hit was the Jewish community of Miercurea-Ciuc, where dozens of families were rounded up and expelled.[3]

But harsh as these many anti-Jewish measures were they were overshadowed by the forced labor service system Hungary introduced in 1939. During the first two years of its operation, the Jewish recruits of military age, though subjected to many discriminatory measures, fared relatively well. After Hungary's involvement in the war against Yugoslavia in April 1941, however, the system acquired a punitive character. The Jewish labor servicemen were compelled to serve in their own civilian clothes: they were supplied with an insignia-free military cap and instead of arms they were equipped with shovels and pickaxes. For identification the Jews were required to wear a yellow armband; the converts and the Christians identified as Jews under the racial laws had to wear a white one. Shortly after Hungary joined the Third Reich in the war against the Soviet Union (June 27, 1941), the labor service system was also used as a means to "solve" the Jewish question. Many of the Jews recruited for service were called up on an individual basis rather than by age group. By this practice the military-governmental authorities paid special attention to calling up the rich, the prominent professionals, the leading industrialists and businessmen, the well-known Zionist and community leaders, and above all those who had been denounced by the local Christians as "objectionable" elements. Many among these Jewish recruits were totally unfit

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[2] For a review of the legislative acts enacted against the Jews, consult *The Politics of Genocide. The Holocaust in Hungary*, 2d ed. (New York: Columbia University Press, 1994), pp. 125-130, 151-160. (Referred to hereafter as Braham, *Politics*.)

[3] For some details, see Tamás Majsai, "The Deportation of Jews from Csikszereda and Margit Slachta's intervention on Their Behalf" in *Studies on the Holocaust in Hungary,* ed. Randolph L. Braham (New York: Columbia University Press, 1990), pp. 113-163.

for labor or any other service, and eventually perished in the Ukraine, Serbia, and elsewhere. No data are available on the Northern Transylvanian Jewish casualties of the labor service system.[4]

The Jewish community of Northern Transylvania also suffered in the wake of the campaign the Hungarian authorities conducted against "alien" Jews in the summer of 1941. Especially hard hit were many of the communities in Maramureş and Satu Mare counties, where an indeterminate number of Jews were rounded up as "aliens." They were among the 16,000 to 18,000 Jews who were deported from all over Hungary to near Kamenets-Podolsk, where most of them were murdered in late August 1941.

Despite the many casualties and discriminatory measures, however, the bulk of the Jews of Northern Transylvania, like those of Hungary as a whole, lived in relative physical safety, convinced that they would continue to enjoy the protection of the conservative-aristocratic government. This conviction was shattered almost immediately after the German occupation of Hungary on March 19, 1944.

The Final Solution

The occupation of Hungary was to a large extent based on German military considerations. Hitler was resolved to prevent Hungary from extricating itself from the Axis Alliance—a goal the Hungarians pursued after the crushing defeat of the Hungarian Second Army at Voronezh in January 1943 and especially after Italy's successful extrication from the alliance in the summer of that year. The occupation itself was preceded by a meeting between Hitler and Horthy at Schloss Klesheim on March 18 during which the Hungarian head of state, confronted with a fait accompli, not only yielded to the Führer's ultimatum but also consented to the delivery of a few hundred thousand "Jewish workers for employment in German industrial and agricultural enterprises." It was largely this agreement that the Garman and Hungarian officials exploited as a "legal framework" for the implementation of the Final Solution in Hungary.[5]

Because of the worsening military situation—the Red Army was already approaching the borders of Romania—the Nazis and their Hungarian accomplices decided to implement the "solution" of the Jewish question in Hungary at lightning speed. On the German side, the SS commando that was entrusted with this mission was under the leadership of *SS-*

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[4] For details on the Hungarian labor service system, see Braham, *Politics,* chapter 10.
[5] For details on the background and consequences of the Horthy-Hitler meeting at Schloss Klesheim, see *ibid,* chapter 11.

Obersturmbannführer Adolf Eichmann. Although it was rather small—the commando consisted of only around 100 SS-men—it was successful in carrying out its mission primarily because it had received the wholehearted support of the newly established Hungarian government.

The government of Döme Sztójay, which Horthy constitutionally appointed on March 22, 1944, placed the instruments of state power—the gendarmerie, police, and civil service—at the disposal of the Nazis. In addition, it issued a series of anti-Jewish decrees, which were calculated to bring about the isolation, marking, expropriation, and ghettoization of the Jews prior to their mass deportation. For logistical reasons, the drive against the Jews was based on a territorial basis determined by the ten gendarmerie districts into which the country was divided. These districts, in turn, were divided into six anti-Jewish operational zones. Northern Transylvania encompassed Gendarmerie Districts IX and X, and constituted Operational Zone II.

The details of the anti-Jewish drive as well as some aspects of the deportation process were worked out on April 4 at a joint German-Hungarian meeting held in the Ministry of the Interior under the chairmanship of László Baky, an undersecretary of state in the Ministry of the Interior. Among the participants was Lt. Col. László Ferenczy, the gendarmerie officer in charge of the ghettoization and deportation of the Jews.

The draft document relating to the roundup, ghettoization, concentration, and deportation of the Jews--the basis of the April 4 discussion--was prepared by László Endre, another undersecretary of state in the Ministry of the Interior. It was issued secretly as Decree no. 6163/1944.res. on April 7 over the signature of Baky. This document, addressed to the representatives of the local organs of state power, spelled out the procedures to be followed in the campaign to bring about the Final Solution of the Jewish question in Hungary.[6] Supplementary specific details about the measures to be taken against the Jews were spelled out in several highly confidential directives, emphasizing that the Jews destined for deportation were to be rounded up without regard to sex, age or illness.[7] The Minister of the Interior issued directives for the implementation of the decree three days *before* the top-secret decree was actually sent out. In a secret order, the Minister instructed all the subordinate mayoral, police, and gendarmerie organs to bring about the registration of the Jews by the appropriate local Jewish institutions.[8] These lists, containing all family members, exact

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[6] For the English version of the decree, see ibid, pp. 573-75.
[7] Ibid., pp. 575-78.
[8] Order No. 6136/1944.VII.res. dated April 4, 1944. Ibid., pp. 578-79.

addresses, and the mother's name of all those listed, were to be prepared in four copies, with one copy to be handed over to the local police authorities, one to the appropriate gendarmerie command, and a third to be forwarded to the Ministry of the Interior.[9] To make sure that no Jews would escape the net, the Minister of Supply also issued a registration order, allegedly to regulate the allocation of food for the Jews.

Unaware of the sinister implications of these lists as well as of the wearing of the Yellow Star of David—the two interrelated measures designed to facilitate their isolation and ghettoization—the Jewish masses of Northern Transylvania, like their co-religionists elsewhere in the country, complied with the measures taken by their local Jewish communal leaders. In contrast to the national leaders of Hungarian Jewry, who were fully informed, the local community leaders were as much in the dark about the scope of these measures as the masses they led.[10] In the smaller Jewish communities, especially in the villages, it was usually the community secretary or registrar who prepared the lists; in larger towns, the preparation of the lists was entrusted to young men not yet mobilized in the military labor service system. They usually acted in pairs, conscientiously canvassing the entire community, eager not to leave out a single street or building so as not to "deprive people of their share of provisions."

The Nazis and their Hungarian accomplices set up their headquarters for the anti-Jewish drive in Munkács (now Mukacevo, Ukraine). At a gathering of the top officials in charge of the Final Solution on April 7, Endre spelled out the instructions for the implementation of the anti-Jewish drive in accordance with the provisions of Decree 6163/1944. He stipulated, among other things, that the Jews were to be concentrated in empty warehouses, abandoned or non-operational factories, brickyards, Jewish community establishments, Jewish schools and offices, and synagogues.

The Military Operational Zones

Since the anti-Jewish measures could not be camouflaged and the mass evacuation of the Jews was bound to create dislocations in the economic life of the affected communities, the Nazis and their Hungarian accomplices felt compelled to provide a military rationale for the operations. They assumed, it turned out correctly, that the local population, including some of the Jews, would understand the necessity for the removal of the Jews from the approaching frontlines "in order to protect Axis interests from the machinations of Judeo-

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[9] For a sample of a mayoral order addressed to a local Jewish community see ibid.
[10] Ibid., chapter 29.

Bolsheviks." On April 12, the Council of Ministers, *ex post facto,* declared Carpatho-Ruthenia and Northern Transylvania—the first two areas slated for dejewification—to have become military operational zones as of April 1.[11] The government appointed Béla Ricsóy-Uhlarik to serve as Government Commissioner for the military operational zone in Northern Transylvania.

The Ghettoization and Concentration Master Plan

The master plan worked out by the German and Hungarian anti-Jewish experts called for the ghettoization and concentration of the Jews to be effected in a number of distinct phases:

- Jews in the rural communities and the smaller towns were to be rounded up and temporarily transferred to synagogues and/or community buildings.
- Following the first round of investigation in pursuit of valuables at these "local ghettos," the Jews rounded up in the rural communities and smaller towns were to be transferred to the ghettos of the larger cities in their vicinity, usually the county seat.
- In the larger towns and cities Jews were to be rounded up and transferred to a specially designated area that would serve as a ghetto—totally isolated from the other parts of the city. In some cities, the ghetto was to be established in the Jewish quarter; in others, in abandoned or non-functional factories, warehouses, brickyards, or under the open sky.
- Jews were to be concentrated in centers with adequate rail facilities to make possible swift entrainment and deportation.

During each phase, the Jews were to be subjected to special searches by teams composed of gendarmerie and police officials, assisted by local *Nyilas* and other accomplices, to compel them to surrender their valuables. The plans for the implementation of the ghettoization and deportation operations called for the launching of six territorially defined "mopping-up operations." For this purpose, the country was divided into six operational zones, with each zone encompassing one or two gendarmerie districts.[12] Northern

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[11] Decree no. 1.440/1944. M.E.
[12] For details on the gendarmerie districts, see Braham, *Politics,* chapter 13.

Transylvania was identified as Zone II, encompassing Gendarmerie District IX, headquartered in Cluj, and Gendarmerie District X, headquartered in Tîrgu-Mureş.

The order of priority for the deportation of the Jews was established with an eye on a series of military, political, and psychological factors. Time was of the essence because of the fast approach of the Red Army. Politically it was more expedient to start in the eastern and northeastern parts of Hungary because the central and local Hungarian authorities and the local population had less regard for the "Galician," Eastern," "alien," and Yiddish-oriented masses than for the assimilated Jews. Their round-up for "labor" in Germany was accepted in many Hungarian rightist circles as doubly welcome: Hungary would get rid of its "alien" elements and would at the same time make a contribution to the joint war effort, thereby hastening the termination of the German occupation and the reestablishment of full sovereignty.

The Ghettoization Decree

Like the decision identifying Carpatho-Ruthenia and Northern Transylvania as military operational zones, the decree stipulating the establishment of ghettos was adopted on an *ex post facto* basis. The government decree, issued on April 26, went into effect on April 28.[13] Andor Jaross, the minister of the interior, outlined the rationale for, and the alleged objectives of, the decree at the Council of Ministers meeting of April 26. He claimed that in view of their better economic status the Jews living in the cities had proportionally much better housing than non-Jews and therefore it was possible to "create a healthier situation" by rearranging the whole housing situation. Jews were to be restricted to smaller apartments and several families could be ordered to move in together. National security, he further argued, required that Jews be removed from the villages and the smaller towns into larger cities, where the chief local officials—the mayors or the police chiefs—would set aside a special section or district for them.[14] The crucial provisions of the decree relating to the concentration of the Jews were included in Articles 8 and 9. The former provided that Jews could no longer live in communities with a population of under 10,000, while the latter stipulated that the mayors of the larger towns and cities could determine the sections, streets,

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[13] Decree no. 1.610/1944. M.E. The objective of the decree, which was issued ten days *after* the Jews of Carpatho-Ruthenia were being rounded up, was camouflaged under the title "Concerning the Regulation of Certain Questions Relating to the Jews' Apartments and Living Places."

[14] For the minutes of the Council of Ministers meeting on this issue, see *Vádirat a nácizmus ellen* (Indictment of Nazism). Ilona Benoschofsky and Elek Karsai, eds. (Budapest: A Magyar Izraeliták Országos Képviselete, 1958-1967), vol. 1: pp. 241-44.

and buildings in which Jews were to be permitted to live. This legal euphemism in fact empowered the local authorities to establish ghettos. The location of, and the conditions within the ghettos consequently depended on the attitudes of the mayors and their aides.

The Ghettoization Conferences

The details relating to the ghettoization of the Jews in Northern Transylvania were discussed and finalized at two conferences chaired by Endre. These were attended by the top Hungarian officials in charge of the final solution and representatives of the various counties and municipalities, including the county prefects and/or deputy prefects, mayors, and the police and gendarmerie commanders of the affected counties. The first conference was held in Satu Mare on April 6, 1944, and was devoted to the dejewification operations in the counties of Gendarmerie District IX, namely Bistriţa-Năsăud, Bihor, Cluj, Satu Mare, Sălaj, and Someş. The second was held two days later in Târgu-Mureş, and was devoted to the concentration of the Jews in the so-called Szekely Land, the counties of Gendarmerie District X: Ciuc, Trei Scaune, Mureş-Turda, and Odorheiu.

Endre reviewed the procedures to be followed in the concentration of the Jews as detailed in Decree no. 6163/1944, and Lajos Meggyesi, one of Endre's closest associates, provided additional refinements relating to the confiscation of their wealth. The latter was particularly anxious to secure the Jews' money, gold, silver, jewelry, typewriters, cameras, watches, rugs, furs, paintings, and other valuables. Lt. Col. László Ferenczy revealed the preliminary steps already taken toward the ghettoization of the Jews, identifying the cities of Dej, Cluj, Baia Mare, Gherla, Oradea, Satu Mare, and Şimleu Silvaniei as the planned major concentration centers in Gendarmerie District IX. In the course of the anti-Jewish operations, Bistriţa was added as an additional center, while Gherla was used only as a temporary assembly point, with those assembled there being transferred to the ghetto of Cluj.

In Gendarmerie District X, the cities of Reghin, Sfântu Gheorghe, and Târgu Mureş were selected as the major concentration centers. The last major item on the conferees' agenda for this district meeting was the composition of the various ghettoization commissions, i.e., of the officers and officials in charge of the anti-Jewish operations, and the specification of the geographic areas from which the Jews would be transferred to the major ghetto centers. Since most of these ghettos were in the county seats, they were designated as the assembly and entrainment centers for the Jews in the various counties.

The Ghettoization Drive

In accordance with the decree and the oral instructions communicated at the two conferences, the chief executive for all the measures relating to the ghettoization of the Jews was the principal administrator of the locality or area. Under Hungarian law then in effect, this meant the mayor for cities, towns, and municipalities, and the deputy prefect of the county for rural areas. The organs of the police and gendarmerie as well as the auxiliary civil service organs of the cities, including the public notary and health units, were to be directly involved in the roundup and transfer of the Jews into ghettos.

The mayors, acting in cooperation with the subordinated agency heads, were empowered not only to direct and supervise the ghettoization operations but also to determine the location of the ghettos and to screen the Jews applying for exemption. They were also responsible for seeing to the maintenance of essential services in the ghettos.

A few days before the scheduled May 3 start of the ghettoization drive in Northern Transylvania, the special commissions for the various cities and towns held meetings to determine the location of the ghettos and settle the logistics relating to the roundup of the Jews. The commissions were normally composed of the mayors, deputy prefects, and heads of the local gendarmerie and police units. While nearly the same procedure was followed almost everywhere, the severity with which the ghettoization was carried out and the location of and the conditions within the ghetto depended upon the attitude of the particular mayors and their subordinates. Thus in cities such as Oradea and Satu Mare, the ghettos were set up in the poorer, mostly Jewish-inhabited sections; in others, such as Bistriţa, Cluj, Reghin, Şimleu Silvaniei, and Târgu Mureş, the ghettos were set up in brickyards. The ghetto of Dej was situated in the Bungur, a forest, where some of the Jews were put up in makeshift barracks and the others under the open sky.

Late on May 2, on the eve of the ghettoization, the mayors issued special instructions to the Jews and had them posted in all areas under their jurisdiction. The text followed the directives of Decree no. 6163/1944, though it varied in nuances from city to city.[15]

The ghettoization of the close to 160,000 Jews of Northern Transylvania began on May 3 at 5:00 a.m. The roundup of the Jews was carried out under the provisions of Decree no. 6163/1944 as amplified by the oral instructions given by Endre and his associates at the

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[15] For a sample, see the text of the announcement issued by Mayor László Gyapay in Oradea. Braham, *Politics,* p. 629.

two conferences on ghettoization plans in the region. The Jews were rounded up by squads that were usually set up by the local mayor's office. These were usually composed of civil servants, usually including local primary and high school teachers, gendarmes, and policemen, as well as *Nyilas* volunteers. The units were organized by the mayoral commissions and operated under their jurisdiction.

The ghettoization drive was directed by a field dejewification unit headquartered in Cluj. This unit was headed by Ferenczy and operated under the guidance of several representatives of the Eichmann-*Sonderkommando*. Contact between the dejewification field offices in Northern Transylvania and the central command in Budapest was provided by two special gendarmerie courier cars that traveled daily in opposite directions, meeting in Oradea—the midpoint between the capital and Cluj. Immediate operational command over the ghettoization process in Northern Transylvania was exercised by Gendarmerie Col. Tibor Paksy-Kiss, who delegated special powers in Oradea to Lt. Col. Jenõ Péterffy, his personal friend and ideological colleague.

The Jews of the rural communities were first assembled in the local synagogues and/or Jewish community buildings. In some cities, the Jews were concentrated at smaller collection points prior to their transfer to the main ghetto. At each stage they were subjected to an expropriation process that assumed an increasingly barbaric character.

The ghettoization of the Jews of Northern Transylvania, as in the other parts of Hungary, was carried out smoothly, without known incidents of resistance on the part of either Jews or Christians. The Jewish masses, unaware of the realities of the Final Solution program, went to the ghettos resigned to a disagreeable but presumably non-lethal fate. Some of them rationalized their "isolation" as a logical step before their territory became a battle zone. Others believed the rumors spread by gendarmerie and police officials as well as some Jewish leaders that they were merely being resettled at Kenyérmezõ in Transdanubia, where they would be doing agricultural work until the end of the war. Still others sustained the hope that the Red Army was not very far and that their concentration would be relatively short-lived.

The Christians, even those friendly to the Jews, were mostly passive. Many cooperated with the authorities on ideological grounds or in the expectation of quick material rewards in the form of properties confiscated from the Jews. The smoothness with which the anti-Jewish campaign was carried out in Northern Transylvania, as elsewhere, also can be attributed in part to the absence of a meaningful resistance movement, let alone general opposition to the persecution of the Jews. Neutrality and passivity were the characteristic attitudes of the heads of the Christian churches in Northern Transylvania, as reflected in the behavior of János

Vásárhelyi, the Calvinist bishop, and Miklós Józan, the Unitarian bishop. The exemplary exception was Aron Márton, the Catholic bishop of Transylvania, whose official residence was in Alba-Iulia, in the Romanian part of Transylvania. [16]

The ghettoization drive in Northern Transylvania was generally completed within one week. During the first day of the campaign close to 8,000 Jews were rounded up. By noon of May 5, their number increased to 16,144, by May 6 to 72,382, and by May 10 to 98,000.[17] The procedures for rounding up, interrogating, and expropriating property of the Jews, as well as the organization and administration of the ghetto, were basically the same in every county in Northern Transylvania. The Jews were rounded up at great speed, given only a few minutes to pack, and driven into the ghettos on foot. The internal administration of each ghetto was entrusted to a Jewish Council, usually consisting of the traditional leaders of the local Jewish community.[18] The living conditions in the North Transylvanian ghettos were similar to those that prevailed elsewhere (see above).

Conditions in the Ghettos

The conditions under which the Jews of Northern Transylvania lived in the ghettos prior to their deportation were fairly typical of conditions in all the ghettos of Hungary. In the assembly centers—the county ghettos—the feeding of all Jews, including those transferred from neighboring communities, became the responsibility of the local Jewish Councils. The main and frequently only meal consisted primarily of a little potato soup. Even with these meager rations, though, the feeding problem became acute after the first few days, when the supplies the rural Jews had brought along were used up. The living conditions in the ghettos were extremely harsh, and often brutally inhumane. The terrible overcrowding in the apartments within the ghettos, with totally inadequate cooking, bathing, and sanitary facilities, created intolerable hardships as well as tension among the inhabitants. But deplorable as conditions were in the city ghettos, they could not compare to the cruel conditions that prevailed in the brickyards and the woods, where many of the Jews were kept for several weeks under the open skies. Inadequate nutrition, lack of sanitary facilities,

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[16] For details on the resistance movements and on the attitudes and reactions of the Christian church leaders, see ibid., chapter 10.

[17] These figures do not include the Jews of Maramureş County and of some districts in the neighboring counties that were geographically parts of Northern Transylvania but administratively parts of Gendarmerie District VIII. These Jews fell victim to the drive conducted in Carpatho-Ruthenia and northeastern Hungary. See ibid., chapter 17.

[18] For details on the composition of the Jewish Councils and on the German and Hungarian elements involved in the anti-Jewish drive in Northern Transylvania, see ibid., pp. 626-52.

absence of bathing opportunities, as well as inclement weather led to serious health problems in many places. The water supply for the many thousands of ghetto inhabitants usually consisted of a limited number of faucets, several of which were often out of order for days on end. Ditches dug by the Jews themselves were used as latrines. Minor illnesses and ordinary colds, of course, were practically ubiquitous. Many people also succumbed to serious diseases including dysentery, typhoid, and pneumonia.

The poor health situation was compounded by the generally barbaric behavior of the gendarmes and police officers guarding the ghettos. In each ghetto the authorities set aside a separate building to serve as a "mint"—the place where sadistic gendarmes and detectives would torture Jews into confessing where they hid their valuables. Their technique was basically the same everywhere. Husbands were often tortured in full view of their wives and children; often wives were beaten in front of their husbands or children tortured in front of their parents. The devices used were cruel and unusually barbaric. The victims were beaten on the soles of their feet with canes or rubber truncheons; they were slapped in the face, and kicked until they lost consciousness. Males were often beaten on the testicles; females, sometimes even young girls, were searched vaginally by collaborating female volunteers and midwives who cared little about cleanliness, often in full view of the male interrogators. Some particularly sadistic investigators used electrical devices to compel the victims into confession. They would put one end of such a device in the mouth and the other in the vagina or attached to the testicles of the victims. These brutal tortures drove many of the victims to insanity or suicide.[19]

Though in some communities there were local officials who endeavored to act as humanely as possible under those extraordinary conditions, their example was the exception rather than the rule.

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[19] For testimonies presented by the prosecution in the 1946 trial of officials involved in the implementation of the Final Solution in Northern Transylvania, see Randolph L. Braham, *Genocide and Retribution. The Holocaust in Hungarian-Ruled Northern Transylvania.* (Boston: Kluwer-Nijhoff, 1983). (Cited hereafter as Braham, *Genocide.)* The basic source of this work was the judgment (May 31, 1946) in the 1946 trial that took place in Cluj. Ministerul Afacerilor Interne, *Dos. Nr. 40029. Ancheta Abraham Iosif si altii* (Dossier no. 40029. The Case of Josif Abraham and Others). vol. 1, part II, pp. 891-1068. (See also section Crime and Punishment.). On the anti-Jewish campaign in Northern Transylvania in general, see also United States Holocaust Memorial Museum, Washington, DC, Archives (Cited hereafter as USHMM), RG 25.004M, roll 42, file 5, and roll 94, file 23.

The Major Ghetto Centers

Cluj. The ghetto of Cluj was one of the largest in Northern Transylvania. As elsewhere in the region, the ghettoization, which began on May 3, 1944, was preceded by an announcement posted all over the city the day before. Issued under the signature of Lajos Hollóssy-Kuthy, the deputy police chief, the text of the announcement was also published in the local press on May 3. The Jews of Cluj and of the communities in Cluj County were concentrated in a ghetto established in the Iris Brickyard, in the northern part of the city. The specifics of the concentration operation were worked out at a meeting held on May 2 under the leadership of László Vásárhelyi, the mayor, László Urbán, the police chief, and Gendarmerie Col. Paksy-Kiss. The meeting, attended by approximately 150 officials of the municipality who were assigned to the roundup operations, was devoted to the details of the ghettoization process as outlined in the decree and during the conference with Endre held at Satu Mare on April 26.

The Hungarian officials of Cluj received expert guidance in the anti-Jewish drive from *SS-Hauptsturmführer* Strohschneider, the local commander of the German security services. The ghettoization was carried out at a rapid pace. By May 10 the ghetto population reached 12,000. At its peak just before the deportation, by then including the Jews transferred from the ghetto of Gherla, it was close to 18,000.

In addition to the officers noted above, the following officials were also heavily involved in the anti-Jewish drive: József Forgács, the secretary general of Cluj County representing the deputy prefect; Lajos Hollóssy-Kuthy, deputy police chief; Géza Papp, a high-ranking police official; and Kázmér Taar, a top official in the mayor's office. Overall command of the ghettoization process in Cluj County, except Cluj, was exercised by Ferenc Szász, the deputy prefect of Cluj County, and by József Székely, the mayor of Huedin. The Jews of the various towns and villages in the county were first concentrated in their localities, usually in the synagogue or a related Jewish institution. After a short while and a first round of expropriations, they were transferred to the ghetto in Cluj.

Among the Jews transferred to the ghetto of Cluj were those from the many communities in the districts of Borşa, Cluj, Hida, Huedin, and Nadasdia.[20] Next to the Jewish community of Cluj, by far the largest communities brought into the Iris Brickyard were those of Huedin and Gherla. The Jews of Huedin were rounded up under the command and supervision of Székely, Pál Boldizsár, the city's supply official; József Orosz, the police

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[20] Among these were the Jews of Borşa, Ciucea, Gilău, Hida and Panticeu.

chief; and police officers and detectives Ferenc Menyhért, András Szentkúti, András Lakatos, and Sándor Ojtózi.

The brickyard ghetto of Gherla included close to 1,600 Jews. Of these, nearly 400 were from the town itself; the others were brought in from the neighboring communities in the Gherla district.[21] The transfer of these Jews into the Cluj ghetto was carried out under the command of Lajos Tamási, the mayor of Gherla, and Ernö Berecki and András Iványi, the chief police officers of the town.

The ghetto of Cluj was under the direct command of Urbán. The internal administration of the ghetto was entrusted to a Jewish Council consisting of the traditional leaders of the local Jewish community. It was headed by József Fischer, the head of the city's Neolog community, and included Rabbi Akiba Glasner, József Fenichel, Gyula Klein, Ernö Marton, editor-in-chief of the *Új Kelet* (New East), Zsigmond Léb, and Rabbi Mózes Weinberger (later Carmilly-Weinberger). Its secretary general was József Moskovits, and Deszö Hermann the secretary.

Fischer reputedly was one of the few provincial Jewish leaders who were fully informed about the realities of the Nazis' Final Solution program. He and his family were among the 388 Jews who were removed from the ghetto of Cluj and taken to Budapest—and eventually to freedom—on June 10, 1944, as part of Kasztner's controversial deal with the SS.[22]

The ghetto was evacuated in six transports, with the first deportation on May 25 and the last on June 9.[23]

Dej. The ghetto of Dej included most of the Jews in Someş County. Under the administrative leadership of Prefect Béla Bethlen, the county was represented at the April 26 conference with Endre in Satu Mare by János Schilling, the deputy prefect; Jenö Veress, the mayor of Dej; Lajos Tamási, the mayor of Gherla; Gyula Sárosi, the police chief of Dej; Ernö Berecki, the police chief of Gherla; and Pál Antalffy, the commander of the gendarmerie in Someş. The objectives and decisions of this conference were communicated to the chief civil service, gendarmerie, and police officers of the county at a special meeting convened and chaired by Schilling on April 30.

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[21] Among the Jews first assembled in Gherla were those of the villages of Aluniş, Băiţa, Beudiu, Buza, Chiochiş, Dârja, Fizeşu Gherlii, Icloda, Lacu, Livada, Lujerdiu, Manic, Mateiaş, Nasal, Pădureni, Pui, Sic, Sânnicoară şi Sânmartin.

[22] For details, see Braham, *Politics,* chapter 29.

[23] For further details, see Braham, *Genocide,* pp. 24-27, 123-141.

As elsewhere, the ghettoization drive began on May 3. The roundup of the Jews in the county was carried out under the command of Antalffy. The ghetto of Dej was among the most miserable in Northern Transylvania. At the insistence of the virulently antisemitic local city officials, it was set up in a forest—the so-called Bungur—situated about two miles from the city. At its peak, the ghetto included around 7,800 Jews, including close to 3,700 from the town itself. The others were brought in from the rural communities in Someş County, many of whom were first assembled in the seats of the districts of Beclean, Chiochiş, Dej, Gherla, Ileanda, and Lăpuş.[24] The luckier among the ghetto dwellers lived in makeshift barracks; the others found shelter in homemade tents or lived under the open sky. Before their transfer to the Bungur, the Jews of Dej were concentrated into three centers within the city, where they were subjected to body searches for valuables.

The ghetto, surrounded by barbed wire, was guarded by the local police supplemented by a special unit of 40 gendarmes assigned from Zalău. Supreme command over the ghetto was in the hands of Takáts, a "government commissioner." The internal administration of the ghetto was entrusted to a Jewish Council consisting of the trusted leaders of the local community. The Council included Lázár Albert (chairman), Ferenc Ordentlich, Samu Weinberger, Manó Weinberger, and Andor Agai. Dr. Oszkar Engelberg served as the ghetto's chief physician and Zoltán Singer as its economic representative in charge of supplies.

Sanitary conditions within the ghetto were miserable, as were the essential services and supplies. This was largely due to the malevolence of Veress, the mayor of Dej, and Dr. Zsigmond Lehnár, its chief health officer. The investigative teams for the search for valuables were as cruel in Dej as they were everywhere else. Among those involved in such searches were József Fekete, József Gecse, Maria Fekete, Jenö Takacs, József Lakadár, and police officers Albert (Béla) Garamvolgyi, János Somorlyai, János Kassay and Miklós Désaknai.

The ghetto was liquidated between May 28 and June 8 with the removal of 7,674 Jews in three transports. A few Jews managed to escape from the ghetto. Among these was Rabbi József Paneth of Nagyilonda, who together with nine members of his family was eventually able to get to safety in Romania.[25]

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[24] Among these were the small Jewish communities of Beclean, Beudiu, Bobâlna, Icloda, Ileanda, Lăpuş, Mica, Reteag, Şintereag, Urişor, and Uriu. Those assembled in Gherla were eventually transferred to the ghetto of Cluj.

[25] See Braham, *Genocide,* pp. 27-29, 178-187. See also USHMM, RG 25.004M, roll 52, file 2044; roll 72, file 40027; rolls 89-90, file 40029.b.

Şimleu Silvaniei. The ghettoization of the Jews of Sălaj County was carried out under the command and supervision of the officials who had participated at the Satu Mare Conference of April 26: András Gazda, deputy county prefect; János Sréter, mayor of Zalău; József Udvari, mayor of Şimleu Silvaniei; Lt. Col. György Mariska, commander of the county's gendarmerie unit; Ferenc Elekes, police chief of Zalău; and István Pethes, police chief of Şimleu Silvaniei Baron János Jósika, the prefect of Sălaj County, resigned immediately when he was informed by Gazda about the decisions taken at the April 26 conference. He was one of the few Hungarian officials who dared to take a public stand against the anti-Jewish actions, deeming them both immoral and illegal. His successor, László Szlávi, an appointee of the Sztójay government, had no such scruples and cooperated fully in the implementation of the anti-Jewish measures.

Soon after their return from Satu Mare, the conferees met at the Prefect's office with Béla Sámi, the chief county clerk; Drs. Suchi and Ferenc Molnár, the chief health officials of Sălaj County and Şimleu Silvaniei, respectively; László Krasznai, the head of Şimleu District; and István Kemecsey, the technical services department of Şimleu Silvaniei, in order to select a site for the ghetto.

The roundup of the Jews in Şimleu Silvaniei was carried out under the immediate command of István Pethes; in Zalău under the leadership of Ferenc Elekes; and in the other parts of the county under the direction of Gazda and the immediate command of Lt. Col. György Mariska. Among the sizable Jewish communities affected were those of Tăşnad and Crasna.

The Jews of Sălaj County were concentrated in the Klein Brickyard of Cehei, in a marshy and muddy area about three miles from Şimleu Silvaniei. At its peak, the ghetto held about 8,500 Jews.[26] Among these were the Jews from the communities in the districts of Crasna, Cehu Silvaniei, Jibou, Şimleu Silvaniei, Supuru de Jos, Tăşnad, and Zalău.[27] Since the brick-drying sheds were rather limited, many of the ghetto inhabitants were compelled to live under the open sky. The ghetto was guarded by a special unit of gendarmes from Budapest and operated under the command of Krasznai, one of the most cruel ghetto commanders in Hungary.

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[26]Among these were the Jews from the towns of Crasna, Şimleu Silvaniei, Tăşnad, and Zalău. On Şimleu Silvaniei, see USHMM, RG 25.004M, rolls 90, 92 and 94 , file 40029. On Tăşnad, roll 50, files 1106, 30 (502), and 422 (666).

[27] Among these were the Jews from the towns of Buciumi, Cehei, Cehu Silvaniei, Jibou, Nusfalau, Pir, Simleu Silvaniei, Supuru de Jos, Supuru de Sus, Surduc, Tasnad, and Zalau.

As a result of tortures, poor feeding, and a totally inadequate water supply in the ghetto, the Jews of Salaj County arrived at Auschwitz in very poor condition, so that an unusually large percentage were selected for gassing immediately upon arrival. The deportations from Cehei were carried out in three transports between May 31 and June 6.[28]

Satu Mare. Because of the relatively large concentration of Jews in Satu Mare County, the Hungarian authorities set up two ghettos in the county: one in the city of Satu Mare and the other in Baia Mare. At first Carei was also used as a concentration center for its local Jews and those in the neighboring communities. However, after a brief period, the Jews in the ghetto of Carei, which was under the leadership of a Jewish Council composed of István Antal, Jenö Pfeffermann, Ernö Deutsch, and Lajos Jakobovics, were transferred to the ghetto of Satu Mare.[29]

The county representatives at the Satu Mare Conference of April 26 included László Csóka, the mayor of Satu Mare; Endre Boér, the deputy county prefect; Zoltán Rogozi Papp, the deputy mayor of Satu Mare; Ernö Pirkler, the city's secretary general; and representatives of the local police and gendarmerie.

The commissions for the apprehension of the Jews of Satu Mare and its environs were established at a meeting held shortly after the conference. It was chaired by Csóka and attended by representatives of the police and gendarmerie, including Károly Csegezi, Béla Sárközi, and Jenö Nagy of the police and N. Deményi of the gendarmerie. Members of the financial and educational boards of the city also participated in the work of the commissions. The ghettoization in Satu Mare was carried out with the cooperation of Csóka; in the rest of the county the Jews were rounded up under the administrative command of Boér.

At its peak the ghetto of Satu Mare held approximately 18,000 Jews. They were rounded up in the following eleven districts of the county: Ardud, Baia Mare, Carei, Copalnic Mănăştur, Csenger (now in Hungary), Fehérgyarmat (now in Hungary), Mátészalka (now in Hungary), Oraşu Nou, Satu Mare, Şomcuta Mare, and Seini.[30] The commander of the ghetto was Béla Sárközi, the police officer in charge of the local branch of the National Central Alien Control Office (*Külföldieker Ellenörzö Országos Központi Hatóság*--KEOKH). The

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[28] For further details, see Braham, *Genocide*, pp. 29-30, 162-178.

[29] For documentary sources on Carei, see USHMM, RG 25.004M, roll40, file12; roll 50, file 446(678), and roll 51, file 1130(III).

[30] Among the Jews concentrated in the Satu Mare ghetto were those Aleşd, Apa, Batiz, Bixad, Cărăşeu, Carei, Craidorolt, Copalnic Mănăştur, Lechinţa, Livada Mică, Medieşu Aurit, Micula, Mireşu Mare, Negreşti-Oaş, Oraşu Nou, Seini, Şomcuta Mare, Trip, Vama and Viile Satu Mare. On Bixad, see USHMM, RG 25.004M, roll 51, file 852 (I). On Negreşti-Oaş, roll 49, file714 and roll 50, file 7141.

Jewish Council was headed by Zoltán Schwartz and included Samuel Rosenberg, the head of the Jewish community, Singer, Lajos Vinkler, and József Borgida, all highly respected leaders of the Jewish community of Satu Mare. The searches for valuables were carried out with the customary cruelty by Sarközi, Csegezi, and Deményi. Their effectiveness was enhanced by the presence of a special unit of fifty gendarmes from nearby Mérk.

The ghetto was liquidated through the deportation of the Jews in six transports between May 19 and June 1.[31]

Baia Mare. The ghettoization of the Jews of Baia Mare and of the various communities in the southeastern districts of Satu Mare County was based on guidelines adopted a few days after the Satu Mare Conference. The meeting of the local leaders was held at the headquarters of the Arrow Cross Party in Baia Mare, which was also attended by László Endre. The city was at first represented by Károly Tamás, the deputy mayor, but he was soon replaced by István Rosner, an assistant police chief, who proved more pliable. Among the others present were Jenö Nagy, the police chief; Sándor Vajai, the former secretary general of the mayor's office; Tibor Várhelyi, the commander of the gendarmerie unit; Gyula Gergely, the head of the Arrow Cross Party in Northern Transylvania; and József Haracsek, the president of the Baross Association (a highly antisemitic association of Christian businessmen).

The ghetto for the Jews of the city of Baia Mare was established in the vacant lots of the König Glass Factory; the Jews from the various communities in Baia Mare, Şomcuta Mare, and Copalnic Mănăştur districts were quartered in a stable and barn in Valea Borcutului about two miles from the city. The roundup of the Jews and the searches for valuables were carried out under the command of Jenö Nagy and Gyula Gergely with the involvement of *SS-Hauptsturmführer* Franz Abromeit. The ghetto of Baia Mare held approximately 3,500 Jews and that of Valea Borcutului over 2,000. Of the latter, only 200 found space in the stable and the barn; the others had to be quartered outdoors. The commander in chief of the ghetto was Tibor Várhelyi. The Jews in the ghetto of Baia Mare were subjected to the tortures and investigative methods customary in all ghettos. Among those involved in these investigations, under the leadership of Nagy and Várhelyi, were Károly Balogh and László Berentes, associates of the Phoenix Factory of Baia Mare, as well as Haracsek, Peter Czeisberger, Zoltán Osváth, and detectives József Orgoványi, Imre Vajai

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[31] For further details on the ghetto of Satu Mare, see Braham, *Genocide,* pp. 31-32, 101-113. See also USHMM, RG 25.004M, roll 51, files 854 (I) and 920 (I); roll 88, file 40029, vol. 4.

and István Bertalan. Overall responsibility for the administration of the county at the time rested with Barnabás Endrödi, who had been appointed prefect of Satu Mare County by the Sztójay government on April 25, 1944.

The 5,917 Jews in these two ghettos were deported in two transports on May 31 and June 5.[32]

Bistriţa. The approximately 6,000 Jews of Bistriţa and the other communities in Bistriţa-Năsăud County were concentrated at the Stamboli farm, located about two to three miles from the city. Close to 2,500 of the ghetto inhabitants were from Bistriţa itself. The others were brought in from the communities in the districts of Lower Bistriţa and Upper Bistriţa, Năsăud, and Rodna.[33]

The ghettoization of the city's Jews was carried out under the command of the mayor Norbert Kuales and police chief Miklós Debreczeni. In the other communities of the county the roundup was guided by László Smolenszki, the deputy prefect, and Lt. Col. Ernö Pasztai of the gendarmerie. All four had attended the April 28 conference with Endre in Târgu Mureş.

The ghetto, consisting of a number of barracks and pigsties, was inadequate from every point of view. The very poor water and food supply was in large part due to the vicious behavior of Heinrich Smolka, who was in charge. Among those who cooperated with Smolka in the persecution of the Jews was Gusztáv Órendi, a Gestapo agent in Bistrita. The local police authorities were assisted in guarding the ghetto by twenty-five gendarmes from Dumitra, who had been ordered to Bistrita by Col. Paksy-Kiss. After May 10, 1944, the prefect of the county was Kálmán Borbély.

The deportation of the 5,981 Jews in Bistrita took place on June 2 and 6, 1944.[34]

Oradea. The largest ghetto in Hungary—except for the one in Budapest—was that of Oradea. Actually, Oradea had two ghettos: one for the city's Jews, holding approximately 27,000 people and located in the neighborhood of the large Orthodox synagogue and the adjacent Great Market; the other, for the close to 8,000 Jews brought in from the many rural communities from the following twelve districts: Aleşd, Berettyóújfalu (now Hungary),

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[32] For further details on Baia Mare, see ibid., pp. 32-33, 113-123. See also USHMM, RG 25.004M, roll 42, file 40030; rolls 90 and 94, file 40029. On Baia Sprie, see roll 60, file 22291.
[33] Among the rural Jews transferred to the ghetto in Bistriţa were those of Ilva Mare, Ilva Mică, Lechinţa, Năsăud, Nimigea de Jos, Prundu Bârgăului, Rodna, Romuli, and Şieu.
[34] For further details, see Braham, *Genocide,* pp. 33, 187-190.

Biharkeresztes (now Hungary), Cefa, Derecske (now Hungary), Marghita, Oradea, Săcueni, Sălard, Salonta Mare, Sárrét (now Hungary), and Valea lui Mihai. Many of the Jews from these communities were concentrated in and around the Mezey Lumber Yards.[35]

The ghetto of Oradea was extremely overcrowded. The Jews of the city, who constituted about 30 percent of its population, were crammed into an area sufficient for only one-fifteenth of the city's inhabitants. The density was such that 14 to 15 Jews had to share a room. Like every other ghetto, the ghetto of Oradea suffered from a severe shortage of food; they also were the victims of the punitive measures of an especially vicious local administration. The antisemitic city government often cut off electric service and the flow of water to the ghetto. Moreover, under the command of Lt. Col. Jenõ Péterffy, the gendarmes were especially sadistic in operating the local "mint," which was set up at the Dréher Breweries immediately adjacent to the ghetto. Internally, the ghettos were administered by a Jewish Council headed by Sándor Leitner, the head of the Orthodox Jewish community.

The deportation of the Jews began with the "evacuation" of those concentrated in the Mezey Lumber Yard on May 23. This was followed on May 28 with the first transport from the city itself. The last transport left Oradea on June 27.[36]

Țara Secuilor. In Gendamerie District X, the so-called Țara Secuilor (Szekler Land), which encompassed Mureş-Turda, Ciuc, Odorheiu, and Trei Scaune counties, the Jews were placed in three major ghettos: Târgu Mureş, Reghin, and Sfântu Gheorghe. The concentration of the Jews of Țara Secuilor counties was carried out in accordance with the decision of a conference held in Târgu Mureş on April 28, 1944. It was chaired by Endre and attended by all prefects, deputy prefects, mayors of cities, heads of districts, and top police and gendarmerie officers of the area. As decided at this conference, the ghetto of Târgu Mureş held not only the local Jews but also those from the communities in Odorheiu County and the western part of Mureş-Turda County. The ghetto of Reghin held the Jews of the communities in the eastern part of Mures-Turda County and the southern part of Ciuc County. The ghetto of Sfântu Gheorghe was established for the Jews of Trei Scaune County and the southern part of Ciuc County. As was the case everywhere else, the Jews of the various communities were

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[35] Among the Jewish communities concentrated in the yard were those of Aleşd, Biharia, Borod, Marghita, Săcueni, Sălard, Salonta, and Valea lui Mihai. On Marghita see USHMM, RG 25.004M, roll 88, file 40029; On Salonta see roll 42, file 40030, item 43.

[36] For further details, see Braham, *Genocide*, pp. 33-36, 79-101. For additional documents on the fate of the Jews in Oradea and Bihor County, see also USHMM, RG 25.004M, roll 42, file 40030; roll 73, file 40027; roll 87 and 88, file 40029.

first concentrated in the local synagogues or community buildings before being transferred to the assigned ghettos.[37]

Târgu Mureş. The ghetto of Târgu Mureş was located in a dilapidated brickyard at Koronkai Road that had an area of approximately 20,000 square meters. It had one large building with a broken roof and cement floors; since it had not been in use for several years, it was also extremely dirty. The ghetto population was 7,380 Jews, of whom approximately 5,500 were from the city itself and the others from the communities in the several county districts, including Band, Miercurea Nirajului, Sângeorgiu de Pădure, and Teaca. Among these were the 276 Jews of Sfântu Gheorghe and the Jews of Bezidu Nou, descendants of the Szekler who had converted to Judaism in the early days of the Transylvanian Principality. It was alleged that these Jews were given a chance to escape ghettoization by declaring that that they were Magyar Christians but, according to some sources, refused to do so.[38]

Approximately 2,400 of the 7,380 Jews in the brickyard, the largest ghetto in the area, found accommodation in the brick-drying barns; the rest had to make do in the open. The commander of the ghetto was police chief Géza Bedö; his deputy was Dezsö Liptai. The Jewish Council, which did its best to alleviate the plight of the Jews, included Samu Ábrahám, Mayer Csengeri, Mór Darvas, Ernö Goldstein, József Helmer, Dezsö Léderer, Jenö Schwimmer, Ernö Singer, and Manón Szofer. Conditions in this ghetto were as miserable as they were elsewhere; the water supply was particularly bad. Dr. Ádám Horváth, the city health officer, and his deputy, Dr. Mátyás Talos, were mainly responsible for the failure of the health and sanitary services in the ghetto.

The Târgu Mureş Jews were concentrated under the overall guidance of Mayor Ferenc Májay, who had attended the conference called by Endre. In fact, Májay proceeded with the implementation of Endre's directives just one day after the conference, when he ordered that the main synagogue be turned into a makeshift hospital. The police and gendarmerie units directly involved in the ghettoization process were under the direct command of Col. János Papp, the head of the Gendarmerie Directorate in the four counties of the Ţara Secuilor; Col. János Zalantai, the commander of the Legion of Gendarmes of Mureş-Turda County; and Géza Bedö. Leadership roles were also played by Col. Géza Körmendi, the head of the *Honvéd* units in the city and the county, and Gen. István Kozma, the head of the so-called

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[37] On Ţara Secuilor in general, see USHMM, RG 25.004M, roll 51, file 1548, item 1160 (I), and Fond Tribunalul Poporului-Cluj, 1945-1946, roll 1, item 11.

[38] The ghetto of Târgu Mureş also included the Jews of Band, Miercurea Nirajului, Sângeorgiu de Pădure, and Sovata.

Szekler Border Guard (*Székely Határör*) paramilitary organization. The involvement of these *Honvéd* (Hungarian armed forces) officials was exceptional, inasmuch as regular military units were not normally involved in the ghettoization process. Kozma claimed that he had gotten involved at the personal request of Endre. Major Schröder, the local representative of the Gestapo, provided the technical assistance required for the anti-Jewish operation.

The harshness and effectiveness of the local military-administrative authorities notwithstanding, Paksy-Kiss found much wanting in their operation and provided a special unit of gendarmes for their assistance. The concentration of the Jews was carried out with the help of the local chapter of the Levente paramilitary youth organization.

Májay's immediate collaborators in the launching and administration of the anti-Jewish measures in Târgu Mureş were Ferenc Henner, the head notary in the mayor's office, and Ernö Jávor, the head notary of the prefecture. In the county of Mureş-Turda the concentration was carried out under the direction of Andor Joós and Zsigmond Marton, prefect and deputy prefect respectively.

In Odorheiu County and the city of Sfântu Gheorghe, the county seat, the ghettoization was carried out under the general guidance of Dezsö Gálfy, the prefect. Immediate command in the county was exercised by deputy prefect István Bonda and Lt. Col. László Kiss, the commander of the gendarmerie in the county. In Sfântu Gheorghe proper the roundup was directed by Maj. Ferenc Filó and police chief János Zsigmond.

As in all other major ghettos, the Târgu Mureş ghetto had a "screening commission" whose function it was to evaluate petitions from Jews, including claims for exemption status. The commission, whose attitude towards Jews was utterly negative, consisted of Májay, Bedö, and Col. Loránt Bocskor of the gendarmerie. In Târgu Mureş there was also a "mint," located in a small building within the ghetto. Among the torturers active in the drive for the acquisition of Jewish valuables were Ferenc Sallós and Captains Konya and Pintér of the gendarmerie.

The first transport was entrained for Auschwitz on May 27, 1944. By June 8, when the third and last transport departed, 7,549 Jews had been removed from these local ghettos.[39]

Reghin. The ghetto of Reghin was established in a totally inadequate brickyard selected by Mayor Imre Schmidt and police chief János Dudás. Both of them had attended the Târgu Mureş Conference with Endre on April 28, 1944. They were assisted in the selection of

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[39] USHMM, RG 25.004M, roll 50, files 10781, 10801, and 10861; rolls 88 and 89, file, 40029.

the ghetto site and in the roundup of the Jews by Maj. László Komáromi, the head of the *Honvéd* forces in Reghin; Lt. G. Szentpály Kálmán, the commander of the local gendarmerie unit; and Jenö Csordácsics, a counselor in the mayor's office and the local "expert" on the Jewish question.

Most of the Jews were housed in brick-drying sheds without walls. A number had to live in the open, and a few were allowed to stay in houses right near the ghetto at the edge of the city. At its peak the ghetto population was 4,000 people, of whom approximately 1,400 were from the town itself. The others were brought in from the eastern part of Mureş-Turda County and the northern part of Ciuc County.[40]

The Jews of Gheorgheni in Ciuc County were rounded up under the direction of Mayor Mátyás Tóth and police chief Géza Polánkai. Even exempted Jews were picked up along with rest and held together with the others in a local primary school, where the searches for valuables were conducted by Beéa Ferenczi, a member of the local police department. After three days at the school, where they were given almost no food, the Jews were transferred to the Reghin ghetto.[41]

The Reghin ghetto was guarded by the local police and a special unit of 40 gendarmes from Szeged. Conditions in the ghetto were similar to what they were elsewhere. Searches for valuables were performed by the police and gendarmerie officers guarding the ghetto and assisted by Pál Bányai, Balázs Biró, András Fehér, and István Gösi, members of a special gendarme investigative unit. To help with the "interrogation of the Jews from Gheorgheni, Béla Ferenczi was summoned from that town. In the pursuit of hidden valuables, Irma Lovas was in charge of vaginal searches. The ghetto was under the immediate command of János Dudás.

Sfântu Gheorghe. The ghetto of Sfântu Gheorghe held the town's local Jews as well as those from the small communities in Trei Scaune County and the southern part of Ciuc County. The total ghetto population was 850.[42] The commission for the selection of the ghetto site consisted of Gábor Szentiványi, the prefect of Trei Scaune County, who behaved quite decently toward the rural Jews; Andor Barabás, the deputy prefect; István Vincze, the chief of the Sfântu Gheorghe police; and Lt. Col. Balla, the commander of the gendarmes in Trei Scaune County. All of these had attended the Târgu Mureş Conference with Endre. The

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[40] Among these were the Jews of Iernutei, Lunca Bradului, Răstoliţa, and Topliţa.
[41] USHMM, RG 25.004M, roll 73, file 40027; roll 89, file 40029.
[42] In addition to the Jews of Sfântu Gheorghe, the ghetto included the Jews of Boroşneu Mare, Covasna, and Târgu Secuiesc.

ghettoization of the few hundreds of Jews from the town of Sfântu Gheorghe differed from the procedure followed elsewhere. On May 2, 1944, the Jews were summoned by the police to appear the following morning at 6:00 a.m. at police headquarters along with all members of their families. One person from each family was then allowed to return home in the company of a policeman to pick up the essential goods allowed by the authorities. After this the Jews were transferred to an unfinished building that had neither doors nor windows.

The Jews of Ciuc County, including those of Miercurea Ciuc,[43] were rounded up under the general command of Ernö Gaáli, the prefect of Ciuc County; József Abraham, the deputy prefect; Gerö Szász, the mayor of Miercurea Ciuc; Pál Farkas, the city's chief of police; and Lt. Col. Tivadar Lóhr, the commander of the gendarmes at Miercurea Ciuc. Like the city and county leaders of Trei Scaune County, these officials too had attended the Tîrgu Mureş meeting with Endre.

The conditions in the Sfântu Gheorghe ghetto, which was under the immediate command of an unidentified SS officer, were harsh. The Jews from this ghetto were transferred to the ghetto of Reghin a week later.[44]

Sighetu Marmaţiei. Although geographically Maramureş County was part of Northern Transylvania, for dejewification purposes it was considered part of Carpatho-Ruthenia and Northeastern Hungary. Since it contained one of the largest concentrations of Orthodox and Hasidic Jews in Hungary, the German and Hungarian officials were particularly anxious to clear this area of Jews.

The details of the anti-Jewish measures enacted in Maramureş County, as in Carpatho-Ruthenia as a whole, were adopted at the conference held in Munkács on April 12, 1944. Maramureş County and the municipality of Sighetu Marmaţiei were represented at the Munkács Conference by László Illinyi, the deputy prefect; Sándor Gyulafalvi Rednik, the mayor of Sighetu Marmatiei; Lajos Tóth, the chief of police; Col. Zoltán Agy, the commander of the local legion of gendarmes; and Col. Sárvári, the commander of District IV of the gendarmerie. On the morning of April 15, Illinyi held a meeting in Sighetu Marmaţiei with all the top officials of the county to discuss the details of the ghettoization process, including the selection of ghetto sites. That same afternoon Tóth chaired a meeting of the civilian, police, and gendarmerie officials of Sighetu Marmaţiei at which the details of the

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[43] USHMM, RG 25.004M, roll 50, files 1106 and 1920.
[44] Ibid., rolls 89 and 94, file 40029. For further details on the fate of the Jews in the counties constituting Tara Secuilor, see Braham, *Genocide,* pp. 36-40, 141-157.

operation were reviewed. This meeting also established the twenty commissions in charge of rounding up the Jews. Each commission consisted of a police officer, gendarmes, and one civil servant.

The ghetto of Sighetu Marmaţiei was established in two peripheral sections of the city, inhabited primarily by the poorer strata of Jewry. The ghetto held over 12,000 Jews, of whom a little over 10,000 came from the city itself. The others were brought in from many of the mostly Romanian-inhabited villages in the districts of Dragomireşti, Maramureş, Ocna-Şugatag, Ökörmezö (now Ukraine), Rahó (now Ukraine), Técsö (now Ukraine), and Vişeu de Sus.[45]

The ghetto was extremely crowded, with almost every room in every building, including the cellars and attics, occupied by fifteen to twenty-four people. The windows of the buildings at the edges of the ghetto had to be whitewashed to prevent the ghetto inhabitants from communicating with non-Jews. To further assure the isolation of the Jews, the ghetto was surrounded by barbed wire and guarded not only by the local police but also by a special unit of fifty gendarmes, assigned from Miskolc, under the command of Colonel Sárvári. The commander of the ghetto was Tóth; József Konyuk, the head of the local firefighters, acted as his deputy. The ghetto was administered under the general authority of Sándor Gyulafalvi Rednik, whose expert adviser on Jewish affairs was Ferenc Hullmann. It was Hullmann who rejected practically all of the requests forwarded by the Jewish Council asking for an improvement in the lot of the ghetto inhabitants.

The Jewish Council consisted of Rabbi Samu Danzig, Lipót Joszovits, Jenö Keszner, Ferenc Krausz, Mór Jakobovits, and Ignátz Vogel. Like every other ghetto, Sighetu Marmatiei's also had a "mint" where Jews were tortured into confessing where they had hidden their valuables by a team composed of Tóth, Sárvári, János Fejér, a police commissioner, and József Konyuk. At the time of the anti-Jewish drive the head of Maramureş County was László Szaplonczai, a leading member of Imrédy's *Magyar Megujulas Partja* (Party of Hungarian Renewal).

The ghetto of Sighetu Marmaţiei was among the first to be liquidated after the beginning of the mass deportations on May 15, 1944. The ghetto was liquidated through the removal of 12,849 Jews in four transports that were dispatched from the city between May 16 and May 22. The local Jewish physicians and the few Jews who were caught after the

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[45] Among these were the Jews of Berbeşti, Bârsana, Budeşti, Giuleşti, Mara, Năneşti, Onceşti, Poienile Izei, Sârbi, Surduc, and Vadu Izei, On Berbeşti, see also USHMM, RG 25.004M, roll 61, file 7081.

departure of the transports were deported from the ghetto of Aknaszlatina. The Aknaszlatina ghetto, which held 3,317 Jews from the neighboring villages, was liquidated on May 25.[46]

There were two other ghettos in Maramureş County. The one in Ökörmezö, which held 3,052 Jews, was liquidated on May 17. A much larger ghetto was in operation for a short while in Vişeu de Sus.[47] The Jews held there were entrained at Viseu de Jos, where they joined the Jews from other neighboring villages.[48] A total of 12,079 people were deported from Vişeu de Jos and Vişeu de Sus, in four transports that left between May 19 and May 25, 1944.[49]

Deportation: The Master Plan

Unlike what happened in Poland, the Jews in Hungary lingered in ghettos for only a relatively short time: the ghettos in the villages lasted for only a day or two, and even those in the major concentration and entrainment ghetto centers, which were usually located in the county seats, were short-lived. In Northern Transylvania they only lasted a few weeks.

The technical and organizational details of the deportation were worked out under the leadership of László Endre. Early in May, he issued a memo to his immediate subordinates, providing general guidelines relating to the anti-Jewish operation with emphasis on Hungarian-German cooperation in the drive.[50] The details of the memo were discussed at a conference in Munkács on May 8-9 attended by the top administration, police, and gendarmerie officers of the various counties and county seats. The conference, chaired by László Ferenczy, heard an elaboration of the procedures to be used in the entrainment of the Jews and the final schedule for the planned transports from the various ghetto centers. The schedule was in accord with the instructions of the Reich Security Main Office (*Reichssicherheitshauptamt*; RSHA) as worked out by the Eichmann-*Sonderkommando*, which called for the dejewification of Hungary from east to west. Accordingly, the Jews of Northern Transylvania and those of Carpatho-Ruthenia and northeastern Hungary were to be deported first, between May 15 and June 11. The conference also agreed on the written

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[46] Among these were the Jews from of Bocicoiu Mare, Câmpulung la Tisa, Coştiui, Crăciunel, Remeţi, Rona de Jos, Rona de Sus, and Săpânţa. On Crăciunel, see also USHMM, RG 25.004M, roll 72, file 40027; On Rona de Sus, see roll 40, file 40030, item 26.

[47] Among these were the Jewish communities of Borşa, Leordina, Moisei, Petrova, Poienile de Munte and Ruscova. On Vişeu de Sus, see roll 42, file 40030, item 40; On Borşa, see roll 49, file 710.

[48] Among these were those from Bogdan Vodă, Botiza, Glod, Ieud, Rozavlea, Săcel, Şieu, Sajofalva, Sălişte, and Vişeu de Jos.

[49] For more details on the anti-Jewish drive in Maramureş County, see Braham, *Genocide,* pp. 40-42, 157-162. See also USHMM, RG 25.004M, roll 71, file 40027.

[50] Braham, *Politics*, pp. 666-68.

instructions to be issued for the mayors of the ghetto and entrainment centers, specifying the procedural and technical details relating to the deportation of the Jews.[51]

Transportation Arrangements

The schedule of the deportations and the route plan were reviewed at a conference in Vienna on May 4-6, 1944, attended by the representatives of the railroad, the Hungarian gendarmerie, and the German Security Police (*Sicherheitspolizei*; SIPO). The chief representative of the gendarmerie was Leó Lulay, Ferenczy's aide; the Eichmann-*Sonderkommando* was represented by Franz Novak, the transportation specialist.

The conferees considered three alternative deportation routes. After considering the military, strategic, and psychological factors relating to the various proposals, the conferees decided to begin the deportation of the Hungarian Jews on May 15 with the trains to be routed from Kassa to Auschwitz across eastern Slovakia, via Presov, Muszyna, Tarnow, and Cracow. A compromise was also reached on the number of deportation trains per day. While Endre, who was eager to make Hungary *judenrein* as quickly as possible, suggested that six trains be dispatched daily, Eichmann, who was better informed about the gassing and cremating facilities in Auschwitz, originally suggested only two. At the end they settled on four trains daily, each carrying approximately 12,000 Jews.

The Wehrmacht and the German Railways proved highly cooperative about providing the necessary rolling stock, an indication of the Nazis' resolve to pursue the Final Solution even at the expense of the military requirements of the Reich. Together with their Hungarian accomplices they attached a greater priority to the deportation of the Jews than to the transportation needs of the Axis forces even when Soviet troops were rapidly approaching the Carpathians.

The Deportation Process

In accordance with the decisions reached at the Munkács conference of May 8-9, the deportations began on schedule on May 15 in Gendarmerie districts VIII, IX, and X (Carpatho-Ruthenia, northeastern Hungary, and Northern Transylvania), which were identified as Dejewification Operational Zones I and II. Each day four trains, each consisting of 35 to 40 freight cars, were dispatched to the various entrainment ghetto centers to pick up their human cargo in accordance with a well-defined schedule. Each train carried about 3,000

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[51] Ibid., pp. 667-69.

Jews crammed into freight cars with each car, carrying on the average 70 to 80 Jews. Each car was supplied with two buckets: one with water and the other for excrements. One of the first ghettos to be cleared was that of Kassa, the rail hub through which almost all the deportation trains left the country. There, the Hungarian gendarmes who escorted the deportation trains were replaced by Germans.

The Jews were permitted to take along only a limited number of items for the "journey." They were strictly forbidden to take along any currency, jewelry, or valuables. Immediately prior to their removal from the ghettos to the entrainment platforms, they were subjected to still another search for valuables. The brutality with which the searches were conducted varied, but they were uniformly humiliating. In the course of the searches, personal documents, including identification cards, diplomas, and even military-service documents were frequently torn up and their proud owners turned into non-persons. Shortly after the searches were completed, well-armed gendarmes and policemen escorted the Jews to the entrainment points. After the Jews were crammed into the freight cars amidst great brutality, each car was chained and padlocked.[52]

The German and the Hungarian officials in charge of the Final Solution bureaucratically recorded the entrainment and deportation operations on a daily basis. Ferenczy submitted his reports to Section XX of the Ministry of the Interior. The reports of the Eichmann-*Sonderkommando* were sent to Otto Winkelmann, the Higher SS- and Police Leader in Hungary, who routinely forwarded them not only to the RSHA but also—via Edmund Veesenmayer, Hitler's Plenipotentiary in Hungary —to the German Foreign Office.

According to these reports, the number of Jews deported within two days of the operation's start was 23,363. By May 18, it reached about 51,000. The number of those deported continued to climb dramatically as the days passed: May 19, 62,644; May 23, 110,556; May 25, 138,870; May 28, 204,312; May 31, 217,236; June 1, 236,414; June 2, 247,856; June 3, 253,389; and June 8, 289,357.[53] The transport of June 7, which was reported the following day, was the last one from Zones I and II. With it, the German and Hungarian experts on the Final Solution achieved their target: within twenty-four days, they had deported 289,357 Jews in ninety-two trains—a daily average of 12,056 people deported and

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[52] The horrors of the entrainment and deportation were described in detail in a great number of memoirs and testimonies after the war. Consult *The Hungarian Jewish Catastrophe: A Selected and Annotated Bibliography,* 2d ed., comp. and ed. Randolph L. Braham (New York: Columbia University Press, 1984), and *The Holocaust in Hungary: A Selected and Annotated Bibliography, 1984-2000,* comp. and ed. Randolph L. Braham (New York: Columbia University Press, 2001).

[53] *The Destruction of Hungarian Jewry: A Documentary Account,* comp. and ed. Randolph L. Braham (New York: World Federation of Hungarian Jews, 1963), docs. 267-279.

an average of 3,145 per train. Among these were the 131,639 Jews deported in forty-five trains from the ghetto entrainment centers in Northern Transylvania.[54]

Crime and Punishment

Many, but certainly not all, the German and Hungarian military and civilian officials who were involved in the Final Solution in Northern Transylvania were tried for war crimes after the war. Most of them managed to escape with the retreating Nazi armies and avoided prosecution by successfully hiding their identity after capture by the Allies. Others managed to settle in the Western world, emerging as useful tools in the struggle against communism and the Soviet Union during the Cold War.

Nevertheless, a relatively large number of the top Hungarian governmental and military officials responsible for the planning and implementation of the Final Solution were tried in Budapest, having been charged, among other things, with crimes also committed in Northern Transylvania. Many of the Nazi officials and SS officers in charge of the anti-Jewish drive in Hungary were tried in many parts of the world, including Nuremberg, Frankfurt, Bratislava, Vienna, and Jerusalem.[55]

The roundup and prosecution of individuals suspected of war crimes in Northern Transylvania—and elsewhere in postwar Romania—were undertaken under the terms of the Armistice Agreement, which was signed in Moscow on September 12, 1944. With its implementation supervised by an Allied Control Commission operating under the Allied (Soviet) High Command, the Agreement also stipulated, among other things, the annulment of the Second Vienna Award, returning Northern Transylvania to Romania.

The people's tribunals (*Tribunalele popurului)* were organized and operated under the provisions of Decree-law no. 312 of the Ministry of Justice, dated April 21, 1945.[56] The crimes committed by the gendarmerie, military, police, and civilian officials in the course of the anti-Jewish drive in Northern Transylvania, including the expropriation, ghettoization, and deportation of the Jews, were detailed in the indictment presented by a prosecution team headed by Andrei Paul (Endre Pollák), the chief prosecutor.[57] The trial of the suspected 185 war criminals was held in Cluj in the spring of 1946 in a People's Tribunal presided over by Justice Nicolae Matei. Of the 185 defendants, only 51 were in custody; the others were tried

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[54] See Appendix 1.
[55] See Braham, *Politics,* pp. 1317-1331.
[56] For text, see *Monitorul Oficial* (Official Gazette), Bucharest, part 1, April 24, 1945, pp. 3362-64.
[57] For the text of the indictment, see USHMM, RG 25.004M, roll 87, file 40029.

in absentia. The proceedings recorded the gruesome details of the Final Solution in the various counties, districts, and communities of Northern Transylvania.

The trial ended in late May 1946, when the People's Tribunal announced its Judgment.[58] The sentences were harsh. Thirty of the defendants were condemned to death; the others received prison terms totaling 1,204 years. However, all those condemned to death were among those tried *in absentia,* having fled with the withdrawing Nazi forces. Among these was Col. Tibor Paksy-Kiss, the gendarmerie officer in charge of the ghettoization in the region. The percentage of absentees was also high among those who were condemned to life imprisonment. Among those under arrest, three were condemned to life imprisonment, six were freed after having been found innocent of the charges brought against them, and the remainder were sentenced to various types of imprisonment, ranging from three to twenty-five years. The harshest penalties were meted out to those who were especially cruel in the ghettos.

Virtually none of the condemned served out their sentences. In Romania, as elsewhere in East Central Europe during the Stalinist period, the regime found it necessary to adopt a new social policy that aimed, among other things, at the strengthening of the Communist Party, which was virtually non-existent during the wartime period. Under a decree adopted early in 1950,[59] those convicted of war crimes who "demonstrated good behavior, performed their tasks conscientiously, and proved that they became fit for social cohabitation during their imprisonment" were made eligible for immediate release irrespective of the severity of the original sentence. Among those who were found "socially rehabilitated" were quite a few who had been condemned to life imprisonment for crimes against the Jews. Guided by political expediency, the Communists made a mockery of criminal justice.

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[58] For documents on various trial proceedings and judgments, see ibid, roll 69, file 40027; roll 76, file 40024 and roll 87, file 40029. See also USHMM, Fond *Tribunalul Poporului—Cluj, 1945-1946,* roll 2, item 22. For the English translation of the Judgment, see Braham, *Genocide.*

[59] Decree no. 72 of March 23, 1950, "Freeing of Convicted Individuals Prior to the Completion of Their Term (*Decret Nr. 72 privitor la liberarea înainte de termen a celor condamnati). Monitorul Oficial,* March 23, 1950. Also reproduced in *Colectie de legi, decrete, hotarîri si deciziuni* (Collection of Laws, Decrees, Resolutions, and Decisions) (Bucharest: Editura de Stat, 1950), vol. 28: pp. 76-79.

Deportation Trains from Northern Transylvania

Passing through Kassa (Kosice) in 1944:

Dates, Origin of Transports, and Number of Deportees[60]

May 16	Sighetu Marmației	3,007
May 17	Ökörmezö (now Ukraine)	3,052
May 18	Sighetu Marmației	3,248
May 19	Vișeu de Sus	3,032
May 19	Satu Mare	3,006
May 20	Sighetu Marmației	3,104
May 21	Vișeu de Sus	3.013
May 22	Sighetu Marmației	3,490
May 22	Satu Mare	3,300
May 23	Vișeu de Sus	3,023
May 23	Oradea	3,110
May 25	Oradea	3,148
May 25	Cluj	3,130
May 25	Aknaszlatina	3,317
May 25	Vișeu de Sus	3,006
May 26	Satu Mare	3,336
May 27	Târgu Mureș	3,183
May 28	Dej	3,150
May 28	Oradea	3,227
May 29	Cluj	3,417
May 29	Satu Mare	3,306
May 29	Oradea	3,166
May 30	Târgu Mureș	3,203
May 30	Oradea	3,187
May 30	Satu Mare	3,300

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[60] These data were collected by the Railway Command of Kassa (Kosice). Mikulas (Miklós) Gaskó, "Halálvonatok" (Death Trains), *Menóra,* Toronto, June 1, 1984, pp. 4, 12. The figures relating to the number of trains and deportees and the deportation dates do not always coincide with those given in other sources.

May 31	Cluj	3,270
May 31	Baia Mare	3,073
May 31	Şimleu Silvaniei	3,106
June 1	Oradea	3,059
June 1	Satu Mare	2,615
June 2	Bistriţa	3,106
June 2	Cluj	3,100
June 3	Oradea	2,972
June 3	Şimleu Silvaniei	3,161
June 4	Reghin	3,149
June 5	Oradea	2,527
June 5	Baia Mare	2,844
June 6	Dej	3,160
June 6	Bistriţa	2,875
June 6	Şimleu Silvaniei	1,584
June 8	Dej	1,364
June 8	Cluj	1,784
June 8	Târgu Mureş	1,163
June 9	Cluj	1,447
June 27	Oradea	2,819

Segment 3

Topics

- Discerning the elements of genocide
  - Naming genocide: Raphael Lemkin
  - Defining genocide: the UN Convention
- Methods and forms of genocide

Discussion points

- Exercise: Building the definition
- Genocide in the 1948 UN Convention: a fair and inclusive concept?
- Can we identity stages in the commission of genocide?
- What is the role of symbolization and dehumanization in committing genocide?
- What specific types of genocide can we identify from the discussed cases?

Compulsory reading material (enclosed):

- Jones, A., *Genocide: A Comprehensive Introduction*, Routledge, 2011, pp. 8-29

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."[24]

Mahoney has characterized these policies as genocidal. "If genocide is defined as a state-mandated effort to annihilate whole peoples, then Shaka's actions in this regard must certainly qualify." He points out that the term adopted by the Zulus to denote their campaign of expansion and conquest, *izwekufa*, derives "from Zulu *izwe* (nation, people, polity), and *ukufa* (death, dying, to die). The term is thus identical to 'genocide' in both meaning and etymology."[25]

NAMING GENOCIDE: RAPHAEL LEMKIN

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

Until the Second World War, genocide was a "crime without a name," in the words of British Prime Minister Winston Churchill.[26] The man who named the crime, placed it in a global-historical context, and demanded intervention and remedial action was a Polish-Jewish jurist, a refugee from Nazi-occupied Europe, named Raphael Lemkin (1900–59). His story is one of the most remarkable of the twentieth century.

Lemkin is an exceptional example of a "norm entrepreneur" (see Chapter 12). In the space of four years, he coined a term – genocide – that concisely defined an age-old phenomenon. He supported it with a wealth of documentation. He published a lengthy book (*Axis Rule in Occupied Europe*) that applied the concept to campaigns of genocide underway in Lemkin's native Poland and elsewhere in the Nazi-occupied territories. He then waged a successful campaign to persuade the new United Nations to draft a convention against genocide; another successful campaign to obtain the required number of signatures; and yet another to secure the necessary national ratifications. Yet Lemkin lived in penury – in surely his wittiest recorded comment, he described himself as "pleading a holy cause at the UN while wearing holey clothes,"[27] and he died in obscurity in 1959; his funeral drew just seven people. Only in recent years has the promise of his concept, and the UN convention that incorporated it, begun to be realized.

Growing up in a Jewish family in Wolkowysk, a town in eastern Poland, Lemkin developed a talent for languages (he would end up mastering a dozen or more), and a passionate curiosity about the cultures that produced them. He was struck by accounts of the suffering of Christians at Roman hands, and its parallel in the pogroms then afflicting the Jews of eastern Poland. More generally, as John Cooper notes, "growing up in a contested borderland over which different armies clashed . . . made Lemkin acutely sensitive to the concerns of the diverse nationalities living there and their anxieties about self-preservation."[28]

Thus began Lemkin's lifelong study of mass killing in history and the contemporary world. He "raced through an unusually grim reading list"[29] that familiarized him with cases from antiquity and the medieval era (including Carthage, discussed above, and the fate of the Aztec and Inca empires, described in Chapter 3). "I was appalled by the frequency of the evil," he recalled later, "and, above all, by the impunity coldly relied upon by the guilty."[30] *Why?* was the question that began to consume Lemkin. A key moment came in 1921, while he was studying at the University of Lvov. Soghomon Tehlirian, an Armenian avenger of the Ottoman destruction of Christian minorities (Chapter 4), was arrested for murder after he gunned down one of the genocide's architects, Talat Pasha, in a Berlin street. In the same year, leading planners and perpetrators of the genocide were freed by the British from custody in Malta, as part of the Allies' postwar courting of a resurgent Turkey. Lemkin wrote that he was "shocked" by the juxtaposition: "A nation was killed and the guilty persons were set free. Why is a man punished when he kills another man? Why is the killing of a million a lesser crime than the killing of a single individual?"[31]

Lemkin determined to stage an intellectual and activist intervention in what he at first called "barbarity" and "vandalism." The former referred to "the premeditated destruction of national, racial, religious and social collectivities," while the latter he described as the "destruction of works of art and culture, being the expression of the particular genius of these collectivities."[32] At a conference of European legal scholars in Madrid in 1933, Lemkin's framing was first presented (though not by its author; the Polish government denied him a travel visa). Despite the post-First World War prosecutions of Turks for "crimes against humanity" (Chapters 4, 15), governments and public opinion leaders were still wedded to the notion that state sovereignty trumped atrocities against a state's own citizens. It was this legal impunity that rankled and galvanized Lemkin more than anything else. Yet the Madrid delegates did not share his concern. They refused to adopt a resolution against the crimes Lemkin set before them; the matter was tabled.

Undeterred, Lemkin continued his campaign. He presented his arguments in legal forums throughout Europe in the 1930s, and as far afield as Cairo, Egypt. The outbreak of the Second World War found him at the heart of the inferno – in Poland, with Nazi forces invading from the West, and Soviets from the East. As Polish resistance crumbled, Lemkin took flight. He traveled first to eastern Poland, and then to Vilnius, Lithuania. From that Baltic city he succeeded in securing refuge in Sweden.

After teaching in Stockholm, the United States beckoned. Lemkin believed the US would be both receptive to his framework, and in a position to actualize it in a way that Europe under the Nazi yoke could not. An epic 14,000-mile journey took him across the Soviet Union by train to Vladivostok, by boat to Japan, and across the Pacific. In the US, he moonlighted at Yale University's Law School before moving to Durham, North Carolina, where he became a professor at Duke University.

In his new American surroundings, Lemkin struggled with his concepts and vocabulary. "Vandalism" and "barbarity" had not struck a chord with his legal audiences. Inspired by, of all things, the Kodak camera,[33] Lemkin trawled through his impressive linguistic resources for a term that was concise and memorable. He settled

Figure 1.1 Raphael
Lemkin (1900–59),
founder of genocide
studies.

Source: American
Jewish Historical
Society.

on a neologism with both Greek and Latin roots: the Greek "genos," meaning race
or tribe, and the Latin "cide," or killing. "Genocide" was the intentional destruction
of national groups on the basis of their collective identity. Physical killing was an
important part of the picture, but it was only a part:

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

allowed to remain, or upon the territory alone, after removal of the population and the colonization of the area by the oppressor's own nationals.[34]

The critical question, for Lemkin, was whether the multifaceted campaign proceeded under the rubric of policy. To the extent that it did, it could be considered genocidal, even if it did not result in the physical destruction of all (or any) members of the group.[35] The issue of whether mass killing is definitional to genocide has been debated ever since, by myriad scholars and commentators. Equally vexing for subsequent generations was the emphasis on ethnic and national groups. These predominated as victims in the decades in which Lemkin developed his framework (and in the historical examples he studied). Yet by the end of the 1940s, it was clear that political groups were often targeted for annihilation. Moreover, the appellations applied to "communists," or by communists to "kulaks" or "class enemies" – when imposed by a totalitarian state – seemed every bit as difficult to shake as ethnic identifications, if the Nazi and Stalinist onslaughts were anything to go by. This does not even take into account the important but ambiguous areas of cross-over among ethnic, political, and social categories (see "Multiple and Overlapping Identities," below).

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

Figure 1.2 Samantha Power's book *"A Problem from Hell": America and the Age of Genocide* (2002) won both the Pulitzer Prize and the National Book Critics Circle Award, and contributed to the resurgence of public interest in genocide. Power's work offered also the most detailed and vivid account to that date of Raphael Lemkin's life and his struggle for the UN Genocide Convention. As of 2010, Power was on leave from the Harvard Kennedy School, serving as a special advisor on foreign policy to the Barack Obama administration. She is shown here speaking at Columbia University, New York, in March 2008.

Source: Courtesy Angela Radulescu/www. angelaradulescu.com.

concerns was almost atavistic, and legal scholar Stephen Holmes, for one, has faulted him for it:

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

This archaic-sounding conception has other illiberal implications as well. For one thing, it means that the murder of a poet is morally worse than the murder of a janitor, because the poet is the "brain" without which the "body" cannot function. This revival of medieval organic imagery is central to Lemkin's idea of genocide as a special crime.[36]

It is probably true that Lemkin's formulation had its archaic elements. It is certainly the case that subsequent scholarly interpretations of "Lemkin's word" have tended to be more capacious in their framing. What *can* be defended is Lemkin's emphasis on the collective as a target. One can philosophize about the relative weight ascribed to collectives over the individual, as Holmes does; but the reality of modern times is that the vast majority of those murdered *were killed on the basis of a collective identity – even if only one imputed by the killers*. The link between collective and mass, then between mass and large-scale extermination, was the defining dynamic of the twentieth century's unprecedented violence. In his historical studies, Lemkin appears to have read this correctly. Many or most of the examples he cites would be uncontroversial among a majority of genocide scholars today.[37] He saw the Nazis' assaults on Jews, Poles, and Polish Jews for what they were, and labeled the broader genre for the ages.

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

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

DEFINING GENOCIDE: THE UN CONVENTION

Lemkin's extraordinary "norm entrepreneurship" around genocide is described in Chapter 12. Suffice it to say for now that "rarely has a neologism had such rapid success" (legal scholar William Schabas). Barely a year after Lemkin coined the term, it was included in the Nuremberg indictments of Nazi war criminals (Chapter 15). To Lemkin's chagrin, genocide did not figure in the Nuremberg judgments. However, "by the time the General Assembly completed its standard sitting, with the 1948 adoption of the Convention on the Prevention and Punishment of the Crime of Genocide, 'genocide' had a detailed and quite technical definition as a crime against the law of nations."[38]

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

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

Article II. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

Article III. The following acts shall be punishable:

(a) Genocide;
(b) Conspiracy to commit genocide;
(c) Direct and public incitement to commit genocide;
(d) Attempt to commit genocide;
(e) Complicity in genocide.[39]

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

The basic thrust of Lemkin's emphasis on ethnic and national groups (at the expense of political groups and social classes) also survived the lobbying and drafting process. In the diverse genocidal strategies cited, we see reflected Lemkin's conception of genocide as a "coordinated plan of different actions aiming at the destruction of

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

With regard to genocidal strategies, the Convention places "stronger emphasis than Lemkin on *physical and biological destruction*, and less on broader *social destruction*," as sociologist Martin Shaw points out.[40] But note how diverse are the actions considered genocidal in Article II – in marked contrast to the normal understanding of "genocide." One does not need to exterminate or seek to exterminate every last member of a designated group. In fact, *one does not need to kill anyone at all to commit genocide!* Inflicting "serious bodily or mental harm" qualifies, as does preventing births or transferring children between groups. It is fair to say, however, that from a legal perspective, genocide unaccompanied by mass killing is rarely prosecuted.[41] (I return below to the question of killing.)

Controversial and ambiguous phrases in the document include the reference to "serious bodily or mental harm" constituting a form of genocide. In practice, this has been interpreted along the lines of the Israeli trial court decision against Adolf Eichmann in 1961, convicting him of the "enslavement, starvation, deportation and persecution of . . . Jews . . . their detention in ghettos, transit camps and concentration camps in conditions which were designed to cause their degradation, deprivation of their rights as human beings, and to . . . cause them inhumane suffering and torture." The ICTR adds an interpretation that this includes "bodily or mental torture, inhuman treatment, and persecution," as well as "acts of rape and mutilation." In addition, "several sources correctly take the view that mass deportations under inhumane conditions may constitute genocide if accompanied by the requisite intent."[42] "Measures to prevent births" may be held to include forced sterilization and separation of the sexes. Sexual trauma and impregnation through gang rape have received increasing attention. The destruction of groups "as such" brought complex questions of motive into play. Some drafters saw it as a means of paying lip-service to the element of motive, while others perceived it as a way to sidestep the issue altogether.

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

Responsibility for the exclusion of political groups was long laid at the door of the Soviet Union and its allies, supposedly nervous about application of the Convention to Soviet crimes (see Chapter 5). Schabas quashes this notion, pointing out that "rigorous examination of the *travaux* [working papers] fails to confirm a popular impression in the literature that the opposition . . . was some Soviet machination." Political collectivities "were actually included within the enumeration [of designated groups] until an eleventh-hour compromise eliminated the reference."[43]

In the estimation of many genocide scholars, this is the Convention's greatest oversight.[44] As for the provision against transferring children between groups, it "was added to the Convention almost as an afterthought, with little substantive debate or consideration."[45]

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

BOUNDING GENOCIDE: COMPARATIVE GENOCIDE STUDIES

Between the 1950s and the 1980s, the term "genocide" languished almost unused by scholars. A handful of legal commentaries appeared for a specialized audience.[46] In 1975, Vahakn Dadrian's article "A Typology of Genocide" sparked renewed interest in a comparative framing. It was bolstered by Irving Louis Horowitz's *Genocide: State Power and Mass Murder* (1976), and foundationally by Leo Kuper's *Genocide: Its Political Use in the Twentieth Century* (1981). Kuper's work, including a subsequent volume on *The Prevention of Genocide* (1985), was the most significant on genocide since Lemkin's in the 1940s. It was followed by edited volumes and solo publications from Helen Fein, R.J. Rummel, Frank Chalk and Kurt Jonassohn, and Robert Melson, among others.

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

The explosion of public interest in genocide in the 1990s, and the concomitant growth of genocide studies as an academic field, has spawned a profusion of humanistic and social-scientific studies, joined by memoirs and oral histories. (The wider culture has also produced a steady stream of films on genocide and its reverberations, including *The Killing Fields, Schindler's List*, and *Hotel Rwanda*.)[47]

To capture the richness and diversity of the genocide-studies literature in this short section is impossible. What I hope to do is, first, to use that literature constructively throughout this book; and, second, to provide suggestions for further reading, encouraging readers to explore the bounty for themselves.

With this caveat in place, let me make a few generalizations, touching on debates that will reappear regularly in this book. Genocide scholars are concerned with two

basic tasks. First, they attempt to *define* genocide and *bound* it conceptually. Second, they seek to *prevent* genocide. This implies understanding its comparative dynamics, and generating prophylactic strategies that may be applied in emergencies.

Scholarly definitions of genocide reflect the ambiguities of the Genocide Convention and its constituent debates. They can be confusing in their numerous and often opposed variants. However, surveying most of the definitions on offer, and combining them with the Lemkin and UN framings already cited, we can group them into two broad categories, and isolate some key features and variables.

BOX 1.1 GENOCIDE: SCHOLARLY DEFINITIONS (in chronological order)

Peter Drost (1959)

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

Vahakn Dadrian (1975)

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

Irving Louis Horowitz (1976)

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

Leo Kuper (1981)

"I shall follow the definition of genocide given in the [UN] Convention. This is not to say that I agree with the definition. On the contrary, I believe a major omission to be in the exclusion of political groups from the list of groups protected. In the contemporary world, political differences are at the very least as significant a basis for massacre and annihilation as racial, national, ethnic or religious differences.

Then too, the genocides against racial, national, ethnic or religious groups are generally a consequence of, or intimately related to, political conflict. However, I do not think it helpful to create new definitions of genocide, when there is an internationally recognized definition and a Genocide Convention which might become the basis for some effective action, however limited the underlying conception. But since it would vitiate the analysis to exclude political groups, I shall refer freely . . . to liquidating or exterminatory actions against them."

Jack Nusan Porter (1982)

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

Yehuda Bauer (1984)

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

"[Genocide is] the planned destruction, since the mid-nineteenth century, of a racial, national, or ethnic group as such, by the following means: (a) selective mass murder of elites or parts of the population; (b) elimination of national (racial, ethnic) culture and religious life with the intent of 'denationalization'; (c) enslavement, with the same intent; (d) destruction of national (racial, ethnic) economic life, with the same intent; (e) biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent . . . [Holocaust is] the planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic, or racial group."

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

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

Isidor Wallimann and Michael N. Dobkowski (1987)

"Genocide is the deliberate, organized destruction, in whole or in large part, of racial or ethnic groups by a government or its agents. It can involve not only mass murder,

but also forced deportation (ethnic cleansing), systematic rape, and economic and biological subjugation."

Henry Huttenbach (1988)

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

Helen Fein (1988)

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

Frank Chalk and Kurt Jonassohn (1990)

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

Helen Fein (1993)

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

Steven T. Katz (1994)

"[Genocide is] the actualization of the intent, however successfully carried out, to murder in its totality any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator, by whatever means." (*n.b.* Modified by Adam Jones in 2010 to read, "murder in whole or in part. . . .")

Israel Charny (1994)

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

Irving Louis Horowitz (1996)

"Genocide is herein defined as a *structural and systematic destruction of innocent people by a state bureaucratic apparatus* [emphasis in original]. . . . Genocide means the physical dismemberment and liquidation of people on large scales, an attempt by those who rule to achieve the total elimination of a subject people." (*n.b.* Horowitz supports "carefully distinguishing the [Jewish] Holocaust from genocide"; he also refers to "the phenomenon of mass murder, for which genocide is a synonym".)

Barbara Harff (2003)

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

Manus I. Midlarsky (2005)

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

Mark Levene (2005)

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

Jacques Sémelin (2005)

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

Daniel Chirot and Clark McCauley (2006)

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

Martin Shaw (2007)

"[Genocide is] a form of violent social conflict, or war, between armed power organizations that aim to destroy civilian social groups and those groups and other actors who resist this destruction."

Donald Bloxham (2009)

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

Discussion

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

> those who favor hard law in international legal regimes argue that it enhances deterrence and enforcement by signaling credible commitments, constraining self-serving auto-interpretation of rules, and maximizing 'compliance pull' through increased legitimacy. Those who favor soft law argue that it facilitates compromise, reduces contracting costs, and allows for learning and change in the process of institutional development.[48]

In genocide scholarship, harder positions are guided by concerns that "genocide" will be rendered banal or meaningless by careless use. Some argue that such slack usage will divert attention from the proclaimed uniqueness of the Holocaust. Softer positions reflect concerns that excessively rigid framings (for example, a focus on the

total physical extermination of a group) rule out too many actions that, logically and morally, demand to be included. Their proponents may also wish to see a dynamic and evolving genocide framework, rather than a static and inflexible one.

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

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

Among *agents*, there is a clear focus on state and official authorities – Dadrian's "dominant group, vested with formal authority"; Horowitz's "state bureaucratic apparatus"; Porter's "government or its agents" – to cite three of the first five definitions proposed (note also Levene's exclusively state-focused 2005 definition). However, some scholars abjure the state-centric approach (e.g., Chalk and Jonassohn's "state or other authority"; Fein's [1993] "perpetrator"; Thompson and Quets's "what-ever agents"; Shaw's "armed power organizations"). The UN Convention, too, cites "constitutionally responsible rulers, public officials or private individuals" among possible agents (Article IV). In practice, most genocide scholars continue to emphasize the role of the state, while accepting that in some cases – as with settler colonialism (Chapter 3) – non-state actors may play a prominent and at times dominant role.[49]

Victims are routinely identified as social minorities. There is a widespread assumption that victims must be civilians or non-combatants: Charny references their "essential defencelessness," while others emphasize "one-sided mass killing" and the destruction of "innocent and helpless" victims (Midlarsky; see also Dadrian, Horowitz, Chalk and Jonassohn, and Fein [1993]). Interestingly, however, only Sémelin's 2005 definition, and Shaw's 2007 one, actually use the word "civilian." The groups may be internally constituted and self-identified (that is, more closely approximating groups "as such," as required by the Genocide Convention). From other perspectives, however, target groups may and must be defined by the perpe-trators (e.g., Chalk and Jonassohn, Katz).[50] The debate over political target groups is reflected in Leo Kuper's comments. Kuper grudgingly accepts the UN Convention definition, but strongly regrets the exclusion of political groups.

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

held to be desirable and useful," while Horowitz stresses the state's desire "to assure [*sic*] conformity and participation of the citizenry."

As for *scale*, this ranges from Steven Katz's targeting of a victim group "in its totality" and Sémelin's "total eradication," to phrasing such as "in whole or part" (Harff, the UN Convention, my modification of Katz's definition) and "in whole or in large part" (Wallimann and Dobkowski). Irving Louis Horowitz emphasizes the absolute dimension of "mass" murder "for which genocide is a synonym."[51] Some scholars maintain a respectful silence on the issue, though the element of mass or "substantial" casualties seems implicit in the cases they select and the analyses they develop.

BOX 1.2 A LEXICON OF GENOCIDES AND RELATED MASS CRIMES

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

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

Holocaust – Derived from the Greek word meaning a sacrificial offering completely consumed by fire. In modern usage, "holocaust" denotes great human destruction, especially by fire. It was deployed in contemporary media coverage of the Ottoman genocides of Christian minorities from 1915–22 (see Chapter 4). Today, "the Holocaust" (note: capital "H") is used for the Nazis' attempted destruction of Jews during World War II (Chapter 6; but see also Shoah, below). The phrase "Nazi H/holocaust" is also sometimes used to encompass both Jewish and non-Jewish victims of the Nazis (Box 6a). Use may be made of "holocaust" (with a lower-case "h") to describe "especially severe or destructive genocides" throughout history, as in my own framing (see note, p. 12).

Holodomor – the Ukrainian "famine-extermination" of 1932–33 at the hands of Stalin's Soviet regime (Chapter 5); "a compound word combining the root *holod* 'hunger' with the verbal root *mor* 'extinguish, exterminate'" (Lubomyr Hajda, Harvard University).

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

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

Mec Ejer'n – the "Great Calamity" in Armenian – the Armenian genocide of 1915–17 (Chapter 4).

Naqba – in Arabic, the "Catastrophe" of the Palestinian people uprooted and dispossessed in 1947–48 by the forces of the nascent Israeli state (see Chapter 6).

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

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

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

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

(With thanks to Mark Levene for his suggestions; readers are invited to submit other terms for inclusion in the next edition of this book.)

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

Diverse genocidal *strategies* are depicted in the definitions. Lemkin referred to a "coordinated plan of different actions," and the UN Convention listed a range of such acts. For the scholars cited in our set, genocidal strategies may be direct or indirect (Fein [1993]), including "economic and biological subjugation" (Wallimann and Dobkowski). They may include killing of elites (i.e., "eliticide"); "elimination of

national (racial, ethnic) culture and religious life with the intent of 'denationalization'"; and "prevention of normal family life, with the same intent" (Bauer). Helen Fein's earlier definition emphasizes "breaking the linkage between reproduction and socialization of children in the family or group of origin," which carries a step further the Convention's injunction against "preventing births within the group."

Regardless of the strategy chosen, a consensus exists that genocide is "committed with intent to destroy" (UN Convention), is "structural and systematic" (Horowitz), "deliberate [and] organized" (Wallimann and Dobkowski), "sustained" (Harff), and "a series of purposeful actions" (Fein; see also Thompson and Quets). Porter and Horowitz stress the additional role of the state bureaucracy.

There is something of a consensus that group "destruction" must involve physical liquidation, generally in the form of mass killing (see, e.g., Fein [1993], Charny, Horowitz, Katz/Jones, Bloxham). In Peter Drost's 1959 view, genocide was "collective homicide and not official vandalism or violation of civil liberties. . . . It is directed against the life of man and not against his material or mental goods."[52] This is central to my own framing of genocide.

My definition of genocide, cited above, alters only slightly that of Steven Katz as published in his 1994 volume, *The Holocaust in Historical Context, Vol. 1*.[53] Katz stresses physical (and mass) killing as the core element of genocide, as do I. Like him, I prefer to incorporate a much wider range of targeted *groups* under the genocide rubric, as well as an acceptance of diverse genocidal *agents* and *strategies*. Unlike Katz, I adopt a broader rather than narrower construction of genocidal *intent* (see further below). I also question Katz's requirement of the actual or attempted *total* extermination of a group, substituting a phrasing of "in whole or in part," following in this respect the UN Convention's definition.

In my original (2000) reworking of Katz's definition, reproduced in this book's first edition, my alteration read "in whole or in *substantial* part." This was an attempt to emphasize that large numbers (either in absolute numbers or as a proportion of the targeted group) needed to be attacked in order for the powerful term "genocide" to take precedence over, for example, "homicide" or "mass killing." However, on reconsideration, this was to view genocide from the perspective of its elite planners and directors. What of those who kill at the grassroots, and perhaps murder "only" one or several individuals? From this perspective, there is something to commend former UN Secretary-General Kofi Annan's evocative declaration, in his Nobel Peace Prize acceptance speech in 2001, that "a genocide begins with the killing of one man – not for what he has done, but because of who he is. . . . What begins with the failure to uphold the dignity of one life, all too often ends with a calamity for entire nations."[54] Moreover, legal scholars including William Schabas and Chile Eboe-Osuji have cautioned against unnecessarily restricting the application of a genocide framework to "substantial" killing. In Eboe-Osuji's eloquent analysis of the UN definition:

the theory of *reading in* the word "substantial" to the phrase "in part" is clearly hazardous to the preventive purpose of the Genocide Convention, while arguably not enhancing its punitive purpose. It does not enhance the punitive purpose since it will be harder to convict any single accused of the crime of genocide.

Not only will it be more difficult to show that the accused intended to destroy a substantial part of the group, but it arguably needs to be shown that the accused was in a position to destroy the substantial part of a protected group. . . . The "substantial" part theory is, worse still, hazardous to the preventive purpose. For in the throes of an unfolding apparent genocide, it will, in most cases, be difficult to ascertain the state of mind of the perpetrators and planners in order to establish whether or not they harbour joint or several intent to destroy a "substantial" part of the group. The longer the delay in establishing whether or not the perpetrators and planners harboured that intent, the longer it will take for the international community to react and intervene with the level of urgency and action required.[55]

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

In the cases of both colonial exterminations and lynching, however, what *does* appear to lift the phenomena into the realm of genocide, apart from genocidal intent (see below), is the fact that the local-level killing occurred as part of a "widespread or systematic" campaign against the groups in question – to borrow an important phrase from the legal language of crimes against humanity (see pp. 538–41). What united the killers was a racial-cultural animus and sense of superiority, in which individual actors were almost certainly and always aware that their actions were taken to bolster and "defend" the wider perpetrator group. Demonstrating such a consciousness is not a requirement for a legal finding of genocide, as it appears to be for the findings of crimes against humanity. Nonetheless, in practice, it seems that acts of murder are unlikely to be defined as genocidal – whether in law or in the wider scholarship on the subject – unless they are empirically part of a "widespread or systematic" campaign. The reader should be aware that this requirement, unspoken hereafter, guides the analysis of genocide offered in this book, and the range of cases presented to illustrate it.

The reader should keep in mind throughout, however, that there is just one international-legal definition of genocide. When I touch on legal aspects of genocide, I highlight the UN Convention definition; but I deploy it and other legal framings instrumentally, not dogmatically. I seek to convey an understanding of genocide in which international law is a vital but not a dominant consideration. In part, this is because at the level of international law, genocide is perhaps being displaced by the framing of "crimes against humanity," which is easier to prosecute and imposes much the same punishments as for genocide convictions. The result may be that "genocide," in the coming years and decades, will prove more significant as *an intellectual and scholarly framework* (a heuristic device, for the jargon-inclined), and as *a tool of advocacy and mobilization*. I return to this argument in Chapter 16.

BOX 1.3 THE OTHER "-CIDES" OF GENOCIDE

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

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

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

Ecocide. The wilful destruction of the natural environment and ecosystems, through (a) pollution and other forms of environmental degradation and (b) military efforts to undermine a population's sustainability and means of subsistence. *Examples:* Deforestation in the Amazon and elsewhere; US use of Agent Orange and other defoliants in the Vietnam War (see p. 76); Saddam Hussein's campaign against the Marsh Arabs in Iraq (see Figure 1.3).[56] *Source:* Jared Diamond, *Collapse: How Societies Choose to Fail or Succeed* (Viking, 2004).

Eliticide. The destruction of members of the socioeconomic elite of a targeted group – political leaders, military officers, businesspeople, religious leaders, and cultural/intellectual figures. (*n.b.* Sometimes spelled "elitocide.") *Examples:* Poland under Nazi rule (1939–45); Burundi (1972); Bosnia-Herzegovina in the 1990s. *Source:* "Eliticide," in Samuel Totten, Paul R. Bartrop, and Steven L. Jacobs, *Dictionary of Genocide*, Vol. 1 (Greenwood Press, 2007), pp. 129–30.

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

The UN Declaration on the Rights of Indigenous Peoples (2007) declares (Article 8): "Indigenous peoples and individuals have the right not to be subjected to forced

Figure 1.3 Two members of the Madan community in southern Iraq, known as the "Marsh Arabs," pole along a waterway in a traditional *mashoof* boat. The marshes and their population were viewed as subversive redoubts by the Saddam Hussein dictatorship, which waged a campaign of "ecocide" against the Madan in the 1990s, draining the marshes and turning much of the delicate ecosystem into a desert. The recovery of the wetlands has been one of the few bright spots of the post-2003 period in Iraq, but only about 20,000 Madan remain of an original population of some half a million.

Source: Hassan Janali/US Army Corps of Engineers/Wikimedia Commons.

assimilation or destruction of their culture," and instructs states to "provide effective mechanisms for prevention of, and redress for . . . any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities . . . "[57]

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

Fratricide. Term coined by Michael Mann to describe the killing of factional enemies within political (notably communist) movements. *Examples:* Stalin's USSR (Chapter 5); Mao's China (Chapter 5); the Khmer Rouge (Chapter 7). *Source:* Michael Mann, *The Dark Side of Democracy* (Cambridge University Press, 2004).

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

Judeocide. The Nazi extermination of European Jews. Term coined by Arno Mayer to avoid the sacrificial connotations of "Holocaust" (see also Shoah). *Example:* The Jewish Holocaust (1941–45). *Source:* Arno J. Mayer, "Memory and History: On the Poverty of Remembering and Forgetting the Judeocide," *Radical History Review*, 56 (1993).

Linguicide. The destruction and displacement of languages. *Examples:* The forcible supplanting of indigenous tongues as part of a wider ethnocidal campaign (see "Ethnocide," above); Turkish bans on the Kurdish language in education and the media (repealed in 2009).[58] *Source:* Steven L. Jacobs, "Language Death and Revival after Cultural Destruction: Reflections on a Little Discussed Aspect of Genocide," *Journal of Genocide Research*, 7: 3 (2005).

Memoricide. The destruction "not only . . . of those deemed undesirable on the territory to be 'purified,' but . . . [of] any trace that might recall their erstwhile presence (schools, religious buildings and so on)" (Jacques Sémelin). Term coined by Croatian doctor and scholar Mirko D. Grmek during the siege of Sarajevo. *Examples:* Israel in Palestine;[59] Bosnia-Herzegovina in the 1990s. *Source:* Edgardo Civallero, "'When Memory Turns into Ashes' . . . Memoricide During the XX Century," *Information for Social Change*, 25 (Summer 2007).

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

Politicide. Barbara Harff and Ted Gurr's term for mass killing according to political affiliation, whether actual or imputed. *Examples:* Harff and Gurr consider "revolutionary one-party states" to be the most common perpetrators of genocide. The term may also be applied to the mass killings of alleged "communists" and "subversives" in, e.g., Latin America during the 1970s and 1980s. *Source:* Barbara Harff, "No Lessons Learned from the Holocaust? Assessing Risks of Genocide and Political Mass Murder since 1955," *American Political Science Review*, 97: 1 (2003).

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

Urbicide. The obliteration of urban living-space as a means of destroying the viability of an urban environment, undermining the sustainability of its population and eroding the cosmopolitan values they espouse. The term was apparently coined by Marshall Berman in 1987 in reference to the blighted Bronx borough in New York; it was popularized by former Belgrade mayor Bogdan Bogdanovic and a circle of Bosnian architects to describe the Serb siege of Sarajevo (1992–95). *Examples:* Carthage (146 BCE); Stalingrad (1942); Sarajevo (1992–95); Gaza (2008–09). *Source:* Martin Coward, *Urbicide: The Politics of Urban Destruction* (Routledge, 2008).

WHAT IS DESTROYED IN GENOCIDE?

Many framers of genocide have emphasized physical killing as primary in the equation – perhaps essential. For others, however – including Raphael Lemkin, and to an extent the drafters of the UN Genocide Convention – physical and mass killing is just one of a range of genocidal strategies. These observers stress the destruction of the group *as a sociocultural unit*, not necessarily or primarily the physical anni-hilation of its members. This question – what, precisely, is destroyed in genocide? – has sparked one of genocide studies' most fertile lines of inquiry. It is closely connected to sociologist Martin Shaw, who in his 2007 *What Is Genocide?* called for a greater emphasis on the social destruction of groups. For Shaw,

> *Because groups are social constructions, they can be neither constituted nor destroyed simply through the bodies of their individual members*. Destroying groups must involve a lot more than simply killing, although killing and other physical harm are rightly considered important to it. The discussion of group "destruction" is obliged, then, to take seriously Lemkin's "large view of this concept," discarded in genocide's reduction to body counts, which centred on social destruction. . . . The aim of "destroying" social groups is not reduced to killing their individual members, but is understood as destroying groups' social power in economic, political and cultural senses. . . . [Genocide] *involves mass killing but . . . is much more than mass killing*.[60]

Daniel Feierstein, and the emerging Argentine "school" of genocide studies, have likewise stressed the destruction of social power and existential *identity* as the essence of genocide. For Feierstein, the "connecting thread" among cases of genocide is "a technology of power based on the 'denial of others,' their physical disappearance (their bodies) and their symbolic disappearance (the memory of their existence)." The partial (physical) elimination of the victim group "is intended to have a profound effect on the survivors: *it aims to suppress their identity by destroying the network of social relations* that makes identity possible at all . . . The main objective of genocidal destruction is the transformation of the victims into 'nothing' and the survivors into 'nobodies,'" that is, their social death (see further discussion of this theme on pp. 119–20).[61]

Segment 4 – Sunday, 13 November 2016, 14:30 – 17:00

Topics

- Cambodia and the Khmer Rouge
- The Rwandan genocide
- The Bosnian genocide
- Genocide on trial
- Other types of justice
- Reparations for victims

Discussion points

- Cambodia:
    - Main features of the Khmer Rouge ideology
    - Killing methods of the Khmer Rouge
    - The Extraordinary Chambers in the Courts of Cambodia (ECCC)
- Rwanda
    - Methods of inciting genocide - RTLM Radio
    - Sexual violence and genocide
    - The International Criminal Tribunal for Rwanda (ICTR)
    - The *Gachacha* courts
- Bosnia
    - Nationalism and genocidal discourse
    - History, "ancient hatred" and genocide
    - The International Criminal Tribunal for the Former Yugoslavia (ICTY)

Compulsory reading material

- Jones, A., *Genocide: A Comprehensive Introduction*, Routledge, 2011, pp. 283-299, 317-368, 532-566
- International Crimes Database website, Introduction to International Crimes, http://www.internationalcrimesdatabase.org/Crimes/Introduction
- Geneva Academy, Definition of International Crimes, http://www.geneva-academy.ch/RULAC/international_criminal_law.php

Cambodia and the Khmer Rouge

ORIGINS OF THE KHMER ROUGE

A prevalent view of Cambodia prior to the upheavals of the late 1960s and 1970s was of a "gentle land," with peaceful Buddhist authorities presiding over a free and relatively prosperous peasantry. This picture is far from false. Indeed, Cambodia was abundant in rice, and peasant landownership was comparatively common. But the stereotype overlooks a darker side of Cambodian history and culture: absolutism, a politics of vengeance, and a frequent recourse to torture. "Patterns of extreme violence against people defined as enemies, however arbitrarily, have very long roots in Cambodia," acknowledged historian Michael Vickery.[1] Anthropologist Alex Hinton pointed to "a Cambodian model of disproportionate revenge" – "a head for an eye," in the title of his seminal essay on the subject – which was well entrenched by the time the Khmer Rouge communists took power in 1975.[2]

This is not to say that "a tradition of violence" determined that the Khmer Rouge (KR) would rule. In fact, until relatively late in the process, the movement was a marginal presence. Neither, though, was the Khmer Rouge an outright aberration. Certainly, the KR's emphasis on concentrating power and wielding it in tyrannical fashion was in keeping with Cambodian tradition. "Absolutism . . . is a core element of authority and legitimacy in Cambodia," wrote David Roberts.[3] As for the supposedly pacific nature of Buddhism, the religion that overwhelmingly predominated in Cambodia, Vickery denounced it as "arrant nonsense." "That Buddhists may torture and massacre is no more astonishing than that the Inquisition burned people or that practicing Catholics and Protestants joined the Nazi SS."[4]

Another element of Cambodian history and politics is an aggressive nostalgia for past glories. Cambodia under the Angkor Empire, which peaked from the twelfth to the fourteenth centuries, was a powerful nation, incorporating sizable territories that today belong to neighbors. It extended to the South China Sea, and included southern regions of Vietnam as well as parts of present-day Laos, Thailand, and Burma. At the height of its power, forced laborers built the great temples of Angkor Wat, the world's largest religious complex. Ever since, including for the Khmer Rouge, Angkor Wat has served as Cambodia's national symbol.

Cambodian nationalists harked back constantly to these halcyon days, and advanced irredentist claims with varying degrees of seriousness. Most significantly, the rich lands of today's southern Vietnam were designated Kampuchea Krom, "Lower Cambodia" in nationalist discourse – though they have been part of Vietnam since at least 1840. This rivalry with Vietnam, and a messianic desire to reclaim "lost" Cambodian territories, fueled Khmer Rouge fanaticism. The government led by the avowedly anti-imperialist Communist Party of Cambodia (the official name of the KR) proved as xenophobic and expansionist as any regime in modern Asian history.

By the nineteenth century, Cambodia's imperial prowess was long dissipated, and the country easily fell under the sway of the French. On the pretext of creating a buffer between their Vietnamese territories, British-influenced Burma, and independent Siam (Thailand), the French established influence over the Court of King Norodom. The king, grandfather of Prince Norodom Sihanouk who would rule during the KR's early years, accepted protectorate status. He eventually became little more than a French vassal.

As elsewhere in their empire, France provoked nationalist sentiments in Cambodia – through economic exploitation and political subordination, but also through the efforts of French scholars who worked to "'recover' a history for Cambodia." This project bolstered "Khmer pride in their country's heritage," providing "the ideological foundation of the modern drive for an expression of an independent Khmer nation."[5]

Another French contribution to Khmer nationalism was the awarding of academic scholarships to Cambodians for study in Paris. In the 1950s, the French capital was likely the richest environment for revolutionary ferment anywhere in the world. The French Communist Party, which had led the resistance to Nazi occupation, emerged as a powerful presence in postwar politics. In earlier years, Paris had nurtured nationalists from the French colonies, including Vietnam's Ho Chi Minh. The Paris of the 1950s likewise provided a persecution-free environment in which revolutionaries from the Global South could meet and plot. Among the beneficiaries were most of the leaders of the future Khmer Rouge,[6] including:

- Saloth Sar, who subsequently took the name Pol Pot, "Brother Number One" in the party hierarchy, and became Prime Minister of Democratic Kampuchea during the KR's period in power;
- Khieu Samphan, later President of Democratic Kampuchea (DK);
- Son Sen, DK's deputy Prime Minister and Minister of Defense and Security;

- Ieng Sary, deputy Prime Minister in charge of foreign affairs during the DK period;
- his wife, Ieng (Khieu) Thirith, Minister of Social Action for the DK regime.[7]

In retrospect, Khmer Rouge fanaticism was fueled by some of the ideological currents of the time. The French Communist Party was in its high-Stalinist phase, supporting campaigns against "enemies of the people." Intellectuals like Frantz Fanon, another denizen of Paris at the time, espoused the view "that only violence and armed revolt could cleanse the minds of Third World peoples and rid them of their colonial mentalities."[8]

The 1950s and 1960s were a period of nationalist ferment throughout the Global South. The government of Prince Norodom Sihanouk was positioning itself as an anti-colonialist, politically neutral force in Southeast Asia. Sihanouk was a leader of the Non-Aligned Movement that burst onto the world stage at the Bandung Conference in 1955.

Many returning students flocked to the Indochinese Communist Party, which united communist movements in Vietnam and Cambodia. Tensions soon developed between the two wings, however. Cambodians like Pol Pot felt they "had to carry excrement for the Vietnamese," according to Khieu Thirith.[9] Following the 1954
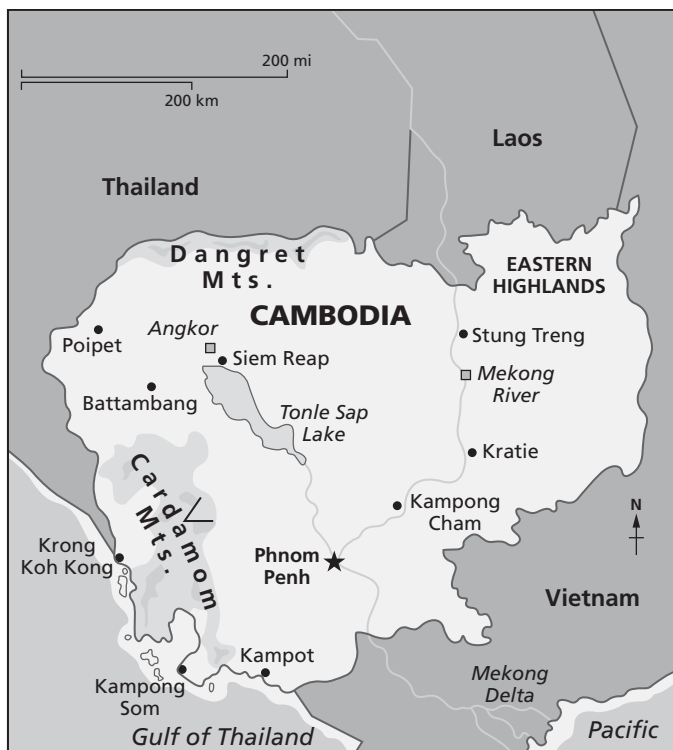
Map 7.1   Cambodia

Source: Map provided by WorldAtlas.com.

Vietnamese victory over the French at Dien Bien Phu, and the signing of the Geneva Accords, the Vietnamese withdrew from Cambodia. As they did, they split the Cambodian party membership by transferring some 1,000 cadres to Vietnam, leaving another 1,000 in Cambodia – including Pol Pot and the future core leadership of the Khmer Rouge. This would have fateful consequences when returning cadres who had spent their formative period in Vietnam were targeted by the KR for extermination, together with all ethnic Vietnamese in Cambodia (or within reach on the other side of the border). In the case of Vietnamese remaining in Cambodia, the destruction was *total*.

In 1966, Sihanouk, whose police had been quietly implementing a campaign of "government murder and repression" against communists in the countryside,[10] launched a crackdown on members of the urban left whom he had not fully co-opted. Khieu Samphan and Hou Youn were forced underground. Not the least of the party's problems was its estrangement from Hanoi. The North Vietnamese regime chose to support the neutralist and anti-imperialist Sihanouk, rather than aid a rebellion by its Cambodian communist "brothers." Hanoi valued Sihanouk as a bulwark against US domination of Southeast Asia, and therefore as an ally in the Vietnamese national struggle. By contrast, Pol Pot's new Cambodian communist leadership considered Sihanouk a US lapdog. It decided to abandon political activity in the city for armed struggle in remote parts of the countryside, where the Khmer Rouge could nurture its revolution beyond Sihanouk's reach.

WAR AND REVOLUTION, 1970–75

How did Cambodia's communists, politically marginal throughout the 1960s, manage to seize national power in 1975? The explanation, according to Cambodia specialist David Chandler, lies in a combination of "accidents, outside help, and external pressures. . . . Success, which came slowly, was contingent on events in South Vietnam, on Vietnamese communist guidance, on the disastrous policies followed by the United States, and on blunders made by successive Cambodian governments."[11]

After the US invasion of South Vietnam in 1965, conflict spilled into Cambodia. Supplies from the North Vietnamese government, destined for the guerrillas of the National Liberation Front in the south, moved down the "Ho Chi Minh Trail" through Laos and eastern Cambodia. US bombing of the trail, including areas inside Cambodia, pushed Vietnamese forces deeper into Cambodia, until they came to control significant territory in border areas. The Vietnamese, prioritizing their own liberation struggle, urged restraint on their Cambodian communist allies. But in 1970, as war spread across Cambodia, the extension of Vietnamese power provided a powerful boost for the Khmer Rouge, including vital training. In the early 1970s, the Vietnamese forces were inflicting far more damage on Cambodian government forces than was the KR.

The Vietnamese occupation of Cambodian border areas provoked two major responses from the United States, both central to what followed. First, in 1970, came

US support for a coup against Prince Sihanouk, whom the US saw as a dangerous socialist and neutralist. He was replaced by Lon Nol, Sihanouk's former right-hand man and head of the armed forces, a religious fanatic who believed that "Buddhist teaching, racial virtues, and modern science made the Khmers invincible."[12] (Clearly, extreme chauvinism in Cambodia was not an invention of Democratic Kampuchea.) Lon Nol duly repaid his benefactors by inviting the US and South Vietnam to launch an invasion of Cambodian territory which lasted for three months.[13]

The significance of this action was outweighed by a second US response: the escalation, from 1970, of the saturation bombing campaign first launched against Vietnamese border sanctuaries in Cambodia in 1969. The campaign climaxed in 1973, a year that saw *a quarter of a million tons* of bombs dropped on Cambodia in just six months. This was one-and-a-half times as much high explosive as the US had unleashed on Japan during the whole of the Second World War – a country with which it was at least formally at war.

The impact was devastating. "We heard a terrifying noise which shook the ground," one villager recalled; "it was as if the earth trembled, rose up and opened beneath our feet. Enormous explosions lit up the sky like huge bolts of lightning."[14] After bombing raids, "villagers who happened to be away from home returned to find nothing but dust and mud mixed with seared and bloody body parts."[15] Moreover, the assault effectively destroyed the agricultural base of an agrarian nation – more effectively, in fact, than Stalin had with his collectivization drive against the Soviet peasantry (Chapter 5). "The amount of acreage cultivated for rice dropped from six million at the beginning of the war to little more than one million at the end of the bombing campaign," wrote Elizabeth Becker.[16] Malnutrition was rampant, and mass starvation was kept at bay only by food aid from US charitable organizations. (This should be borne in mind when the aftermath of the Khmer Rouge victory is considered, below.)[17]

In the first edition of this book, I wrote that "the US bombing of a defenseless population" was "probably genocidal in itself," and unquestionably (quoting Michael Vickery) "one of the worst aggressive onslaughts in modern warfare." This was based on the best available estimate: that "between 1969 and 1973, more than half a million tons of munitions" had been unleashed on Cambodia. Data revealed since publication have decisively recast our understanding of the bombing campaign. According to Taylor Owen and leading Cambodia scholar Ben Kiernan, systematic analysis of US Air Force statistics shows that "from October 4, 1965, to August 15, 1973, the United States dropped far more ordnance on Cambodia than was previously believed: *2,756,941 tons' worth*, dropped in 230,516 sorties on 113,716 sites."[18] A simultaneous discovery was that "the bombing began four years earlier than is widely believed," in 1965. The 1970–73 assaults accounted for a tonnage of munitions more than *four times greater* than previously recognized.

In *The Pol Pot Regime* (1996), Kiernan estimated the death toll inflicted by the bombing at between 50,000 and 150,000. He acknowledged in the wake of his subsequent research with Owen, however, that this was based upon an extrapolation from the tonnage then believed to have been dropped on civilian Cambodians. If that tonnage now needed to be revised upward substantially, Kiernan stated that the death toll, too, might need to be reassessed. This could bring total casualties closer to the

jaw-dropping figure of 600,000 proposed by Christopher Hitchens in *The Trial of Henry Kissinger* (2001).[19]

The US bombing of the Cambodian rural population was also the most important factor in bringing the genocidal Khmer Rouge to power. "Civilian casualties in Cambodia drove an enraged populace into the arms of an insurgency that had enjoyed relatively little support until the bombing began, setting in motion . . . the rapid rise of the Khmer Rouge, and ultimately the Cambodian genocide," wrote Owen and Kiernan.[20] One KR leader who defected, Chhit Do, eloquently captured the political impact of the bombardment:

> Every time after there had been bombing, [the Khmer Rouge guerrillas] would take the people to see the craters, to see how big and deep the craters were, to see how the earth had been gouged out and scorched. . . . The ordinary people . . . sometimes literally shit in their pants when the big bombs and shells came. . . . Their minds just froze up and they would wander around mute for three or four days. Terrified and half-crazy, the people were ready to believe what they were told. . . . That was what made it so easy for the Khmer Rouge to win the people over. . . . It was because of their dissatisfaction with the bombing that they kept on cooperating with the Khmer Rouge, joining up with the Khmer Rouge, sending their children off to go with them.[21]

"This is not to say that the Americans are responsible for the genocide in Cambodia," as social critic Michael Ignatieff noted. "It is to say that a society that has been pulverised by war is a society that is very susceptible to genocide."[22]

Under the Paris Peace Accords of 1973, Vietnamese forces left Cambodia, but the focus of military opposition to the Lon Nol regime had already shifted to the Khmer Rouge. Buoyed by Vietnamese arms and training, they were now a hardened force – at least a match for poorly motivated and half-starved government conscripts. The KR moved rapidly to besiege Phnom Penh and other cities. Meanwhile, in the areas of the countryside already under their control, they implemented the first stage of their distinctive – and destructive – revolutionary ideology.

A GENOCIDAL IDEOLOGY

In their jungle camps, the Khmer Rouge developed the philosophy that would guide their genocidal program and turn Cambodia "into our time's arguably most murderous, brutal, inhuman small country."[23] Let us consider the basic elements of this world view, and its consequences from 1975 to 1979:

- *Hatred of "enemies of the people."* Like many communist revolutionaries of the twentieth century – notably those in the USSR and China – the KR exhibited a visceral hatred of the revolution's enemies. As with Lenin–Stalin and Mao Zedong, too, "enemies" were loosely defined. They could be members of socioeconomic classes. The Khmer Rouge targeted the rich/ bourgeoisie;

professionals (including those who returned from abroad to help the new regime); "imperialist stooges" (collaborators with the US and its client regime in Phnom Penh); and the educated class. In effect, this swept up most urbanites. Enemies could also be designated on ethnic grounds. Just as Stalin waged genocide against the people of Ukraine and the Caucasus, so the Khmer Rouge exterminated ethnic Vietnamese, Chinese, Muslim Chams – in fact, almost every ethnic minority in Cambodia. (Even geographically defined Khmers were targeted for annihilation, such as those from southern Vietnam or the "traitorous" Eastern Zone in 1978.) The enemy could also be religious believers seen to be out of step with the KR pseudo-religion that now ruled the roost.

Lastly, enemies could be purged on the basis of supposed subversion or betrayal of the revolution from within. Stalin's purges of the Soviet Communist Party (Chapter 5) would be matched and exceeded, relative to population and party membership, by the Khmer Rouge's attacks on internal enemies.

- *Xenophobia and messianic nationalism.* As noted, the KR – in tandem with other Cambodian nationalists – harked back to the Angkor Empire. As is standard with nationalism, territorial claims reflected the zenith of power in the nation's past. Pol Pot and his regime apparently believed in their ability to reclaim the "lost" Cambodian territories of Kampuchea Krom in southern Vietnam. Territorial ambitions were combined with a fear and hatred of ethnic Vietnamese, seen both as Cambodia's historical enemy and the betrayer of Cambodian communism. The desire was imputed to Vietnamese to conquer Cambodia and destroy its revolution – a paranoid vision that harmonized with the Khmer Rouge's narcissistic sense of Cambodia as "the prize other powers covet."[24]

  Racism and xenophobia produced an annihilationist ideology that depicted Cambodia's ethnic Vietnamese minority as a deadly internal threat to the survival of the Khmer nation. Khmer Krom from the historically Cambodian territories of southern Vietnam were targeted with similar venom. Finally, the xenophobia led to repeated Cambodian invasions of Vietnamese territory in 1977 and 1978. These eventually sparked the Vietnamese invasion that overthrew the regime.

- *Peasantism, anti-urbanism, and primitivism.* Like the Chinese communists, but unlike the Soviets, the Khmer Rouge gleaned most of their support from rural rather than urban elements. Peasants were the guardians of the true and pure Cambodia against alien, cosmopolitan city-dwellers. However, the Khmer Rouge vision of the peasantry was misguided from the first. As Ben Kiernan pointed out, the DK regime attacked the three foundations of peasant life: religion, land, and family. The KR rejected the peasants' attachment to Buddhist religion; imputed to peasants a desire for agricultural collectivization that was alien to Cambodia; revived the hated *corvée* (forced labor); and sought to destabilize and dismantle the family unit.

  The primitivist dimension of Khmer Rouge ideology seems to have been influenced by the tribal peoples among whom KR leaders lived in Cambodia's eastern jungles. These people, in particular the Khmer Loeu (highland Khmer), provided indispensable refuge and sustenance for the party in its nascent period. "Pol Pot and Ieng Sary . . . claimed later to have been inspired by the spirit of

people who had no private property, no markets, and no money. Their way of life and their means of production corresponded to the primitive communist phase of social evolution in Marxist thinking," and likely influenced the KR decision to abandon the market and the money economy.[25] Soldiers from the highland tribes played an important role in the KR's final campaign to crush the Lon Nol regime, but increasingly fell victim to the genocide against ethnic minorities under DK (see below).[26]

A bizarre aspect of KR primitivism was the conviction that no natural challenge was insuperable, no scientific accomplishment unattainable, if peasant energies and know-how were tapped. "The young are learning their science from the workers and peasants, who are the sources of all knowledge," declared Radio Phnom Penh.[27] "Formerly to be a pilot required a high school education – twelve to fourteen years," declared another classic piece of propaganda. "Nowadays, it's clear that political consciousness is the decisive factor. . . . As for radar, we can learn how to handle it after studying for a couple of months."[28] Not surprisingly, the Khmer Rouge air force never amounted to much.

In Mao Zedong's "Great Leap Forward," an almost identical mentality had produced catastrophic outcomes (see Chapter 5). Undeterred, the DK regime announced that an even more impressive "*Super* Great Leap Forward" would be initiated in Cambodia. Like Mao's experiment, the Super Great Leap would be about self-sufficiency. Foreign help was neither desirable nor required, and even the Chinese model was dismissed. Indeed, the country would be all but sealed off from the outside world.[29]

- *Purity, discipline, militarism.* Like the Nazis, the Khmer Rouge expressed their racism through an emphasis on racial purity. Like the Soviets and Chinese, purity was also defined by class origin, and by an unswerving loyalty to revolutionary principle and practice. Self-discipline was critical. It demonstrated revolutionary ardor and self-sacrifice. In most revolutions of Left and Right, rigorous discipline has spawned an ideology of chaste sexuality – though this was not necessarily realized in practice. There is little question that the Khmer Rouge presided over a regime of "totalitarian puritanism"[30] perhaps without equal in the twentieth century. Among other things, "any sex before marriage was punishable by death in many cooperatives and zones."[31]

Discipline among revolutionaries also buttresses the inevitable military confrontation with the counter-revolution. Ben Kiernan and Chanthou Boua consider militarism to be *the* defining feature of Khmer Rouge rule, reflected in "the forced evacuation of the cities, the coercion of the population into economic programmes organized with military discipline, the heavy reliance on the armed forces rather than civilian cadres for administration, and the almost total absence of political education or attempts to explain administrative decisions in a way that would win the psychological acceptance of the people affected by them."[32]

Some of the ironies and contradictions of Khmer Rouge ideology should be noted. Despite their idealization of the peasants, no senior Khmer Rouge leader was of peasant origin. Virtually all were city-bred intellectuals. Pol Pot came from the countryside, but from a prosperous family with ties to the Royal Court in Phnom Penh. As noted earlier, the core leadership belonged to a small, privileged

intellectual class able to study overseas on government scholarships. These racist chauvinists, opposed to any foreign "interference" including aid, were by background among the most "cosmopolitan" Cambodians in history. The genocide they inflicted on intellectuals and urban populations in general, as well as on hundreds of thousands of peasants, was hypocritical as well as indelibly brutal.

A POLICY OF "URBICIDE," 1975

Throughout world history, human civilization has meant urbanization (the Latin *civitas* is the etymological root of both "city" and "civilization"). "Cities," wrote Daniel Jonah Goldhagen, "are the principal sites of modernity, of economic productivity, of technological productivity."[33] They are also, as political scientist Allan Cooper noted in *The Geography of Genocide*, sites of "hybridity" and cultural mixing. Cooper considered genocide a "fundamentally anti-city" phenomenon, pointing to the regularity with which genocidal perpetrators focus their assaults on urban environments, seeking to destroy them as symbols of group identity and social modernity.[34] Such campaigns are often accompanied by depictions of cities as cesspools of corruption and of foreign-affiliated cliques, requiring "cleansing" and "purifying" by genocidal agents.

These "deliberate attempts at the annihilation of cities as mixed physical, social, and cultural spaces"[35] constitute *urbicide*.[36] The term was originally popularized in the Serbo-Croatian language, by Bosnian architects, to describe the Serb assault on Sarajevo and the Croat attack on Mostar during the Balkan wars of the 1990s (see pp. 334–35). There are numerous historical precedents. A classical example is the Roman siege and obliteration of Carthage (see Chapter 1). Significantly, this was preceded by an ultimatum that the Carthaginians abandon their city for the countryside. When the ultimatum failed to produce the desired results, the Romans made plain their opposition to Carthage *as a city*. They razed it to rubble, and consigned the surviving population to slavery around the known world.

Apart from the Balkans case, contemporary examples of urbicide include the Nazi assaults on Leningrad and Stalingrad during the Second World War; the Syrian assault on the rebellious city of Hama in 1982; and the Russian obliteration of Grozny in Chechnya (1994–95). There are few more vivid instances, however, than the policy imposed by the Khmer Rouge on Phnom Penh and other cities in March 1975. "For most of the people in Cambodia's towns what happened during those few days literally overturned their lives."[37]

Within hours of arriving in the capital, the Khmer Rouge set about rounding up its two million residents and deporting them to the countryside. Bedraggled caravans of deportees headed back to their old life (in the case of refugees from rural areas) or to a new one of repression and privation (for urbanites). Similar scenes occurred in other population centers nationwide. Without damage to a single building, whole cities were destroyed.

To residents, the Khmer Rouge justified the deportations on the grounds that the Americans were planning bombing attacks on Cambodian cities. (Given recent history, this was not an inconceivable prospect.) To an international audience – on

the rare occasions when KR leaders bothered to provide rationales – the urbicide was depicted as a humanitarian act. With the end of the US aid that had fed swollen city populations, albeit inadequately, "the population had to go where the food was," in the words of Ieng Sary.[38] But this excuse faltered in light of the KR's obstinate emphasis on self-sufficiency. Most revealingly, foreign donations of food and other aid went unsolicited, and were rejected when offered. And there is no doubting the murderous destructiveness of the forced marches themselves, in which "the Khmer Rouge intentionally killed and drove to death many tens of thousands of people, perhaps as many as 400,000 people."[39]

After the urbicide, and for the remainder of the DK period, Phnom Penh and other cities remained ghost towns. They were inhabited by only a skeleton crew of KR leaders, cadres, and support staff. The countryside thus served as the backdrop for the Khmer Rouge assault on Cambodia's culture and people.

■ "BASE PEOPLE" VS. "NEW PEOPLE"

The peasantry, the base of Khmer Rouge support, were depicted as "base" people (*neak moultanh*). Deported city-folk were "new" people (*neak thmey*), late arrivals to the revolution. In a sense, though, all of Cambodia was new and revolutionary in the Khmer Rouge conception. The year 1975 was declared "Year Zero" – a term that evokes the nihilistic core of KR policies.

The reception that awaited new people varied significantly, in ways that decisively affected their survival chances. Some reports attested to a reasonably friendly welcome from peasants. In other cases, the peasants – who had suffered through the savage US bombing campaign and the violence and upheaval of civil war – felt the new-comers had received a just comeuppance. This feeling was bolstered by the preferential treatment the base people received from most KR authorities. Srey Pich Chnay, a Cambodian former urbanite, described his experiences to Kiernan and Boua in 1979:

> The Khmer Rouge treated the peasants as a separate group, distributing more food to them than to the city people, and assigning them easier tasks (usually around the village), whereas the city people almost always worked in the fields. Sometimes the peasants, as well as the Khmer Rouge themselves, would say to the newcomers, "You used to be happy and prosperous. Now it's our turn."[40]

The memoir of Loung Ung, who was a young girl in the KR period, conveyed the tension of this confrontation between different worlds, and the experience, unfamiliar to an urbanite, of finding herself despised:

> The new people are considered the lowest in the village structure. They have no freedom of speech, and must obey the other classes. The new people . . . cannot farm like the rural people. They are suspected of having no allegiance to the Angkar [i.e., the KR leadership] and must be kept under an ever-watchful eye for signs of rebellion. They have led corrupt lives and must be trained to be productive

workers. To instill a sense of loyalty . . . and break what the Khmer Rouge views as an inadequate urban work ethic, the new people are given the hardest work and the longest hours.[41]

There is the flavor here of *subaltern genocide*, a "genocide by the oppressed" against those seen as oppressors, and indeed the anthropologist and Cambodia specialist Alex Hinton has explored the KR period in these terms.[42] Michael Vickery argued that the DK period was characterized *above all* by the revolutionary terror of the peasantry against urbanites and the intellectual/professional classes: "It is certainly safe to assume that [KR leaders] did not foresee, let alone plan, the unsavory developments of 1975–79. *They were petty-bourgeois radicals overcome by peasant romanticism.*"[43]

However, there are difficulties with this framing. One, as Kiernan has pointed out, is that Vickery's informants were predominantly *non*-peasants, poorly placed to describe the dynamics of a peasant revolution. Another is that, as we have seen, power was centralized in a leadership that was overwhelmingly urban and intellectual. Even at the regional and local level, where KR cadres with a peasant background were more likely to hold sway, there is little evidence that their policies *responded* to a groundswell of peasant resentment. Rather, they reflected instructions and frameworks supplied by the center, with subaltern animosities channeled into genocidal duties. "By 1977," wrote Kiernan, "the DK system was so tightly organized and controlled that little spontaneous peasant activity was possible,"[44] but there was no shortage of peasant involvement – and eager, virulently hostile involvement too – in the genocide against designated class enemies.

CAMBODIA'S HOLOCAUST, 1975–79

> Our brothers and sisters of all categories, including workers, peasants, soldiers, and revolutionary cadres have worked around the clock with soaring enthusiasm, paying no attention to the time or to their fatigue; they have worked in a cheerful atmosphere of revolutionary optimism.
>
> Radio Phnom Penh broadcast under the KR

> There were no laws. If they wanted us to walk, we walked; to sit, we sat; to eat, we ate. And still they killed us. It was just that if they wanted to kill us, they would take us off and kill us.
>
> Cham villager interviewed by Ben Kiernan

In Cambodia between 1975 and 1978, the KR's genocidal ideology found full expression. The result was one of the worst genocides, relative to population, in recorded history. In less than four years – mostly in the final two – mass killing swept the Cambodian population. In part it resulted from direct KR murders of anyone perceived as an enemy. Internal purges reached a crescendo in 1977–78, claiming hundreds of thousands of lives. Even more significant, though, were the indirect killings through privation, disease, and ultimately famine. These swelled the death-toll to an estimated 1.7 to 1.9 million, out of a population estimated at just under

eight million in April 1975. Between 21 and 24 percent of the entire Cambodian population died in the short period under discussion.[45]

Most scholars accept that "complex regional and temporal variations" were evident under the KR.[46] Temporally, life in many regions appears to have been spartan but tolerable for most of the first two years of KR rule. State terror had yet to descend with full force. Thousands of executions certainly accompanied the forced evacuations of Phnom Penh and other cities, and more took place in the countryside, but there are also accounts of moderate and reasonable Khmer Rouge cadres.

Then things changed. "Most survivors of DK agree that living conditions (that is, rations, working hours, disruptions to family life, and the use of terror) deteriorated sharply in 1977." Chandler pointed to three reasons for the shift: "the regime's insistence on meeting impossible agricultural goals at a breakneck pace"; growing leadership paranoia about "plots"; and, further fueling that paranoia, the mounting conflict with Vietnam.[47] The most exterminatory period was probably the final one: in 1978, prior to Vietnam's successful invasion in December. The repression visited upon the Eastern Zone over the preceding months had turned it into a graveyard, with up to a quarter of a million people killed.[48]

The extent of regional variation in Democratic Kampuchea is one of the most hotly debated aspects of the KR regime. Michael Vickery has argued that "almost no two regions were alike with respect to conditions of life":

> The Southwestern and Eastern Zones, the most important centers of pre-1970 communist activity, were the best organized and most consistently administered, with the East, until its destruction in 1978, also providing the more favorable conditions of life, in particular for "new" people. In contrast, the West, the Northwest, except for [the region of] Damban 3, and most of the North-Center, were considered "bad" areas, where food was often short, cadres arbitrary and murderous, and policy rationales entirely beyond the ken of the general populace.[49]

Other scholars, however, emphasize the "unchanging character" and "highly centralized control" that marked KR rule.[50] Central direction was certainly evident in the establishment and operation of three key genocidal institutions: the forced-labor system, the mass executions, and the internal purge.

▎ BOX 7.1 ONE WOMAN'S STORY: MOLYDA SZYMUSIAK

"Work, rain, hunger. It was the hunger that tormented us the most: all we could think of was finding something to appease the gnawing of our stomachs. I was fifteen years old."

Molyda Szymusiak (the name she was given by her adoptive Polish parents) grew up as a privileged member of Cambodian society – the daughter of a prominent member

of the government that battled the Khmer Rouge until the guerrillas seized power in Phnom Penh on April 17, 1975. "Suddenly we heard cheering and triumphant cries: 'Kampuchea [revolutionary Cambodia] is free!' . . . Down the center of the pavement, in single file, were marching kids in black pants and jackets, their guns on their shoulders, wearing sandals made out of pieces of tires. Without a word or a smile, they stared straight ahead."

Along with the entire urban population of Phnom Penh, Molyda and her family were rounded up and ordered out of the city – allegedly for only "two or three days." She had been warned before the exodus to keep her class origins absolutely secret: a sympathetic Khmer Rouge soldier told her, "Never say that you are of bourgeois origin or that you have had any trade other than a manual one. All such people will be liquidated."

The family headed east along the Mekong river, following Route Number 1. Finding temporary refuge in a rural village, "Our mothers went to work in the fields. Father was sent to help demolish the pagoda, breaking down the walls, and decapitating the Buddhas" – part of the Khmer Rouge's "Year Zero" project to strip Cambodians of their past and traditional culture.

Molyda had never worked a day in her life. Now, under the watchful eye of her Khmer Rouge overlords, she planted rice and dried out green branches for firewood. "Learn," a villager told her, "or you won't survive." "It was forbidden to eat three times a day, since rice had to be economized until the next harvest. It was forbidden to use perfume, or to keep items that came from the city . . . It was forbidden to wear colored skirts. . . . Everything we had been used to had been turned upside down."

Exhausted, ravaged by hunger and malaria, the family was shifted from worksite to worksite, moving west to the area around Lake Sap. On one such journey, Molyda caught a glimpse of what would become infamous as the "killing fields" of the Khmer Rouge. Collecting water from a pond, "we saw hands sticking up from the surface, and swollen corpses floating a bit farther on; severed heads and hands were piled up on the bank. . . . There were dozens of corpses strewn every which way at the water's edge, and a stomach-turning stench."

Hunger turned to starvation. "A baby was dying over at our neighbor's . . . The child's mother suggested to my mother that they eat the baby when it died. 'If you don't denounce me, I'll give you half.'" The would-be cannibal was discovered with the remains of her infant in the cooking pot. She "was led away, never to be seen again in the village."

Molyda's father, saving his meager rations to divide among the family, eventually succumbed on the same day as her Aunt Nang. Her mother died soon after: "Now

I was alone." But no mourning was permitted. Molyda was told she was now a "Daughter of Pol Pot," and owed all to the glorious revolution. She was put to road-building – a "useless and exhausting task," since basic engineering principles were ignored. No matter: she was exhorted by Khmer Rouge who "shouted slogans of triumph and encouragement: 'Let's forge ahead! The Angkar [supreme revolutionary authority] is watching us! We love our country!'"

"I vomited, I was cold, I was burning up" with sickness, but the Khmer Rouge mocked her: "So, you're sick? . . . You know we have no use for sick people here. Perhaps you'll get better if we put you in a bag!" – suffocation being the preferred method of execution, to preserve bullets. But the threats ceased to frighten her: "We'd spent so much time with death we weren't afraid of it anymore."

Denunciations and brutal interrogations isolated those who came from privileged or otherwise suspect backgrounds. Molyda witnessed "a group of about fifty people herded along . . . Their wrists were tied in front or behind their backs with cords of red nylon. . . . They began screaming and wailing: they understood that they wouldn't receive even the pretense of a trial. . . . Prisoners and their torturers followed one another out under the orange trees until nightfall. . . . In a corner of the courtyard a man was being beaten to death. His screams flew up to the sky, shattered, and rained down on me like hail battering my skull. Farther away, a column of people was beginning to move toward the grove concealing the gaping mass grave."

She was saved only by the Vietnamese invasion, which pushed the Khmer Rouge into jungle hideouts in the west of the country. Amidst the chaos and breakdown of authority, Molyda and her fellow laborers made their way along mine-laden trails to the Thai border, where she found refuge at the Kao I Dang camp. Eventually she and two cousins were flown to France, where they were adopted by Jan and Carmen Szymusiak, themselves refugees from communist-ruled Poland. "We have been most fortunate in the love and understanding of our adoptive parents," Molyda wrote in her autobiographical account, *The Stones Cry Out*.[51] But "the years of slavery, fear, and starvation have left their mark deep within us."

- *Forced labor* imposed a work regime that was unprecedented in modern Cambodia. Both base people and new people arose before dawn and were allowed to rest only after dark.[52] Food was distributed exclusively in communal kitchens, and after the 1975–76 interlude there was almost never enough. What could be harvested was mostly confiscated by KR cadres. The population could not buy extra supplies: money and markets were outlawed. They could not supplement rations with produce from their own plots, since private property was banned. They could not engage – legally, at least – in traditional foraging for alternative food sources. Any attempt to do so was seen as "sabotaging" the work effort, and was severely punished. They could not even draw upon networks of family

solidarity and sharing. Although the KR never banned the family per se, they invigilated and eroded it by various means.[53]

Those who fell sick from overwork and malnutrition, or from the malaria that spread across Cambodia when the KR decided to refuse imports of pesticide, had little hope of treatment. Medicine was scarce, and usually reserved for the KR faithful. In addition, former urban residents from the Southwestern Zone, one of six main administrative zones in the DK, were again relocated to the Northwestern Zone. Some 800,000 people were dumped in the northwest with desperately inadequate provisions. Perhaps 200,000 died of starvation, or in the mass killings that descended in 1978 when cadres imported from the Southwestern Zone imposed a new round of purges (described below).

- *Mass executions.* These were conducted against "class enemies," on the one hand, and ethnic minorities on the other. Suspect from the start, "new people" were the most likely Khmer victims of such atrocities. Frequently, entire families would be targeted. "The Khmer Rouge actually had a saying . . . which encouraged such slaughter: 'To dig up grass, one must also dig up the roots' (*chik smav trauv chik teang reus*). . . . This phrase meant that cadres 'were supposed to "dig up" the entire family of an enemy – husband, wife, kids, sometimes from the grandparents down – so that none remained . . . to kill off the entire line at once so that none of them would be left to seek revenge later, in turn.'"[54] A witness, Bunhaeng Ung, described one such execution:

> Loudspeakers blared revolutionary songs and music at full volume. A young girl was seized and raped. Others were led to the pits where they were slaughtered like animals by striking the backs of their skulls with hoes or lengths of bamboo. Young children and babies were held by the legs, their heads smashed against palm trees and their broken bodies flung beside their dying mothers in the death pits. Some children were thrown in the air and bayoneted while music drowned their screams. . . . At the place of execution nothing was hidden. The bodies lay in open pits, rotting under the sun and monsoon rains.[55]

These were the "killing fields" made infamous by the 1985 film of the same name (Box 7.2). How many died in such executions is uncertain, but it was doubtless in the hundreds of thousands.

- *Violent internal purges* were a feature of KR insurgent politics well before the revolutionary victory. But after Democratic Kampuchea was established, the leadership's paranoia increased, and the zeal for purges with it. Pol Pot declared before a party audience in 1976 that "a sickness [exists] inside the party": "As our socialist revolution advances . . . seeping more strongly into every corner of the party, the army and among the people, we can locate the ugly microbes."[56] The language was strikingly similar to that employed by Stalin's henchmen against "enemies of the people" in the 1930s.

During the DK period, two major regional purges occurred. Both were carried out by Ta Mok, nicknamed "The Butcher" for his efforts. The first, as noted above, occurred in 1977–78 in the Northwestern Zone. The second, more of a

Figure 7.1   A cell in the Tuol Sleng S-21 detention and torture center in Phnom Penh, Cambodia. Some 20,000 prisoners passed through S-21; only six are known to have survived. When Vietnamese forces liberated Phnom Penh early in 1979, they discovered days-old corpses still shackled to this and other bedframes in the facility – the last victims of S-21.

Source: Author's photo, July 2009.

Figure 7.2   Victims of Khmer Rouge purges, after incarceration and interrogation at Tuol Sleng and other centers, were executed in the "killing fields," now key memorial sites of the Cambodian genocide.

Source: Greg Vassie/Flickr.

"conventional military suppression campaign,"[57] was launched in May 1978 against the sensitive Eastern Zone bordering Vietnam. The east, "the heartland of Khmer communism," was the best-administered zone in the country; but the Phnom Penh authorities viewed its residents and cadres as "Khmer bodies with Vietnamese minds."[58] The campaign pushed the Eastern Zone into open rebellion against the center, and finally into the arms of Vietnam. Eastern Zone rebels would give a "Cambodian face" to the Vietnamese invasion at the end of the year, and to the People's Republic of Kampuchea which it established.

Tens of thousands of victims of these and other purges passed through KR centers established for interrogation, torture, and execution. The most notorious was Tuol Sleng in the capital, codenamed "S-21," where an estimated 14,000 prisoners were incarcerated during the KR's reign. Only *ten* are known to have survived.[59] Now a Museum of Genocide in Phnom Penh, Tuol Sleng was one of many such centers across Democratic Kampuchea (see Figures 7.1, 7.5, 7.6).

As in Mao's China and Stalin's USSR, the purges fed on themselves, and undermined the capacity of the revolution to resist its enemies. Just as Stalin's purges of the Soviet military and bureaucracy increased the country's vulnerability to Nazi invasion, the Khmer Rouge killing sprees paved the way for Vietnam's rapid conquest of Cambodia in 1978.

GENOCIDE AGAINST BUDDHISTS AND ETHNIC MINORITIES

Early commentaries on Khmer Rouge atrocities emphasized the targeting of class and political enemies. Subsequent scholarship, especially by Ben Kiernan, has revealed the extent to which the KR also engaged in genocidal targeting of religious groups and ethnic minorities.

Cambodian Buddhism suffered immensely under the genocide: "the destruction was nearly complete, with more devastating consequences for Cambodia than the Chinese attack on Buddhism had had for Tibet" (Chapter 5).[60] Religious institutions were emptied, often obliterated. Monks were sent to the countryside or executed. "Of the sixty thousand Buddhist monks, only three thousand were found alive after the Khmer Rouge reign; the rest had either been massacred or succumbed to hard labor, disease, or torture."[61]

A patchwork of ethnic minorities, together constituting about 15 percent of the population, was exposed to atrocities and extermination. Local Vietnamese were most virulently targeted. Kiernan offers the stunning estimate that *fully 100 percent of ethnic Vietnamese perished under the Khmer Rouge.*[62] The Muslim Chams were despised for their religion as well as their ethnicity. "Their religion was banned, their schools closed, their leaders massacred, their villages razed and dispersed."[63] Over one-third of the 250,000 Chams alive in April 1975 perished under DK.[64]

As for Cambodia's Chinese population, it was concentrated in the cities, and it is sometimes hard to distinguish repressive action based on racial hatred from repression against the urbanite "new people." Regardless, in DK this group "suffered the worst disaster ever to befall any ethnic Chinese community in Southeast Asia."[65] Only half the Chinese population of 430,000 at the outset of Khmer Rouge rule survived to see its end.

The grim tale of minority suffering under the Khmer Rouge does not end there. "The Thai minority of 20,000 was reportedly reduced to about 8,000. Only 800 families survived of the 1,800 families of the Lao ethnic minority. Of the 2,000 members of the Kola minority, 'no trace . . . has been found.'"[66]

Bosnia and Kosovo

The dissolution of Yugoslavia in the early 1990s returned genocide to Europe after nearly half a century's absence. During those years, European states and the wider world looked on ineffectually as the multiethnic state of Bosnia-Herzegovina collapsed into genocidal conflict. The most extensive and systematic atrocities were committed by Serbs against Muslims, but clashes between Croats and Serbs, and between Muslims and Croats, claimed thousands of lives. The restive Serb province of Kosovo, with its ethnic-Albanian majority, was another tinder-box, though mass violence did not erupt there until Spring 1999.

ORIGINS AND ONSET

Yugoslavia, the federation of "Southern Slavs," was cobbled together from the disintegrated Ottoman Empire after the First World War. Fragile federations everywhere are prone to violence in times of crisis (see, e.g., Chapter 4, Box 4a, Chapter 5, Box 5a). For Yugoslavia, the crisis came in the Second World War, when the federation was riven by combined Nazi invasion and intercommunal conflict. Yugoslavia in fact became one of the most destructive theaters of history's most destructive war.[1] Under the German occupation regime in Serbia and the fascist Ustashe government installed by the Nazis in Croatia, most of Yugoslavia's Jewish population was exterminated. Hundreds of thousands of Croatian Serbs were rounded up by the Ustashe and slaughtered, most notoriously at the Jasenovac death camp.

Muslims in Bosnia mostly collaborated with the Nazis, earning them the enduring enmity of the Serb population. The Serbs themselves were divided between the

Chetniks, who supported the deposed royalist regime, and a partisan movement led by Josip Broz, known as Tito. Chetnik massacres and other atrocities prompted an equally murderous response from Tito's forces. After the partisans seized power in the Yugoslav capital, Belgrade, in the late stages of the war, thousands of Chetniks fled to neighboring countries. The Allies returned the majority of them to Yugoslavia to face summary punishment. Throughout 1945–46, Tito's forces killed tens of thousands of Chetniks and other political opponents.

The socialist state that Tito instituted, however, was liberal by the standards of Central and Eastern Europe. Yugoslavs enjoyed extensive freedom of movement: millions worked overseas, especially in Germany. The country gained a reputation not only for comparative openness, but for successful ethnic pluralism. Tito, a Croat, worked to ensure that no ethnic group dominated the federation. Political mobilization along ethnic lines was banned (resulting in a wave of detention and imprisonment in the 1970s, when Croatian leaders within the Yugoslav Socialist Party sought greater autonomy for Croatia).* State authorities worked hard to defuse ethnic tensions and generate an overarching Yugoslav identity, with some success.

But Tito died in May 1980, and the multinational federation rapidly unraveled amidst pervasive economic strife. The weak collective leadership faltered when confronted by an emerging generation of ethnonationalist politicians, most prominently Slobodan Milosevic in Serbia and Franjo Tudjman in Croatia. Tudjman, "a small-minded, right-wing autocrat,"[2] led a political movement – the HDZ – that explicitly revived Ustashe symbolism and rhetoric. He also allowed, and probably supervised, a campaign of harassment and violence against the large Serb population of the Krajina region. Serbs were dismissed from their jobs, allegedly to redress preferential treatment granted to them in the past. Worse would follow.

In Milosevic of Serbia, meanwhile, we see one of the most influential European politicians of the second half of the twentieth century – albeit a malign influence. This did not reflect any special talent or charisma. Rather, Milosevic was an *apparatchik* (child of the state-socialist system) who realized sooner than most that rousing nationalist passions was an effective way to exploit the Yugoslav upheavals for personal power.[3]

Milosevic sowed the seeds for genocide in April 1987, on a visit to the restive Albanian-dominated province of Kosovo. (Ironically, it was over Kosovo that the term "genocide" was first deployed in a contemporary Balkans context – by Serbs, to describe the fate that supposedly awaited their people at the hands of a swelling Albanian majority.)[4] Dispatched by Serb president Ivan Stambolic, his mentor, to hold talks with the local communist Party leadership, Milosevic was greeted by a rowdy outpouring of Serbs barely kept in check by police. Rocks were thrown, apparently as a provocation. The police reacted with batons. Milosevic was urged to calm the crowd. Instead, he told them: "No one should dare to beat you," "unwittingly coining a modern Serb rallying call."[5]

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*Throughout this chapter and volume, I use "Croatian" and "Croat," "Serbian" and "Serb," to refer to the polity and ethnic group respectively.

Transformed by the ecstatic reaction to his speech, Milosevic forged ahead with his nationalist agenda. A few months later, in September 1987, he shunted aside his mentor, Ivan Stambolic, and took over the presidency. In 1989, Serbs initiated a repressive drive in Kosovo that ended the province's autonomy within Serbia, dismissed tens of thousands of Kosovars (ethnic Albanians) from their jobs, and made of Kosovo "one large militia camp . . . a squalid outpost of putrefying colonialism."[6] More than a hundred Kosovars were killed in the repression.[7] In retrospect, this was the key event that unraveled Yugoslavia. After the Kosovo crackdown, no ethnic group could feel safe in a Serb-dominated federation.

In 1991–92, Yugoslavia exploded into open war. On June 25, 1991, Croatia and Slovenia declared independence. A surreal ten-day war for Slovenia resulted in the withdrawal of the Yugoslav Army (JNA) and the abandonment of Yugoslav claims to the territory. Croatia, though, was a different matter. It included sizable Serb populations in Krajina (the narrow strip of territory running adjacent to the Dalmatian coast and bordering Serb-dominated areas of Bosnia-Herzegovina) and Eastern Slavonia.

Map 8.1 Bosnia and Herzegovina today (though Serbia and Montenegro are now separate states).

Source: Map provided by WorldAtlas.com.

Milosevic recognized the inevitability of Croatia's secession, but sought to secure territories in which Serbs were strongly represented for his "Greater Serbia." In December 1991, after several months of fighting, the Krajina Serbs declared independence from Croatia. Meanwhile, the world's attention was captured by the artillery bombardment of the historic port of Dubrovnik; less so by the far more severe JNA assault on Vukovar, which reduced the city to rubble and was followed by the genocidal massacre of some 200 wounded Croatian soldiers in their hospital beds.

The independence declarations by Slovenia and Croatia left multiethnic Bosnia-Herzegovina in an impossible position. As epitomized by its major city, Sarajevo – hitherto a model of ethnic tolerance – Bosnia was divided among Muslims, Serbs, and Croats. If it sought to secede, the result would surely be a secession by Bosnian Serbs in turn, to integrate "their" zone of Bosnia into Milosevic's Greater Serbia, while remaining within the federation meant enduring Serb domination. This was the scenario that played out when, in February 1992, the Muslim-dominated federation declared its independence from Yugoslavia.
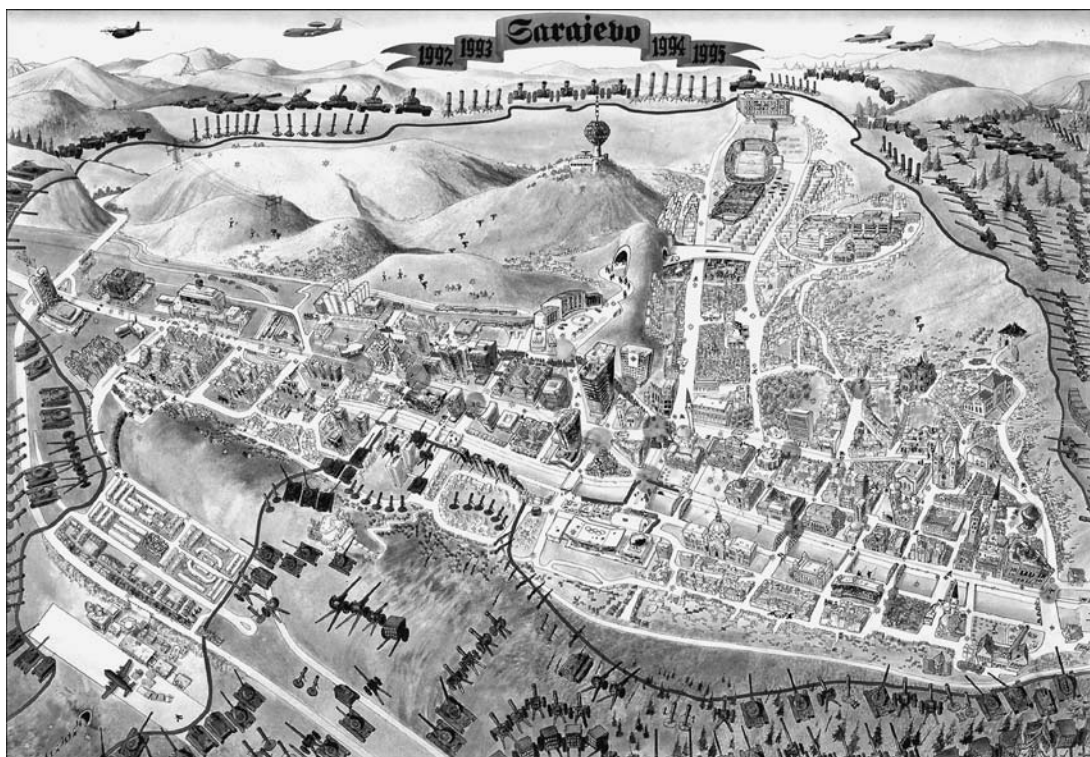

Figure 8.1 The siege of the cosmopolitan city of Sarajevo became the focal point of the Bosnian war for the outside world, though the bulk of the killing occurred elsewhere. The siege and bombardment can also be considered an important contemporary case of *urbicide*, the destruction of an urban living space and its population as part of a broader genocidal strategy (see p. 29). FAMA International produced this map of the siege, showing the ring of Serb gun emplacements around the city, broken only by the UN airport zone at the bottom left. Enterprising Sarajevans dug a tunnel under the airport runway to connect their city with Bosnian government-held territory beyond. Today the tunnel is a tourist attraction.

Source: FAMA International/www.famainternational.com.

Figure 8.2   "Sarajevo siege life, winter of 1992–93. Collecting branches for firewood. Man on right cradles precious loaves of bread."

Source: Christian Maréchal/Wikimedia Commons.

In this atmosphere of pervasive fear and uncertainty, populations sought safety in ethnic exclusivity – as leaders, especially Milosevic and Tudjman, presumably anticipated. "Before, we shared the good times and the bad. . . . [Now,] we hardly wish anyone good-day or good-evening any more. Suddenly people have a different look about them, their faces have changed. For me it all happened in one day. It is indescribable."[8] So stated a Bosnian Muslim woman, recalling the breakdown of relations with her Croat neighbors.

Bosnia promptly became the most brutal battlefield of the Balkan wars. Serb gunners launched a siege and artillery bombardment of Sarajevo that evoked global outrage. Apart from killing thousands of civilians, they also staged a systematic campaign of urbicide, targeting the cultural repositories of the Bosnian Muslim and cosmopolitan Sarajevan civilizations:

Serbs purposely shelled the major cultural institutions . . . as they sought not only to eliminate Bosniaks [Bosnian Muslims] from Bosnia but also to obliterate their communal and cultural existence's foundation. They first destroyed the Oriental Institute, burning the largest collection of Islamic and Jewish manuscripts in southeastern Europe, then the National Museum, and finally the National Library,

incinerating more than one million books, more than 100,000 manuscripts and rare books, and centuries of the country's historical records. For the artist Aida Musanovic, and certainly for other Sarajevans, seeing their principal cultural repository engulfed in flames and then having the smoke, ash, and wisps of burnt paper hovering over and raining down on their city, "was the most apocalyptic thing I'd ever seen."[9]

The attack on Sarajevo and its cultural landmarks also distracted international attention from the far greater killing elsewhere in Bosnia, especially in the industrialized east.[10] The Yugoslav army was ordered out, but left most of its weapons in the hands of Bosnian Serbs, who now constituted a formidable 80,000-man army. Bosnian Muslims, hampered by their land-locked territory and limited resources, were in most places rolled over by Serb forces. Then – from early 1993 – they found themselves fighting their Croatian former allies as well, in a war nearly as vicious as the Serb–Muslim confrontation. Not surprisingly, the Muslims responded by generating "a strident, xenophobic Muslim nationalism" mirroring that of their tormentors.[11] However, neither it nor its Croatian counterpart ever matched Serb nationalism in destructiveness. An in-depth United Nations report subsequently ascribed 90 percent of atrocities in Bosnia-Herzegovina to Serbs, and just 10 percent to Croats and Muslims combined.[12]

In August 1992, Western reporters broke the story of Serb-run concentration camps in Bosnia where Muslim males, and some females, were detained.[13] At Omarska, the grimmest of these camps, "there were routine and constant beatings; in the dormitories, on the way to and from the canteen or the latrines, all the time. The guards used clubs, thick electrical cable, rifle butts, fists, boots, brass knuckle-dusters, iron rods. . . . Every night, after midnight, the guards called out the names of one or more prisoners. These prisoners were taken out and beaten bloody, their bones often broken and their skin punctured."[14] Hundreds if not thousands died; Penny Marshall of ITN wrote that survivors were reduced to "various stages of human decay and affliction; the bones of their elbows and wrists protrude like pieces of jagged stone from the pencil thin stalks to which their arms have been reduced."[15] Such images, reminiscent of Nazi concentration camps, sparked an international uproar. Combined with revelations of mass executions and the rape of Bosnian-Muslim women, the camps spawned the first widespread use of the term "genocide" in a Balkans context.

GENDERCIDE AND GENOCIDE IN BOSNIA

The strategy of "ethnic cleansing," as it became known in Western media and public discussion, was intended not only to ensure military victory and the expulsion of target populations, but to establish the boundaries of a post-genocide territorial arrangement. As Laura Silber and Alan Little argue, "the technique . . . was designed to render the territory ethnically pure, and to make certain, by instilling a hatred and fear that would endure, that Muslims and Serbs could never again live together."[16]

Central to this policy was killing civilians, overwhelmingly men of "battle age." The war in Bosnia-Herzegovina offers one of the most vivid modern instances of gendercide, or gender-selective mass killing, discussed in a comparative context in Chapter 13. As with most cases of gendercide, the gender variable interacted with those of *age* and *community prominence* to produce a genocidal outcome in Bosnia (and again in Kosovo in 1999). Journalist Mark Danner described the *modus operandi* of Serb forces as follows:

1. *Concentration*. Surround the area to be cleansed and after warning the resident Serbs – often they are urged to leave or are at least told to mark their houses with white flags – intimidate the target population with artillery fire and arbitrary executions and then bring them out into the streets.
2. *Decapitation*. Execute political leaders and those capable of taking their places: lawyers, judges, public officials, writers, professors.
3. *Separation*. Divide women, children, and old men from men of "fighting age" – sixteen years to sixty years old.
4. *Evacuation*. Transport women, children, and old men to the border, expelling them into a neighboring territory or country.
5. *Liquidation*. Execute "fighting age" men, dispose of bodies.[17]

Throughout the Bosnian war, this strategy was systematically implemented – primarily, but not solely, by Serb military and paramilitary forces. The Srebrenica slaughter of July 1995 was by far the most destructive instance of gendercidal killing in the Balkans (brace yourself, then see Figure 13.2, p. 466); but there are dozens of more quotidian examples. Some are cited in a short section of the Helsinki Watch report, *War Crimes in Bosnia-Hercegovina*, covering the first and most murderous phase of the war:

In my village, about 180 men were killed. The army put all men in the center of the village. After the killing, the women took care of the bodies and identified them. The older men buried the bodies.

(Trnopolje)

The army came to the village that day. They took us from our houses. The men were beaten. The army came in on trucks and started shooting at the men and killing them.

(Prnovo)

The army took most of the men and killed them. There were bodies everywhere.
(Rizvanovici)

Our men had to hide. My husband was with us, but hiding. I saw my uncle being beaten on July 25 when there was a kind of massacre. The Serbs were searching for arms. Three hundred men were killed that day.

(Carakovo)[18]

The trend culminated in the genocidal slaughter of some 8,000 Bosnian Muslim men and boys, described in Box 8.1. In a tally supplied several years after the war and

genocide ended, the International Committee of the Red Cross (ICRC) noted that of the thousands of Bosnians still registered as missing, "92% are men and 8% are women."[19]

As in Armenia in 1915, with community males murdered or incarcerated, Serb soldiers and paramilitaries were better able to inflict atrocities on remaining community members. Women, especially younger ones, were special targets. They were subject to rape, often repeatedly, often by gangs, and often in the presence of a father or husband. Typical was the testimony offered by "E.," just 16 years old:

> Several Chetniks arrived. One, a man around 30, ordered me to follow him into the house. I had to go. He started looking for money, jewelry and other valuables. He wanted to know where the men were. I didn't answer. Then he ordered me to undress. I was terribly afraid. I took off my clothes, feeling that I was falling apart. The feeling seemed under my skin; I was dying, my entire being was murdered. I closed my eyes, I couldn't look at him. He hit me. I fell. Then he lay on me. He did it to me. I cried, twisted my body convulsively, bled. I had been a virgin.
>
> He went out and invited two Chetniks to come in. I cried. The two repeated what the first one had done to me. I felt lost. I didn't even know when they left. I don't know how long I stayed there, lying on the floor alone, in a pool of blood.
>
> My mother found me. I couldn't imagine anything worse. I had been raped, destroyed and terribly hurt. But for my mother this was the greatest sorrow of our lives. We both cried and screamed. She dressed me.
>
> I would like to be a mother some day. But how? In my world, men represent terrible violence and pain. I cannot control that feeling.[20]

It was in the Bosnian context that the term "genocidal rape" was minted, stressing the centrality of sexual assaults of women to the broader campaign of "cleansing." It should be noted that men and adolescent boys were also sexually assaulted and tortured on a large scale in detention facilities such as Omarska and Trnopolje.[21]

THE INTERNATIONAL DIMENSION

If the caliber of the political leadership on all sides of the Balkan wars left much to be desired, the same may be said of international policy-making, beginning with Germany's machinations over Croatian and Slovenian independence. Animated by a vision of expanding economic and political influence, Germany – led by foreign minister Hans-Dietrich Genscher – pressed the rest of the European Union to support Yugoslavia's dissolution. The campaign was fiercely opposed by British representative Lord Carrington, whose plan to safeguard peace in the Balkans depended upon a carrot of recognition being extended only in return for guarantees of minority rights. Bosnian Muslim leader Alija Izetbegovic desperately tried to head off a German/EU declaration of support, while UN Secretary-General Perez de Cuellar warned Genscher that recognizing Croatia would unleash "the most terrible war" in Bosnia-Herzegovina.[22] The efforts were to no avail, and German/EU recognition was duly granted in May 1992. Many see this as an important spur to the genocide unleashed across Bosnia in ensuing months.

The pivotal role of the United States was characterized by vacillation on the independence issue, guided by a conviction that "we don't have a dog in this fight" (George Bush Sr.'s Secretary of State, James Baker, speaking in 1992). The besieging of Srebrenica and other Muslim-majority cities in Bosnia in spring 1993 prompted a US-led response to establish six "safe areas" under UN protection, but these were never effectively defended. When Srebrenica fell to the Serbs, it was "protected" by fewer than 400 Dutch peacekeepers, mostly lightly armed and under orders not to fire their weapons except in self-defense. Genocidal massacres of Bosnian Muslim men and boys were the predictable result. Suspicion has swirled that, mass atrocities aside, the US and EU were not unhappy to see the "safe areas" fall to the Serbs. (An unnamed US official stated at the time that "While losing the enclaves has been unfortunate for Bosnia, it's been great for us.")[23]

Figure 8.3   Coffins containing the exhumed remains of Srebrenica massacre victims are prepared for reinterment at the annual memorial ceremony in Potocari, Bosnia and Herzegovina, July 2007.

Source: Author's photo.

Figure 8.4   Bosnian Muslim women mourners at the Srebrenica reinterment ceremony depicted in Figure 8.3.

Source: Author's photo, July 2007.

BOX 8.1 ONE MAN'S STORY: NEZAD AVDIC

July 1995. For three years, the city of Srebrenica, with its majority Bosnian-Muslim population, had been one of the major conflict points of the war in Bosnia-Herzegovina. In April 1993, with Srebrenica on the verge of falling to Bosnian Serb forces, the United Nations oversaw the evacuation of children, women, and the elderly, while accepting Serb demands that no males of "battle age" be allowed to leave. It then declared Srebrenica a UN-protected "safe haven." This status held for a little over two years, overseen by first Canadian, then Dutch peacekeepers. The population experienced ever greater hunger and material deprivation. It also fell under the sway of Naser Oric, a Muslim paramilitary leader who organized murderous raids out of the enclave against Serb civilians in surrounding villages.[24]

Finally, on July 6 1995, the Bosnian Serbs decided to implement their "endgame."[25] Serb General Ratko Mladic promised his men a "feast": "There will be blood up to your knees."[26] The peacekeepers watched without firing a shot as the Serbs overcame light Bosnian-Muslim resistance and rounded up most of the population.

Understanding immediately that they were at mortal risk, thousands of "battle-age" men sought to flee through the surrounding hills to Muslim-controlled territory. Most were killed in the hills, or massacred *en masse* after capture. The men who remained behind, including elderly and adolescent males, were systematically separated from the children and women, who – as in 1993 – were allowed to flee in buses to safety. The captured males were trucked off to be slaughtered.

Nezad Avdic, a 17-year-old Bosnian Muslim, was among the intended victims. "When the truck stopped, we immediately heard shooting outside," he recalled. "The Chetniks [Serb paramilitaries] told us to get out, five at a time. I was in the middle of the group, and the men in front didn't want to get out. They were terrified, they started pulling back. But we had no choice, and when it was my turn to get out with five others, I saw dead bodies everywhere."

Avdic was lined up in front of a mass grave. "We stood in front of the Chetniks with our backs turned to them. They ordered us to lie down, and as I threw myself on the ground, I heard gunfire. I was hit in my right arm and three bullets went through the right side of my torso. I don't recall whether or not I fell on the ground unconscious. But I remember being frightened, thinking I would soon be dead or another bullet would hit. I thought it would soon be all over."

Lying among wounded men, "hear[ing] others screaming and moaning," Avdic maintained his deathlike pose. "One of the Chetniks ordered the others to check and see what bodies were still warm. 'Put a bullet through all the heads, even if they're cold.'" But his partner replied: "Fuck their mothers! They're all dead."[27]

They weren't. "I heard a truck leave," Avdic said. "I didn't know what to do. . . . I saw someone moving about ten metres away from me and asked, 'Friend, are you alive?'"

With his companion, Avdic managed to flee the scene after Serb forces departed. He was one of a tiny handful of survivors of a connected series of genocidal massacres that claimed more than 7,000 lives. This made Srebrenica the worst slaughter in Europe since the killings of political opponents by Yugoslav partisan forces after the Second World War. Srebrenica was also the crowning genocidal massacre of the Balkan wars of the 1990s – but not, unfortunately, the final one. The Serb assault on Kosovo, with its ethnic-Albanian majority, followed in 1999, with genocidal atrocities reminiscent of Srebrenica, though on a smaller scale.

The Americans and Europeans turned a blind eye to Croatia's rearmament, which violated the arms embargo formally imposed on all sides. The US also forged a "tacit agreement to allow Iran and other Moslem countries to expand covert arms supplies to the Bosnians."[28] A month after Srebrenica fell, the Croatians combined with Muslim forces to launch Operation Storm, a dramatic offensive against the Serb-held Krajina region.[29] Milosevic, once the Bosnian Serbs' ardent champion, now abandoned them, the better to present himself as a Balkans peacemaker, and secure the lifting of economic sanctions.

In a matter of days, the Croatian–Muslim offensive overran Krajina, resulting in "another biblical movement of people" as up to 200,000 Serbs fled to Serb-populated regions of Bosnia.[30] "Greater Serbia is in refugee convoys," commented a Belgrade

Figure 8.5   The Dayton Accords, reached in Dayton, Ohio in November 1995, brought an end to the war in Bosnia, establishing the unstable multiethnic state of Bosnia and Herzegovina. Shown at the official signing ceremony in Paris on December 14, 1995, are former Yugoslav president Slobodan Milosevic (seated third from left); to Milosevic's left, Bosnian prime minister Alija Izetbegovic; and past the assistant's outstretched arm, Croatian president Franjo Tudjman. All three leaders are now dead. While Izetbegovic bore a measure of responsibility for fueling intercommunal tensions in the prelude to the war, it was Tudjman and, above all, Milosevic who fomented the genocidal outbreak of the 1990s. Milosevic went on to order an assault on the Kosovar Albanian population of Kosovo in 1998–99. He died of a heart attack on March 11, 2006, while on trial for genocide, crimes against humanity, and war crimes at the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, Netherlands (see Chapter 15).

Source: Brian Schlumbohm/US Air Force/Wikimedia Commons.

observer.[31] Croatian President Tudjman celebrated the expulsions, declaring that the country's Serbs had "disappeared ignominiously, as if they had never populated this land."[32] The Krajina *fait accompli* left in its wake Europe's largest refugee population, but it was welcomed by the West, especially the US.[33] In the aftermath, the Clinton government invited the warring parties to talks at Wright-Patterson Air Force Base in Dayton, Ohio. These resulted in the signing of a comprehensive peace agreement (the Dayton Accords) in November 1995, and the introduction of 60,000 NATO peacekeepers to oversee it.

An estimated 102,000 people had died in the Bosnian war and genocide, about 50 percent of them Muslim and 30 percent Serbs. "However, while Serb casualties were overwhelmingly among military personnel, Muslim casualties were evenly split between military and civilian, so that the great majority of civilian casualties were Muslims."[34] And there was still a final genocidal act to be inflicted on a Muslim

population in pursuit of Greater Serbia – in Kosovo, the Serb province where Milosevic first unveiled his nationalist agenda.

KOSOVO, 1998–99

To counter the Serb police state imposed in 1989, a parallel political structure arose in Kosovar Albanian communities, built around the non-violent resistance movement led by Ibrahim Rugova. Remarkably, this parallel authority managed to preserve Albanian-language education and a semblance of social services for ethnic Albanians.

Eventually, after nearly a decade of "a system of apartheid that excluded the province's majority Albanian population from virtually every phase of political, economic, social, and cultural life,"[35] an armed guerrilla movement – the Kosovo Liberation Army (KLA) – launched attacks in 1997. Many KLA leaders desired the political union of Kosovo's Albanians with their "compatriots" across the border in Albania proper. Guerrilla war through 1998 and into 1999 resulted in the Serb killing of hundreds of ethnic-Albanian civilians, and the internal displacement of 200,000 more.

Milosevic now began to plot a decisive resolution of the Kosovo quandary. "In a long career, this would be his masterpiece, cleansing the Serb homeland of its Albanian interlopers in a matter of weeks."[36] US General Wesley Clark witnessed a "choleric" outburst by Milosevic against Kosovar Albanians in 1998. "We know how to deal with those murderers and rapists," Milosevic raged. "They are killers, killers of their own kind, but we know how to deal with them and have done it before. In 1946, in Drenica [in post-World War Two reprisals], we killed them all. . . . Well, of course, we didn't [kill them] all at once. It took several years." Clark described it as "like watching a Nuremberg rally."[37]

European countries sought to head off full-scale war, dispatching an observer team (the Kosovo Verification Commission) to monitor a ceasefire between the Serbs and the KLA. Both sides were guilty of violations, but Serb paramilitaries' mass murder of dozens of Kosovar men at the village of Racak (January 16, 1999) sparked the greatest protest. Abortive negotiations under Western auspices at Rambouillet, France, ended in impasse and acrimony. Pro-Serb commentators have accused Western countries, in league with the KLA, of stage-managing a crisis at Rambouillet in order to justify a quick military defeat to bring Milosevic into line.[38]

It did not transpire that way. On March 19, 1999, the Serbs launched "a massive campaign of ethnic cleansing, aimed not only at tipping the demographic balance [of Kosovo] in Belgrade's favor but also – by driving hundreds of thousands of desperate Albanians over the border into the fragile neighboring states of Macedonia and Albania – at threatening the Western allies with the destabilization of the entire Balkan peninsula."[39] The campaign reached its peak after March 24, when NATO began high-altitude bombing of Serb positions in Kosovo and other targets throughout Yugoslavia. This would remain NATO's exclusive, and ineffective, military tactic. The Allies seemed terrified of taking casualties, on the ground or in the air, and jeopardizing popular support for the war. They also assumed that Milosevic would quickly

Map 8.2   Kosovo

Source: Map provided by WorldAtlas.com

crumble in the face of Allied aerial assault. It proved "a colossal miscalculation," and there are grounds for arguing that the bombing in fact prompted an escalation of the Serb campaign. "NATO leaders, then, stand accused of exacerbating the very humanitarian disaster that their actions were justified as averting."[40]

The Serb assault on Kosovar Albanians bore many of the hallmarks of earlier Serb campaigns. Army units and paramilitary forces worked in close coordination to empty the territory of ethnic Albanians through selective acts of terror and mass murder. Gendercidal killing again predominated, as in the largest massacre of the war, at the village of Meja:

> Shortly before dawn on April 27, according to locals, a large contingent of Yugoslav army troops garrisoned in Junik started moving eastward through the valley, dragging men from their houses and pushing them into trucks. "Go to Albania!" they screamed at the women before driving on to the next town with their prisoners. By the time they got to Meja they had collected as many as 300 men. The regular army took up positions around the town while the militia and

paramilitaries went through the houses grabbing the last few villagers and shoving them out into the road. The men were surrounded by fields most of them had worked in their whole lives, and they could look up and see mountains they'd admired since they were children. Around noon the first group was led to the compost heap, gunned down, and burned under piles of cornhusks. A few minutes later a group of about 70 were forced to lie down in three neat rows and were machine-gunned in the back. The rest – about 35 men – were taken to a farmhouse along the Gjakove road, pushed into one of the rooms, and then shot through the windows at point-blank range. The militiamen who did this then stepped inside, finished them off with shots to the head, and burned the house down. They walked away singing.[41]

About 10,000 ethnic Albanians died during the war, along with some Serbs and Roma (Gypsies).[42] The killings were accompanied by the largest mass deportation of a civilian population in decades. Some 800,000 Kosovar Albanians were rounded up and expelled to Albania and Macedonia. Pictures of the exodus bolstered Western resolve, and the Allies began to discuss sending ground forces into the conflict.

In response to growing Allied resolve, Russian pressure, and perhaps the war-crimes indictment issued against him in late May 1999, Milosevic agreed to a ceasefire. The arrangement provided for the withdrawal of Serb forces from Kosovo, and the introduction of 18,000 NATO troops along with 3,500 UN police. These outside forces arrived quickly, but not rapidly – or resolutely – enough to prevent a round of revenge attacks by ethnic Albanians against Serb civilians in northern Kosovo. These prompted 150,000 Serbs to flee to the Serbian heartland, where they joined the 200,000 refugees still stranded by Operation Storm in 1995.

AFTERMATHS

The Dayton Accords brought peace to Bosnia-Herzegovina, and between Croatia and what was left of Yugoslavia. They also froze in place the genocidal "ethnic cleansing" of preceding years. The peace was the peace of the grave: in addition to the more than 100,000 people killed, an astonishing 1,282,000 were registered as internally displaced persons (IDPs).[43] Despite formal declarations that all IDPs should be allowed to return to their homes, in Bosnia the "ground reality . . . in many ways resembles *de facto* nationalist partition rather than a single, sovereign state. . . . The overwhelming majority of Bosnians, well over 90%, now live in areas that are largely homogeneous in the national sense."[44]

The new state of Bosnia-Herzegovina was administered by the Organization for Security and Cooperation in Europe (OSCE). Its High Representative had "far-reaching powers . . . extend[ing] well beyond military matters to cover the most basic aspects of government and state."[45] Over US$5 billion was pledged to "the largest per capita reconstruction plan in history,"[46] and tens of thousands of NATO troops arrived to police the peace. (In December 2004, NATO was replaced by a 7,000-strong European Union force, though most of the troops simply switched insignias.)

An important test of the post-Dayton era was the peace agreement between Croatia and rump Yugoslavia. In 2004, with Croatia pushing for membership in the European Union, the new Prime Minister Ivo Sanader shifted away from the extreme nationalism of Franjo Tudjman, who had died in 2001. After years of "insurmountable impediments" being placed in the way of Serbs attempting to return to their homes (according to Human Rights Watch), Sanader promised a more constructive approach. As the British newspaper *The Guardian* pointed out, however, he ran "little political risk" for doing so, "simply because so few Serbs are returning." While some 70,000 mostly elderly Serbs had accepted the offer, over 200,000 remained as refugees in Bosnia and Herzegovina along with Serbia.[47]

What of those who supervised and committed the atrocities? Many lived comfortably, protected by their ethnic communities and by the lackadaisical approach of NATO forces to rounding them up. But international justice did register some successes. The International Criminal Tribunal for the Former Yugoslavia (ICTY), established by the UN Security Council in May 1993, began proceedings at The Hague on May 16, 1996. Many greeted the tribunal with derision, viewing it as too little, too late. Nonetheless, by late 2004 the Tribunal had conducted fifty-two

Figure 8.6   A half-restored, half bullet-pocked façade in Mostar, Bosnia and Herzegovina, symbolizes the divisions that remain among Bosnia's ethnic communities, after the Dayton Accords established a tenuous peace in 1995. Despite promising experiments in interethnic coexistence (including between Croats and Muslims in Mostar), the international commitment to Bosnia may now be waning, and worrisome signs have emerged of a resurgence of ethnic militancy – with Mostar again serving as an example (see p. 334).

Source: Author's photo, July 2007.

prosecutions and sentenced thirty individuals. Its greatest coup came on June 28, 2001, when former Yugoslav president Slobodan Milosevic was transported to The Hague to stand trial. (Milosevic had been toppled by a popular uprising in September 2000, after refusing to recognize unfavorable election results.) The successor government under Vojislav Kostunica saw surrendering Milosevic as the price of rejoining the international community (see further discussion in Chapter 16). Milosevic, charged with genocide for crimes in Bosnia-Herzegovina,[48] waged a spirited defense before the tribunal, but died in March 2006 before a verdict was reached.

Gradually, more of Milosevic's key partners in crime in Bosnia-Herzegovina have been brought to justice. Bosnian Serb commander, General Radislav Krstic, was captured and turned over to The Hague, where he was found guilty in August 2001 of the crime of genocide for his leading role in the carnage at Srebrenica. The biggest coup was the capture of Radovan Karadzic (see Figure 8.7), former prime minister of the Bosnian Serbs, in July 2008. At the time of writing, Karadzic's case was just reaching trial, and promised to be one of the setpiece international-legal showdowns of its time. Croatian, Bosnian Muslim, and Kosovar Albanian suspects also faced the tribunal – as with the 2001 indictment of Croatian General Ante Gotovina for atrocities committed in Krajina, and Kosovo Prime Minister Ranush Haradinaj, indicted by the tribunal in March 2005 on charges of "murder, rape and deportation of civilians."[49] (For more on the ICTY, see Chapter 15.)
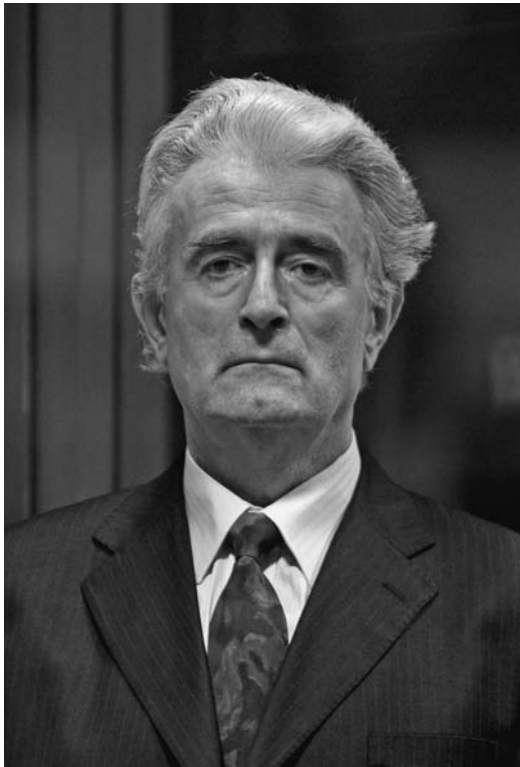

Figure 8.7   Radovan Karadzic, a former psychiatrist, was prime minister of the breakaway Bosnian Serb republic throughout the war and genocide of the 1990s. Karadzic was captured in Serbia in July 2008 following a tipoff, and turned over to the International Criminal Tribunal for the Former Yugoslavia (ICTY). This photo was taken at his first court appearance before the tribunal in The Hague, Netherlands, in November 2009.

Source: Courtesy ICTY.

Another precedent-setting legal case was brought by the government of Bosnia and Herzegovina against Serbia and Montenegro (Montenegro left the federation in 2006) before the venerable International Court of Justice. The suit claimed compensation from Serbia for the genocide inflicted at Srebrenica. In a February 2007 decision that surprised many observers, the Court rejected the genocide charge, ruling

> that Bosnia and Herzegovina had not proved that the authorities in Belgrade had ordered the massacre, and indeed that "all indications are to the contrary: that the decision to kill the adult male population of the Muslim community of Srebrenica was taken by the VRS [Bosnian Serb Army] Main Staff, but without instructions from or effective control by" Serbia and Montenegro. For this reason, the [court] . . . found that Serbia had not committed genocide, incited the commission of genocide, conspired to commit genocide, or been complicit in the commission of genocide in Bosnia, but that it had violated the Genocide convention by failing to prevent genocide in Srebrenica and by not arresting general Ratko Mladic.[50]

On the ground in Bosnia and Herzegovina, there were indications in 2008–09 that an intercommunal truce was solidifying – but also that it was eroding. "Significant riots or civil disturbances are rare," wrote Valery Perry of the OSCE in a 2009 "survey of reconciliation processes." "Having experienced three and a half years of war, people prefer this cold peace. Yet a true peace awaits." Perry pointed to a still-toxic political atmosphere: one "in which all parties have defined politics as a zero-sum game," and in which "compromise is viewed as loss, and long-term possibilities are sacrificed for short-term gains." Moreover, "much of society remains dangerously politicized . . . Civil society is still very weak and has been unable to begin to effectively and consistently shape and determine the political agenda."[51]

As so often, the city of Mostar (see Figure 8.6) provided a litmus test. A triangular conflict there among Muslims, Serbs, and Croats had produced some of the fiercest fighting of the war. In the conflict's wake, a gradual remingling of the population began, as this author witnessed on a visit to Mostar in July 2007. It was acceptable for Croats to visit the Muslim side and vice versa, to shop, to stroll, to eat in restaurants. Along the shattered main strip of the city – still the single most war-damaged urban landscape I have ever seen, though I have not been to Grozny (Box 5a) – a unique experiment was thriving at the Mostar Gymnasium (high school). The Gymnasium was heavily damaged in the war, and after a lengthy spell in which only Croat students occupied a single floor of it, it became the only mixed public school in the city. As Nicole Itano of the *Global Post* noted, however, "even here, the integration only goes so far: there are two separate curricula for Croatian and Muslim students." Nevertheless, "sports, school activities and a few classes, such as technology, are combined," and students mingled relatively freely during recess and in other social contexts. Significant intercommunal flirting was also reported – always a good sign. On the third floor of the refurbished building, the institution that gave me my start in international life – the United World College network (www.uwc.org) – had set up its latest college promoting coexistence and mutual understanding. Graduates, including scholarship students from around the world, received internationally-

recognized accreditation through the Swiss-based International Baccalaureate system.[52]

Yet the Gymnasium was an oasis in a city where the reconciliation process still seemed fragile. Informants who stated that either "side" could stroll freely on the other's territory also stressed that it would be unwise for out-group members to purchase property or otherwise establish residence on the "wrong" side of the river. In 2008, a politically significant clash broke out in Mostar over a football (soccer) game. Turkey and Croatia were playing in a tense quarter-final at the Euro 2008 championship. Mostar's Muslim population rooted publicly for the Turks; the city's Croats were predictably otherwise inclined. The result (of a match which Turkey won) was a fierce confrontation between "rival fans, who hurled rocks and bottles at each other," while "gunshots and car alarms could be heard as fans attacked cars and smashed nearby shop windows."[53]

It was entirely possible that, following a "decent interval," the ethnic cantons of Bosnia and Herzegovina would become independent countries, as other former Yugoslavian territories like Montenegro and Kosovo (see below) had done in the postwar period. This would place something of a seal on the genocidal "cleansings" of the 1990s. At the same time, one could imagine such a patchwork of smaller states being reabsorbed into larger associations, both continental and regional, which are a prominent feature of the European political landscape (see further discussion in Chapter 16). Such fragmentation might not, therefore, impede efforts to reestablish historic linkages across these sundered lands and traumatized populations. Symbolic in this respect was the reopening in 2010 of the Belgrade–Sarajevo train route, abandoned since the federation collapsed in the early 1990s. Younger travelers, in particular, expressed optimism that such linkages could overcome the chasms of the recent past. Twenty-one-year-old passenger Sasa Mehmedagic defined himself as "half-Muslim and half-Serb and . . . proud of it," adding: "I think young people realize that nationalism and racism are wrong because we are all from the same flesh." He and his friends "said they no longer wanted to be defined along ethnic or religious lines but viewed themselves simply as Bosnians. They believed that their people were ready to move beyond the ethnic divisions that led their parents' generation to war, they said, if their leaders stopped agitating for political gain."[54]

As for Kosovo, its trajectory since the first edition of this book was published in 2006 has been dramatic. With its declaration of independence on February 17, 2008, it succeeded East Timor as the world's newest independent state – at least for the 63 governments that had recognized it by early 2010.[55] While many observers, this one included, welcomed Kosovo's entry to the community of nations, concerns persisted over the fate of the now-stranded Serb minority, concentrated around Mitrovica in the north of the state. In March 2004, an anti-Serb pogrom in Kosovo had killed nineteen people and destroyed hundreds of Serb homes. Human Rights Watch criticized international forces for doing little to prevent or stop the violence: "In many cases, minorities under attack were left entirely unprotected and at the mercy of the rioters. . . . In too many cases, NATO peacekeepers locked the gates to their bases and watched as Serb homes burned."[56] How future such outbreaks would be quelled, with NATO peacekeepers even less inclined to intervene, was uncertain, and in late 2009 there were rumors that a territorial exchange was being discussed to allow

Serb-dominated areas to join the independent Republic of Serbia, with Kosovo compensated by another slice or slices of Serbian territory. Such an arrangement would likely require a revenue-sharing agreement or other compensation to Serbia for the loss of access to Kosovo's rich mineral deposits in the Serb-dominated zone. But it perhaps offered the best possibility of reconciling Serbia to the *fait accompli* of Kosovo's independence, ensuring a stable peace, and preserving the security of the Serb minority.

FURTHER STUDY

Fred Abrahams, Gilles Peress, and Eric Stover, *A Village Destroyed, May 14, 1999: War Crimes in Kosovo*. Berkeley, CA: University of California Press, 2001. Vivid photographic record and text.

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Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War* (3rd rev. edn). London: Penguin, 1996. Solid journalistic overview, best read alongside Silber and Little (see below).

Helsinki Watch, *War Crimes in Bosnia-Hercegovina, Vol. 2*. New York: Human Rights Watch, 1993. Detailed investigation of atrocities in the first phases of the Bosnian war.

Michael Ignatieff, *Virtual War: Kosovo and Beyond*. New York: Viking, 2000. Examines Kosovo in the context of modern media and military technologies.

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Robert D. Kaplan, *Balkan Ghosts: A Journey Through History*. New York: St. Martin's Press, 1993. Clichéd but influential survey of recent Balkan history.

Ivana Macek, *Sarajevo Under Siege: Anthropology in Wartime*. Philadelphia, PA: University of Pennsylvania Press, 2009. Anthropological study of life during the three-year siege of Bosnia's cosmopolitan capital.

Organization for Security and Cooperation in Europe (OSCE), *Kosovo/Kosova: As Seen, As Told*. Available at http://www.osce.org/item/17755.html. Detailed report on atrocities in Kosovo.

David Rohde, *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre Since World War II*. Boulder, CO: Westview Press, 1998. Heart-stopping account of the 1995 catastrophe.

Michael P. Scharf and William A. Schabas, *Slobodan Milosevic on Trial: A Companion*. New York: Continuum, 2002. Background to, and evaluation of, the case against the former Serbian dictator.

Louis Sell, *Slobodan Milosevic and the Destruction of Yugoslavia*. Durham, NC: Duke University Press, 2002. Incisive study of Milosevic's rise and fall.

Laura Silber and Allan Little, *The Death of Yugoslavia* (rev. edn). London: BBC Books, 1996. The best overview of the breakup of Yugoslavia.

Chuck Sudetic, *Blood and Vengeance: One Family's Story of the War in Bosnia*. London: Penguin, 1998. Intimate portrait of Bosnia in upheaval.

Ed Vulliamy, *Seasons in Hell: Understanding Bosnia's War*. New York: St. Martin's Press, 1994. Pulitizer Prize-winning reportage from the war zone.

NOTES

1   See Stevan K. Pavlowitch, *Hitler's New Disorder: The Second World War in Yugoslavia* (London: Hurst Publishers Ltd., 2008).

2   Misha Glenny, *The Fall of Yugoslavia* (3rd rev. edn) (London: Penguin, 1996), p. 86.

3   Of Milosevic, Louis Sell wrote, "Nationalism for him was just a tool. Milosevic dropped nationalism just as quickly when it became inconvenient to his efforts to cultivate the image of a peacemaker." Louis Sell, *Slobodan Milosevic and the Destruction of Yugoslavia* (Durham, NC: Duke University Press, 2002), p. 170. For insights into the roots of Serb nationalism, see Branimir Anzulovic, *Heavenly Serbia: From Myth to Genocide* (New York: New York University Press, 1999).

4   On the early deployment of the rhetoric of "genocide" in the Balkan wars, see Bette Denich, "Dismembering Yugoslavia: Nationalist Ideologies and the Symbolic Revival of Genocide," *American Ethnologist*, 21 (1994), pp. 367–90. In 1986, a declaration by the Serbian Academy of Sciences and Arts referred to "the physical, political, legal, and cultural genocide of the Serbian population of Kosovo" (quoted in Peter Ronayne, "Genocide in Kosovo," *Human Rights Review*, 5: 4 [July 2004], p. 59). Kosovo was additionally significant to Serbs as the site of "the Serbian Golgotha," a famous 1389 battle with the Ottoman armies that Serbs viewed as a heroic defeat, though most historians regard its outcome as inconclusive. See Michael Sells, "Kosovo Mythology and the Bosnian Genocide," ch. 8 in Omer Bartov and Phyllis Mack, eds, *In God's Name: Genocide and Religion in the Twentieth Century* (New York: Berghahn Books, 2001), pp. 180–205.

5   Laura Silber and Allan Little, *The Death of Yugoslavia* (rev. edn) (London: BBC Books, 1996), p. 37.

6   Glenny, *The Fall of Yugoslavia*, pp. 46, 67.

7   Sell, *Slobodan Milosevic*, p. 83.

8   Quoted in the film by Tone Bringa, *We Are All Neighbours*, cited in Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia University Press, 2007), p. 144.

9   Daniel Jonah Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Basic Books, 2009), p. 142.

10 "Though Sarajevo grabbed the headlines, it was clear from the first day of the war that eastern Bosnia, with its hydroelectric dams, highways, and Muslim-majority population, was the key to the Serb leaders' plans to partition Bosnia." Chuck Sudetic, *Blood and Vengeance: One Family's Story of the War in Bosnia* (London: Penguin, 1998), p. 100. Silber and Little also note that "during the summer months of 1992 . . . the world's media concentrated almost exclusively on the siege and bombardment of [Sarajevo], even though much more decisive battles and campaigns were being waged elsewhere. . . . [This] suited Serb leaders very well." Silber and Little, *The Death of Yugoslavia*, p. 253.

11 Aside from the thousands of human casualties, the Muslim–Croat conflict claimed the famous bridge at Mostar, which mirrored Sarajevo with its Catholic, Greek Orthodox, and Muslim populations. The bridge was completely destroyed by Croatian shelling, rebuilt with international assistance, and reopened in 2004.

12 Cited in James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (Oxford: Oxford University Press, 2002), p. 262.

13 Among the reporters was Ed Vulliamy, who has given a detailed description of the camps and their discovery in his book *Seasons in Hell* (New York: St. Martin's Press, 1994).

14 David Hirsh, *Law against Genocide: Cosmopolitan Trials* (London: Glasshouse Press, 2003), pp. 66–67.

15 Marshall quoted in Silber and Little, *The Death of Yugoslavia*, p. 250.

16 Silber and Little, *The Death of Yugoslavia*, p. 245.

17 Mark Danner, "Endgame in Kosovo," *The New York Review of Books*, May 6, 1999, p. 8.

18 Helsinki Watch, *War Crimes in Bosnia-Hercegovina*, Vol. 2 (New York: Human Rights Watch, 1993), pp. 82–83.

19 International Committee of the Red Cross, "The Impact of Armed Conflict on Women," March 6, 2001, available at http://www.reliefweb.int/library/documents/2001/icrc-women-17oct.pdf.

20 Slavenka Draculic, "Rape After Rape After Rape," *The New York Times*, December 13, 1992.

21 For example, the most bestial of the camps, Omarska, held some 2,000 men and 33 to 38 women (Helsinki Watch, *War Crimes in Bosnia-Hercegovina*, p. 87).

22 Perez de Cuellar quoted in Glenny, *The Fall of Yugoslavia*, p. 164.

23 Quoted in Sell, *Slobodan Milosevic*, p. 234.

24 The raids were accompanied by "a horde of Muslim refugees, men and women, young and old, who were driven by hunger and, in many cases, a thirst for revenge. Thousands strong, these people would lurk behind the first wave of attacking soldiers and run amok when the defenses around Serb villages collapsed. Some of the refugees used pistols to do the killing; others used knives, bats, and hatchets. But most of them had nothing but their bare hands and the empty rucksacks and suitcases they strapped onto their backs. They came to be known as *torbari*, the bag people. And they were beyond [Naser] Oric's control." Sudetic, *Blood and Vengeance*, p. 157.

25 See David Rohde, *Endgame: The Betrayal and Fall of Srebrenica, Europe's Worst Massacre since World War II* (New York: Farrar, Straus and Giroux, 1997).

26 Quoted in Mark Danner, "The Killing Fields of Bosnia," *The New York Review of Books*, September 24, 1998 (citing reporting by Roy Gutman of *Newsday*).

27 Avdic's testimony is recounted in Jan Willem Honig and Norbert Both, *Srebrenica: Record of a War Crime* (London: Penguin, 1996), p. 62.

28 Sell, *Slobodan Milosevic*, p. 215.

29 See Mark Danner, "Operation Storm," *The New York Review of Books*, October 22, 1998.

30 Glenny, *The Fall of Yugoslavia*, p. 284.

31 Quoted in Benjamin Lieberman, *Terrible Fate: Ethnic Cleansing in the Making of Modern Europe* (Chicago, IL: Ivan R. Dee, 2006), p. 322.

32 Tudjman quoted in "Stormy Memories," *The Economist*, July 30, 2005.

33 Stated one European diplomat: "Until now at least the international community has been united in its condemnation of ethnic cleansing. Now it seems one of its members is openly supporting the mass movement of population by the most terrible force." Quoted in Glenny, *The Fall of Yugoslavia*, p. 285.

34 Robert M. Hayden, "Mass Killings and Images of Genocide in Bosnia, 1941–5 and 1992–5," in Dan Stone, ed., *The Historiography of Genocide* (London: Palgrave Macmillan, 2008), p. 487.

35 Sell, *Slobodan Milosevic*, p. 93.

36 Danner, "Endgame in Kosovo," p. 11.

37 Sell, *Slobodan Milosevic*, p. 269.

38 This is a common theme of the literature cited in Chapter 16, n. 30.

39 Sell, *Slobodan Milosevic*, p. 304.

40 Nicholas Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), p. 269.

41 Sebastian Junger, "The Forensics of War," in Junger, *Fire* (New York: W.W. Norton, 2001), p. 158. Another reporter estimates that 500 men were killed in the Meja massacre: see Joshua Hammer, "On the Trail of Hard Truth," *Newsweek*, July 9, 2000.

42 The debate over the alleged "exaggeration" of Kosovar Albanian deaths was spirited after the war, and reflects, in Samantha Power's estimation, "the inescapable difficulty of accurately gauging the scale of atrocities while they are being committed." Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2002), p. 467. Power notes that the ICTY "has received reports that some 11,334 Albanians are buried in 529 sites in Kosovo alone"; moreover, "In 2001 some 427 dead Albanians from Kosovo were exhumed in five mass graves that had been hidden in Serbia proper. An additional three mass grave sites, containing more than 1,000 bodies, were found in a Belgrade suburb and awaited exhumation. Each of the newly discovered sites lies near Yugoslav army or police barracks" (pp. 471–72). For a critique of attempts to downplay genocide in Kosovo, mostly by my colleagues on the Left, see Adam Jones, "Kosovo: Orders of Magnitude," *IDEA: A Journal of Social Issues*, 5: 1 (July 2000), available at http://www.ideajournal.com/articles.php ?id=24.

43 Figures on dead and displaced from Rory Keane, *Reconstituting Sovereignty: Post-Dayton Bosnia Uncovered* (Burlington, VT: Ashgate, 2002), p. 69.

44 Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention* (London: Hurst & Co., 2002), pp. 22, 34.

45 David Chandler, *Bosnia: Faking Democracy after Dayton* (2nd edn) (London: Pluto Press, 1999), p. 43.

46 Bose, *Bosnia after Dayton*, p. 6.

47 Ian Traynor, "Croatia Builds Goodwill in Serb Villages," *The Guardian*, June 19, 2004.

48 Genocide was "curiously absent" from the charge-sheet for Milosevic's actions in Kosovo, "despite the fact that the arc of crime and atrocity in Kosovo seems to fit the Convention's legal definition quite neatly." Ronayne, "Genocide in Kosovo," p. 66.

49 "Ex-Kosovo PM Pleads Not Guilty to War Crimes," Reuters dispatch, March 14, 2005.

50 Hayden, "Mass Killings," p. 506.

51 Valery Perry, "A Survey of Reconciliation Processes in Bosnia and Herzegovina: The Gap between People and Politics," in Joanna R. Quinn, ed., *Reconciliation(s): Transitional Justice in Postconflict Societies* (Montreal, QC: McGill-Queen's University Press, 2009), pp. 226–28.

52 Nicole Itano, "Meet the Students at an Integrated Bosnian High School," *Global Post*, October 15, 2009, http://www.globalpost.com/dispatch/europe/091014/mostar-bosnia-high-school. I was a scholarship student at the United World College of South-East Asia in Singapore from 1979 to 1981, and credit it with much of the international consciousness I've displayed since. Readers of the relevant age range are strongly encouraged to apply (www.uwc.org).

53 "Bosnian Muslims and Croats Clash after Euro Match," Reuters dispatch, June 21, 2008. Nor were such clashes a new phenomenon. In 1998, after Croatia emerged as surprise victors in the quarter finals of the World Cup, a 25-year-old Muslim woman was killed, allegedly "by a stray bullet." Perhaps as a consequence, Mostar's Muslims did not miss a chance to retaliate against Croats, even when they had no direct investment in the results. A previous outbreak of interethnic rioting in Mostar, in 2006, erupted when "the town's Muslims supported *Brazil* in a World Cup match that saw the Croats lose 1–0" (emphasis added).

54 Nicholas Kulish, "Train Line Across the Balkans Restitches a Region," *The New York Times*, January 10, 2010, http://www.nytimes.com/2010/01/11/world/europe/11train.html.

55 See Dan Bilefsky, "Kosovo Declares Its Independence from Serbia," *The New York Times*, February 18, 2007, http://www.nytimes.com/2008/02/18/world/europe/18kosovo.html.

56 "UN and NATO Slammed over Kosovo," *BBC Online*, July 26, 2004, http://news.bbc.co.uk/2/hi/europe/3928153.stm.

BOX 8A   GENOCIDE IN BANGLADESH, 1971

By some estimates, the mass killings in Bangladesh – at the time, East Pakistan – are on a par with the twentieth century's most destructive genocides. At least one million Bengalis, perhaps as many as three million,[1] were massacred by the security forces of West Pakistan, assisted by local allies. Yet the genocide remains almost unknown in the West. Only recently has its prominence increased slightly, as a result of a handful of educational and memorialization projects.[2]

Although it preceded events in the Balkans by two decades, the Bangladeshi genocide is usefully placed alongside the Bosnia and Kosovo case study. Both conflicts had at their core a militarized security threat; a crisis surrounding secession of federal units; and ethnic conflict. On a strategic and tactical level, both genocides featured strong elements of "eliticide" (destruction of the socioeconomic and intellectual elites of a target group – see p. 26), as well as the gendercidal targeting of adult and adolescent males (see Chapter 13).

The federation of East and West Pakistan was forged in the crucible of Indian independence in 1947–48. Most of India had been under British rule for two centuries. As independence loomed after the Second World War, two distinct political projects arose. One, associated with the century's leading proponent of non-violence, Mohandas (Mahatma) Gandhi, sought to keep India whole and prevent division along religious and ethnic lines. However, strong Hindu and Muslim nationalist movements, along with the departing British, pressed for the creation of two states – one Hindu-dominated (India), the other Muslim-dominated (Pakistan). This project triumphed, but not without cataclysmic violence. The partition of India in 1947 witnessed one of the greatest movements of peoples in modern times, as millions of Muslims fled India for Pakistan, and millions of Hindus moved in the other direction. Hundreds of thousands of people, perhaps over a million, were slaughtered on both sides.[3]

Not the least of Pakistan's post-independence difficulties was its division into two wings, separated by 1,200 miles of Indian territory and an ethnolinguistic gulf. West Pakistan, home to some 55 million people in 1971, was predominantly Urdu-speaking. The Bengali speakers of East Pakistan occupied only one-third of total Pakistani territory, but were the demographic majority – some 75 million people. Most were Muslim, but there was also a large Bengali Hindu minority (the Biharis) that was especially targeted during the genocide. Even Bengali Muslims were viewed as second-class citizens by the inhabitants of wealthier West Pakistan. Pakistani Lieutenant-General A.A.K. Niazi referred to the Ganges river plain – home to the majority of Bengalis and the largest city, Dhaka – as a "low-lying land of low, lying people." According to R.J. Rummel, "Bengalis were often compared with monkeys and chickens. . . . The [minority] Hindus among the Bengalis were as Jews to the Nazis: scum and vermin that [had] best be exterminated."[4]

Reacting to West Pakistan's persistent discrimination and economic exploitation,[5] a strong autonomy movement arose in the east, centered on the

Awami League of Sheikh Mujibur Rahman. The spark for the conflagration came in December 1970, with national elections held to pave the way for a transition from military rule. The Awami League won a crushing victory – 167 out of East Pakistan's 169 parliamentary seats. This gave the League a majority in the Pakistani parliament as a whole, and the right to form the next government. West Pakistani rulers, led by General Yahya Khan, saw this as a direct threat to their power and interests. After negotiations failed to resolve the impasse, Khan met with four senior generals on February 22, 1971, and issued orders to annihilate the Awami League and its popular base. From the outset, they planned a campaign of genocide. "Kill three million [Bengalis]," said Khan, "and the rest will eat out of our hands."[6]

On March 25, the genocide was launched. In an attempt to decapitate East Pakistan's political and intellectual leadership, Dhaka University – a center of nationalist agitation – was attacked. Hundreds of students were killed in what was dubbed "Operation Searchlight." Working from prepared lists, death squads roamed the streets. Perhaps 7,000 people died in a single night, 30,000 over

the course of a week. The terror sparked an epic flight: "it was estimated that in April some thirty million people [!] were wandering helplessly across East Pakistan to escape the grasp of the military."[7] The 10–12 million-strong Hindu community of East Pakistan was also targeted *en bloc*; Hindus comprised most of the 10 million people who fled to India as refugees. This spurred increasing calls for Indian military intervention, which would have the added advantage – from India's perspective – of dismembering Pakistan. (The countries had already fought two full-scale wars by 1971; they were, and remain, poised for another one.) The surviving Awami League leadership moved quickly to declare a fully independent Bangladesh, and to organize a guerrilla resistance.

With the opening eliticide accomplished, the West Pakistani leadership moved to eradicate the nationalist base. As the election results suggested, this comprised the vast majority of Bengalis. Genocidal killing, however, followed a gendercidal pattern, with all males beyond childhood viewed as actual or potential guerrilla fighters. To produce the desired number of corpses, the West Pakistanis set up "extermination camps"[8] and launched a wave of gender-selective killing:

> The place of execution was the river edge [here, the Buriganga River outside Dhaka], or the shallows near the shore, and the bodies were disposed of by

Figure 8A.1   Bengali victims of genocide by Pakistani forces in Dhaka, 1971, most with their hands bound before execution.

Source: Articlesbase.com.

the simple means of permitting them to flow downstream. The killing took place night after night. Usually the prisoners were roped together and made to wade out into the river. They were in batches of six or eight, and in the light of a powerful electric arc lamp, they were easy targets, black against the silvery water. The executioners stood on the pier, shooting down at the compact bunches of prisoners wading in the water. There were screams in the hot night air, and then silence. The prisoners fell on their sides and their bodies lapped against the shore. Then a new bunch of prisoners was brought out, and the process was repeated. In the morning the village boatmen hauled the bodies into midstream and the ropes binding the bodies were cut so that each body drifted separately downstream.[9]

The West Pakistani campaign extended to mass rape, aimed at "dishonoring" Bengali women and undermining Bengali society. Between 200,000 and 400,000 women were attacked. "Girls of eight and grandmothers of seventy-five had been sexually assaulted," wrote feminist author Susan Brownmiller in her book, *Against Our Will: Men, Women and Rape*.[10] An unknown number of women were gang-raped to death, or executed after repeated violations.

The slaughter and other atrocities were ended by one of the rare instances of successful outside intervention in genocide.[11] Indian troops invaded in December 1971, vanquishing West Pakistani forces in a couple of weeks. The independence of Bangladesh was sealed, though at a staggering human cost.

In the blood-letting following the expulsion of the West Pakistani army, perhaps 150,000 people were murdered by independence forces and local vigilantes. Biharis who had collaborated with West Pakistani authorities were dealt with especially harshly.[12] Themes of the post-genocide era include the continued suffering and social marginalization of hundreds of thousands of Bengali rape victims, and the enduring impunity of the *génocidaires*. None of the leaders of the genocide has ever been brought to trial; they remain comfortably ensconced in Pakistan (the former West Pakistan) and other countries. In recent years, activists have worked to bring those leaders before an international tribunal, so far without success.

FURTHER STUDY

Rounaq Jahan, "Genocide in Bangladesh," in Samuel Totten *et al.*, eds, *Century of Genocide: Eyewitness Accounts and Critical Views*. New York: Garland Publishing, 1997. A rare treatment in the genocide-studies literature.

Anthony Mascarenhas, *The Rape of Bangla Desh*. Delhi: Vikas Publications, 1971. A decent enough overview; one takes what one can get in English on this little-studied subject.

Robert Payne, *Massacre*. London: Macmillan, 1973. Journalistic account of the genocide.

Richard Sisson and Leo Rose, *War and Secession: Pakistan, India, and the Creation of Bangladesh*. Berkeley, CA: University of California Press, 1990. Focuses on policy-making by leaders during the crisis.

NOTES

1 R.J. Rummel observes: "The human death toll over only 267 days was incredible. Just to give for five out of the eighteen districts some incomplete statistics published in Bangladesh newspapers or by an Inquiry Committee, the Pakistani army killed 100,000 Bengalis in Dacca, 150,000 in Khulna, 75,000 in Jessore, 95,000 in Comilla, and 100,000 in Chittagong. For eighteen districts the total is 1,247,000 killed. This was an incomplete toll, and to this day no one really knows the final toll," which Rummel estimates may have reached 3 million. Rummel, *Death by Government* (New Brunswick, NJ: Transaction Publishers, 1994), p. 331.

2 See in particular the Liberation War Museum Online at http://www.liberation warmuseum.org.

3 On partition, see Paul R. Brass, "The Partition of India and Retributive Genocide in the Punjab, 1946–47: Means, Methods, and Purposes," *Journal of Genocide Research*, 5: 1 (March 2003), pp. 71–101; Urvashi Butalia, *The Other Side of Silence: Voices from the Partition of India* (Durham, NC: Duke University Press, 2000); Yasmin Khan, *The Great Partition: The Making of India and Pakistan* (New Delhi: Penguin Books India, 2007).

4 Rummel, *Death by Government*, p. 335.

5 "The Bangladesh nationalist movement was also fueled by a sense of economic exploitation. Though jute, the major export earning commodity, was produced in Bengal, most of the economic investments took place in Pakistan. A systematic transfer of resources took place from East to West Pakistan creating a growing economic disparity and a feeling among the Bengalis that they were being treated as a colony by Pakistan." Rounaq Jahan, "Genocide in Bangladesh," ch. 10 in Samuel Totten *et al.*, eds, *Century of Genocide: Eyewitness Accounts and Critical Views* (New York: Garland Publishing, 1997), p. 292.

6 Quoted in Robert Payne, *Massacre* (London: Macmillan, 1973), p. 50.

7 Payne, *Massacre*, p. 48.

8 Leo Kuper, *The Prevention of Genocide* (New Haven, CT: Yale University Press, 1985), p. 47.

9 Payne, *Massacre*, p. 55. For more on the gendercidal character of the large majority of killings during the genocide, see Adam Jones/Gendercide Watch, "Case Study: Genocide in Bangladesh, 1971," http://www.gendercide.org/case_bangladesh. html, from which Box 8a is adapted.

10 Susan Brownmiller, *Against Our Will: Men, Women and Rape* (New York: Bantam, 1975), p. 83.

11 For a concise overview of the Indian intervention, see Nicholas J. Wheeler, "India as Rescuer? Order versus Justice in the Bangladesh War of 1971," ch. 2 in Wheeler, *Saving Strangers: Humanitarian Intervention in International Society* (Oxford: Oxford University Press, 2000), pp. 55–77. For a discussion of the role of the United States and then-secretary of state Henry Kissinger, see Suhail Islam and Syed Hassan, "The Wretched of the Nations: The West's Role in Human Rights Violations in the Bangladesh War of Independence," in Adam Jones, ed., *Genocide, War Crimes and the West: History and Complicity* (London: Zed Books, 2004), pp. 201–13.

12 During the genocide, Urdu-speaking Biharis in East Pakistan "joined the West Pakistanis in killing the Bengalis." This exposed them to retaliation from "Awami League supporters [who] also engaged in killing the West Pakistanis and Biharis in East Pakistan. A White Paper issued by the Pakistani government shows that the Awami League had massacred at least 30,000 Biharis and West Pakistanis," atrocious behavior that nonetheless does not match the systematic slaughter of Bengalis by the West Pakistanis and their Bihari allies. See Wardatul Akman, "Atrocities against Humanity during the Liberation War in Bangladesh: A Case of Genocide," *Journal of Genocide Research*, 4: 4 (2002), p. 549; also "The Right to Self Determination: The Secession of Bangladesh," ch. 4 in Kuper, *The Prevention of Genocide*, pp. 44–61.

Apocalypse in Rwanda

INTRODUCTION: HORROR AND SHAME

The genocide that consumed the tiny Central African country of Rwanda from April to July 1994 was in some ways without precedent. The international law specialist John Quigley has called it "probably the most concentrated mass killing ever seen,"[1] and this in no way exhausts the holocaust's extraordinary and even unique aspects. In just twelve weeks, approximately one million people – overwhelmingly Tutsis, but also tens of thousands of Hutus opposed to the genocidal government – were murdered, primarily by machetes, clubs, and small arms. About 80 percent of victims died in a "hurricane of death . . . between the second week of April and the third week of May," noted Gérard Prunier. "If we consider that probably around 800,000 people were slaughtered during that short period . . . the daily killing rate was at least five times that of the Nazi death camps."[2]

While debate has raged over the extent of the complicity of "ordinary Germans" in the genocide against the Jews and others, the German killers were in uniform, and strict measures were taken to ensure that the civilian population did not witness the mass slaughter. In Rwanda, by contrast, the civilian Hutu population – men, women, and even children – was actively conscripted and comprised the bulk of *génocidaires*: "For the first time in modern history, a state succeeded in transforming the mass of its population into murderers."[3]

Despite noble pledges of "Never Again" following the Jewish Holocaust, the international community stood by while a million defenseless victims died. Numerous warnings of impending genocide were transmitted, and an armed United Nations

"assistance mission" (UNAMIR), under the command of Canadian Major-General Roméo Dallaire, had been in place in the capital, Kigali, since October 1993. In what one UNAMIR officer would later refer to as an "act of total cowardice,"[4] well-armed foreign forces were flown in when the genocide broke out – but only to evacuate whites. In one notorious instance captured on video, at the Caraes Psychiatric Hospital in Ndera, Kigali prefecture, a few sobbing whites were evacuated while rapacious militia cruised just outside the gates, and hundreds of terrified Tutsi refugees begged the foreign troops for protection. "Solve your problems yourselves," shouted one soldier to the crowd, and left with his comrades. The Tutsis were massacred within hours of the troops' departure.[5]

With the expatriates safely removed, the UN Security Council turned its attention to withdrawing UNAMIR forces. A US State Department memorandum of April 14, 1994 instructed the US mission to the UN to "give highest priority to full, orderly withdrawal of all UNAMIR personnel as soon as possible."[6] On April 21, the Council voted to withdraw all but 270 of the 2,500-strong UNAMIR contingent. "In a clearly illegal act," General Dallaire and Brigadier General Henry Kwami Anyidoho, who commanded the Ghanaian contingent of the UN force, managed to defy the Council order and hold on to about 470 peacekeepers. Even these few were enough to save thousands of lives over the course of the genocide.[7]

On May 17, the UN Security Council would finally vote to dispatch 5,500 troops to Rwanda, "but authorizing a higher troop figure is not the same as actually finding the troops' contributors."[8] The troops did not arrive until after the genocide had ended. The United States spent long weeks bickering with the UN over the lease of ancient armored-personnel carriers. They, too, would not arrive until "after the genocide was over and they were stripped of machine guns, radio[s], tools, spare parts and training manuals. General Dallaire described them as tons of rusting metal."[9]

For all the lofty rhetoric of universal human rights, it seemed "Rwanda was simply too remote, too far, too poor, too little, and probably too black to be worthwhile," in the scathing assessment of human rights investigator Alison Des Forges.[10] General Dallaire, for his part, issued a blistering denunciation at the end of his tenure in 1994: "Although Rwanda and UNAMIR have been at the centre of a terrible human tragedy, that is not to say Holocaust, and although many fine words had been pronounced by all, including members of the Security Council, the tangible effort . . . has been totally, completely ineffective."[11]

In *Shake Hands with the Devil*, Dallaire echoed Des Forges' assessment: that the genocide displayed the "indifference, self-interest and racism" of the international community.[12] In March 2004, UN Secretary-General Kofi Annan offered a qualified apology for member states' unwillingness to confront the Rwandan catastrophe. "The international community failed Rwanda, and that must leave us always with a sense of bitter regret and abiding sorrow." Ten years after the slaughter, Annan asked: "Are we confident that, confronted by a new Rwanda today, we can respond effectively, in good time?" His response was sobering: "We can by no means be certain we would."[13]

BACKGROUND TO GENOCIDE

Understanding the human catastrophe that consumed Rwanda in 1994 requires attention to a host of complex factors. They include:

*   the colonial and post-colonial history of the country, notably the politicization of Hutu and Tutsi ethnicities under Belgian rule and into the independence era that began in 1959;
*   the authoritarian and tightly regulated character of the political system installed by the nation's post-independence rulers, including the second-class political status it assigned to Tutsis, fueling a Tutsi-led rebel movement based in Uganda;
*   the role of outside actors, especially France, in financing and fueling Hutu extremism;
*   the pervasive economic crisis in Rwanda, one of the world's poorest and most densely populated countries;
*   the international factors that inhibited and occasionally encouraged humanitarian interventions in the first half of the 1990s.

As with the Balkan genocide (Chapter 8), foreign observers tended to view the Rwandan conflict as an expression of "ancient tribal hatreds." Until the twentieth century, however, "Hutus" and "Tutsis" did not constitute separate nations. It is hard even to describe them as distinct ethnicities, since they share the same language, territory, and religion. Rather, the two groups in the pre-colonial period may be viewed as *social castes*, based on material wealth. Broadly speaking, Tutsis were those who owned cattle; Hutus tilled the land and provided labor to the Tutsis. The designations were hardly arbitrary, and they indeed had a basis in physiognomic differences (see below). But they were fluid and permeable, as the Africa specialist Mahmood Mamdani notes: "The rare Hutu who was able to accumulate cattle and rise through the socioeconomic hierarchy could *kwihutura* – shed Hutuness – and achieve the political status of a Tutsi. Conversely, the loss of property could also lead to the loss of status, summed up in the Kinyarwanda word *gucupira*." These processes were "of little significance statistically," but "their social and political significance cannot be overstated."[14] Thus, "although Rwanda was definitely not a land of peace and bucolic harmony before the arrival of the Europeans, there is no trace in its precolonial history of systematic violence between Tutsi and Hutu as such."[15]

From its beginnings around the seventeenth century, the political organization of Rwandan society featured "centralised forms of political authority and . . . a high degree of social control," reflecting "the fact that the land is small, the population density is (and has always been) high and social interactions are constant, intense and value-laden."[16] This authoritarianism reached its apogee under the rule of Mwami Kigeri Rwabugiri (1860–1895), at which point traditional obligations of *corvée* labor came to be imposed on Hutus alone, "thereby polarizing the social difference between Hutu and Tutsi."[17]

In 1894, Germany established indirect suzerainty over Rwanda, coopting and taking over the pyramidal structure of political rule. The Germans gave way, after

their defeat in the First World War, to Belgian colonial administration. The Belgians were the first to rigidly codify Hutu and Tutsi designations. In the divide-and-rule tradition, Tutsis became colonial favorites and protégés.[18] In part, this reflected the Tutsis' minority status – it is often easier for colonizers to secure the allegiance of a minority, which recognizes that its survival may depend on bonds with the imperial authority (see Chapter 12). It also derived from an egregious nineteenth-century contribution of the nascent discipline of anthropology. Early explorers of Central Africa, notably the Englishman John Hanning Speke, propounded the "Hamitic hypothesis." This depicted the Hutus as offspring of Ham, the black son of Noah, cursed by God and destined forever to serve as "hewers of wood and drawers of water"; and, by noble contrast, the Tutsi caste, descended from the Nilotic civilization of classical Egypt. As was typical of imperial racial theorizing, the mark of civilization was grafted on to physiognomic difference, with the generally taller, supposedly more refined Tutsis destined to rule, and shorter, allegedly less refined Hutus to serve.[19]

Under Belgian rule and afterwards, both Tutsis and Hutus were indoctrinated with this Hamitic hypothesis. It served both to justify Tutsi overlordship under the Belgian

Map 9.1   Rwanda

Source: Map provided by WorldAtlas.com.

colonial power, and resentment and vengefulness among Hutu,[20] which would erupt first in the massacres of 1959–60 and culminate, in 1994, in full-scale genocide. In 1994, taller Hutus died at roadblocks because they were assumed to be Tutsis, whatever their identity cards said. And the corpses of thousands of Tutsi victims were dumped into the Nyabarongo river, which flowed into Lake Victoria, the source of the Nile – thus symbolically dispatching Tutsis back to their "Nilotic" origins (see Chapter 12 for more on the symbolic dimension of the Rwandan genocide).[21]

It was under the Belgians, too, that a new, racially segregated state, church, and education system was constructed. Tutsis were assigned a dominant role in each.[22] The symbol of the newly bureaucratized system was the distribution of identity cards defining every Rwandan as either Hutu, Tutsi, or Twa – the last of these a Pygmy ethnicity, constituting around 2 percent of the population. The institution of these identity cards was perpetuated by the post-colonial government, and in 1994 proved a key genocidal facilitator. At the thousands of roadblocks established across the country, carrying a Tutsi identity card meant a death sentence.

After the Second World War, with anti-colonial national liberation movements in ascendance, Belgian authorities performed a dramatic about-face. Pro-independence movements were springing up throughout the colonized world, and in Rwanda the Tutsis, having benefited from their positions of dominance in education and the state bureaucracy, moved to the forefront of the various anti-colonial initiatives. The Belgians, perceiving the threat – and perhaps also influenced by the democratizing tendency unleashed by the Second World War – switched their favor to the less-educated, less-threatening Hutu majority. This unleashed pent-up Hutu frustrations, and led to the first proto-genocidal massacres of Tutsis, claiming several thousand victims. Tens of thousands of Tutsis fled to neighboring Zaire, Tanzania, and especially Uganda, where the exiles formed an armed rebel movement and launched attacks into Rwanda.

Throughout the 1960s, remaining Rwandan Tutsis established a *modus vivendi* with the new Hutu-dominated order. Although almost totally frozen out of formal political power, they were not systematically expelled from other institutional spheres, such as schools and the Catholic Church; and under the rule of Hutu dictator Juvénal Habyarimana, who seized the presidency in a 1973 coup, their conditions improved.

But trouble was brewing just beneath the surface. Although Habyarimana projected a liberal image to attract foreign aid, his regime was dominated by the *akazu*, or "little house": "a tightly knit mafia" of Hutus from the north of Rwanda that coalesced around the figure of Habyarimana's wife, Agathe.[23] It was the *akazu* that, operating as "the 'invisible government' of Rwanda during Habyarimana's reign,"[24] gradually increased ethnic hatred against the Tutsis, encouraging a climate of fear and panic to forestall demands for democracy.

In 1987, Rwandan exiles in Uganda formed the Rwandan Patriotic Front, and in 1990 the RPF launched a military invasion of Rwanda.[25] This offensive had three crucial results. First, it brought immediate outside assistance to prop up the Habyarimana regime – from France, a country that had constructed its post-colonial role in Africa around support for *La Francophonie*, the network of French-speaking countries that Paris viewed as a bulwark against the "Anglo" influence typified by Uganda. French forces succeeded in stalling the RPF invasion, and they remained

to train and advise the Hutu military and militias that would implement the 1994 genocide. Second, military conflict exacerbated the economic crisis in Rwanda. "Fragile at the start, the Rwandan economy . . . crumbled under the burden of the costs of war," wrote Alison Des Forges. "Living conditions worsened dramatically as per capita income that stood at US $320 in 1989 (nineteenth poorest in the world) fell to US $200 in 1993."[26] Third, the invasion, with its abuses and atrocities against Hutu civilians, contributed to a growing climate of fear among ordinary Hutus, already deeply anxious after genocidal massacres of Hutus in next-door Burundi by the Tutsi-dominated armed forces there.[27]

Invasion from without; economic crisis; growing domestic and international support for extremists – it is hard to imagine more propitious circumstances for genocide. Between 1990 and 1993, "a series of minipogroms against Tutsi [took place] in different parts of the country," which in retrospect appear to be "rehearsals for the conflagration of 1994."[28] Perhaps 2,000 people were murdered. A UN Special Rapporteur, Bacre Waly Ndiaye, visited Rwanda in April 1993 and "decided that the word genocide was appropriate and that the Convention on the Prevention and Punishment of the Crime of Genocide of 1948 was applicable" to these killings. His superiors in Geneva warned him to avoid the term, but he used it nonetheless in his report, which was quickly buried ("Ndiaye said later that he might just as well have put the report in a bottle and thrown it into the sea").[29]

Exterminationist propaganda against Tutsis became commonplace in Rwanda. As early as December 1990, the infamous "Hutu Ten Commandments" were issued by the Hutu extremist paper *Kangura*; "The Hutu must be firm and vigilant against their common Tutsi enemy," read one of the commandments. In August 1993, the radio station RTLM (Radio-Télévision Libre des Mille Collines) began broadcasting, with funding from the Christian Democratic International.[30] RTLM transformed the staid Rwandan media, and fueled a hysterical fear of the threat posed by RPF forces and their "fifth column" inside Rwanda – the Tutsi minority, designated by RTLM as *inyenzi*, or "cockroaches." "The cruelty of the *inyenzi* is incurable," declared one broadcast; "the[ir] cruelty . . . can only be cured by their total extermination."[31]

Propaganda and militia killings reached a peak precisely when the Habyarimana regime was being pressured to respect its 1990 pledge to implement multiparty democracy and seek peace with the RPF. The Arusha Peace Accords of August 1993 guaranteed free elections in less than two years, to include the RPF, which had been allowed to install several hundred troops in Kigali. Some 2,500 foreign peacekeepers arrived to constitute the United Nations Assistance Mission for Rwanda (UNAMIR); their task was to monitor the ceasefire and the prelude to elections.

The Arusha Accords and the UNAMIR intervention proved to be the last straw for "Hutu Power" extremists. Genocide against the Tutsi minority would simultaneously eliminate the perceived constituency for the RPF; resolve the economic crisis through distribution of Tutsi land, wealth, and jobs; and bind the Hutu majority in genocidal complicity. The extremists imported hundreds of thousands of machetes in 1993–94; this weapon would become the symbol of the Rwanda genocide.

◼ GENOCIDAL FRENZY[32]

At 8:30 p.m. on April 6, 1994, the plane carrying President Habyarimana back from talks in Tanzania was shot down as it neared Kigali airport – by either Hutu Power or RPF elements anxious to scuttle the Arusha peace process.[33] By 9:18, the Presidential Guard had begun to erect roadblocks around Kigali.

The following day, working from carefully prepared lists, soldiers and militias began murdering thousands of Tutsis and oppositionist Hutus. Crucially, ten Belgian peacekeepers protecting the moderate Prime Minister, Agathe Uwimiliyana, were seized, tortured, and murdered, along with Uwimiliyana herself. The murders prompted Belgium to withdraw its remaining forces from Rwanda. Over the heated protests of UNAMIR commander Dallaire, other countries followed suit. In the end, Dallaire would be left with "454 [peacekeepers] of all ranks, along with [one] dozen UN civilians" to stop perhaps the most explosive genocide in recorded history.[34] Foreign journalists also departed *en bloc*.

From the start, the extremist government capitalized on several factors that they appear to have known would limit outside opposition to the genocide. First, they played upon stereotypes of African "tribal conflict," depicting the killings as reciprocal excesses. Second, they seem to have realized that killing some foreign troops would scare away the remainder, with memories still fresh of the 1993 Battle of Mogadishu, when two dozen Pakistani troops and eighteen US Rangers died at the hands of Somali militias.[35] Third, the extremists benefited from the "blind commitment" of the French government to its Rwandan counterpart: "the Rwandese leadership kept believing that *no matter what it did*, French support would always be forthcoming. And it had no valid reasons for believing otherwise."[36] Lastly, the "Hutu Power" regime exploited the limited energy and resources of international media and public opinion where Africa was concerned, and the fact that media attention was over-whelmingly directed toward the inaugural free elections in South Africa.

Army and militia forces went street to street, block by block, and house to house, in Kigali and every other major city save Butare in the south (which resisted the genocidal impetus for two weeks before its prefect was deposed and killed, and replaced by a compliant *génocidaire*). Tutsis were dragged out of homes and hiding places and murdered, often after prolonged torture and rape. At the infamous roadblocks, those carrying Tutsi identity cards – along with some Hutus who were deemed to "look" Tutsi – were shot or hacked to death. Often the killers, whether drunk and willing or conscripted and reluctant, severed the Achilles' tendons of their victims to immobilize them. They would be left for hours in agony, until the murderers mustered the energy to return and finish them off. Numerous accounts exist of Tutsis paying to be killed by rifle bullets, rather than slowly and agonizingly with machetes and hoes.

In what can only be called "an incomprehensible scandal,"[37] the killings took place literally before the eyes of UNAMIR and other foreign forces, whose mandate and orders forbade them to intervene beyond saving white lives. As early as April 9, in the church at Gikondo in Kigali, a slaughter occurred that presaged the strategies to be followed in coming weeks – one that was witnessed by Polish nuns, priests, and UN military observers:

A Presidential Guard officer arrived and told the soldiers not to waste their bullets because the Interahamwe [Hutu Power militia] would soon come with machetes. Then the militia came in, one hundred of them, and threatening the [Polish] priests they began to kill people, slashing with their machetes and clubs, hacking arms, legs, genitals and the faces of the terrified people who tried to protect the children under the pews. Some people were dragged outside the church and attacked in the courtyard. The killing continued for two hours as the whole compound was searched. Only two people are believed to have survived the killing at the church. Not even babies were spared. That day in Gikondo there was a street littered with corpses the length of a kilometre. . . . The killing in Gikondo was done in broad daylight with no attempt to disguise the identity of the killers, who were convinced that there would be no punishment for their actions.[38]

The following day, April 10, the UN established contact with military observers in Gisenyi, the heartland of Hutu extremism, where mass killing had erupted three days earlier. The stunned observers described "total chaos" with "massacres everywhere," leaving tens of thousands of Tutsi corpses.[39] With such reports to hand, and the eyewitness testimony of observers in Gikondo, the UN and the international community were fully aware, within a few days of Habyarimana's death on April 6, that killing of a genocidal nature and on a genocidal scale was occurring in Rwanda. They did nothing to stop it, though there were more than enough troops on hand to suppress the killing in Kigali at the very least – and thousands more arrived in the early days of the genocide, albeit only to evacuate foreigners (and their pets), not to prevent genocidal killings of Tutsis.[40] Indeed, Security Council members – notably France and the US – would wrap themselves in knots during the ensuing weeks to avoid rendering an unambiguous verdict of genocide. "Be Careful," warned an internal memo following a May 1 meeting at the Pentagon. "Legal [department] at State [Department] was worried about this yesterday – Genocide finding could commit US government to actually do something."[41] Most notorious was the painfully awkward response by State Department spokeswoman Christine Shelly to reporters who sought to pin her down on the genocide question (reproduced from the official State Department transcript, mangled syntax included):

> SHELLY: Based on the evidence we have seen from observations on the ground, we have every reason to believe that acts of genocide have occurred in Rwanda.
> REPORTER: What's the difference between "acts of genocide" and "genocide"? . . .
> REPORTER: How many acts of genocide does it take to make genocide?
> SHELLY: Alan, that's just not a question that I'm in a position to answer.
> REPORTER: Well, is it true that you have specific guidance not to use the word "genocide" in isolation but always to preface it with these words "acts of"?
> SHELLY: I have guidance which I try to use as best as I can. There are formulations that we are using that we are trying to be consistent of our use of. I don't have an absolute categorical prescription against something, but I have the definitions. I have phraseology which has been carefully examined and arrived at as

best as we can apply to exactly the situation and the actions which have taken place.. . . [42]

It seems evident, in retrospect, that the *génocidaires* were not only hoping for such a response, but were awaiting it before launching a full-scale slaughter. Linda Melvern's book *Conspiracy to Murder* conveys the sense of suspended animation in the first week of the genocide, while Hutu Power gauged international reactions to the opening wave of killing. When it became clear there would be no outside impediment, murder spread like a virus across the territories under extremist control. By April 23, Roméo Dallaire, on a journey north from the capital, was "pass[ing] over bridges in swamps that had been lifted by the force of the bodies piling up on the struts. We had inched our way through villages of dead humans. . . . We had created paths amongst the dead and half-dead with our hands. And we had thrown up even when there was nothing in our stomachs."[43]

Parish churches, along with schools and similar facilities, were soon piled thigh-high with the shot, hacked, and savaged corpses of the victims.[44] One such massacre,

Figure 9.1   David Blumenkrantz, working in neighboring Uganda at the time of the Rwandan genocide, captured this extraordinary image of victims' corpses pulled from Lake Victoria by Ugandan fishermen. Murdered Tutsis were often dumped into tributaries of the lake, which is the source of the Nile river. As explored by the anthropologist Christopher Taylor (see Chapter 11, p. 436), this was a means of symbolically expunging the Tutsis from Rwanda, and returning them to their supposedly foreign, "Nilotic" origins.

Source: Courtesy David Blumenkrantz.

in fact, may stand as the most concentrated ground-level slaughter of the twentieth century (by which I mean a mass killing inflicted in hours or days rather than months or years, and by means other than aerial bombing). On April 20, at the parish of Karama in Butare prefecture, "between thirty-five and forty-three thousand people died *in less than six hours*."[45] This was more than were killed in the Nazis' two-day slaughters of Jews outside Odessa and Kiev (at Babi Yar) in 1941, or in the largest single-day extermination spree in the gas chambers of Auschwitz-Birkenau.[46]

Tens of thousands of Tutsis sought sanctuary in schools, stadiums, and especially places of worship. But there was no sanctuary to be had. In fact, those encouraging them to seek it were usually *génocidaires* working to concentrate their victims for mass killing. Astonishingly, church figures across Rwanda played a leading role in legitimizing and even inflicting genocidal killing (although "many priests, pastors and nuns" also displayed "courage and compassion," hiding and protecting potential victims).[47]
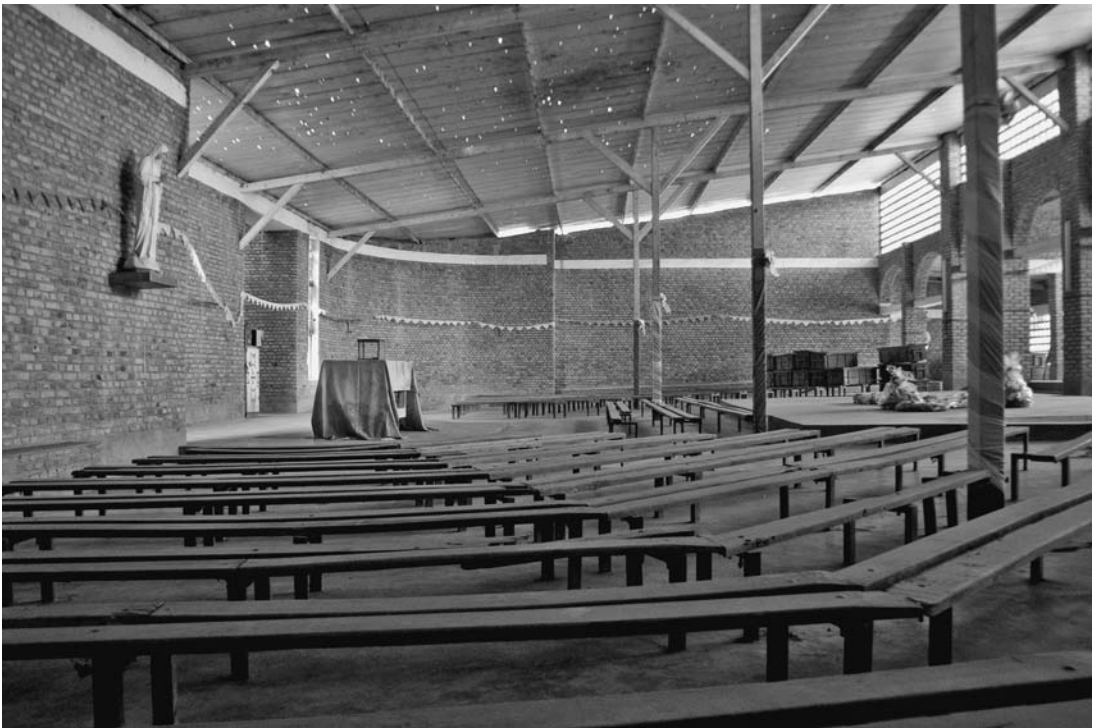

Figure 9.2   Tutsis were murdered *en masse* in Rwanda in part because they flocked to places of worship for refuge – such sanctuaries had been respected in past outbreaks of violence. In fact, both the Catholic and Anglican churches in Rwanda were deeply complicit in the genocide; Hutu priests, nuns, and lay workers often cooperated with the authorities and with *interahamwe* killers to target Tutsi members of their congregations. The Nyamata Memorial Site, shown here, is centered on a church and surrounding area where some 2,500 Tutsis were butchered in April 1994. "Government soldiers surrounded it and threw in grenades. After that, militiamen, many from the surrounding villages, entered the church with machetes, axes, even screwdrivers and hacked at the survivors."[48] The bodies were removed for burial; bullet holes are still visible in the roof. Many such massacre sites across Rwanda are now carefully maintained memorials to the holocaust that swept the country in 1994.

Source: Fanny Schertzer/Wikimedia Commons.

BOX 9.1 ONE WOMAN'S STORY: GLORIOSE MUKAKANIMBA

A Tutsi woman and mother of three, Gloriose Mukakanimba lived in the Rwandan capital of Kigali, where she ran a tailoring shop. On April 7, 1994, she witnessed the outbreak of the most intensive mass-killing spree in human history. Hutu militias – the so-called *interahamwe* ("those who fight together") – went door-to-door. They first targeted "prominent and rich people," Gloriose said, but quickly moved on to attack ordinary citizens: "They shot you just because you were a Tutsi. When they started using machetes, they didn't even bother to ask for ID cards. It was as if they had carried out a census; they knew you were a Tutsi."

Gloriose's home was one of those invaded. "Around 11:00 a.m. on Sunday [April 10] a large group of interahamwe came to our house. They tried to break the gate. They had difficulties with the gate so they cut through the hedge. They came in and started searching the house." After a while, they prepared to leave – but their leader arrived and ordered them "to go back in and kill." Her family was ordered outside. There, her husband, Déo Rutayisire, and her brother, Maurice Niyoyita, were hacked to death with machetes. Gloriose tried to flee with her 2-year-old daughter in her arms, but the child slipped from her grasp, "and I saw them cutting her up. I ran with all the strength I had."

While she desperately sought a place to hide, Gloriose was stunned to hear her neighbors calling out to the militia members: "Here she is, here she is!" "These were neighbors I had already considered friends, people I felt had been kind to me." Finally she found sanctuary in an abandoned house with an old vehicle parked adjacent. "The bonnet was open and it did not have an engine. I jumped right inside the bonnet and stayed there for about a day and a half." Militia scoured the house, coming close to the car where she was hiding. "I could feel them so near to me. I was terrified to death. I stopped myself from breathing."

When the interahamwe moved on, Gloriose begged for refuge from a neighbor who had been friendly with her sister. But the neighbor demanded that she leave. She decided to return to her house, only to run into an "ambush [that] had been set up for me." She was detained for a few hours, until the militia decided to execute her. An interahamwe "hit me with the machete. Fortunately it was dark and he could not see very well. He kept trying to aim for my neck but I instinctively put my hands over my neck. He kept hitting my hands, thinking it was my neck. After a while, I decided to let him think I was dead." Finally "they left, thinking they had finished their job."

Gloriose ran to hide in a water-filled ditch. But "some other militia saw me and went to tell my killers that they had not completed their job. The next morning, my killers came back, this time with guns and grenades." They shot and tossed grenades into

the trench, but Gloriose was able to evade them. "It was a very long trench. This made it difficult for them to know my exact location because of course I kept moving."

Apparently believing she must have been killed by the fusillade, the militia again moved on. "I spent the night in the trench. The wounds in my arms were not only extremely painful but had come to smell. I decided to come out of the trench for fear that I would die there." She fled to the nearby residence of one of the few surviving Tutsi families in the area: "I found out that the husband had been an invalid for a long time; maybe that's why the killers let them live." Together with her rescuers, she joined a flood of Tutsis heading towards the lines of the rebel Rwandan Patriotic Front in Gitarama district.

On the verge of starvation, she and her companions finally stumbled on an RPF patrol. She was taken to a health center in the city of Rutare. There, her wounds were treated, and she was interviewed by researchers from African Rights, a London-based organization that would go on to publish the most detailed and harrowing account of the Rwandan genocide.[49]

In Kibuye prefecture, some 20,000 Tutsis had congregated at Gatwaro stadium. The stadium was surrounded by soldiers and militia, who began firing into the stadium and at anyone who sought to flee. Twelve thousand people died in a single day. Elsewhere in the prefecture, perhaps the most exterminatory killing of the genocide took place. "Entire Tutsi communities were wiped out with no witnesses left to tell what happened. From a population of 252,000 Tutsi in a 1991 census, by the end of June there were an estimated 8,000 left alive."[50]

Many Tutsis fled to high ground, such as Bisesero mountain in southwestern Rwanda. The "mountain of death" was the scene of unforgettable acts of resistance, as Tutsis sought desperately to fend off the attacks. A survivor, Claver Mbugufe, recalled:

There were constant attempts to kill the refugees at Bisesero. But we were always able to defend ourselves. Towards mid-May, when we were still in the grip of the interahamwe militia and their allies, they received enormous reinforcements. . . . Soldiers also came and set up a camp near Bisesero for three days, during which they killed many refugees. We spent the entire day running up and down. We tried to concentrate our defence in one area in order to break their stranglehold. We did everything possible to kill any one of them who stood in our way. Sometimes, we even managed to wrest guns from soldiers and policemen. We killed many of these aggressors.[51]

Despite such heroism, tens of thousands of people died at Bisesero in April and May. A series of other massacres, notably in Cyahindu prefecture, claimed over 10,000 victims at one time. Then there were the "death camps" such as those in the Kabgayi

archbishopric, where "over thirty thousand terrified Tutsis" congregated.[52] Militia roamed freely through Kabgayi, selecting Tutsi men and boys for execution, and women and girls for rape. (The gendering of the Rwandan catastrophe is discussed further in Chapter 13.) This horror ended only when the Rwandan Patriotic Front captured Kabgayi on June 2.

Throughout, a remarkable feature of the genocide was its routinized character. The killings were "marked not by the fury of combat or paroxysms of mob violence, but by a well-ordered sanity that mirrored the rhythms of ordinary collective life."[53] Killers arrived for their duties at a designated hour, and broke off their murderous activities at five in the afternoon, as though clocking off.

Another signal feature, as noted above, was the involvement of ordinary Hutus in the slaughter. "Had the killing been the work of state functionaries and those bribed by them," wrote Mamdani, "it would have translated into no more than a string of massacres perpetrated by death squads. Without massacres by machete-wielding civilian mobs, in the hundreds and thousands, there would have been no genocide."[54] In a development perhaps unprecedented in the history of genocide, Hutu women flocked or were conscripted by the tens of thousands to participate in the killing of Tutsis and the stripping of corpses. To the extent that their violence was directed against Tutsi women,

> there appears to have been a kind of gendered jubilation at the "comeuppance" of Tutsi females, who had for so long been depicted in Hutu propaganda as Rwanda's sexual elite. Otherwise, the motivations for women's involvement as genocidal killers frequently paralleled those of Hutu men: bonds of ethnic solidarity . . . suasion and coercion by those in authority (including other women); the lure of material gain; and the intoxicating pleasure of untrammelled sadism.[55]

It is impossible to know how many of the killers, male and female, would have avoided their role if they could. It is clear, however, that hundreds of thousands of Hutus participated eagerly. "It was as if all the men, women and children had come to kill us," recalled one survivor.[56] Many were motivated by greed – the chance to loot Tutsi belongings and seize Tutsi land (see Chapter 10). And for those at the bottom of the social ladder, there was the unprecedented opportunity to exercise life-and-death power over others. Gérard Prunier captures this element vividly, noting that "social envy came together with political hatred to fire the . . . bloodlust":

> In Kigali the [militias] . . . had tended to recruit mostly among the poor. As soon as they went into action, they drew around them a cloud of even poorer people, a lumpenproletariat of street boys, rag-pickers, car-washers and homeless unemployed. For these people the genocide was the best thing that could ever happen to them. They had the blessings of a form of authority to take revenge on socially powerful people as long as these [victims] were on the wrong side of the political fence. They could steal, they could kill with minimum justification, they could rape and they could get drunk for free. This was wonderful. The political aims pursued by the masters of this dark carnival were quite beyond their scope. They just went along, knowing it would not last.[57]

It did not last – in part because the killers were running out of victims, but in larger part because the genocide distracted the Hutu Power regime from confronting RPF forces. Immediately following the outbreak of the genocide on April 6–7, the RPF contingent in Kigali had moved out of its barracks to establish control over several neighborhoods of the capital, thereby protecting thousands of Tutsis who would otherwise have faced certain death. Rwanda thus witnessed the surreal phenomenon of street battles in the heart of the capital, while the government was extending the holocaust to every corner of the countryside under its control. That control rapidly ebbed, however, as the RPF renewed its offensive. By mid-June, they had decisively defeated Rwandan government forces, which were pushed into a limited zone in the southwest of the country. The offensive was accompanied by large-scale revenge killings of Hutus in territory that RPF soldiers had overrun. Estimates of those killed range as high as 50,000, with many summary executions, particularly of "battle-age" Hutu men who were automatically assumed to have participated in the genocide.[58]

At this point, foreign forces finally staged a decisive intervention – but one that primarily benefited the *génocidaires*. On June 17, France proposed to the UN Security Council that French troops be sent to Rwanda under UN auspices. Four days later, thousands of French troops began assembling on the Rwandan border with Zaire – an indication of how rapidly a substantial intervention can be mounted when the political will exists.[59] On July 4, the RPF gained full control of the capital, Kigali; the following day, France, with UN approval in hand, established a "safe zone" in the southwest.

The French intervention, known as Opération Turquoise, may have saved many Tutsi lives. But protecting Tutsis was not the main purpose of the intervention. Rather, the operation was a continuation of the long-standing French support for the Hutu Power government. It permitted the orderly evacuation of nearly *two million* Hutus, including tens of thousands of *génocidaires*, to refugee camps in neighboring Zaire. As Gérard Prunier wrote, "the refugees moved to the camps in perfect order, with their *bourgmestres* and communal counsellors at their head. Inside the camps they remained grouped according to their *communes* of origin and under the control of the very political structure which had just been responsible for the genocide."[60]

This mass flow of refugees was highly visible to international media that gained access to the camps. The humanitarian crisis – especially outbreaks of cholera and other diseases that killed thousands of refugees – was something the international community could address with minimum risk. The Clinton government in the US, which had spent the period of the mass slaughter instructing its representatives to avoid using the word "genocide" and placing obstacle after obstacle in the path of intervention, now leapt into action. US troops arrived within days to begin distribution of water, supplies, and medical aid to the camps.

"Like a monstrous cancer, the camps coalesced, solidified and implanted themselves in the flesh of east Zaire."[61] Hutu extremists inflicted genocidal atrocities against Tutsis living in eastern Zaire and staged cross-border raids into Rwanda, prompting the newly installed RPF regime in Rwanda to launch operations in the region that themselves led to the deaths of thousands of civilians, together with hardcore *génocidaires*.[62] According to Christian Scherrer, "The export of genocide from

Rwanda is the main cause in the spread of conflict to the whole of the Central African region, and the chief reason for the unprecedented violence, intensity, and destructiveness of that conflict" – possibly the most murderous since the Second World War.[63] The complex war in the Democratic Republic of the Congo is examined in Box 10a.

AFTERMATHS

Early estimates of the death-toll in the Rwandan genocide were between 500,000 and 800,000, overwhelmingly Tutsis. Subsequent investigations have revised these mind-boggling figures upward. A detailed census in July 2000 cited 951,018 victims, but estimated the total death-toll at over a million. According to a subsequent report, "93.7% of the victims were killed because they were identified as Tutsi; 1% because they were related to, married to or friends with Tutsi; 0.8% because they looked like Tutsi; and 0.8% because they were opponents of the Hutu regime at the time or were hiding people from the killers."[64]

Since Hutu Power was crushed in Rwanda in July 1994, the country has faced a staggering task of material reconstruction, human recovery, restitution, and political reconciliation. Fleeing Hutus had stripped the country almost bare, down to the zinc roofing on houses. Nonetheless, the Tutsi-dominated regime scored notable successes. Economic production was restored to pre-1994 levels. Approximately 1.3 million Hutu refugees were repatriated from camps in Zaire (now the Democratic Republic of the Congo).

The basic orientation of the post-genocide government is clear: it is guided by "the conviction that power is the condition of Tutsi survival."[65] Its "Never Again" rallying cry can be interpreted as a pledge that never again will Hutus achieve dominance in Rwandan politics. "The reality," wrote Gérard Prunier in 1997, "is that the government is perceived by the average Hutu peasant as a foreign government."[66] The ambiguous success that the Rwandan regime claims is considered further in Chapter 16.

Mounting criticism of the RPF-dominated regime's authoritarianism has been accompanied by an increasingly skeptical appraisal, in the scholarly and other commentary on Rwanda over the past few years, of the actions of the RPF *during* the genocide, when its forces almost certainly massacred tens of thousands of Hutus in revenge for the scenes of carnage that their troops discovered as they advanced against the Hutu Power regime.

Roméo Dallaire, commander of the UNAMIR forces in Rwanda, was harsh in his assessment of RPF's performance before and during the genocide, condemning its "inability to see beyond [its] own self-interest" in his widely-read memoir, *Shake Hands with the Devil*. The RPF was "intransigent" and "relentlessly inflexible about any concessions that might have eased the tension in the country, both before the civil war broke out and later, when they had [government forces] on the run."[67] On April 18, ceasefire negotiations broke down, and the RPF resumed its advance toward Kigali; for Dallaire, "it was absolutely plain that [the RPF] didn't want a ceasefire." Meeting in early May with RPF commander (now Rwandan president) Paul Kagame,

he records Kagame's "pragmatic" demeanor, "the complete portrait of the cool warrior," and quotes him as saying: "There will be many sacrifices in this war. If the [Tutsi] refugees have to be killed for the cause, they will be considered as having been part of the sacrifice." According to Dallaire, it was only one of "several points" at which Kagame "talked candidly . . . about the price his fellow Tutsis might have to pay for the cause."[68]

While serious attention to Tutsi/RPF abuses and atrocities was present at the outset in some human-rights commentary (see, e.g., Alison Des Forges's *Leave None to Tell the Story* [Figure 9.3]), and has gradually percolated into the scholarly literature, it has been notably absent in the quest for justice since 1994. In November 1994, the United Nations established the International Criminal Tribunal for Rwanda in Arusha, Tanzania. However, despite an impressive budget of US$1.8 billion, the tribunal launched proceedings only against alleged perpetrators of genocide against Tutsis and moderate Hutus (that is, no prosecutions were launched of post-1994 Rwandan government leaders for alleged involvement in RPF-inflicted atrocities against Hutus). It also proceeded excruciatingly slowly. The ICTR did not hear its first case until 1997, and nearly a dozen years later, with its mandate again extended so the backlog could be cleared, it fell prey to Gérard Prunier's scathing assessment that it "combined three different evils":
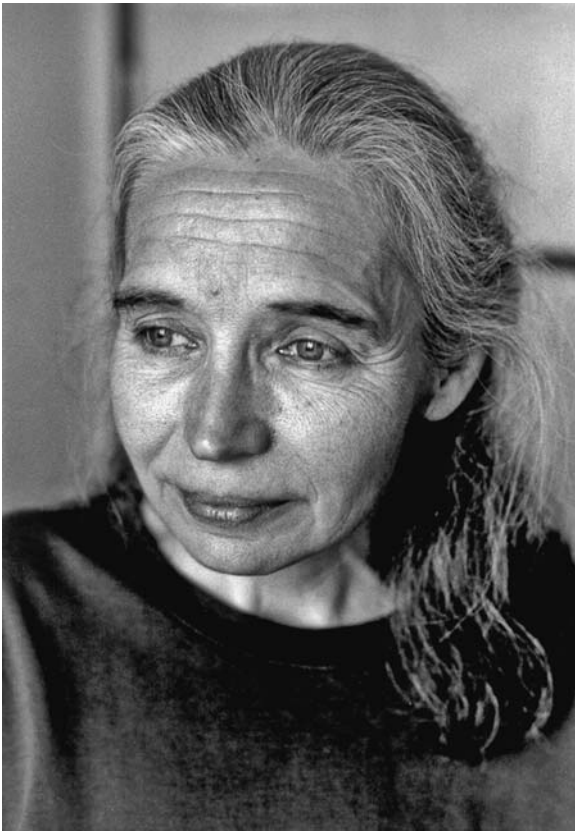

Figure 9.3   Alison Des Forges (1942–2009) was the very model of the genocide investigator. A longtime specialist in Africa's Great Lakes region, she was positioned as few others were to examine the aftermath of Rwanda's 1994 holocaust. The resulting Human Rights Watch report, *Leave None to Tell the Story* (1999 – see Further Study), stands as a classic of human-rights reporting and genocide research. In February 2009, at age 66, Des Forges was killed in the crash of a passenger jet near Buffalo.[69]

Source: Human Rights Watch, 2005.

It was an embodiment of the worst aspects of UN bureaucratic inefficiency; a muted, closed arena for jousting over all the unacknowledged political contradictions of the genocide; and a swamp of nepotistic and corrupt practices. . . . Whereas it had taken the Nuremberg Tribunal one year (from November 1945 to November 1946) to judge twenty-four Nazis and hang ten, the ICTR had managed to carry out only twenty procedures in ten years at a cost of around $700 million.[70]

A central purpose of the court, however, was to refine the law of genocide and crimes against humanity, and contribute to the growing body of case law that was rendering these concepts workable (or manifestly unworkable) for the first time.[71] One of the ICTR's convictions – that of Jean-Paul Akayesu in 1998 – was especially significant, with its "historic determination that systematic rape was a crime against humanity and that sexual violence constituted genocide in the same way as any other act." In another case, two former media officials of Rwandan "hate radio" were convicted of using media as genocidal instruments (see Chapter 15).[72]

In Rwanda itself, some 120,000 accused *génocidaires* languished for years in grim and sometimes murderous conditions in jail, while the country's shattered legal system sought to bring at least some to trial. Finally, in 2003, it was recognized that formal proceedings could never cope with the massive number of accused. Over 20,000 prisoners were released, and others were promised a reduction of sentences in return for confessions. The most interesting form of attempted justice was *gacaca*, or "on the grass," a traditional form of tribunal that sacrificed formal legal procedures and protections for speedy results and a focus on restorative rather than punitive justice (see Chapter 15). However, according to Amnesty International in 2009, thousands of those released from jail were subsequently rearrested, so that after a period of decline the prison population had increased again, to over 60,000. The majority remained "incarcerated on charges of participating in the genocide," more than a decade-and-a-half after that genocide ended.[73]

FURTHER STUDY

African Rights, *Rwanda: Death, Despair and Defiance* (rev. edn). London: African Rights, 1995. Immense and harrowing depiction of the Rwandan holocaust; like nothing else in the literature.

Roméo Dallaire (with Brent Beardsley), *Shake Hands with the Devil: The Failure of Humanity in Rwanda*. New York: Carroll & Graf, 2004. Literate and passionate memoir by the Canadian leader of the UN assistance mission in Rwanda (1993–94).

Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda*. New York: Human Rights Watch, 1999. Another indispensable human-rights report on the genocide.

Lee Ann Fujii, *Killing Neighbors: Webs of Violence in Rwanda*. Ithaca, NY: Cornell University Press, 2009. Insightful account of the local dynamics of the killing, and how community and personal bonds sometimes muted it.

Jean Hatzfeld, *Machete Season: The Killers in Rwanda Speak*, trans. Linda Coverdale. New York: Farrar, Straus & Giroux, 2005. Chilling testimony from imprisoned *génocidaires*. See also *Life Laid Bare: The Survivors in Rwanda Speak.*

Stephen Kinzer, *A Thousand Hills: Rwanda's Rebirth and the Man Who Dreamed It*. New York: John Wiley and Sons, 2008. As the subtitle suggests, a generally admiring portrait of Paul Kagame and his post-genocide rule in Rwanda.

René Lemarchand, *The Dynamics of Violence in Central Africa*. Philadelphia, PA: University of Pennsylvania Press, 2009. Places the Rwandan genocide in regional context, with superbly enlightening commentary on Burundi and Congo as well (see Box 9a).

Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*. Princeton, NJ: Princeton University Press, 2001. How political identity was constructed for Hutus and Tutsis.

Linda Melvern, *Conspiracy to Murder: The Rwanda Genocide and the International Community*. London: Verso, 2004. Follow-up to the author's hard-hitting critique, *A People Betrayed: The Role of the West in Rwanda's Genocide* (2nd edn).

Gérard Prunier, *The Rwanda Crisis: History of a Genocide*. New York: Columbia University Press, 1997. A standard source on the origins of the genocide.

Carol Rittner, John K. Roth and Wendy Whitworth, eds, *Genocide in Rwanda: Complicity of the Churches?* St. Paul, MN: Paragon House, 2004. Insights into the churches' role.

Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda*. Ithaca, NY: Cornell University Press, 2006. Based on interviews with over two hundred jailed perpetrators; one of the most discussed recent works of genocide studies.

Allan Thompson, ed., *The Media and the Rwanda Genocide*. London: Pluto, 2007. The most extensive airing of debates over the media's role in the Rwandan holocaust.

Peter Uvin, *Aiding Violence: The Development Enterprise in Rwanda*. West Hartford, CT: Kumarian Press, 1998. Influential analysis of the genocide as an outgrowth of structural violence and foreign development assistance.

NOTES

1 John Quigley, *The Genocide Convention: An International Law Analysis* (London: Ashgate, 2006), p. 33.
2 Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1997), p. 261.
3 Christian P. Scherrer, *Genocide and Crisis: Conflict Roots, Mass Violence, and Regional War* (Westport, CT: Praeger, 2002), p. 109.
4 Colonel Luc Marchal, UNAMIR commander in Kigali; quoted in *Chronicle of a Genocide Foretold: Part 2, "We Were Cowards"* (Ottawa: National Film Board of Canada [hereafter, NFB], 1997).
5 International Panel of Eminent Personalities (IPEP) report, quoted in Kenneth J. Campbell, *Genocide and the Global Village* (New York: Palgrave, 2001), p. 78. The scenes at the psychiatric hospital, and the Belgian soldier's comment, are available in the NFB documentary *Chronicle of a Genocide Foretold: Part 2*.

6   Quoted in Maxim Kniazkov, "US 'Ran from Rwanda Responsibility,'" Agence France-Presse dispatch, August 22, 2001.

7   Linda Melvern, *A People Betrayed: The Role of the West in Rwanda's Genocide* (London: Zed Books, 2000), p. 174. See also Roméo Dallaire, *Shake Hands with the Devil: The Failure of Humanity in Rwanda* (New York: Carroll & Graf, 2004). The International Committee of the Red Cross (ICRC) also refused to abandon the field, performing extraordinarily dangerous and heroic work throughout the genocide (see Melvern, *A People Betrayed*, p. 215).

8   John Heidenrich, *How to Prevent Genocide: A Guide for Policymakers, Scholars, and the Concerned Citizen* (Westport, CT: Praeger, 2001), p. 199.

9   Linda Melvern, *Conspiracy to Murder: The Rwanda Genocide* (London: Verso, 2004), p. 240.

10 Quoted in NFB, *Chronicle of a Genocide Foretold*. Samantha Power wrote: "It is shocking to note that during the entire three months of the genocide, [President] Clinton never assembled his top policy advisers to discuss the killings. . . . Rwanda was never thought to warrant its own top-level meeting." Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2002), p. 366.

11 Quoted in Power, *"A Problem from Hell,"* p. 382.

12 Dallaire, *Shake Hands with the Devil*, p. 5. French Colonel Henri Poncet, arriving in Rwanda on April 8 with a well-armed force (Opération Amaryllis), "insisted to me that he was only here to evacuate expatriates and 'white people'" (p. 282).

13 Annan speaking at Memorial Conference on Rwanda Genocide, New York; United Nations Press Release, SG/SM/9223, AFR/870, HQ/631, March 26, 2004, http:// www. un.org/News/Press/docs/2004/sgsm9223.doc.htm.

14 Mahmood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ: Princeton University Press, 2001), pp. 51, 70.

15 Prunier, *The Rwanda Crisis*, p. 39.

16 Ibid., p. 3.

17 Mamdani, *When Victims Become Killers*, p. 66.

18 Prunier notes that "by the end of the Belgian presence in Rwanda in 1959, forty-three [prefectural] chiefs out of forty-five were Tutsi as well as 549 sub-chiefs out of 559." *The Rwanda Crisis*, p. 27.

19 The myth still occasionally surfaces, as when Andrew Bell-Fialkoff refers to "the Hamitic Tutsi." Bell-Fialkoff, *Ethnic Cleansing* (New York: St. Martin's Griffin, 1999), p. 182.

20 René Lemarchand puts this very well: "The Hamitic idea, which presumed the innate cultural superiority of the Tutsi and claimed that Ethiopia was their original homeland, was pressed into service to legitimize Tutsi overrule under the Belgian colonizers. The inversion of this mythical discourse, emphasizing the foreignness, cunning, and perversity of Tutsi 'feudal exploiters,' played an equally decisive role in legitimizing Hutu ascendancy in the last years of colonial rule. It also lent ideological justification to the génocidaires." Lemarchand, *The Dynamics of Violence in Central Africa* (Philadelphia, PA: University of Pennsylvania Press, 2009), p. 92.

21 Christopher Taylor, *Sacrifice as Terror: The Rwandan Genocide of 1994* (Oxford: Berg, 1999), pp. 128–30.

22 See Mamdani, *When Victims Become Killers*, p. 88.

23 Melvern, *A People Betrayed*, p. 42. In March 2010, immediately following President Nicolas Sarkozy's visit to Rwanda (see note 33), France announced the detention of Agathe Habyarimana on an international warrant issued by the Rwandan government. It was not clear, as this book was going to press, whether or where Habyarimana would stand trial. See "Rwanda President's Widow Held in France over Genocide," *BBC Online*, March 2, 2010, http://news.bbc.co.uk/2/hi/europe/8545120.stm.

24 Scherrer, *Genocide and Crisis*, p. 105.

25 Many commentators have accused the RPF, under then-General, now-President Paul Kagame, of "recklessness" for launching this invasion. Bill Berkeley, for example, contends that "No rational person could have looked at the history of repeated mass

slaughters in Rwanda and Burundi since 1959 and doubted for a moment that at least one likely outcome of such an invasion would be massive violence against defenseless Tutsi civilians." Berkeley, "Road to a Genocide," in Nicolaus Mills and Kira Brunner, eds, *The New Killing Fields: Massacre and the Politics of Intervention* (New York: Basic Books, 2002), p. 114. See also Alan J. Kuperman, "Provoking Genocide: A Revised History of the Rwandan Patriotic Front," *Journal of Genocide Research*, 6: 1 (March 2004), pp. 61–84.

26 Alison Des Forges, *Leave None to Tell the Story: Genocide in Rwanda* (New York, Human Rights Watch, 1999), p. 122. According to Danielle de Lame, a Belgian anthropologist, "Already in 1989 [Rwandan] farmers described their situation as apocalyptic." Quoted in Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia University Press, 2007), p. 15.

27 Burundi, like Rwanda, has a large Hutu majority and a small but traditionally dominant Tutsi minority. In 1972, some 200,000 Hutus were slaughtered by the Tutsi-dominated army, in what has been termed an "eliticide": the primary targets were educated and/or wealthy Hutu males. The 1972 genocide was echoed by further outbreaks of mass killing of Hutu in 1988 (20,000 killed) and 1991 (a further 3,000 deaths). In October 1993 the Hutu president of the country was killed, leading to an outburst of genocidal violence against both Tutsis and Hutus that established a "basic pattern" for the events in Rwanda the following year (Scherrer, *Genocide and Crisis*, p. 3). Bill Berkeley estimates that "another hundred and fifty thousand have died in Burundi's continuing bloodshed" since 1993 (Berkeley, "Road to a Genocide," p. 110).

28 Catharine Newbury, "Ethnicity and the Politics of History in Rwanda," in David E. Lorey and William H. Beezley, eds, *Genocide, Collective Violence, and Popular Memory: The Politics of Remembrance in the Twentieth Century* (Wilmington, DL: Scholarly Resources, Inc., 2002), p. 76.

29 Melvern, *Conspiracy to Murder*, pp. 62–64.

30 Scherrer, *Genocide and Crisis*, p. 122.

31 Quoted in Melvern, *A People Betrayed*, p. 155.

32 This phrase is drawn from the title of ch. 8 of African Rights, *Rwanda: Death, Despair and Defiance* (rev. edn) (London: African Rights, 1995).

33 For more than a decade-and-a-half, controversy has swirled over the critical event of the downing of Habyarimana's presidential jet. It continues at a high pitch today. A great deal hinges on whether Hutu or Tutsi forces committed the act: if Hutus, for example, the evidence is stronger for a well-established extermination plan (as in Linda Melvern, *Conspiracy to Murder*); if Tutsis, there is greater support for a reactive and retributive framing, emphasizing Hutu fear and panic after the assassination of "their" president (e.g., Scott Straus, *The Order of Genocide*). At first, something of a consensus reigned that the plane was probably downed by the Hutu Power government, perhaps with the assistance of foreign agents or mercenaries, as part of a "coup d'état" against moderates and the opening salvo of a "final solution" to the Tutsi question. This theory then gave way gradually to arguments that the Tutsi-dominated RPF was in fact the party responsible. "Strong circumstantial evidence" for the involvement of the current Rwandan president, Paul Kagame, was outlined by a renegade from Kagame's regime, Lt. Abdul Joshua Ruzibiza, and by a French magistrate, Jean-Louis Bruguière, who investigated the plane crash and issued his findings in 2006. See Ruzibiza, *Rwanda: l'histoire secrète* (Paris: Éditions du Panama, 2005); an English translation of the Bruguière report, posted October 1, 2007, is available at http://cirqueminime.blogspot.com/2007/10/completed-bruguire-report-translated.html. It recommends that the International Criminal Tribunal for Rwanda (ICTR) charge Paul Kagame "for his presumed participation in the attack of 6 April 1994." René Lemarchand expresses general support for the findings in *The Dynamics of Violence in Central Africa* (pp. xii, 102). On the basis of these allegations, French officials in late 2008 extradited Rose Kabuye, President Kagame's chief of protocol, and charged her with "complicity in murder in relation to

terrorism" for her alleged involvement in the downing of Habyarimana's plane. (See "Rwandan Official Charged in France," AlJazeera.net, November 20, 2008.) Kabuye's trial process was ongoing at the time of writing. A new stage, and something of a return to the original consensus, may be indicated by a weighty investigation, the Mutsinzi report, unveiled in January 2010. It was sponsored by the Rwandan government, true, but was based on "more than five hundred interviews with former officers of the Hutu Power regime and other eyewitnesses," and cited the findings of foreign forensic experts that the Falcon jet was downed by missiles fired from a base under Rwandan government (hence Hutu) control. According to Philip Gourevitch, though the report is not conclusive, it "lays out [the] story in remarkably convincing detail," with witness accounts that "describe the events before, during, and after the assassination with convincing consistency." Gourevitch, "The Mutsinzi Report on the Rwandan Genocide," *The New Yorker*, January 8, 2010. See also Robert Marquand, "Rwanda Genocide: Will New Report Close the Book on Who Started It?," *The Christian Science Monitor*, January 12, 2010. Marquand notes that "with French Foreign Minister Bernard Kouchner in Rwanda . . . and with French president Nicolas Sarkozy traveling there this month – French leaders appear to be tacitly accepting the new findings" on the downing of the jet – and, it might be added, accepting the displacement of French influence symbolized by Rwanda's accession to membership in the anglophone Commonwealth of Nations. For an excellent summary of the findings and significance of this latest report, see Gerald Caplan, "Who Killed the President of Rwanda?," Pambazuka News, January 21, 2010, http://www.pambazuka.org/en/category/features/ 61625.

34 Dallaire, *Shake Hands with the Devil*, p. 328. He accords special praise to the stalwart contingent of Tunisian peacekeepers: "I can't say enough about the bravery of the Tunisians. They never shirked their duty and always displayed the highest standards of courage and discipline in the face of difficult and dangerous tasks" (p. 302). The same can be said of the heroic Red Cross staff throughout the genocide.

35 The deaths of the US troops in Somalia were recounted in the book and film *Black Hawk Down*.

36 Prunier, *The Rwanda Crisis*, p. 107. According to Chris McGreal, the pattern continued after April 6, 1994: "When the genocide started, Paris made no secret of where its loyalties lay. The French military flew in ammunition for government forces and, in the following weeks, a stream of Hutu officials travelled to Paris, including Jean-Bosco Barayagwiza, who was later convicted of genocide by the international tribunal, for meetings with President François Mitterrand and the French prime minister. Even as the mass graves filled across Rwanda, Paris engineered the delivery of millions of dollars' worth of weapons to the Hutu regime from Egypt and South Africa." McGreal, "France's Shame?," *The Guardian*, January 11, 2007, http://www.guardian.co. uk/world/2007/jan/ 11/rwanda.insideafrica. A book-length examination is Daniela Kroslak, *The French Betrayal of Rwanda* (Bloomington, IN: Indiana University Press, 2008).

37 Scherrer, *Genocide and Crisis*, p. 364.

38 Melvern, *Conspiracy to Murder*, p. 182.

39 Ibid., p. 168.

40 "The officers of UNAMIR believe to this day that had the European troops that came to rescue the expats stayed on in Rwanda, the killing could have been stopped there and then. . . . Together with the moderates in the Rwandan army and with the peacekeepers there would have been ample troops to restore calm. There were already 2,500 peace-keepers with UNAMIR, there were 500 Belgian para-commandos, part of the evacuation force, together with 450 French and 80 Italian soldiers from parachute regiments. In neighbouring Kenya there were 500 Belgian para-commandos, also a part of the evacuation operation. In Burundi there were 250 US Rangers, elite troops, who had come to evacuate the US nationals. There were 800 more French troops on standby." Ibid., p. 188.

41 Cited by Adam LeBor, who adds: "There are few, if any, more succinct summaries of the Clinton administration's responses to the genocidal crises of the early and mid-1990s." LeBor, *"Complicity with Evil": The United Nations in the Age of Modern Genocide* (New Haven, CT: Yale University Press, 2006), p. 178.

42 US Department of State, Daily Press Briefing, Friday, June 10, 1994. Full official transcript at http://dosfan.lib.uic.edu/ERC/briefing/daily_briefings/1994/9406/940610db.html. These are the comments referenced on p. 56, note 55, in partial justification of a slight shift in my preferred definition of genocide.

43 Dallaire, *Shake Hands with the Devil*, p. 325.

44 According to Christian Scherrer, "the map showing the places where the largest massacres occurred was almost identical with that of the religious centers in the various dioceses and parishes of Rwanda." Scherrer, *Genocide and Crisis*, p. 113.

45 African Rights, *Rwanda: Not So Innocent: When Women Become Killers* (London: African Rights, 1995), p. 26, emphasis added.

46 The death-tolls usually cited for these cases are 36,000 (Odessa) and 33,000 (Kiev); according to Eugen Kogon, the highest number of killings in a single day at Auschwitz-Birkenau was 34,000, and other estimates are lower. Kogon, *The Theory and Practice of Hell* (New York: The Berkley Publishing Company, 1980), p. 241.

47 African Rights, *Death, Despair and Defiance*, p. 922. As one *génocidaire* recalled: "The white priests took off at the first skirmishes. The black priests joined the killers or the killed. God kept silent, and the churches stank from abandoned bodies." Quoted in Jean Hatzfeld (trans. Linda Coverdale), *Machete Season: The Killers in Rwanda Speak* (New York: Farrar, Straus & Giroux, 2005), p. 142. On the churches' role more generally, see Timothy Longman, *Christianity and Genocide in Rwanda* (Cambridge: Cambridge University Press, 2010); Carol Rittner, John K. Roth and Wendy Whitworth, eds, *Genocide in Rwanda: Complicity of the Churches?* (St. Paul, MN: Paragon House, 2005).

48 Dona Tella Lorch, "Children's Drawings Tell Horror of Rwanda in Colors of Crayons," *The New York Times*, September 16, 1994.

49 African Rights, *Rwanda: Death, Despair and Defiance*, pp. 590–95.

50 Melvern, *Conspiracy to Murder*, p. 224.

51 African Rights, *Rwanda: Death, Despair and Defiance*, p. 665.

52 Ibid., p. 708.

53 Darryl Li, "Echoes of Violence," in Mills and Brunner, eds, *The New Killing Fields*, p. 125.

54 Mamdani, *When Victims Become Killers*, p. 225.

55 Adam Jones, "Gender and Genocide in Rwanda," in Jones, ed., *Gendercide and Genocide* (Nashville, TN: Vanderbilt University Press, 2004), p. 123.

56 African Rights, *Rwanda: Not So Innocent*, p. 88.

57 Prunier, *The Rwanda Crisis*, pp. 231–32.

58 See Des Forges, *Leave None to Tell the Story*, p. 734.

59 Linda Melvern wrote that "the French operation included everything UNAMIR needed. There were more than 2,500 elite soldiers from the French Foreign Legion, paratroopers, marines and special forces, all equipped with state-of-the-art weaponry, communications, one hundred armoured vehicles, heavy mortars, helicopters, and even jet aircraft. There was an armada of cargo aircraft." Melvern, *Conspiracy to Murder*, p. 243.

60 Prunier, *The Rwanda Crisis*, p. 267.

61 Michela Wrong, *In the Footsteps of Mr. Kurtz: Living on the Brink of Disaster in Mobutu's Congo* (New York: HarperCollins, 2001), p. 245.

62 See Marie Béatrice Umutesi, *Surviving the Slaughter: The Ordeal of a Rwandan Refugee in Zaire*, trans. Julia Emerson (Madison, WI: University of Wisconsin Press, 2004).

63 Scherrer, *Genocide and Crisis*, p. 198.

64 Melvern, *Conspiracy to Murder*, pp. 250–51.

65 Mamdani, *When Victims Become Killers*, p. 261.

66 Prunier, *The Rwanda Crisis*, p. 370.
67 Dallaire, *Shake Hands with the Devil*, pp. 175, 475–76.
68 Ibid., pp. 311, 358, 515.
69 See Sewell Chan and Dennis Hevesi, "Alison Des Forges, 66, Human Rights Advocate, Dies," *The New York Times*, February 13, 2009, http://www.nytimes.com/2009/02/14/nyregion/14desforges.html.
70 Gérard Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (New York: Oxford University Press, 2009), p. 349.
71 For a first-rate overview, see L.J. van den Herik, *The Contribution of the Rwanda Tribunal to the Development of International Law* (Leiden: Martinus Nijhoff Publishers, 2005).
72 On the so-called "media trials," see Dina Temple-Raston, *Justice on the Grass: Three Rwandan Journalists, Their Trial for War Crimes and a Nation's Quest for Redemption* (New York: The Free Press, 2005).
73 Amnesty International USA, "Rwanda Human Rights," 2009, http://www.amnestyusa.org/all-countries/rwanda/page.do?id=1011229.

BOX 9A CONGO AND DARFUR

In 2005, as the first edition of this book was being prepared for publication, genocide again stalked Africa. A brutal counter-insurgency war in Darfur – a western region of Sudan, Africa's largest country – had sparked international condemnation and application of the "genocide" label, but only limited international intervention. Probably over 100,000 people had already died. To the southwest, Congo was again threatening to descend into full-scale war, as Rwanda's army staged another invasion, supposedly to suppress remnants of Hutu forces that had murdered Tutsis in 1994 (Chapter 9). By 2008, while conflict in Darfur had significantly cooled, the complex and excruciatingly destructive conflict(s) in Congo had produced an estimated *5.4 million* "excess deaths," according to the International Rescue Committee (IRC).[1] "Malaria, diarrhoea, pneumonia and malnutrition, aggravated by conflict" were the leading causes of death;[2] roughly half the victims were children under the age of 5. This was human destruction on a scale not seen since the Second World War.

CONGO AND "AFRICA'S FIRST WORLD WAR"

Congo was the backdrop for one of the greatest but least-known genocides in modern history – the Belgian "rubber terror" (Chapter 2). After independence from Belgium in 1960, Congo fell under the sway of an army colonel, Mobutu Sese Seko. Mobutu proved to be corrupt and megalomaniacal, "a ruthless crook who fitted his palace with a nuclear shelter, hired [the] Concorde for shopping trips and so gutted the treasury that inflation between October 1990 and December 1995 totalled 6.3 billion per cent."[3]

Justice, Truth, and Redress

What can justice mean when genocide is the issue?

Terrence Des Pres

The legal strictures against genocide constitute *jus cogens*: they are among the laws "accepted and recognized by the international community of States as a whole from which no derogation is permitted." Jus cogens is associated with the principle of *universal jurisdiction* (*quasi delicta juris gentium*), which "applies to a limited number of crimes for which any State, even absent a personal or territorial link with the offence, is entitled to try the offender."[1]

There is theory, however, and there is practice. After the UN Convention came into force in 1951, genocide was all but ignored in international law. In the international arena, the word was commonly deployed for propaganda purposes. For example, the resurgence of interest in the Jewish Holocaust, and the roughly contemporary rise of Israel to major-power status, made "genocide" an attractive verbal weapon for Palestinians and their Arab allies. National-level trials occasionally employed prosecuted the crime, as with Israel's prosecution of Adolf Eichmann in 1961 and Ethiopia's proceedings against members of the Dergue regime (see below). Yet overall, a conspiracy of silence prevailed in diplomatic quarters and at the United Nations. Diplomatic norms militated against such grave accusations, while states' bloody hands meant that there was always a danger that allegations could rebound on the accuser, through the defense of *tu quoque* – "a plea that the adversary committed similar atrocities."[2]

Despite this passivity, the twentieth century *did* produce revolutionary new forms of international justice. Formal mechanisms ranged from the humanitarian law of the

Hague Conventions (1899, 1907) and Geneva Conventions (culminating in 1949); to war crimes tribunals at Nuremberg and for Yugoslavia, Rwanda, and Sierra Leone; and most recently to an International Criminal Court (ICC) with universal jurisdiction though, alas, not yet universal membership. These were accompanied by less formal institutions, such as the "truth commissions" mounted under both national and international aegis, and investigative bodies that may blow the whistle on genocide, whether past, present, or incipient. Such efforts also feature substantial public involvement, especially by religious and human rights NGOs, academics, and legal professionals – a phenomenon that can be traced back to the international campaigns against slavery and the Congo "rubber terror" in the nineteenth and early twentieth centuries.

This penultimate chapter explores the interrelation of justice, truth-seeking, and redress as they have evolved both nationally and internationally.

LEIPZIG, CONSTANTINOPLE, NUREMBERG, TOKYO

The move towards tribunals for war crimes and "crimes against humanity" reflected the growing institutionalization and codification of humanitarian instruments during the latter half of the nineteenth century. This was evident in the formative efforts of Henri Dunand and his International Committee of the Red Cross, founded in 1864. The Red Cross was a pioneering institution in addressing suffering that offends the human conscience. Leaders were also becoming aware of "crimes against humanity" (Box 15.1), albeit selectively. Consider British politician William Gladstone's 1870 fulmination against Ottoman atrocities in the Balkans:

> Certain it is that a new law of nations is gradually taking hold of the mind, and coming to sway the practice, of the world; a law which recognises independence, which frowns upon aggression, which favours the pacific, not the bloody settlement of disputes, which aims at permanent and not temporary adjustments; above all, which recognises, as a *tribunal* of paramount authority, the general *judgment of civilised mankind*.[3]

Much the same speech could have been given for the drafting of the Rome Statute of the International Criminal Court (1998), suggesting that Gladstone was overly optimistic in his assessment. But his generation did witness substantial advances in human freedom. The abolition of slavery in the United States (1861) and Brazil (1888) were high-water marks. They were accompanied by campaigns against the Congo "rubber terror," pogroms against Russian Jews, and early Ottoman massacres of Armenians (1894–96), presaging the genocide of Christian minorities during World War One.

At century's end, Russian Tsar Nicholas convened an international conference on war prevention at The Hague in Holland. This led to two seminal conventions, in 1899 and 1907, that placed limits on "legitimate" methods of warfare, including bans on civilian bombardments and the use of poison gas. All sides abrogated the agreements only a few years later, during the First World War (1914–18). But the new

framings shaped the postwar world – including the 1927 Protocol against chemical and biological warfare, which remains in force.

As part of the punitive peace imposed on Germany at Versailles, a few desultory trials of alleged war criminals took place before German courts at Leipzig. They ended in fiasco, with the Allies divided, and German opposition to the initiative effectively unchallenged. A similar dynamic prevailed in the trials that Allied occupiers imposed on Turkey, described in Chapter 4.

More high-profile and successful were the international tribunals at Nuremberg and Tokyo following the Second World War.[4] Trials were by no means foreordained as a strategy for handling German and Japanese war criminals. Intense debates on this topic occurred among members of the Allied coalition during 1943–45. Both Winston Churchill and Joseph Stalin pushed for summary executions of those in the Nazi leadership strata.[5] Franklin Roosevelt considered the wholesale demilitarization, deindustrialization, and dismemberment of Germany (the so-called "Morgenthau Plan"). This was in keeping with public opinion in the Allied countries: few people viewed tribunals as the optimal way of dealing with enemy war crimes.

However, a legal process was finally settled upon in both the German and Japanese cases. This was, indisputably, a major advance in international jurisprudence. Nuremberg featured "the first official mention of genocide in an international legal setting," as all the German defendants were accused of "conduct[ing] deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories."[6] Raphael Lemkin's tireless lobbying had paid dividends, though, as noted in Chapter 1, "genocide" formed no part of the Nuremberg verdicts. (Nor could it have, since it was not at the time a crime under international law.)[7]

Both tribunals were flawed. Leaders were tried only for crimes committed in wartime. Nazi actions against the Jews prior to September 1, 1939, for example, were absent from the Nuremberg indictments. Nazi crimes against Jews, Roma, and other groups were downplayed, while charges of waging aggressive war were emphasized. Japanese atrocities against Chinese and other Asian civilians were similarly under-stressed, by contrast with allegations of the murderous abuse of Allied prisoners-of-war.

The long-established principle of *nullum crimen sine lege* – no crime without an accompanying law – was implemented in "an extremely loose and controversial" way at Nuremberg. Leaders were tried for crimes that had not formally existed when they were committed.[8] In addition, prosecutors at both the Nuremberg and Tokyo tribunals avoided charging Germans and Japanese with atrocities that the Allies had also inflicted. Thus, while indiscriminate bombardment of civilians was long established as a core war crime, it could not be prosecuted without providing the accused with a ready-made *tu quoque* defense. Even so, an Indian judge at Tokyo, Rahadbinod Pal, dissented from the majority verdict, labeling the trial a sham for its inattention to the Allies' own crimes.[9] In one case – that of unrestricted submarine warfare – the charges manifestly *did* overlap with Allied practice. Here, German Admiral Karl Dönitz's *tu quoque* defense was successful, leading to his acquittal, though Dönitz was convicted on "counts . . . [of] crimes against peace and war crimes – and sentenced to 10 years in prison."[10]

Figure 15.1 Judgment at Nuremberg, 1946: accused Nazi war criminals in the dock after the Second World War.

Source: United States Holocaust Memorial Museum.

For the Tokyo trials, the Allies did not prosecute Emperor Hirohito, the man who "had personally approved all his country's barbaric military ventures" before and during the Second World War. They allowed him to remain on the Japanese throne, albeit de-deified.[11] Nor was Hirohito the only accused war criminal allowed to evade justice. The US was particularly interested in military technology, including biological weapons. Thus, Japanese scientists associated with the Unit 731 biological experiments – which led, among other things, to the release of live plague bacilli over Chinese cities – were granted immunity from prosecution, in return for sharing their research and expertise with the Americans. In Europe, police and security forces were deemed vital to both sides in the emerging Cold War struggle, regardless of the role they had played in fascist persecutions. Soviet occupiers, for instance, incorporated Nazi-era personnel wholesale into the new Stasi security force of East Germany.

The tribunals were victor's justice, but they were also groundbreaking. Nuremberg established "two central precedents: that of individual criminal responsibility, and that of the universal jurisdiction over crimes against humanity."[12] Out of twenty-four indictments, two were dropped and three defendants acquitted; another seven were imprisoned and not executed. (In the Tokyo proceedings, seven defendants were sentenced to death, sixteen to life in prison, and two others to lighter terms.) There is also no discounting the bonanza that the tribunals represented for historical scholarship and the documentation that underpins it. Alan Bullock called Nuremberg, with its bounty of Nazi documents on public display, "an absolutely unqualified wonder . . . the greatest coup in history for historians."[13]

THE INTERNATIONAL CRIMINAL TRIBUNALS: YUGOSLAVIA AND RWANDA

It is one of history's ironies that the International Criminal Tribunal for the Former Yugoslavia (ICTY) was created to deflect accusations of Western complacency in the face of genocide.[14] In spring 1992, with war raging in Bosnia, voices were raised for the establishment of a UN-sponsored tribunal to try the perpetrators of atrocities. In May 1993, the Security Council created the ICTY at The Hague (hence, "the Hague tribunal"). For some time following, this was as far as the West was willing to go. The Balkan wars continued for another three years, with the worst single atrocity occurring near their end (the Srebrenica massacre of July 1995). The tribunal's creation did not prevent a new eruption of conflict in Kosovo in 1998–99.

Following the Dayton peace agreement of 1996, the ICTY process gradually gathered steam. The unwillingness of occupying forces to seize indicted individuals, for fear of destabilizing the transition process, gave way to a more assertive attitude. The pace of arrests and prosecutions picked up substantially. With growing cooperation from Croatian authorities, more than half of the ICTY's indicted figures were in custody by 2001. In that year, the process climaxed with the extraordinary transfer of former Yugoslav President Slobodan Milosevic to the tribunal. "For the first time in human history, a head of state was brought to international legal accountability for crimes committed as a result of his rule."[15] Though Milosevic died before a conviction could be rendered, by 2009 his partner in crime, Bosnian Serb president Radovan Karadzic, was gazing dolefully from the dock (Figure 8.7, p. 333).[16] In December of that year, the UN Security Council extended the ICTY's mandate, originally scheduled to expire in 2010, through to 2012.

The ICTY won praise for impartiality. Its first conviction was issued against a Croatian (albeit one who served with Serb forces). The indictments of Croatian General Ante Gotovina and Kosovo Prime Minister Ranush Haradinaj helped to balance the emphasis on Serb crimes against Bosnian Muslims, Croats, and Kosovar Albanians. However, the ICTY was criticized for ruling out war crimes prosecutions of NATO leaders of the Kosovo war, accused of attacks on civilian targets and other breaches of international law.[17]

With the Hague tribunal in place, the UN could hardly avoid establishing a tribunal for the Rwanda genocide of 1994. The International Criminal Tribunal for Rwanda (ICTR) was housed at Arusha, Tanzania, where the abortive 1993 peace agreements had been signed (Chapter 9). The ICTR's gears ground painfully slowly, however. Understaffed and underfunded, it was prone to allegations that it focused exclusively on Hutu killers of Tutsis, with no consideration of Tutsi reprisal killings of Hutus.[18] Its operations also appeared distorted by the more extensive genocide trials in Rwanda. These imposed the death penalty, while ICTR proceedings did not, leading to the paradox that *génocidaires* could escape execution at the ICTR, while their underlings could be (and were) sentenced to death by Rwandan judges.[19] In Gérard Prunier's scathing 2009 assessment, the Rwanda tribunal

combined three different evils: it was an embodiment of the worst aspects of UN bureaucratic inefficiency; a muted, closed arena for jousting over all the

unacknowledged political contradictions of the genocide; and a swamp of nepotistic and corrupt practices. . . . The result was that, whereas it had taken the Nuremberg Tribunal one year (from November 1945 to November 1946) to judge twenty-four Nazis and hang ten, the ICTR had managed to carry out only twenty procedures in ten years at a cost of around $700 million.[20]

Originally set to conclude in 2009, the ICTR trials were extended by Security Council fiat until December 2010, to allow processes then underway to conclude. The balance-sheet of the ICTR operations seems, overall, less impressive than the ICTY's. Leaving aside the efficacy of their justice measures, however, the two ad-hoc tribunals have contributed more to legal interpretations and applications of the Genocide Convention than all authorities in the preceding forty-five years. Some examples follow.

Jurisdictional issues

For decades, applications of international humanitarian law were impeded by the difficulty of determining which legal instruments could be imposed on sovereign states, and when – in peacetime, or solely in war? In civil wars, or only international ones? These matters are now largely resolved. In its "exhaustive analysis of customary and conventional international humanitarian law," the Hague tribunal concluded by decisively "severing . . . the category of crimes against humanity [including genocide] from any requirement of a connection to international wars, *or indeed to any state of conflict.*"[21] In the estimation of legal scholar Christopher Rudolph, this ICTY precedent "opened the door to international adjudication of internal conflicts."[22] It was seized upon by the Arusha tribunal in extending relevant international law to a "civil conflict" (the Rwanda genocide). The precedent has become a touchstone for advocates of universal jurisdiction in cases of genocide and other crimes against humanity.

The concept of a victim group

Many have criticized the UN Genocide Convention's exclusion of political and other potential victim groups. Moreover, the four core groups that the Convention *does* recognize – "national, ethnical, racial, and religious" – are notoriously difficult to define and distinguish "as such." Confronted with genocide in Rwanda, where populations sharing most of the usual ethnic markers – language, religion, a common history – descended into savage intercommunal killing, the ICTR chose to define an ethnic group as "one whose members share a common language and culture; or, a group which distinguishes itself as such (self identification); or, *a group identified as such by others, including perpetrators of the crimes (identification by others).*"[23] Identities may now be *imputed* to a collectivity, as well as avowed by one.

Gender and genocide

According to Steven Ratner and Jason Abrams, the ICTY's "indictments and jurisprudence have highlighted the role of sexual violence in the Balkan conflict and more clearly defined the status of such offenses in international criminal law."[24] For instance, in the Celibici case, the ICTY ruled that rape could constitute torture. The ICTR went further still. With the Akayesu decision of 1998, the Arusha tribunal, "in one of its significant innovations, defined rape as a form of genocide, in that it constitutes serious bodily or mental harm in accordance with article II(b) of the [UN] Convention."[25] Rape was also depicted as a form of "preventing births within the group," both physically and through inflicting psychological trauma on women.[26] From both perspectives, female rape victims are now viewed as victims in their own right, rather than as a medium through which dishonor and dislocation are visited upon a family or community. This new sensitivity, "a significant advance in international jurisprudence,"[27] reflects decades of successful feminist mobilization around the issue of rape, including groundbreaking analyses of rape in war and genocide.[28]

Neither the ICTY nor the ICTR has accompanied these advances with systematic attention to rape and sexual violence against males, especially in detention centers and prison camps. The ICTY tribunal reacted with unease to forays on the subject, while the ICTR has ignored it altogether.[29] However, the tribunals *did* make one essential contribution to legal understandings of gendercidal atrocities against men. In 2001, Bosnian Serb General Radislav Krstic became the first person to be convicted by the ICTY of aiding and abetting genocide. Krstic's lawyers had argued that because "only" adult males were killed at Srebrenica, the strategy was not genocidal against the community as a whole. In its 2004 verdict on Krstic's appeal, the court rejected these arguments, contending that selective killing of males constituted destruction of the Bosnian-Muslim population "in part," and this was sufficient to characterize the slaughter as genocide.[30]

▌ BOX 15.1 "GENOCIDE" VS. "CRIMES AGAINST HUMANITY"

The concept of "crimes against humanity" predates that of genocide. It was first used in an international context in 1915. As the Ottoman genocide against Christian minorities raged (see Chapter 4), the Allies of the Triple Entente – Russia, France, and Great Britain – gathered to issue a statement of protest and concern. The proposed Russian wording condemned "crimes . . . against Christianity and civilization," but the other Allies felt this could bring yet more persecution upon the ravaged Christian populations of Anatolia. Accordingly, an agreement was struck to change the text to denounce instead crimes "against humanity and civilization."

Thus was born one of the most potent concepts of human rights and, eventually, international law. The Nuremberg tribunal of 1945–46 employed the language

of crimes against humanity, along with "crimes against peace" and "war crimes," to prosecute Nazi war criminals for acts that included "murder, extermination, enslavement, deportation, and other inhuman acts committed against any civilian population, before or during the war. . ." The Rome Statute of the International Criminal Court, adopted in 1998, added the crimes of torture, "rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity"; "persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender . . . or other grounds"; "forced disappearance of persons"; and "the crime of apartheid." It also emphasized that the "other inhumane acts" referenced at Nuremberg consisted of those "of a similar character [to those cited] intentionally causing great suffering, or serious injury to body or to mental or physical health."[31]

For genocide scholars and students, the areas of conceptual crossover and divergence with the UN Genocide Convention are worth noting. Crimes against humanity are characterized by two main requisites: they must be "widespread or systematic," and they must be committed in the course of an attack "directed against any civilian population" (Rome Statute). Neither of these requirements is found in the Genocide Convention, though in practical application and prosecution, genocide has generally been viewed as targeting civilians (or at least non-combatants). The "widespread" scale and "systematic" character of atrocities likewise supply important evidence that a campaign of genocide is underway.

Importantly, the "murder" and "extermination" provisions of crimes against humanity legislation do *not* require that the civilian victims be members of a particular national, ethnic, racial, or religious collectivity, as the Genocide Convention does. Moreover, the Rome Statute's prohibition against "persecution" of "identifiable group[s]" references a wider range of collectivities than does the Convention, including "political," "cultural," and "gender" groups.

There is an intriguing overlap between the "extermination" provisions of crimes against humanity legislation and Article 2(c) of the Genocide Convention, which bans "deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." The Rome Statute defines "extermination" in similar, at times identical, language: it is "the intentional infliction of conditions of life, inter alia [among other things] the deprivation of access to food and medicine, calculated to bring about the destruction of part of the population." Like Article 2(c), therefore, "extermination" emphasizes *indirect* destruction through denial of the means of subsistence, especially "food and medicine." Faminogenic crimes (see pp. 68–69), as well as certain strategies of blockade and ghettoization, can either be considered genocidal under international law (when directed against members of one of the groups designated in the Convention), or exterminatory under crimes against humanity provisions (so long as they are "widespread or systematic" and target a civilian population).

In international-legal practice, crimes against humanity after Nuremberg faded into the background – as indeed did the Genocide Convention after it entered into law in 1951. When mass killing and other crimes erupted in the Balkans, Rwanda, and elsewhere in the 1990s, it was allegations of genocide which captured the imagination of publics, political leaders, and legal specialists – in part because the interethnic dimension of the killing was so pronounced. However, prosecutors at the Yugoslavia and Rwanda tribunals – and those that have followed – quickly ran up against limitations and ambiguities in the Genocide Convention, most notably its requirement that *intent to destroy a particular group* be demonstrated. Not only does crimes against humanity legislation incorporate a much wider range of crimes (notably including torture, forcible deportation, and sexual assault), but a prosecutor need only demonstrate that acts were intentionally inflicted against civilians, rather than a designated group.[32] If she or he *can* so demonstrate, then the punishment imposed on the perpetrator – usually life imprisonment or incarceration for decades – will likely be similar to that imposed for genocide.[33]

The result has been a subtle but noticeable shift in international tribunals away from genocide and toward crimes against humanity as the preferred legal framework. This was prominently displayed in the International Criminal Court's indictment of Sudanese president Omar al-Bashir in 2008 (as well as a former Sudanese interior minister and *Janjaweed* militia leader) for crimes allegedly committed in the Darfur region of western Sudan (see Box 9a). Prosecutors requested an indictment for genocide, along with war crimes and crimes against humanity. But the ICC's pre-trial chamber at first demurred: "the material provided by the Prosecution in support of its application for a warrant of arrest failed to provide reasonable grounds to believe that the Government of Sudan acted with specific intent to destroy, in whole or in part, the Fur, Masalit and Zaghawa groups" of Darfur.[34] (As this book headed to press in early 2010, however, the prosecution's appeal had been allowed, and a way was potentially open for genocide to be added to the charge sheet.) The former Liberian leader and warlord, Charles Taylor, was similarly on trial by the UN-sponsored Special Court for Sierra Leone in 2010 for war crimes and crimes against humanity – but not genocide (see further below).

The trend might be expected to grow in coming years. In some ways, this strikes me as an important validation of a concept which has generally been sidelined by the recent emphasis on genocide. "Crimes against humanity" is, on its own terms, a revolutionary notion. It suggests that the atrocities in question target not only the proximate victim, but the entire human collective and its core values. It is thus an elegant and rather moving encapsulation of the tendency toward universalism and cosmopolitanism, from which ideas of "human rights" derive.

The growing prominence of crimes against humanity in legal and public discourse also points to something I have long sensed: that the most significant deployment of "genocide" may *not* be as a legal-prosecutorial device, but as an intellectual concept

and – recognizing the term's unequalled rhetorical power – an advocacy tool to arouse public concern, shame perpetrators, and press for intervention.[35] This may also free the term from its unnecessarily restrictive framing in the UN Genocide Convention, with its limited target groups and high evidentiary requirement of genocidal intent.

Readers interested in the concept of crimes against humanity are invited to consult my recent book, *Crimes Against Humanity: A Beginner's Guide* (Oneworld, 2008, www.crimesagainsthumanity.ca), which aims to provide the first systematic treatment of the subject for a general audience.

NATIONAL TRIALS

Prosecution of genocide and other crimes at a national rather than international level carries certain advantages. Mechanisms for indictment, prosecution, and adjudication usually exist, at least in name: this is a definitional feature of the modern state. Moreover, in countries where genocide and crimes against humanity have been committed, the matter is deeply personal:

> Where trials take place in the country where the offenses occurred, the entire process becomes more deeply connected with the society, providing it with the potential to create a strong psychological and deterrent effect on the population. This factor, combined with the greater access to evidence, witnesses, victims, and perpetrators, gives such tribunals a significant potential advantage over international tribunals.[36]

Unfortunately, perpetration of genocide on a national territory often correlates with underdeveloped and compromised legal institutions. Thus, the capacity for administering justice may be sorely lacking. In Ethiopia, for instance, President Meles Zenawi's government charged more than five thousand representatives of the brutal Dergue dictatorship with offenses that included crimes against humanity and genocide; but these "highly ambitious" prosecutions suffered from a "judicial system [that was] weak and lacking any tradition of independence."[37] Rwanda's formal post-genocide trials, as distinct from the *gacaca* experiment (see below), aroused strong international criticism for their selective and sometimes shambolic character.

National trials can also arouse national sentiment, to the detriment of the proceedings. This derailed the tribunals at Leipzig and Constantinople after the First World War. Even contemporary, advanced legal systems may be unduly swayed by such sentiment. Israel, for example, mishandled the trial of John Demjanjuk, a US citizen extradited on charges of having served as a brutal guard ("Ivan the Terrible") at the Treblinka death camp. According to Geoffrey Robertson, some Israelis "wanted so badly to convict Demjanjuk that three experienced judges ignored exculpatory evidence and presided over an outrageously unfair show trial," sentencing the prisoner to death. Only when incontrovertible proof of mistaken identity was submitted at the appeal stage was Demjanjuk "grudgingly" cleared – for the time being.[38]

In addition to Ethiopia's proceedings against the Dergue and Israel's against Demjanjuk, some major national trials for war crimes and crimes against humanity include:

- Proceedings against thousands of accused war criminals in Germany after World War Two, following on the Nuremberg tribunal but conducted by German courts. Result: minimal "denazification," with most former Nazi functionaries left unprosecuted.
- Israel's abduction and trial of leading Nazi bureaucrat Adolf Eichmann (1960–61). Result: Eichmann's conviction and execution (1962).[39]
- Argentina's prosecution and incarceration, in the mid-1980s, of leaders of the former military *junta*. Result: five leaders convicted and jailed, but pardoned several years later; renewed prosecutions in the 2000s as immunity is lifted (see Chapter 14).
- Trials of accused *génocidaires* in Rwanda. Result: some trials and executions, general chaos, and the introduction of less formal *gacaca* proceedings (see below).
- The trials in post-2003 Iraq of Saddam Hussein and several of his henchmen for genocide against Shias and Kurds (Box 4a). Result: Saddam and his cousin, Ali Hassan al-Majid ("Chemical Ali"), convicted and hanged; others convicted and awaiting execution at the time of writing.

Domestic legislation on genocide is sometimes intriguing for its application of the Genocide Convention. Incorporation of the Convention into national law can be restrictive, based on "reservations" that are often self-serving.[40] But domestic framings can also be expansive and inclusive, perhaps charting a course for developments at the international level. This is especially notable in the case of designated victim groups for genocide. Bangladesh – with memories of the 1971 genocide still fresh (Box 8a) – added political groups to the Convention definition, as did Costa Rica in 1992 and Panama in 1993. Peru includes social groups, while Finland adds "a comparable group of people" to the Convention's core list of collectivities.[41] Another distinctive example is Cambodia, where, in light of the Khmer Rouge's strategies, genocide was defined in a Decree Law of July 1979 as including "planned massacres of groups of innocent people; expulsion of inhabitants of cities and villages in order to concentrate them and force them to do hard labour in conditions leading to their physical and mental destruction; wiping out religion; [and] destroying political, cultural and social structures and family and social relations."[42]

▌ THE "MIXED TRIBUNALS": CAMBODIA AND SIERRA LEONE

The tribunals agreed for Cambodia and the West African nation of Sierra Leone provide an innovative "mixed" model that combines national and international representation. The trend-setter is Cambodia, where the model emerged after hard bargaining between the United Nations and the Cambodian government. The UN – supported in this by human rights NGOs in Cambodia and abroad – declared the

country's post-genocide legal system incapable of administering justice. Not only was the system ramshackle and underfunded, the argument ran, but it was vulnerable to intervention and control by the authoritarian Hun Sen government. Government representatives, by contrast, stressed the importance of homegrown justice. After tortuous twists and turns a compromise was reached, and a UN–Cambodia Agreement was signed in June 2003. According to Tom Fawthrop and Helen Jarvis, the mixed tribunal was "a carefully crafted structure designed to provide sufficient checks and balances. International jurists, lawyers and judges will occupy key roles as the co-prosecutor, co-investigating judge and two out of five trial court judges, and must be a party to conviction or exoneration of any accused."[43] The first trial, of Kaing Guek Eav (alias "Duch"), was described in Chapter 7 (see p. 304); it concluded in November 2009, with no verdict rendered at the time of writing. The trials of four more Khmer Rouge leaders were in the works – senior figures only, so as not to risk destabilizing the process of recovery and reconciliation underway in Cambodian society. As Jörg Menzel summarized it, "the Cambodian approach to transitional justice is minimalist in nature: a symbolic criminal trial against a few main perpetrators. This is not much, but probably better than nothing."[44]

Although it took the Cambodian framework as its guide, the Special Court for Sierra Leone was first off the ground. It, too, includes both national and foreign justices, adjudicating under both domestic and international laws. But in a unique twist, two cities on different continents hosted the proceedings. Trials of the leaders of three different militia formations (the RUF, CDF, and AFRC) took place in Freetown, the Sierra Leonean capital. But a chamber of the International Criminal Court at The Hague was employed as the venue for Charles Taylor's trial – a special case, owing to Taylor's role as former president of Liberia (he was charged with orchestrating atrocities in Sierra Leone), and his status as a highly divisive figure in this traumatized region of West Africa. The possibility that a public trial would destroy nascent processes of reconciliation and reintegration of former combatants prompted the United Nations to approve the move. Taylor's trial at The Hague began in June 2007, and continued as this edition went to press. Three former leaders of the AFRC (Armed Forces Revolutionary Council) had already been convicted for war crimes and crimes against humanity (none of those before the court is charged with genocide); their convictions were upheld on appeal, while the convictions of three RUF figures were being appealed at the time of writing. Unquestionably the court's most notable legal contributions, thus far, were the conviction of AFRC figures for forcibly conscripting children, and the 2009 conviction of three RUF leaders for inflicting forced marriage on women. In each case, this was the first time such a verdict had been rendered under international law.[45]

ANOTHER KIND OF JUSTICE: RWANDA'S *GACACA* EXPERIMENT

Following the seizure of power in Rwanda by Paul Kagame's RPF rebels, well over 100,000 detainees were jailed for years without trial, in squalid and overcrowded conditions. Their incarceration was usually based on genuine suspicion of involvement in the genocide; some accusations, though, were surely concocted to settle

personal scores or seize property. Clearly, the country's shattered legal system could not hope to clear the backlog of cases.

The solution eventually settled upon was *gacaca* (ga-CHA-cha). The word means "on the grass," a reference to the open-air proceedings chaired by "260,000 lay judges – old and young, men and women, Hutu and Tutsi," elected by popular vote in October 2001.[46] *Gacaca* tribunals, which began to function in 2005, were established at four levels, from cell through sector and district to province. The lowest-level tribunal handled Category 4 offenses, those against property only. Sector tribunals assessed crimes involving injury, while district-level trials handled cases of killing, but not – at the outset – the organization and direction of killing (Category 1 crimes). Until 2008, these latter crimes fell outside the *gacaca* framework, but in that year the tribunals' mandate was extended to include *local*-level planners and organizers of genocidal crimes. Provincial tribunals served as courts of final appeal for all *gacaca* cases.[47]

At the trials, victim and perpetrator were brought face to face, with witnesses speaking for each, and with each allowed an opportunity to address the tribunal. The "array of participants . . . include[d] all those affected by the crimes and also those who will be affected by the suspect's return to the community."[48] Judges, nine in number, were volunteers, usually community notables.

Figure 15.2   "It's Vestine's turn to talk about what happened to her family before the gacaca, the village court."

Source: Mark Vuori/World's Children's Prize/www.worldschildrensprize.org. In 2006, the AOCM, organization of Rwanda's genocide orphans, was awarded the prize by millions of children voting around the world.

The ensuing procedure "clearly contains elements that are distinctly retributive in nature," such as the emphasis on individual guilt and the imposition of punishments, as legal scholar Nicholas A. Jones acknowledged. However, *gacaca* also featured important elements of *restorative* justice:

> An offender who willingly accepts responsibility, takes ownership of his or her actions, and demonstrates his or her contriteness and willingness to tell the truth about the events that occurred, may receive a reduced sentence and an earlier return to the community through the application of the community service aspect of the plea. The [*gacaca*] legislation provides the accused with an avenue through which they may attempt to make amends for the harm they have caused. Additionally, this may present offenders with an opportunity to increase their likelihood for re-integration into the community, because other members of the community witness those attempts at restitution.[49]

In the evaluation offered by one of Jones's interviewees,

> I think that the Gacaca can bring people together because once you bring people together to dialogue, to discuss the issues that affect them directly, to discuss about whether they took part – one accused of murdering another, the other saying "you did this," "I didn't do this," "I did this, I'm sorry, can you forgive me?" That's a very important dialogue, and finally, starting from the hard facts is difficult, but finally you reach a consensus, whatever the case. Once people come together, you will definitely come up with a changed attitude. Previously people didn't want to even look at one another, but now they can hope to, they can hope to sit down and they can discuss issues.[50]

Critics of *gacaca* pointed to the political selectivity of the process – Tutsi killers of Hutus during and after the genocide against Tutsis were not called to account – as well as to the lack of Western-style judicial safeguards, such as defense lawyers and a presumption of innocence, and the "low standards of evidence" that left "ample room for manipulation and corruption."[51] There was also the perpetual problem of post-genocide justice: individuals' exploitation of inadequate legal infrastructure, and the prevailing confusion, fear, and paranoia, to saddle innocent people with genocide-related charges, thereby displacing them as political, professional, or even romantic rivals.

Moreover, an abstract concept like "reintegration" is fraught with complexity. What does it mean when thousands of killers and their accomplices are reintroduced to communities that include their victims and relatives of their victims? This process, which is not unique to Rwanda (see further below), will doubtless be closely tracked and studied in coming years.[52]

At this point, near the end of the *gacaca* experiment (they were scheduled to conclude in 2010),[53] one can say it seems a reasonably inspired indigenous response to a vast challenge – administering justice in a post-genocidal society with daunting resource constraints. The raw numbers were certainly impressive: by mid-2009, some 1.5 *million* cases had been heard.[54]

THE PINOCHET CASE

General Augusto Pinochet was first among equals in the military *junta* that overthrew the elected regime of Salvador Allende in Chile on September 11, 1973.[55] The coup was followed by a campaign against the Left, in which several thousand Chileans died. Many more were scarred physically and psychologically by torture, and tens of thousands forced into exile. Activists who fled one Southern Cone* country for refuge in another were hunted down and murdered in death-squad operations coordinated jointly by the region's dictators, Pinochet included.

Figure 15.3   Spanish judge Baltasar Garzón is shown in August 2005 at the Naval Mechanics School in Buenos Aires, Argentina (ESMA; see Figure 14.5 and related discussion), together with a member of the Mothers of the Plaza de Mayo (the "Mothers of the Disappeared"). Garzón, whose extradition request to Great Britain sparked the Augusto Pinochet case, has sought to use "universal jurisdiction" provisions to extend Spain's role in prosecutions for genocide and crimes against humanity committed outside its territory. However, his campaign hit a roadblock in 2009, with the declared opposition of the Spanish government to allowing the country's legal system to serve as a "World Court."[56]

Source: Presidency of the Nation of Argentina/Wikimedia Commons.

* The "Southern Cone" of South America consists of Argentina, Chile, Paraguay, and Uruguay.

In 1974, Pinochet appointed himself president. Repression, torture, and death-squad activity continued, albeit on a reduced scale. In 1989, confident that his free-market reforms and social conservatism would sway a majority of Chileans, Pinochet submitted to a plebiscite. A majority – though not a large one – rejected him. Pinochet duly left office in 1990, and a centrist government took power.

Pinochet lived on, wealthy and comfortable except for persistent back problems. In search of relief, he consulted physicians in London, where the former Conservative Prime Minister, Margaret Thatcher, was his regular visitor; she had staunchly backed Pinochet during her years in power. For its part, the Blair government dispatched Foreign Office staff to attend to the aging dictator's needs and concerns.

Press reports had alerted Spanish judge Baltasar Garzón to Pinochet's presence in Britain. In October 1998, Garzón procured a warrant for Pinochet's extradition. The former dictator, aware that legal proceedings were afoot, was preparing to flee when police detained him. He would remain under house arrest while the British considered Garzón's extradition request.

On March 24, 1999, the same day that NATO bombs began falling on Kosovo (Chapter 8), a panel of the House of Lords – the supreme British tribunal – voted 6-1 that norms of diplomatic immunity did not extend to Pinochet in his current situation.[57] British domestic opinion was divided over the detention and extradition request, however, with Lady Thatcher leading a chorus of protest. In the end, *Realpolitik* (loosely, "reality politics") won out. In March 2000, a year-and-a-half after Pinochet's arrest, UK Home Secretary Jack Straw released him by government fiat on "compassionate" grounds.[58]

This seemed an abortive conclusion. Nonetheless, the Pinochet case was recognized as a watershed in international humanitarian law. For the first time since the legally ambiguous Eichmann case,[59] a former leadership figure, accused of committing grave abuses in one state (but not of war crimes *per se*), was detained in another state for possible extradition to a third. Considerations of sovereign immunity were no longer determinant. As one of the British Law Lords wrote: "The trend was clear. War crimes had been replaced by crimes against humanity. The way in which a state treated its own citizens within its own borders had become a matter of legitimate concern to the international community."[60]

In a neat example of a political "feedback loop," international legal proceedings against Pinochet influenced the Chilean domestic agenda.[61] In closing his 2000 account of the Pinochet case, Geoffrey Robertson opined that Pinochet was "as likely to go to trial [in Chile] . . . as he is to heaven."[62] But in 2004, the Chilean Supreme Court suddenly declared Pinochet fit to stand trial, at age 89, for murders committed under his aegis. Shortly after the renewed legal process was announced, Pinochet entered hospital with a supposed "stroke." The Supreme Court was unimpressed. In the first days of January 2005, it reiterated that the process should go ahead, and placed the former dictator under house arrest.[63] In September 2005, Pinochet was formally stripped of his immunity from prosecution. Impunity for Pinochet's colleagues and underlings had also evaporated, with "more than 300 retired officers, including 21 generals . . . in jail or facing charges."[64]

Where would it all end? For Pinochet, only death in December 2006 brought relief. But in the wake of his prosecution (and Yugoslavia's surrender of Slobodan

Milosevic to The Hague shortly thereafter), a certain vulnerability now attended dictators and their henchmen worldwide.[65] Former Peruvian president Alberto Fujimori was repatriated from Chile, put on trial, and convicted in April 2009 of kidnapping and murder for death-squad massacres and "disappearances" of leftist opponents. He was "sentenced to 25 years in what was described as a landmark ruling for human rights cases in Latin America."[66] And fewer of those ensconced in power felt secure after the Yugoslavia tribunal (ICTY) indicted Slobodan Milosevic for crimes in Kosovo in 1999 (and secured his extradition), or when the International Criminal Court followed by indicting Sudanese president Omar al-Bashir for crimes against humanity in Darfur in March 2009.

Even for those who did not face courts or formal indictments, travel arrangements were disrupted. Cuban President Fidel Castro allegedly "cancelled at least two trips out of Cuba, apparently fearing he could be arrested on US criminal charges." The former chief of Ethiopia's Dergue regime, Mengistu Haile Mariam, "faced an arrest threat in South Africa while receiving medical treatment there, causing him to return to safer exile in Zimbabwe."[67] Alleged architects of Israeli atrocities against Palestinians cancelled trips to the United Kingdom for fear of detention and arrest under universal jurisdiction provisions.[68] Not even the policy elite of the world's leading democracy was safe from such challenges. In March 2009, none other than Baltasar Garzón, "the crusading investigative judge who ordered the arrest of the former Chilean dictator Augusto Pinochet," moved to open an investigation of "six former high-level Bush administration officials" accused of "violat[ing] international law by providing the legal framework to justify the torture of prisoners at Guantánamo Bay, Cuba . . . " Those named included former attorney general Alberto R. Gonzales, and various legal specialists who had bent the law to permit the torture of prisoners in US custody.[69] This, however, was a step too far for Spain's attorney general. He promptly moved to squelch the investigation, cautioning that US courts were the appropriate venue for such charges, and Spain's should not become "a plaything" for political agendas.[70] The veto was widely seen to mark a cresting of the universal-jurisdiction movement that Spain, and Garzón, had done so much to spearhead. But as with legal-humanitarian interventions more generally, the slackening could well be only temporary.

THE INTERNATIONAL CRIMINAL COURT (ICC)

> Implicit within the logic of the term "crime against humanity" is the need for an international court.
>
> David Hirsh

The concept of a permanent international tribunal for war crimes and crimes against humanity is a venerable one. According to legal scholar William Schabas, Gustav Moynier of the Red Cross outlined an early plan in the 1870s.[71] But for most of the twentieth century, the one court with a claim to global jurisdiction – the International Court of Justice (ICJ) at The Hague, also known as the World Court – was limited mostly to territorial claims and resource disputes. When Nicaragua launched

proceedings against the US in the 1980s for acts of material sabotage and support for *contra* rebels, the US at first argued that the ICJ lacked jurisdiction. When the ICJ begged to differ, the US withdrew from the proceedings and refused to abide by any judgment against it. The ICJ ruled in Nicaragua's favor, but was impotent to enforce its decision. "A court with teeth" in the humanitarian and human rights arena existed only in the Western European regional context: the European Court of Justice's decisions are binding on all European Union members. However, the mounting impetus for a global prohibition regime against genocide, war crimes, and crimes against humanity led, in 1994, to the UN drafting a statute for a legal body along the lines of the Yugoslavia tribunal, but with global jurisdiction. A final version was agreed in Rome, with the "Rome Statute" passed on July 17, 1998. In April 2002, sixty-six countries – six more than required – voted to adopt the Statute, and it entered formally into force. By early 2010, 108 "state parties" had ratified it in their national legislatures. Eighteen judges, including seven women, were appointed, and Luis Moreno Ocampo was selected as the first independent prosecutor. Notably, Moreno Ocampo first came to prominence through his prosecution of former *junta* leaders in Argentina.

The court was envisaged as an adjunct to legal proceedings at the national level. Only when national mechanisms prove incapable of handling a case can the ICC come into play. Individuals from states who are not signatories to the Rome Statute may still be tried, though only if referred to the Court by a signatory state. In general, ICC proceedings are to be activated only by a request from a member state, though some loopholes do exist. The independent prosecutor can initiate investigations on his or her own (*proprio motu*), while the UN Security Council may command the prosecutor to apply the court's jurisdiction even if s/he is reluctant to do so. A Pre-Trial Chamber will then issue warrants for the arrest of indicted individuals (it is individuals, not states or other entities, that are the focus of the ICC's operations).

The Court's mandate extends to genocide, war crimes, crimes of "aggression," and crimes against humanity. The definition of "genocide" adopted by the ICC is identical to that of the UN Convention. Worth noting also is the emphasis on "crimes against humanity" in the Rome Statute. As we saw above (Box 15.1), this category of crimes overlaps with the Genocide Convention in some measure, and is likely – for practical and conceptual reasons – to figure more prominently than genocide in future legal prosecutions.

Despite the broad international consensus behind the ICC, many governments, including the US, have shied from it. The Clinton government signed the Rome Statute in the knowledge that it was unlikely to be ratified by Congress.[72] The issue of universal jurisdiction, along with the semi-independent role of the prosecutor, were key sticking points. In May 2002, the Bush administration renounced the treaty, and declared that it would not tolerate the detention or trial of any US national by the ICC. Later the same year, Bush signed into law the "American Servicemembers Protection Act," authorizing the US president "to use all means . . . necessary to bring about the release of covered US persons and covered allied persons held captive by or on behalf of the [ICC]."[73] Wags referred to this as the "Invade the Hague Act," conjuring images of US troops descending on Dutch detention centers to free Americans accused of abuses and atrocities. The tone was certainly eased by Barack
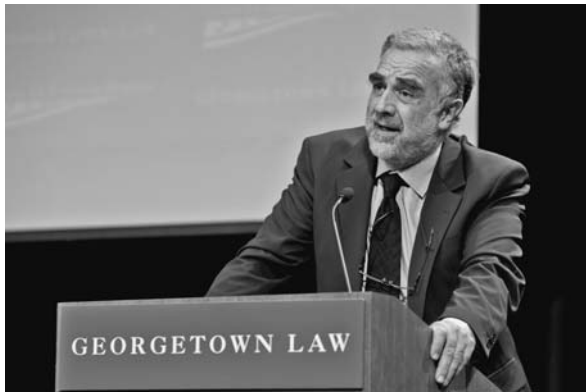
Figure 15.4 Luis Moreno Ocampo, former scourge of Argentine war criminals, appointed in 2003 as the first prosecutor of the International Criminal Court (ICC). Ocampo is shown speaking at Georgetown University in Washington, DC, in April 2008.

Source: Ralph Alswang/Center for American Progress.

Figure 15.5 The ICC building in The Hague, Netherlands.

Source: Hanhil/Nederlandstalige Wikipedia.

Obama's succession in 2009, but the new civility did not extend to the US actually becoming a state party to the court.

The ICC is "the body that may ultimately play the greatest role in interpreting the prohibition against genocide."[74] To this point, though, "its power as part of the atrocities [prohibition] regime remains contested and indefinite."[75] Its broad mandate and intended permanence bode well, as does its popularity in most countries of the world. On the other hand, concessions made to placate US and other concerns (including an opt-out clause lasting seven years) provoked concern that the ICC might become just another toothless legal body.

Since the first edition of this book was published, the Court has launched investigations into Congo, Darfur, the Central African Republic, and Northern Uganda, issued a dozen indictments (four of the accused were in custody), and tried its first case – against a Congolese militia chief, Thomas Lubanga, accused of conscripting child soldiers.[76] Whether and when the ICC's purview would extend beyond these important but politically "safe" African cases remained uncertain as this edition was prepared.[77]

INTERNATIONAL CITIZENS' TRIBUNALS

Often called "international people's tribunals," these bodies substitute accusations and public shaming for due process and enforcement. The formation of a citizens'

tribunal implies that regular means of justice are inadequate – corrupt or com-promised. "The people" – certain interested people – seize the initiative and stage a quasi-trial. This may publicize atrocities, raise public consciousness, or shatter taboos, for example about Western state involvement. (It is usually Western democracies that are both hosts and subjects of the proceedings.) Tribunals can place vital evidence on the public record, and point to gaps between legislation and its application, highlighting the immunity often extended to sovereign states and their represen-tatives.

Citizens' tribunals received a rare comparative analysis in a book by political scientists Arthur and Judith Klinghoffer.[78] The authors pointed out that, in many ways, the most remarkable and successful citizens' tribunal was the first. In February 1933, the month after Adolf Hitler came to power, the Reichstag Parliament building in Berlin was burned down. Three foreign and one German communist, along with the Dutchman Marinus van der Lubbe, were charged with the crime. The Nazis seized on the fire to declare a state of emergency, suspend the Weimar Constitution, and begin their mass round-ups of communist suspects (Box 6a). Fearing that the German courts were too cowed to try the matter fairly, various public intellectuals, along with prominent socialists and communists, convened "The Commission of Inquiry into the Origins of the Reichstag Fire" in London in September 1933. Held a week before official proceedings were due to get underway in Germany, the tribunal pulled the rug out from under the Nazis' planned show-trial. Placed in the hot seat by inter-national media attention, a court in Leipzig convicted only van der Lubbe (he was subsequently executed). The four communists were acquitted. "The first inter-national citizens' tribunal had taken on Nazi Germany, and had won," wrote Arthur Klinghoffer. "Intellectuals had confronted a totalitarian state, and had successfully used public opinion as a weapon to further their cause."[79]

Four years later, supporters of exiled Russian communist Leon Trotsky organized a citizens' tribunal at his new (and final) home in Coyoacán, a Mexico City suburb. The intent of the Dewey Commission, chaired by the eponymous philosopher, was to denounce Soviet show-trials and accusations against Trotsky. The tribunal achieved some success in countering Stalinist propaganda, although its geographic remove from centers of Western public opinion limited its impact.

Much more visible was the International War Crimes Tribunal to judge US actions in the Vietnam War in 1967, known as the Russell Tribunal. Delegates voted unani-mously that US actions did constitute genocide against the Vietnamese and other Indochinese peoples (for more on the US war in Vietnam, and these findings, see Chapter 2). According to Ann Curthoys and John Docker, "the Tribunal made a significant and eventually influential contribution to debates over the morality and conduct of the war in Vietnam."[80] However, "this decision on genocide had little impact on the American public and was generally viewed by the press as verbal excess."[81]

Since the 1970s, tribunals have publicized the restitution claims of indigenous peoples; the Japanese "comfort women" issue; Western wars and sanctions against Iraq;[82] and the social damage associated with neoliberal economic measures imposed by the First World on the Third. As these examples suggest, "In essence, tribunals have become a weapon of the radical left in its battle with 'global capitalism.'"[83]

It has been argued that "these tribunals do make some contribution to the pathetically limited possibilities of action for the punishment of genocide."[84] However, many observers consider them to be kangaroo courts: their "investigations sometimes seem perfunctory, and the verdict seems preordained," in Leo Kuper's words.[85] Richard Falk referred to the Russell Tribunal as "a juridical farce."[86] Law Professor Peter Burns likewise argued that "the desired conclusion[s]" of such tribunals are "inextricably woven into the accusations and process itself." He considered them "a form of overt morality play, relying upon polemic and theatre to achieve results that may be desirable ethically, but may or may not be desirable legally."[87]

TRUTH AND RECONCILIATION

Like *gacaca* in Rwanda, truth and reconciliation commissions are driven by a vision of restorative justice that "seeks repair of social connections and peace rather than retribution against the offenders." As such, these commissions have become the preferred option for societies (or at least their decision-makers) who wish to avoid arduous and possibly destabilizing trials. For victims, such commissions provide a forum, perhaps the first they have had, for speaking of the horrors inflicted upon them or upon those whom they loved. Ideally, the result is *catharsis* – in this context, the mastering of one's pain through its articulation. "By confronting the past, the traumatized individuals can learn to distinguish past, present, and future. When the work of knowing and telling the story has come to an end, the trauma then belongs to the past; the survivor can face the work of building a future."[88] Validation may also lie in having one's testimony heard, corroborated, and integrated into a commission's published findings. A degree of moral order is restored to the world when one's suffering is taken seriously, and its perpetrators viewed with obloquy. (Truth-telling may also have a darker side, however, considered below.)

Key questions for truth commissions include the following. *How long will the commission operate for?* The general trend is from a few months to a couple of years. *Who will fund it?* Significant resources may be available domestically, as in South Africa. In other cases foreign funding is crucial, and in a pair of instances the UN has played a formative role (El Salvador) or a prominent one (Guatemala). *Who will staff the commission?* The emphasis has been on prominent public figures from the country in question, widely seen as fair-minded and compassionate. *Will the commission examine alleged abuses by all sides in a given conflict, or one side only?* The strong tendency has been towards examining all sides' conduct, since this greatly bolsters the credibility of the commission's procedures and final report. *Will the commission have the power to dispense justice and grant amnesty?* Justice, no; and only South Africa's commission could grant amnesty to those who confessed before it.

In conducting its operations, *how will the commission elicit testimony?* Sessions may be held in public or behind closed doors. Anonymous testimony might be permitted, especially in the case of sexual crimes. *What standard of evidence will be required to draw publishable conclusions?* According to Hayner, the trend is towards "the 'balance of probabilities' standard for basic conclusions of fact. This . . . suggests that there is more evidence to support than to deny a conclusion, or that something is more likely

to be true than not based on the evidence before the commission."[89] *Will the commission's report include prescriptions and recommendations?* In general, yes. Special attention is often paid to reforming the state security forces. Commissions may also provide critical documentation for subsequent criminal trials. *Will the commission name names?* More rarely.[90] There is a delicate balance to be struck between holding individuals accountable while risking (1) overturning the applecart of a delicate political transition, or (2) provoking threats and acts of violence against witnesses and commission staff. The UN-sponsored commission in El Salvador *did* name names, despite intense opposition from the Salvadoran government and military. The Guatemalan commission, by contrast, chose not to, though it left no doubt that state agents had committed the overwhelming majority of the atrocities (see Box 3a).

Will truth commissions consider the roles of foreign actors? Generally not, though when such investigations *are* conducted, they may be revelatory. The 1992 report of the Chad truth commission, for example, produced a hard-hitting assessment of US aid to the goons of the Habré regime. The US also came under close scrutiny by the Guatemalan Commission for Historical Clarification. The commission obtained extensive documentation of the US role in overthrowing a democratic government in Guatemala (1954), then installing and sustaining the military dictators who eventually turned to full-scale genocide against Mayan Indians and domestic dissenters.

However, "most truth commissions have not investigated this international role at any depth; few have addressed the issue at all in their final report."[91] This reflects material and evidentiary constraints, as well as the complexity of some international involvements. (One balks at assessing the international dimension of the Congo conflict, for example, if a truth commission is ever struck with this mandate.) Sometimes the reluctance may derive from practical considerations. Many truth commissions, as noted, rely on international financial support – frequently from the United States.

Truth commissions resemble citizens' tribunals in compensating for a lack of "teeth" in their deliberations by creating ripples in the public sphere. In the commissions' case, this can produce a kind of quasi-legal sanction against offenders. Some of those named by commissions may avoid foreign travel, fearing arrest. At a more informal level, Hayner has vividly described the treatment accorded to leaders and high-profile agents of the former *junta* in Argentina. Many were never formally tried; some were jailed but released under an amnesty. Nevertheless, the revelation of their deeds, primarily through the Argentine truth commission and its *Nunca Más* report, carried lasting consequences for these individuals. "Whenever they venture into the streets or public places, [Generals] Videla, Massera, Camps, and several others have experienced spontaneous though nonviolent acts of repudiation: waiters refuse to serve them, other patrons leave the place or sit far away from them, some actually defy their bodyguards and confront them with the opinion that most Argentines have of them."[92]

A question remains: Is the truth always desirable? In personal terms, truth-telling about atrocity is often deeply traumatizing for the teller. Yael Fischman and Jaime Ross describe the "recurring themes" of torture survivors in therapy:

> fear of destroying others, such as relatives and therapists, by relating the trauma; fear of loss of control over feelings of rage, violence, and anxiety; shame and rage

over the vulnerability and helplessness evoked by torture; rage and grief at the sudden and arbitrary disruption of individual, social, and political projects, and at the violation of rights; guilt and shame over surviving and being unable to save others; guilt over bringing distress on self and family and over not protecting them . . . fear and rage at the unpredictability of and lack of control over events; grief over the loss of significant others, through both death and exile; and loss of aspects of the self, such as trust and innocence.[93]

Outside a formal therapeutic environment, though, almost no mechanism to elicit truth-telling – be it a truth commission, a human rights investigator, or a journalist – provides meaningful follow-up to traumatized survivors. Truth-divulging may also be "dangerous and destabilizing" on a national level, according to Hayner, "disrupt[ing] fragile relationships in local communities recently returned to peace."[94] She cited Mozambique, where "people across the political spectrum, including victims, academics, government officials and others . . . said, 'No, we do not want to reenter into this morass of conflict, hatred, and pain. We want to focus on the future. . . . We prefer silence over confrontation, over renewed pain. While we cannot forget, we would like to pretend that we can.'"[95]

These attitudes were not ostrich-like. Rather, they signaled a process of peace and reconciliation that had come about "remarkably quickly" in Mozambique, many observers describing it "with a sense of wonder." From the day a peace agreement was signed ending one of Africa's most brutal twentieth-century wars, "the former warring enemies have lived in peace virtually without incident." Rituals of purification and reconciliation were performed at the village level, beyond the reach of state initiatives.[96] "We were all thinking about how to increase peace and reconciliation," said one Mozambican official, "but when we came to the grassroots, they were reconciling already. Our ideas were only confusing and stirring up trouble."[97] In 2009, Malangatana Ngwenya, a renowned Mozambican poet and artist who lost many members of his family in the war, told the UK *Guardian*: "If we had had a truth commission, it would just have caused tension. I don't want to know who killed my family. It would be stupid to know. And even if by chance I learned who took my brother's life, I wouldn't waste time on starting to hate."[98]

A similar reconciliation process prevailed in East Timor following the final expulsion of Indonesian forces from the territory in 1999 (Box 7a). While the Indonesian architects of genocide in East Timor enjoyed immunity in their homeland, the quarter-century-long occupation also drew many Timorese onto the Indonesian side as collaborators. For those accused of "nonserious crimes," the post-independence Timorese authorities sponsored a community reconciliation program (PRK) described by anthropologist Elizabeth F. Drexler:

Individuals wishing to be reconciled with particular communities (deponents) submitted statements of nonserious crimes. These statements were reviewed by the deputy general prosecutor for serious crimes to establish that the deponent applying for reconciliation was not sought on other charges of more serious crimes. In the community hearings deponents testified to their actions, often emphasizing their lack of power or control in an overall system of intimidation and forced

participation in the campaign of terror orchestrated by infamous militia leaders who remained just over the border in Indonesia. Community members in attendance had the opportunity to question what happened, often producing responses that attributed culpability to other militia members who remain in West Timor. . . . Most communities agreed to accept the deponent and promised to no longer ostracize him or her after the symbolic act of reconciliation was fulfilled (e.g., cleaning the church). Thus in community reconciliation hearings, testimony had immediate effects, and the community was bound to act as if the narrative given were true.

While "some victims . . . criticized the process because they felt pressured to accept statements from the perpetrator that were not as complete or remorseful as they had hoped," the program has nonetheless "been celebrated as a major innovation," according to Drexler.[99]

THE CHALLENGE OF REDRESS

- *Israel/Germany, December 2009.* The Israeli press reports that Israel will formally press Germany for half a billion to a billion euros in further compensation for Jews used as slave labor during World War Two. German Finance Minister Yuval Steinitz was scheduled to "present German government with the demand on behalf of 30,000 Israeli survivors of forced labor in wartime ghettos, during a joint session scheduled to take place in early 2010 in Berlin." The initiative to renegotiate the 1950s agreement between Germany and Israel, under which successive German governments paid tens of billions of dollars in reparations to the Israeli state on behalf of the Jewish people, followed a successful campaign against banks and other business enterprises, in Switzerland and elsewhere, for claims derived from Jewish capital deposits and hyperexploited labor. But it also followed the September 2009 rejection by Germany's highest court of a claim to return "land seized by the Nazis from its Jewish owner in 1933. . . . The Nazis later sold the homes to their occupants, who are now the owners."[100]
- *Providence, Rhode Island, USA, May 2009.* A commission created by the Steering Committee on Slavery and Justice at Brown University, a member of the US's privileged Ivy League, announces it will erect a memorial to educate the community "about how slavery was intertwined with the University's early benefactors." Rhode Island "was the heart of the American slave trade," with "more than 110,000 enslaved Africans" transiting the city en route to New World plantations. "Brown University, for its part, was financed in part with donations from John and Moses Brown, who were the most prominent Providence slave traders, as well as other Rhode Island slave traders and southern plantation owners. Slaves also helped to construct the first building on the campus, now known as University Hall." In the 2000s, Brown University took a lead in engaging with its slaving heritage. Responding to earlier recommendations by the Steering Committee, it "created a $10-million target for an endowment for Providence Public Schools," among other measures designed to improve educational opportunities for slavery's

descendants. In the wake of the university's decision to replace "Columbus Day" celebrations with a "Fall Weekend" – since Columbus was an early slaver – calls were even heard to rename the university itself.[101]

- *United Kingdom/Australia, September 2009.* The skull and jawbone of two aboriginal individuals, held by the Royal College of Surgeons in London and National Museums Scotland, arrive home in Tasmania to an indigenous ritual "to welcome the remains and their spirits back to their country" after an exile approaching two centuries. One set of remains was acquired by a Christian missionary around 1830. "National Museums Scotland believes it acquired its skull about 1823, but has no further information other than that it came from Tasmania. 'That usually means the remains were grave-robbed,' the Tasmanian Aboriginal Centre's Sara Maynard said. 'In such cases the grave robber rarely provided detailed documentation.'" The Royal College of Surgeons had earlier unearthed five other jawbones of aborigines in its collection, and returned them in 2002. "Since 1996, more than 1000 indigenous remains have been brought back to Australia," but "more than 1000 are still held in museums worldwide." The Tasmanian Aboriginal Centre calls for legislation to ensure "that all Aboriginal remains in British institutions are returned to Australia."[102]

These three vignettes bear upon the central issue of *redress* for past atrocities. The *Concise Oxford Dictionary* defines redress as to "set right, remedy, make up for, get rid of, rectify . . . [a] distress, wrong, damage, grievance, [or] abuse." Political scientist Colin Tatz, summarizing the arguments of Mari Matsuda, cited "five prerequisites for a meritorious claim for redress: a 'human injustice' must have been committed; it must be well-documented; the victims must be identifiable as a distinct group; the current members of the group must continue to suffer harm; and such harm must be causally connected to the past injustice."[103]

Forms of redress are numerous, and sometimes amorphous. Penalties imposed by official tribunals, such as the ICTR and ICTY, certainly qualify, as do the decisions of less formal processes (such as *gacaca* in Rwanda). The healing that ideally accompanies truth commissions and formal acts of reconciliation may also constitute redress. Compensation is a regular feature: it can take the form of monetary payments (as in the Israeli–German case), territorial agreements, restitution of property or cultural objects (like aboriginal remains), profits from exploitation of natural resources, and affirmative action policies in public and private sector employment (such as in South Africa after 1994).

A critical role may be played by formal *apologies*. Martha Minow emphasized "the communal nature of the process of apologizing," which "requires communication between a wrongdoer and a victim. . . . The methods for offering and accepting an apology both reflect and help to constitute a moral community."[104] Memorable apologies include:

- German Chancellor Willi Brandt's *Kniefall* (kneeling apology) at a Polish war memorial in 1970.
- Queen Elizabeth's 1995 *mea culpa* to New Zealand Maoris for British violation of the Waitingi Treaty of 1840: "The Crown expresses its profound regret

and apologizes unreservedly for the loss of lives because of hostilities arising from this invasion and at the devastation of property and social life which resulted."[105]

- The annual "Sorry Day," instituted by white Australians after the publication of *Bringing Them Home*, the report of the Aboriginal and Torres Strait Islander Commission (Chapter 3).[106]
- President Bill Clinton's 1998 half-apology at Kigali airport for Western inaction during the genocide in Rwanda.[107]
- The 2004 statement by Heidemarie Wieczorek-Zeul, Germany's development aid minister, to Namibian Hereros for "atrocities . . . [that] would have been termed genocide" (see Chapter 3).
- Australian prime minister Kevin Rudd's February 2008 apology, "without qualification" and as his government's first act of parliament, for the forcible transfer of Australian aboriginals to white-run institutions that sought to extirpate the native culture from their hearts and minds. Rudd apologized "to the mothers, the fathers, the brothers, the sisters, the families and the communities whose lives were ripped apart by the actions of successive governments under successive parliaments" (see Chapter 3).[108]
- The apologies by the US Congress and Senate – which still awaited a harmonized wording and final approval after the Senate vote of June 2009 – to African Americans for the institution of slavery, and the "Jim Crow" apartheid measures that followed its formal repeal. The Senate wording, which passed unanimously, "acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery and Jim Crow laws" and "apologizes to African-Americans on behalf of the people of the United States." However, the Senate tacked on a disclaimer that "Nothing in this resolution authorizes or supports any claim [for compensation/restitution] against the United States."[109]

Perhaps the most unusual of the recent welter of apologies was Denmark's to Ireland. On an August 2007 visit to Ireland, Danish culture minister Brian Mikkelson expressed remorse for brutal Viking raids in Ireland, "pillaging monasteries and massacring inhabitants" – some 1,200 years ago! ". . . We are not proud of the damages to the people of Ireland that followed in the footsteps of the Vikings," Mikkelson told his hosts. "But the warmth and friendliness with which you greet us today . . . show us that, luckily, it has all been forgiven."[110]

One can question whether genuine issues of reparation and restitution arise in the Viking case. With regard to more recent atrocities, however, there remains a danger that apology may serve as a cheap substitute for meaningful redress. Does it not "merely whitewash the injustice?" wondered Elazar Barkan.[111] In the wake of Kevin Rudd's historic apology to the "Stolen Generations," Tony Barta also inquired whether the terms of the *mea culpa* in fact served to "bur[y] a history of genocide."[112]

However, apologies may also serve as the *entrée* to significant material compensation and institutional transformation. A US congressional apology to Japanese Americans for their internment during the Second World War came as part of a Civil Liberties Act, under which the US government paid out 80,000 claims worth $1.6 billion, in addition to opening a Japanese American National Museum in Los

Angeles. Queen Elizabeth's declaration to the Maoris was accompanied by a substantial land settlement and the granting of extensive fishing rights. Profits from these sources "within a few years . . . became a significant source of Maori income."[113] In Canada, a Royal Commission on Aboriginal Peoples acknowledged in 1996 that "great wrongs have been done" to Native Indians. This half-apology was followed by the allotting of hundreds of millions of dollars "to community-based healing initiatives for victims" of the residential school system (see Chapter 3); the designation of Indians as "first nations" (as in the US); and the creation in April 1999 of a new territory, Nunavut, for northern Inuit peoples, with a concomitant share of profits from the land's abundant natural resources (see p. 593).[114]

By contrast, a failure or refusal to apologize usually signifies intransigence toward material and institutional forms of redress. Notable *non*-apologies of recent times include Turkey's for the genocides of Christian minorities during World War One; Central European countries' for the mass expulsion of ethnic Germans at the end of the Second World War and after; and Israel's for the "ethnic cleansing of Palestine" in 1947–48.[115] Nonetheless, the apologetic trend prevails, suggesting a strengthening of the humanitarian regime first forged in the mid-nineteenth century.

FURTHER STUDY

Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil*. New York: The Viking Press, 1965. Arendt's controversial account of the trial in Israel of Adolf Eichmann, the ultimate bureaucratic killer.

Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices*. New York: W.W. Norton, 2001. Wide-ranging overview of contemporary forms of redress.

Roy Gutman and David Rieff, *Crimes of War: What the Public Should Know*. New York: W.W. Norton, 1999. Richly (sometimes disturbingly) illustrated encyclopedia.

Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*. New York: Routledge, 2001. Energetic insider account of truth commissions.

L.J. van den Herik, *The Contribution of the Rwanda Tribunal to the Development of International Law*. Leiden: Martinus Nijhoff, 2005. Overview of the ICTR's shaping of the law of genocide and crimes against humanity.

David Hirsh, *Law against Genocide: Cosmopolitan Trials*. London: Glasshouse Press, 2003. Focuses on four recent trials related to genocide and crimes against humanity.

Michael J. Kelly, *Nowhere to Hide: Defeat of the Sovereign Immunity Defense for Crimes of Genocide and the Trials of Slobodan Milosevic and Saddam Hussein*. New York: Peter Lang, 2005. How the immunity previously granted to leaders of sovereign states eroded in the twentieth and twenty-first centuries.

Antjie Krog, *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. New York: Three Rivers Press, 2000. Searing study of the truth and reconciliation process after apartheid.

Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*. Boston, MA: Beacon Press, 1998. A good introduction to issues of truth and redress.

Nunca Más: The Report of the Argentine National Commission on the Disappeared. New York: Farrar Straus Giroux, 1986; Spanish version online at http://www. nuncamas.org/index.htm; English version at http://web.archive.org/web/2003 1004074316/nuncamas.org/english/library/nevagain/nevagain_001.htm. The groundbreaking investigation of crimes committed by the Argentine military *junta* (1976–83).

Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (2nd edn). Oxford: Oxford University Press, 2001. Best read alongside Schabas (see below), with a useful Cambodia case study.

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, 1994. Core texts with commentary.

Antonius C.G.M. Robben, *Political Violence and Trauma in Argentina*. Philadelphia, PA: University of Pennsylvania Press, 2005. Examination of the military dictatorship in Argentina (1976–83) and its impact on society.

Geoffrey Robertson, *Crimes against Humanity: The Struggle for Global Justice* (3rd edn). New York: The New Press, 2007. Thin on genocide, but elegantly written and bracingly opinionated.

William A. Schabas, *Genocide in International Law: The Crime of Crimes* (2nd edn). Cambridge: Cambridge University Press, 2009. Comprehensive and massively detailed; an indispensable reference work.

Sarah B. Sewall and Carl Kaysen, eds, *The United States and the International Criminal Court: National Security and International Law*. Lanham, MD: Rowman & Littlefield, 2000. Essays analyzing the ICC initiative in historical context.

Adam M. Smith, *After Genocide: Bringing the Devil to Justice*. Amherst, NY: Prometheus Books, 2009. Wide-ranging portrait of the accomplishments and travails of the international search for justice.

Eric Stover and Harvey M. Weinstein, eds, *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity*. Cambridge: Cambridge University Press, 2004. Now-classic collection of essays with a grassroots emphasis and expertise, focusing on the Bosnian and Rwandan cases.

NOTES

1 William A. Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press, 2000), p. 354. Some examples of crimes that command universal jurisdiction are "hijacking and other threats to air travel, piracy, attacks upon diplomats, [threats to] nuclear safety, terrorism, *apartheid* and torture."

2 Ibid., p. 341.

3 Gladstone quoted in Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton, NJ: Princeton University Press, 2000), p. 33; emphasis added.

4 The official names of the tribunals were the International Military Tribunal (Nuremberg, created in August 1945) and the International Military Tribunal for the Far East (Tokyo, created in January 1946). For more on the tribunals, see Joseph E. Persico, *Nuremberg: Infamy on Trial* (London: Penguin, 1995), and Arnold C. Brackman, *The Other Nuremberg: The Untold Story of the Tokyo War Crimes Trials* (New York: William Morrow, 1987).

5 See Richard Overy, "Making Justice at Nuremberg, 1945–1946," http://www.bbc.co.uk/history/worldwars/wwtwo/war_crimes_trials_01.shtml.

6 Samantha Power, *"A Problem from Hell": America and the Age of Genocide* (New York: Basic Books, 2002), p. 50 (quoting the Nuremberg indictments). Although their trials received far less public attention than did those of the top Nazi leaders, Nuremberg also tried members of the *Einsatzgruppen* killing squads who rampaged through Polish and Soviet territories in 1941–42. These defendants "had been *directly* involved in the supervision and implementation of mass murder, war crimes, and genocide. Of the twenty-four accused, twenty-two were convicted. Among those, two commanders, ten leaders, and two officers were sentenced to death by hanging. One commander and one leader were sentenced to life imprisonment. The remaining six defendants were given lesser sentences." James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*, 2nd edn (Oxford: Oxford University Press, 2007), p. 96.

7 "Genocide was mentioned at Nuremberg, but was not included in the charges against the defendants and was not an operative legal concept." Arthur Jay Klinghoffer and Judith Klinghoffer, *International Citizens' Tribunals: Mobilizing Public Opinion to Advance Human Rights* (New York: Palgrave, 2002), p. 195 (n. 5).

8 Steven R. Ratner and Jason S. Abrams, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (2nd edn) (Oxford: Oxford University Press, 2001), p. 22. Martha Minow points out that "no prior law made it clear that individuals could be charged with the crime of waging aggressive war; the same held true for crimes against humanity, including murder, extermination, enslavement, and persecution on the basis of views or identities." Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon Press, 1998), p. 33.

9 Geoffrey Robertson, *Crimes against Humanity: The Struggle for Global Justice* (New York: The New Press, 2000), p. 224.

10 David Hirsh, *Law against Genocide: Cosmopolitan Trials* (London: Glasshouse Press, 2003), p. 42.

11 Robertson, *Crimes against Humanity*, p. 222.

12 Hirsh, *Law against Genocide*, p. xvi.

13 Bullock quoted in Richard J. Goldstone and Gary Jonathan Bass, "Lessons from the International Criminal Tribunals," in Sarah B. Sewall and Carl Kaysen, eds, *The United States and the International Criminal Court: National Security and International Law* (Lanham, MD: Rowman & Littlefield, 2000), p. 54.

14 Bass wrote that the ICTY "was an act of tokenism by the world community, which was largely unwilling to intervene in ex-Yugoslavia but did not mind creating an institution that would give the *appearance* of moral concern." Bass, *Stay the Hand of Vengeance*, p. 214.

15 Louis Sell, *Slobodan Milosevic and the Destruction of Yugoslavia* (Durham, NC: Duke University Press, 2002), p. 361.

16 By the end of 2009, the ICTY had passed 92 judgments (listed at http://www.icty.org/sid/10095), far more than the ICTR. Fifteen cases were in process; only two accused were still at large, including Ratko Mladic, supervisor of the Srebrenica slaughter in 1995.

17 For a nuanced examination, see David Bruce MacDonald, "The Fire in 1999? The United States, NATO and the Bombing of Yugoslavia," ch. 16 in Adam Jones, ed., *Genocide, War Crimes and the West: History and Complicity* (London: Zed Books, 2004), pp. 276–98.

18 Rory Carroll, "Genocide Tribunal 'Ignoring Tutsi Crimes,'" *The Guardian*, January 13, 2005. "A former prosecutor, Carla del Ponte, promised to charge members of the RPF [the Tutsi-led Rwandan Patriotic Front] but before doing so she was removed from her post by a unanimous vote in the UN security council in August 2003. Her successor, Hassan Bubacar Jallow, showed no such zeal."

19 See Minow, *Between Vengeance and Forgiveness*, p. 41. As of April 2004, the ICTR had completed nine cases (including appeal stages) with twelve cases being tried or pending appeal. Ten defendants were "sentenced to life imprisonment, three were acquitted, while the rest received different jail terms ranging from 10 to 35 years. Out of the 12 cases pending appeal, two of them have been acquitted at the trial stage." Twenty-three defendants were in custody awaiting trial. Fondation Hirondelle, "ICTR/Genocide/Commemoration – Basic Facts on the ICTR," http://www.hirondelle.org/hirondelle. nsf/0/d5df8df93c71b8aac1256e69004c22ce?OpenDocument.

20 Gérard Prunier, *Africa's World War: Congo, the Rwandan Genocide, and the Making of a Continental Catastrophe* (New York: Oxford University Press, 2009), p. 309.

21 Robertson, *Crimes against Humanity*, p. 296; emphasis added.

22 Christopher Rudolph, "Constructing an Atrocities Regime: The Politics of War Crimes Tribunals," *International Organization*, 55: 3 (2001), p. 667.

23 Yusuf Aksar, "The 'Victimized Group' Concept in the Genocide Convention and the Development of International Humanitarian Law through the Practice of Ad Hoc Tribunals," *Journal of Genocide Research*, 5: 2 (2003), p. 217; emphasis added.

24 Ratner and Abrams, *Accountability for Human Rights Atrocities*, p. 201.

25 Schabas, *Genocide in International Law*, p. 384.

26 Ibid., p. 174.

27 Nicholas A. Jones, *The Courts of Genocide: Politics and the Rule of Law in Rwanda and Arusha* (London: Routledge, 2010), p. 143.

28 See, e.g., Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Bantam, 1975); Alexandra Stiglmayer, ed., *Mass Rape: The War against Women in Bosnia-Herzegovina* (Lincoln, NB: University of Nebraska Press, 1994).

29 On the rape of males in conflict and genocide, see Sandesh Sivakumaran, "Sexual Violence Against Men in Armed Conflict," *The European Journal of International Law*, 18: 2 (2007), pp. 253–76; and Augusta Del Zotto and Adam Jones, "Male-on-male Sexual Violence in Wartime: Human Rights' Last Taboo?," paper presented to the Annual Convention of the International Studies Association (ISA), New Orleans, LA, March 2002, available at http://adamjones.freeservers.com/malerape.htm. For a recent mainstream-media report on the subject, see Jeffrey Gettleman, "Symbol of Unhealed Congo: Male Rape Victims," *The New York Times*, August 4, 2009, http://www. nytimes.com/2009/08/05/world/africa/05congo.html. A truly groundbreaking documentary film on gender-based violence (GBV) against males is "Gender Against Men," produced in 2009 by the Refugee Law Project of Faculty of Law, Makerere University, Kampala, Uganda. It focuses on atrocities against men (including gendercidal killing and rape) in Congo and Uganda. The full 45-minute film can be downloaded from http://www.forcedmigration.org/video/gender-against-men/media.

30 Judge Meron stated: "By seeking to eliminate a part of the Bosnian Muslims, the Bosnian Serb forces committed genocide. They targeted for extinction the 40,000 Bosnian Muslims living in Srebrenica, a group which was emblematic of the Bosnian Muslims in general. They stripped all the male Muslim prisoners, military and civilian, elderly and young, of their personal belongings and identification, and deliberately and methodically killed them solely on the basis of their identity." Ian Traynor, "Hague Rules Srebrenica Was Genocide," *The Guardian*, April 20, 2004, http://www.guardian. co. uk/print/ 0,3858,4905287-103645,00.html.

31 For the full text of the Rome Statute, see http://untreaty.un.org/cod/icc/statute/romefra. htm.

32 See Robert Marquand, "Why Genocide is Difficult to Prosecute," *The Christian Science Monitor*, April 30, 2007, http://www.csmonitor.com/2007/0430/p01s04-wogi.html.

33 L.J. van den Herik has written of the Rwanda tribunal (ICTR) that "an examination of the legal description of crimes against humanity . . . reveals that this crime has been formulated to serve as a kind of safety net in case genocide could not be proved." Van den Herik, *The Contribution of the Rwanda Tribunal to the Development of International Law* (Leiden: Martinus Nijhoff Publishers, 2005), pp. 254–55.

34 Zachary Manfredi, "Implications of the Absence of Genocide Charges for Bashir," *ICC Observers*, March 5, 2009, http://iccobservers.wordpress.com/2009/03/05/icc-observers-commentary-implications-of-the-abscence-of-genocide-charges-for-bashir.

35 As Daniel Jonah Goldhagen argues, "We should use 'genocide' . . . regularly and liberally for mass murders," since "more than any other term, [it] conveys the magnitude of the horror of what perpetrators do to their victims." Goldhagen, *Worse Than War: Genocide, Eliminationism, and the Ongoing Assault on Humanity* (New York: Basic Books, 2009), p. 525.

36 Ratner and Abrams, *Accountability for Human Rights Atrocities*, p. 182.

37 Ibid., p. 175.

38 Robertson, *Crimes against Humanity*, p. 240. As of 2010, however, Demjanjuk was again on trial, having been extradited from the US to Germany to face charges of serving as a prison guard at Sobibor (not Treblinka). See Madeline Chambers, "Nazi Guard Demjanjuk Wheeled into Munich Trial," Reuters dispatch, November 30, 2009.

39 "Eichmann managed to escape [Germany] and flee to Argentina. Eventually abducted by Israeli intelligence agents in Argentina in May 1960, he was brought to Israel to stand trial. He was charged with fifteen counts of crimes against the Jewish people and against humanity, and of war crimes. Eichmann's trial opened on April 11, 1961, and ended on August 14 of the same year. He was found guilty and sentenced to death (Israel allows the death penalty only for crimes of genocide). An appeal of his death sentence was rejected in May 1962. Eichmann was hanged in the Ramla prison on the night of May 31, 1962. His body was cremated and his ashes spread over the sea, outside the territorial waters of Israel." Waller, *Becoming Evil*, p. 99.

40 For a complete list, see Prevent Genocide International, "Declarations and Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide," http://www.preventgenocide.org/law/convention/reservations/.

41 Schabas, *Genocide in International Law*, p. 351 (n. 28).

42 Cited in Tom Fawthrop and Helen Jarvis, *Getting Away with Genocide? Elusive Justice and the Khmer Rouge Tribunal* (London: Pluto Press, 2004), p. 223.

43 Ibid., p. 240.

44 Jörg Menzel, "Justice Delayed or Too Late for Justice? The Khmer Rouge Tribunal and the Cambodian 'Genocide' 1975–79," *Journal of Genocide Research*, 9: 2 (2007), p. 224.

45 See "'Forced Marriage' Conviction a First," IRIN dispatch, February 26, 2009, http://www.irinnews.org/Report.aspx?ReportId=83160. See also the Special Court's website at http://www.sc-sl.org.

46 Lyn S. Graybill, "Ten Years After, Rwanda Tries Reconciliation," *Current History*, May 2004, p. 204.

47 George Packer, "Justice on a Hill," in Nicolaus Mills and Kira Brunner, eds, *The New Killing Fields: Massacre and the Politics of Intervention* (New York: Basic Books, 2002), pp. 133–34.

48 Alana Erin Tiemessen, "After Arusha: Gacaca Justice in Post-Genocide Rwanda," *African Studies Quarterly*, 8: 1 (2004), http://www.africa.ufl.edu/asq/v8/v8i1a4.htm.

49 Jones, *The Courts of Genocide*, p. 69.

50 C. Kayitana quoted in ibid., p. 51.

51 Packer, "Justice on a Hill," p. 135.

52 Anne Aghion's 2009 documentary film, *My Neighbor My Killer* (www.gacacafilms.com), powerfully documents the reintegration process, and provides a useful overview of the *gacaca* process as a whole.

53 "Gacaca Courts Wind Up Proceedings," Hirondelle News Agency dispatch, December 17, 2009, http://www.hirondellenews.com/content/view/13079/309.

54 "Rwanda: Jury Still Out on Effectiveness of 'Gacaca' Courts," IRIN dispatch on *Refworld*, June 23, 2009, http://www.unhcr.org/refworld/publisher,IRIN,,RWA,4a433 cf217,0.html.

55 Allende died in the coup, apparently by his own hand as military forces invaded the Moneda presidential palace.

56 See Helene Zuber, "Spain's 'World Court' May Be Restricted," *Spiegel Online*, June 2, 2009, http://www.spiegel.de/international/world/0,1518,628112,00.html.

57 A technical consideration dictated, however, that Pinochet could be extradited only for crimes committed after Britain's incorporation of extraterritorial torture as a crime under domestic law. Thus, only offenses from the final two years of Pinochet's rule – not the most repressive – could be extraditable.

58 A good investigation of the events, with many key documents, is Diana Woodhouse, *The Pinochet Case: A Legal and Constitutional Analysis* (Oxford: Hart Publishing, 2000).

59 "Ambiguous," because Eichmann's arrest by Israeli agents was technically a violation of Argentine sovereignty (and was protested as such); furthermore, Eichmann was dispatched clandestinely to Israel to stand trial, rather than being formally extradited.

60 Lord Millet quoted in Robertson, *Crimes against Humanity*, p. 395.

61 Ernesto Verdeja also refers to the Pinochet detention as "an example of how international events can redefine domestic political contours," and this was well before the Chilean Supreme Court's declaration that Pinochet was fit to stand trial. Verdeja, "Institutional Responses to Genocide and Mass Atrocity," in Jones, ed., *Genocide, War Crimes and the West*, p. 339.

62 Robertson, *Crimes against Humanity*, p. 400.

63 They were, of course, sometimes put on trial for other things, such as corruption (as with Arnoldo Alemán of Nicaragua and Carlos Andrés Pérez of Venezuela).

64 "Writing the Next Chapter in a Latin American Success Story," *The Economist*, April 2, 2005. In August 2007, the Chilean Supreme Court confirmed a life sentence for Hugo Salas Wenzel, convicted of murdering twelve of Pinochet's opponents; he was "the first such senior military officer to receive a life term for human rights violations." Daniel Schweimler, "Chile Ex-General Jailed for Life," *BBC Online*, August 29, 2007, http:// news.bbc.co.uk/2/hi/americas/6967974.stm. Later in the same year, fifteen figures in Pinochet's regime were given sentences ranging from five to eighteen years in jail "for the revenge killings of three dissidents," following a failed assassination attempt on Pinochet in 1986. "Ex-Pinochet Agents Sentenced in Revenge Killings," Associated Press dispatch on CNN.com, December 28, 2007. In April 2008, five senior naval officers were indicted for atrocities committed in the immediate wake of the 1973 military coup: see "Retired Navy Officers Indicted in Chile for Killing, Torture of Priest," Associated Press dispatch in *The Los Angeles Times*, April 19, 2008. It is worth noting, and probably not coincidental, that Michelle Bachelet, Chile's president from 2005 to 2009, was herself a political prisoner under Pinochet.

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68 "In 2005, a retired Israeli general, Doron Almog, returned to Israel after landing in London because he was tipped off that police planned to arrest him. The warrant for Almog – who allegedly oversaw the bombing of a Gaza building in which 14 people were killed – was later cancelled. Other Israeli leaders, including former military chief Moshe Yaalon and ex-Shin Bet security chief Avi Dichter, have cancelled trips to Britain in recent years for the same reason." Ian Black, "Tzipi Livni Arrest Warrant Prompts Israeli Government Travel 'Ban,'" *The Guardian*, December 15, 2009, http://www.guardian.co.uk/world/2009/dec/15/tzipi-livni-arrest-warrant-israeli.

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79 Arthur Jay Klinghoffer, "International Citizens' Tribunals on Human Rights," in Jones, ed., *Genocide, War Crimes and the West*, pp. 350–51.

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83 Klinghoffer and Klinghoffer, *International Citizens' Tribunals*, p. 10.

84 Leo Kuper, *The Prevention of Genocide* (New Haven, CT: Yale University Press, 1985), p. 193.

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87 Professor Peter Burns of the University of British Columbia, personal communication, May 12, 2005.

88 Minow, *Between Vengeance and Forgiveness*, pp. 60, 67.

89 Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (New York: Routledge, 2001), p. 232.

90 "While most commissions have had the power to name perpetrators, however, only a few have done so: El Salvador, Chad, the second commission of the African National Congress, and the South African Truth and Reconciliation Commission." Hayner, *Unspeakable Truths*, pp. 107–8.

91 Ibid., p. 75.

92 Ibid., p. 111.

93 Fischman and Ross, article on "Group Treatment of Exiled Survivors of Torture," in the *American Journal of Orthopsychiatry*; quoted in Victoria Sanford, *Buried Secrets: Truth and Human Rights in Guatemala* (New York: Palgrave Macmillan, 2003), p. 241.

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98 Ngwenya quoted in Jonathan Steele, "A Healing in Mozambique," *The Guardian*, November 20, 2009, http://www.guardian.co.uk/commentisfree/2009/nov/20/mozambique-civil-war-peace.

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100 "Israel to Seek Another 1b Euros Holocaust in [*sic*] Reparations from Germany," Haaretz.com, December 20, 2009, http://www.haaretz.com/hasen/spages/1136383.html.

101 "Brown University to Erect Slave Trade Memorial," The Living Consequences (blog), March 18, 2009; "Slavery and Justice Commission Recommends a Memorial to Acknowledge Slave Trade Ties," Brown University press release, March 16, 2009, http://news.brown.edu/pressreleases/2009/03/memorial; Joshua Rhett Miller, "Brown University Should Consider Name Change Due to Slave Ties, Critics Say," FOXNews.com, April 17, 2009, http://www.foxnews.com/story/0,2933,516982,00.html.

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104 Minow, *Between Vengeance and Forgiveness*, p. 114.

105 Queen Elizabeth quoted in Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W.W. Norton, 2001), p. 264.

106 "A 'Sorry Day' in Australia," *BBC Online*, May 26, 1998, http://news.bbc.co.uk/1/hi/world/asia-pacific/100476.stm.

107 Clinton's semi-apology ran as follows: "It may seem strange to you here, especially the many of you who lost members of your family, but all over the world there were people like me sitting in offices, day after day after day, who did not fully appreciate the depth and the speed with which you were being engulfed by this unimaginable terror. The international community, together with nations in Africa, must bear its share of responsibility for this tragedy as well. We did not act quickly enough after the killing began. We should not have allowed the refugee camps to become safe haven for the killers. We did not immediately call these crimes by their rightful name: genocide. We cannot change the past. But we can and must do everything in our power to help you build a future without fear and full of hope." Cited in *PBS Online News Hour*, http://www.pbs.org/newshour/ bb/africa/jan-june98/rwanda_3-25a.html.

108 "Text of Australian Prime Minister Kevin Rudd's Apology to Aborigines," *The Hindu*, February 13, 2008, http://www.thehindu.com/nic/auspmapology.htm. For those inclined to dismiss such apologies as "only words," Hall Greenland captures something of the impact of Rudd's parliamentary declaration: "There were tears in Kevin Rudd's eyes as the parliament, the crowded gallery and huge crowd outside rose to give him a standing ovation. And there was not a dry eye among the thousands that assembled at the open-air broadcast in Eveleigh Street in the Sydney suburb of Redfern – Australia's little Harlem. All over Sydney the Aboriginal flag flew from town halls, schools and even Sydney University two blocks from Eveleigh Street. . . . For many kids this day will be like the day of the moon landing, or the day Martin Luther King was assassinated, or

Che [Guevara] murdered, or JFK shot, was for previous generations; they will remember where they were if only because lots of schools watched the apology. It means these rising generations will inherit an Australia which has, if not a clean sheet, at least an honest one." Greenland, "Australia's Finest Hour," Counterpunch.org, February 13, 2008, http://www.counterpunch.org/greenland02132008.html.

109 See Krissah Thompson, "Senate Backs Apology for Slavery," *The Washington Post*, June 19, 2009; text of the Senate resolution available at http://www.opencongress.org/bill/111-sc26/text.

110 Owen Bowcott, "Danes Say Sorry for Viking Raids on Ireland," *The Guardian*, August 16, 2007, http://www.guardian.co.uk/world/2007/aug/16/ireland.

111 Barkan, *The Guilt of Nations*, p. 323.

112 Tony Barta, "Sorry, and Not Sorry, in Australia: How the Apology to the Stolen Generations Buried a History of Genocide," *Journal of Genocide Research*, 10: 2 (2008), pp. 201–14.

113 Barkan, *The Guilt of Nations*, pp. 30, 273.

114 Tatz, *With Intent to Destroy*, p. 167.

115 On Israel-Palestine, see Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: Oneworld, 2006). With regard to the ethnic German expulsions, a small step was taken by the Czech government in August 2005, apologizing to expellees who were "active opponents of Nazism." See "Czechs Apologize for Mistreating German Anti-Nazis in WWII," Reuters dispatch in Haaretz.com, August 30, 2005. However, see also the European Court of Human Rights decision of October 2008 "reject[ing] a land claim by ethnic Germans who lost homes in Poland during World War II," on the grounds that "modern Poland bears no responsibility for the expulsion of ethnic Germans by the Soviets . . . because it had no governmental control of the land," and therefore was not obliged "to enact laws providing for rehabilitation, restitution of confiscated property or compensation for property lost by the individual applicants." "Court Throws out Restitution Claim by Ethnic Germans," Deutsche Welle dispatch, October 10, 2008.

International Crimes Database website, Introduction to International Crimes

Adapted from: http://www.internationalcrimesdatabase.org/Crimes/Introduction

International Crimes

Introduction

Initial notions of the concept of international crimes began to emerge in the Roman Empire with the writings of jurist Marcus Tullius Cicero and the concept of *hostes humani generis*, the enemies of humanity. This concept was used by writers as from the 17th century to refer to the perpetrators of international crimes such as piracy and slavery.[1] However, it was not until the Nuremberg and Tokyo tribunals - set up after the Second World War to prosecute leaders accused of serious crimes - that some crimes became criminalized under international law and the foundation for what we currently refer to as international criminal law was laid.

In the 1948 *Hostages* case, an international crime was defined as "such an act universally recognized as criminal, which is considered a grave matter of international concern and for some valid reason cannot be left within the exclusive jurisdiction of the state that would have control over it under ordinary circumstances".

With the creation of the International Criminal Tribunal for the former Yugoslavia (ICTY), the International Criminal Tribunal for Rwanda (ICTR), the International Criminal Court (ICC) and several other internationalised or hybrid criminal courts, international crimes have been prosecuted and the concept of international crimes started developing and is still evolving as we speak. Over the years, this development has been guided and supported by the International Law Commission (ILC). More than six decades later, it has been generally agreed upon that certain crimes, such as war crimes, crimes against humanity, genocide and the crime of aggression are considered to have the status of 'international crimes'.

At the same time, the label of 'international crime' has proven quite controversial. Many scholars have written about the intriguing question: what constitutes an international crime?

While several acts have been recognised as international crimes and can be prosecuted in both national courts and international tribunals, it seems that the status of many other crimes remains unclear under international law. One might say that as a result, there is neither a universally accepted definition of 'international crimes', nor have there been general criteria established in order to determine the scope and content of 'international crimes'. Considering international criminal law as an evolving field, it might not even be possible to establish clear criteria at this moment. Whether this is true or not, the goal of this background piece is not to find the right answer to the question what constitutes an international crime. Rather, by exploring the indeterminate boundaries of the label 'international criminal law' and the

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[1] M. Cherif Bassiouni, 'International Crimes: The *Ratione Materiae* of International Criminal Law', in: M. Cherif Bassiouni (ed.),*International Criminal Law. Vol. I: Sources, Subjects and Contents,* 3rd ed., Martinus Nijhoff Publishers: Leiden 2008, p. 129.

discussion that lies beneath it, an attempt will be made to provide an overview of some general characteristics of the crimes that have/or have not been labelled as international crime.

International crimes can be divided between the so-called 'core' crimes and the more controversial international crimes. With respect to the former category, it is generally accepted that this label is ascribed to genocide, crimes against humanity, the crime of aggression and war crimes.[2] The more controversial international crimes include terrorism, torture and piracy (to just name a few).

Characteristics of international crimes

Which features of international crimes set this category apart from ordinary crimes? Obviously, one can think of their particularly heinous, inhumane character that shocks the conscience of humanity, but there are more possibilities. While there is no consensus here either, several attempts have been made by legal scholars to define the key characteristics of international crimes.

In the second edition of his book *Principles of International Criminal Law*, Werle identified three cumulative conditions for an offence to fall within the scope of international criminal law:

> "First, it must entail individual responsibility and be subject to punishment. Second, the norm must be part of the body of international law. Third, the offense must be punishable regardless of whether it has been incorporated into domestic law [original footnote omitted]."[3]

Antonio Cassese, on the other hand, identifies four cumulative elements. With respect to the requirement mentioned by Werle - that the rule must be part of international law - Cassese explicitly adds that the violated rule should have customary status in international law and should intend to protect values considered important by the whole international community. Moreover, a universal interest in repressing these crimes should exists, in the sense that, subject to certain conditions, alleged perpetrators may in principle be prosecuted and punished by any state. Finally, Cassese explains that if the perpetrator has acted in an official capacity, the state on whose behalf he has performed the prohibited act is barred from claiming immunity (with the exception for a serving head of state, foreign minister, or diplomatic agent).[4]

Another author, Yasmin O. Naqvi mentions, in the context of the exercise of jurisdiction, even a list of eight features that would appear to characterise an international crime:

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[2] G. Werle, *Principles of International Criminal Law*, T.M.C. Asser Press: The Hague 2005, p. 26.

[3] G. Werle, *Principles of International Criminal Law*, 2nd edn. T.M.C. Asser Press: The Hague 2009, p. 29.

[4] A. Cassese, International Criminal Law, Oxford University Press: Oxford 2003, p. 23.

- It is a norm of such a fundamental character that its violation attracts the criminal responsibility of individuals
- Individual criminal liability exists at the international law level
- The act is universally recognised as criminal and is considered a grave matter of international concern, i.e., it is recognised under customary law
- The enforcement of this norm requires universal jurisdiction because it is not sufficient to leave it to the forum of primary jurisdiction
- Such an act endangers international relations (peace and security). In this sense, the exercise of jurisdiction is not just for prosecution's sake, but to fulfil the broader objectives of contributing to international peace and security
- The act breaches a moral obligation fixed by international law
- There is a collective responsibility to enforce such rules
- International crimes are violati0ns of *jus cogens* norms.[5]

Ultimately, the following five (non-cumulative) characteristics could be deduced from scholarly literature:

- crimes which violate or threaten fundamental values or interests protected by international law and which are of concern to the international community as a whole;

- criminal norms emanating from an international treaty or from customary international law, without requiring intermediate provision of domestic law;

- criminal norms which have direct binding force on individuals and therefore provide for direct individual criminal responsibility;

- crimes which may be prosecuted before international or domestic criminal courts in accordance with the principle of universal jurisdiction;

- a treaty provision or a rule of customary international law establishing liability for an act as an international crime binds all (or a great majority of) States and individuals.

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[5] Y.Q. Naqvi, *Impediments to Exercising Jurisdiction over International Crimes*, T.M.C. Asser Press: The Hague 2010, p. 31.

Geneva Academy, Definition of International Crimes

Source: http://www.geneva-academy.ch/RULAC/international_criminal_law.php

What are international crimes?

An international crime has been broadly defined as "an act universally recognized as criminal, which is considered a grave matter of international concern and for some valid reason cannot be left within the exclusive jurisdiction of the state that would have control over it under ordinary circumstances". (1) Today, international criminal liability exists at least in respect of war crimes, crimes against humanity, genocide and torture. Other crimes such as terrorism-related crimes, enforced disappearances and extrajudicial killings can arguably also be considered international crimes but will not be dealt with here.

War crimes refer to "grave breaches", as specified in the 1949 Geneva Conventions and Additional Protocol I, along with other serious violations of international humanitarian norms applicable in international and non-international armed conflict (see Qualification of armed conflict paper). Despite the criminalisation of acts committed in non-international armed conflicts, important differences remain between the laws applicable in such conflicts and those applicable to international armed conflict, as evidenced by the shorter list of war crimes that the ICC can prosecute in the context of non-international armed conflicts (see Article 8 of the 1998 Statute of the ICC).

Crimes against humanity encompass serious attacks on human dignity or a grave humiliation or degradation of human beings, the Rome Statute requires that they be committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack. Such crimes can be committed in time of peace as well as during an armed conflict (see article 7 of the 1998 Statute of the ICC).

Genocide covers acts such as murder or serious bodily or mental harm, committed with the intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such.

Torture is generally considered to be an aggravated form of inhuman treatment. Torture is not only prohibited as a war crime or when it is part of a widespread or systematic practice amounting to a crime against humanity but is also prohibited as a single act.

Under common Article 3 of the 1949 Geneva Conventions and the 1998 ICC Statute, torture is outlawed as a war crime or a crime against humanity with regard to both state actors and non-state armed groups.

Segment 5

Topics

- Shaping historical memory
- The politics of forgetting
- The role of international law
- The role of the media

Discussion points:

- Exercise: Combat the twelve denials
- What point was Adolf Hitler making when he said: "Who, after all, talks nowadays of the annihilation of the Armenians?"
- What can international law do to prevent genocide?
    o The International Court of Justice
    o The International Criminal Court
    o New international tribunals
    o Other international legal institutions
- What can you do?

Compulsory reading material (enclosed):

- Jones, A., *Genocide: A Comprehensive Introduction*, Routledge, 2011, 512-531

THE POLITICS OF FORGETTING

In 2002, Patrick Desbois, a French Catholic priest, arrived in the Ukrainian town of Rawa-Ruska, where the Nazis had transported his grandfather as a forced laborer after invading Ukraine in 1941. His grandfather had told Desbois stories of terrible things that occurred in the town during the early period of the Nazi occupation. Reports stated that Jews had been murdered there *en masse*. But when he sought further information, he encountered "a black hole. There was nothing in the books."[47] Nor, on his 2002 visit, could (or did) the town's mayor enlighten him.

Returning to Rawa-Ruska the following year, Desbois enlisted instead the deputy mayor, who proved much more forthcoming. Yaroslav Nadiak helped him to solicit eyewitness accounts from ageing townspeople. They were present on the dreadful day in 1941 when about 1,500 Jews were gathered and slaughtered by the Nazi *Einsatzgruppen*; they gathered silently at the site in the forest where the

Figure 14.6   Father Patrick Desbois walks the edge of a well in Bogdanovka, Ukraine, where Jewish victims of Nazi killing squads (*Einsatzgruppen*) were thrown, living or dead, during 1941–42. Desbois devotes his life to documenting the Nazis' Jewish victims, reclaiming for a contemporary age the "Holocaust by Bullets" in which 1.5 million Jews were murdered.

Source: AP Photo/Efrem Lukatsky, July 2007.

Jews were buried underfoot. "I realized that the memory of the genocide existed," said Desbois, "and that it was the humble people, country farmers, who carried it."[48]

The Jews of Rawa-Ruska were victims of the campaign of mass murder now known, thanks to Desbois, as "The Holocaust by Bullets." At the time, the Holocaust of the Jews was overwhelmingly linked in the public mind with the death camps and gas chambers of Auschwitz-Birkenau, Treblinka, and elsewhere. Yet, as we saw in Chapter 6, one-and-a-half to two million Jews were instead slaughtered by up-close gunfire, mostly before the camps began their deadly work. As Desbois wrapped up the first of his interviews with eyewitnesses, the deputy mayor told him: "Patrick, this is what I could do for one village; I can do the same thing for a hundred villages." "Alright!" responded Desbois. "Let's do it!"[49]

The result was an odyssey that has brought Father Desbois, and the atrocities he has so painstakingly cataloged, to global attention. Traipsing through the Ukrainian and Belarussian countryside, Desbois has located hundreds of mass graves of Jews and other victims of the Nazis (see the project's website at www.memorialdelashoah.org). His team has collected and cataloged ballistic evidence at about 750 murder sites as of 2009, some with multiple mass graves; Desbois estimates there may be as many

as 1,800 overall. Most significantly, he has solicited, and recorded, the testimony of hundreds of local witnesses, many of whom were speaking about the massacres of 1941–44 for the first time. "It's like they have been waiting for years to talk," Desbois told *Time*. "They always ask: 'Why have you come so late?'"[50]

Their testimony is encouraged by Desbois's status as a priest. According to Paul Shapiro, director of the Center for Advanced Holocaust Studies at the United States Holocaust Memorial Museum: "When a priest comes, people open up. He brings to the subject a kind of legitimacy, a sense that it's OK to talk about the past. There's absolution through confession."[51] Desbois is also careful to adopt a non-judgmental attitude toward them: "I do not ask who is guilty and who is not guilty. I deal just with victims."[52] He must also conceal his emotional response to the witnesses' narratives: "I cannot react to the horrors that pour out. If I react, the stories will stop."[53]

Early in his investigations in Rawa-Ruska, Desbois was struck by the handsome, foreign-funded cemetery for the German war dead in the area. German foundations had supported the meticulous collection, identification, and reburial of every soldier's bones that could be located, and their loving commemoration. "While the mass graves of the thousands of Jews who were shot are untraceable," Desbois wrote in his 2008 book, *The Holocaust by Bullets*, "every German killed during the war has been reburied and identified by name . . . Thus, under the ground, everything is still in order according to the hierarchy of the [Third] Reich." For Desbois, such one-sided memorializing was grotesque. "We cannot give a posthumous victory to Nazism. We cannot leave the Jews buried like animals. *We cannot accept this state of affairs and allow our [European] continent to be built on the obliterated memory of the victims of the Reich*."[54] He more than anyone has rescued the "Holocaust by Bullets" from relative historical obscurity, the Babi Yar massacre aside (see Figure 14.1). In so doing, he has resurrected in contemporary memory hundreds of thousands of previously forgotten victims of the Nazis.

Such forgetting is memory's intimate partner and *alter ego*. Together with preventing future genocides, and closely related, the struggle against forgetting is probably *the* central task of genocide scholars and activists worldwide. On a societal level, "memoricide" – Mirko Grmek's term – obliterates the recollection of atrocities' victims (see p. 28). Nations glorify their past, conspicuously "forgetting" its unsavory aspects. Attention to the "Holocaust by Bullets," in which the "ordinary men" of Christopher Browning's famous book played so prominent a role,[55] upsets a somewhat comforting view of the Holocaust as a genocide perpetrated by a small coterie of Nazi leaders, bureaucrats, and death-camp technicians. *These* mass murders were inflicted by large numbers of mass murderers, prompting the kind of questions about German society and its pervasive anti-semitism that Daniel Goldhagen raised in his controversial 1996 work, *Hitler's Willing Executioners*.[56]

On an individual level, perpetrators seek to consign their atrocities to memory's dustbin. Forgetting may represent a final stage of revision, reinterpretation, and denial, canceling any dissonance with one's preferred self-image. A common strategy is to displace others' victimization onto oneself. Atrocities that one perpetrated, supported, or ignored are crowded out by memories of personal and collective victimization, whether experienced or imagined.

However, victims too may seek to forget: whether because it is painful to remember; because remembering prevents them from "getting on with their lives"; or because they are convinced no one will listen to their stories. Such was the case with many survivors of the Armenian and Jewish holocausts, who spent decades after the events seeking to consign them to the past and build new lives. Today, genocide survivors are often encouraged to tell their stories, on the assumption that doing so will bring them relief. But whatever the benefits of their doing so for a public audience, the emotional and psychological implications for the survivors are more uncertain. Relating their experiences may bring to the surface trauma that survivors had long worked to suppress.

Moreover, while many people welcome survivors' accounts for the unique perspective they supply on atrocious events, some – perhaps only a vocal fringe; perhaps the majority – will accuse them of falsification or exaggeration. Such testimonies upset the delicate project of forgetting within perpetrators' societies. And they destabilize a central strategy in such forgetting: *denial*. Assertions of genocide denial have surged in recent years, as ever more historical events have come to be labeled as "genocide." I explore the phenomenon of genocidal denial next, together with the vexing issue of how to counter it.

GENOCIDE DENIAL: MOTIVES AND STRATEGIES

Denial is the final stage of genocide, and an indispensable one from the viewpoint of the *génocidaires*. "The perpetrators of genocide dig up the mass graves, burn the bodies, try to cover up the evidence and intimidate the witnesses. They deny that they committed any crimes, and often blame what happened on the victims."[57] As Richard Hovannisian has written:

> Following the physical destruction of a people and their material culture, memory is all that is left and is targeted as the last victim. Complete annihilation of people requires the banishment of recollection and the suffocation of remembrance. Falsification, deception, and half-truths reduce what was to what may have been or perhaps what was not at all.[58]

The phenomenon of genocide denial is overwhelmingly associated with the Jewish Holocaust. Since this resurged in the public consciousness in the early 1960s, a diverse and interlinked network of Holocaust deniers has arisen. In Europe, a centuries-old tradition of anti-semitism (see Chapter 6) underlies their activities, which overlap with neo-Nazi violence against Jews and their property. In North America, the neo-Nazi element is also strong. In both "wings" of the denialist movement, however, academic figures – such as Arthur Butz in the US, Robert Faurisson in France, and David Irving in Great Britain (jailed for three years for Holocaust denial in Austria in 2006)[59]– have also sought to lend the enterprise a veneer of respectability.

We will consider specific denial strategies below, but before we do, it is important to stress that the Jewish Holocaust is not officially denied by any state or national elite (though denial is common intellectual currency in the Arab and Muslim

worlds).[60] Thus, in the West at least, deniers of the Jewish catastrophe remain relatively marginal figures, with little access to the mainstream.

However, the broader phenomenon of genocide denial is far more deeply entrenched, often representing a societal consensus rather than a fringe position. Individual and collective narcissism (Chapter 10) plays a pivotal role. In many contexts, a denialist stance heads off "cognitive dissonance" between one's preferred view of self and country, and the uglier reality. There is also generally an element of material self-interest. Denial can pay well, since it fortifies the status quo and serves powerful and prosperous constituencies, both political and corporate. Positive rewards are combined with sanctions. Failure to deny (that is, a determination to acknowledge) may result in loss of employment; decreased social standing and career prospects; dismissal as a "kook" or a "radical"; and so on.

Among the most common discourses of genocide denial are the following:

"*Hardly anybody died.*" Reports of atrocities and mass killings are depicted as exaggerated and self-serving. (The fact that some reports *are* distorted and self-interested lends credibility to this strategy.) Photographic and video evidence is dismissed as fake or staged. Gaps in physical evidence are exploited, particularly an absence of corpses. Where are the bodies of the Jews killed by the Nazis? (Incinerated, conveniently for the deniers.)[61] Where are the bodies of the thousands of Kosovars supposedly killed by Serbs in 1999? (Buried on military and police bases, or dumped in rivers and down mineshafts, as it transpired.) When the genocides lie far in the past, obfuscation is easier. Genocides of indigenous peoples are especially subject to this form of denial. In many cases, the groups in question suffered near-total extermination, leaving few descendants and advocates to press the case for truth.

"*It was self-defense.*" "The onset of [genocidal] killing," wrote Jacques Sémelin, "almost always seems to involve this astounding sleight of hand that assimilates the destruction of civilians with a perfectly legitimate act of war. From that moment on, massacre becomes an act of self-defense."[62] Murdered civilians – especially adult males (Chapter 13) – are depicted as "rebels," "brigands," "partisans," "terrorists." The state and its allies are justified in eliminating them, though unfortunate "excesses" may occur. Deniers of the Armenian genocide, for example, play up the presence of armed elements and resistance among the Armenian population – even clearly defensive resistance. Likewise, deniers of Nazi genocide against Jews turn cartwheels to demonstrate "that *Weltjudentum* (world Jewry) had declared war on Germany in 1933, and the Nazis, as the ruling party of the nation, had simply reacted to the threat."[63] Jews were variously depicted as predatory capitalists, decadent cosmopolitans, and leaders of global communism. The organizers of the third canonical genocide of the twentieth century, in Rwanda, alleged that the assault on Tutsis was a legitimate response to armed invasion by Tutsi rebels based in Uganda, and the supposed machinations of a Tutsi "fifth column" in Rwanda itself.

Genocide may also be depicted as an act of *pre-emptive* self-defense, based on atrocities, actual or alleged, inflicted on the perpetrator group in the past – sometimes the very distant past. Sémelin, for example, has explained Serbs' "insensitivit[y] to the suffering they caused" in the Balkan genocide of the 1990s in terms of their inability to perceive any but "their own woes, as a martyred people who had themselves been victims of 'genocide' during the Second World War." Former Serb president Biljana

Plavsic, then on trial at the International Criminal Tribunal for the Former Yugoslavia (ICTY; see Chapter 15), acknowledged that the "obsession with no longer being victims transformed us into bullies" – and in some cases *génocidaires*.[64]

A substrategy of this discourse is the claim that "***the violence was mutual.***" Where genocides occur in a context of civil or international war, they can be depicted as part of generalized warfare, perhaps featuring atrocities on all sides. This strategy is standard among the deniers of genocides by Turks, Japanese, Serbs, Hutus, and West Pakistanis – to name just a few. In Australia, Keith Windschuttle used killings of whites by Aboriginals to denounce "The Myths of Frontier Massacres in Australian History."[65] (See also "*We* are the real victims," below.) Sometimes the deniers seem oblivious to the content of their claims, reflecting deeply embedded stereotypes and genuine ignorance, rather than malicious intent – as with the CNN reporter who blithely referred to the world standing by and "watch[ing] Hutus and Tutsis kill each other" during the Rwandan genocide of 1994.[66]

"***The deaths weren't intentional.***" The difficulties of demonstrating and documenting genocidal intent are exploited to deny that genocide occurred. The utility of this strategy is enhanced where a longer causal chain underpins mass mortality. Thus, when diverse factors combine to cause death, or when supposedly "natural" elements such as disease and famine account for many or most deaths, a denialist discourse is especially appealing. It buttresses most denials of indigenous genocides, for example (see Chapter 3). Deniers of the Armenian and Jewish holocausts also contend that most deaths occurred from privations and afflictions that were inevitable, if regrettable, in a wartime context – in any case, not genocidal.

"***There was no central direction.***" Frequently, states and their agents establish deniability by running off-duty death squads, or employing freelance forces such as paramilitaries (as in Bosnia-Herzegovina and Darfur), criminal elements (e.g., the *chétés* in the Armenian genocide), and members of the targeted groups themselves (Jewish *kapos* in the Nazi death camps; Mayan peasants conscripted for genocide against Mayan populations of the Guatemalan highlands). State attempts to eliminate evidence may mean that documentation of central direction, as of genocidal intent, is scarce. Many deniers of the Jewish Holocaust emphasize the lack of a clear order from Hitler or his top associates to exterminate European Jews. Armenian genocide denial similarly centers on the supposed freelance status of those who carried out whatever atrocities are admitted to have occurred.

"***There weren't that many people to begin with.***" Where demographic data provide support for claims of genocide, denialists will gravitate towards the lowest available figures for the targeted population, or invent new ones. The effect is to cast doubt on mortality statistics by downplaying the victims' demographic weight at the outbreak of genocide. This strategy is especially common in denials of genocide against indigenous peoples, as well as the Ottoman genocide of Christian minorities.

"***It wasn't/isn't 'genocide,' because . . .***" Here, the ambiguities of the UN Genocide Convention are exploited, and combined with the denial strategies already cited. Atrocious events do not qualify as "genocide" . . . because the victims were not members of one of the Convention's specified groups; because their deaths were unintended; because they were legitimate targets; because "only" specific sectors of the target group (e.g., "battle-age" men) were killed; because "war is hell"; and so on.

"*We would never do that.*" Collective pathological narcissism (see Chapter 10) occludes recognition, or even conscious consideration, of genocidal culpability. When the state and its citizens consider themselves pure, peaceful, democratic, and law-abiding, responsibility for atrocity may be literally unthinkable. In Turkey, notes Taner Akçam, anyone "dar[ing] to speak about the Armenian Genocide . . . is aggressively attacked as a traitor, singled out for public condemnation and may even be put in prison."[67] In Australia, "the very mention of an Australian genocide is . . . appalling and galling and must be put aside," according to Colin Tatz. "A curious national belief is that simply being Australian, whether by birth or naturalisation, is sufficient inoculation against deviation from moral and righteous behaviour."[68] Comedian Rob Corddry parodied this mindset in the context of US abuses and atrocities at Abu Ghraib prison near Baghdad. "There's no question what took place in that prison was horrible," Corddry said on *The Daily Show*. "But the Arab world has to realize that the US shouldn't be judged on the actions of a . . . well, we shouldn't be judged on actions. It's our principles that matter, our inspiring, abstract notions. Remember: just because torturing prisoners is something we did, doesn't mean it's something we *would* do."[69]

"*We are the real victims.*" For deniers, the best defense is often a strong offense. With its "Day of Fallen Diplomats," Turkey uses Armenian terrorist attacks against Turkish diplomatic staff to pre-empt attention to the Turkish genocide against Armenians. In the case of Germany and the Nazi Holocaust, there is a point at which a victim mentality concentrating on German suffering leads to the horrors that Germans inflicted, on Jews and others, being downgraded or denied. In the Balkans, a discourse of genocide was first deployed by Serb intellectuals promoting a nationalist–xenophobic project; the only "genocide" admitted was that against Serbs, whether by Croatians in the Second World War (which indeed occurred), or in Kosovo at the hands of the Albanian majority (which was a paranoid fantasy). Notably, this stress on victimhood provided powerful fuel for unleashing the genocides in the first place; the discussion of humiliation in Chapter 10 is worth recalling.

DENIAL AND FREE SPEECH

What are the acceptable limits of denialist discourse in a free society? Should *all* denial be suppressed? Should it be permitted in the interest of preserving vigorous debate in a liberal public sphere?

In recent years, many countries in the West have grappled with these questions. Varied approaches have been adopted, ranging from monitoring denialist discourse, to punitive measures including fines, imprisonment, and deportation. At the permissive end of the spectrum lies the United States. There, notorious deniers of the Jewish Holocaust, as well as neo-Nazi and Ku Klux Klan-style organizations, operate mostly unimpeded, albeit sometimes surveilled and infiltrated by government agents. A much harder line has been enforced in France and Canada. In France, Holocaust denier Robert Faurisson was stripped of his university teaching position and hauled before a court for denying that the Nazi gas chambers had existed. Eventually, in July 1981, the Paris Court of Appeals assessed "personal damages" against Faurisson, based

Figure 14.7   Denial of the Jewish Holocaust has been pushed to the fringes in Western societies. In some regions, however – notably the Arab and Muslim worlds[70] – it remains a standard feature of public and media discourse. The world's most notorious genocide denier is Iranian president Mahmoud Ahmadinejad, shown here speaking at Columbia University, New York City, in September 2007.

Source: Wikimedia Commons.

Figure 14.8   Demonstrators protest Ahmadinejad's presence at Columbia. Ahmadinejad hosted a conference of Holocaust deniers and skeptics (and bizarrely, a few ultra-orthodox Jews) in Tehran in December 2006, and has repeatedly called the Holocaust a "myth" in speeches and interviews.

Source: David Shankbone/ Wikimedia Commons.

Figure 14.9   Those who call for the legal suppression of Holocaust and genocide denial link it to outbreaks of racism and xenophobia, as with this anti-semitic graffito on a Milan, Italy street. But who decides which genocides are to receive official recognition, and which expressions of genocide denial are to be censured and punished?

Source: Giovanni Dall'Orto/Wikimedia Commons.
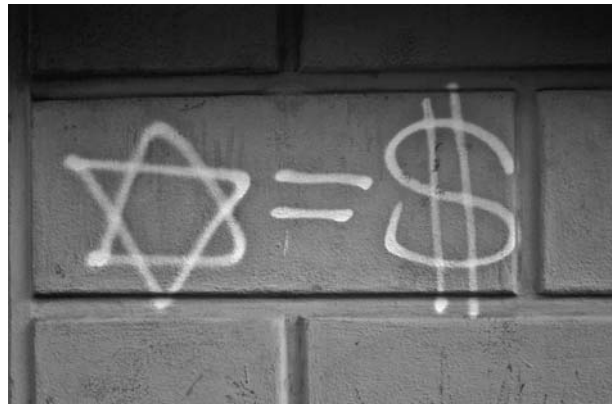
on the likelihood "that his words would arouse in his very large audience feelings of contempt, of hatred and of violence towards the Jews in France."[71] In Canada, Alberta teacher Jim Keegstra "for twelve years . . . indoctrinated his students with Jewish conspiracy explanations of history . . . biased statements principally about Jews, but also about Catholics, Blacks, and others."[72] In 1982, Keegstra was dismissed from his job and, in 1984, charged with promoting racial hatred. In 1985, he was convicted, and sentenced to five months in jail and a $5,000 fine. The decision was overturned by the Alberta Court of Appeal, citing Canada's Charter of Rights and Freedoms, but Canada's Supreme Court delivered a seminal 1990 decision in Keegstra's case, ruling that hate speech was *not* constitutionally protected.[73]

Undoubtedly the most famous trial involving a genocide denier is the libel case brought in 2000 by David Irving, an amateur historian of some repute who nonetheless cast doubt and aspersions on the genocide of the Jews. Deborah Lipstadt accused Irving of genocide denial in her book *Denying the Holocaust*, referring to him as a "discredited" scholar and "one of the most dangerous spokespersons for Holocaust denial."[74] She also pointed to his links with neo-fascist figures and movements. Irving exploited Britain's loose libel laws to file a suit for defamation. The resulting trial became a *cause célèbre*, with prominent historians taking the stand to outline Irving's evasions and obfuscations of the historical evidence, as well as the character of his personal associations. The final, 350-page judgment by Judge Charles Gray cited Irving for nineteen specific misrepresentations, and contended that they were deliberate distortions to advance a denialist agenda. Irving's suit was dismissed, leaving him with a £2 million bill for legal costs – though he was subject to no legal sanction *per se.*

The spectrum of policies toward deniers, from permissive to prosecutory, is mirrored by the debate among genocide scholars and anti-genocide advocates. Those who call for punitive measures against deniers stress the link between denial and genocide, including future genocides, as well as the personal suffering that denial inflicts on a genocide's survivors and their descendants. This argument was made eloquently by Roger Smith, Eric Markusen, and Robert Jay Lifton, who held that

> denial of genocide [is] an egregious offense that warrants being regarded as a form of contribution to genocidal violence. Denial contributes to genocide in at least two ways. First of all, genocide does not end with its last human victim; denial continues the process, but if denial points to the past and the present, it also has implications for the future. By absolving the perpetrators of past genocides from responsibility for their actions and by obscuring the reality of genocide as a widely practiced form of state policy in the modern world, denial may increase the risk of future outbreaks of genocidal killing.

They especially condemned the actions of some professional scholars in bolstering various denial projects:

> Where scholars deny genocide, in the face of decisive evidence that it has occurred, they contribute to a false consciousness that can have the most dire reverberations. Their message, in effect, is: murderers did not really murder; victims were not

really killed; mass murder requires no confrontation, no reflection, but should be ignored, glossed over. In this way scholars lend their considerable authority to the acceptance of this ultimate human crime. More than that, they encourage – indeed invite – a repetition of that crime from virtually any source in the immediate or distant future. By closing their minds to truth such scholars contribute to the deadly psychohistorical dynamic in which unopposed genocide begets new genocides.[75]

The opposing view does not dispute the corruption of scholarship that genocide denial represents. However, it rejects the authority of the state to punish "speech crimes"; it stresses the arbitrariness that governs *which* genocide denial is prohibited; and it calls for proactive engagement and public denunciation in place of censorship and prosecution. A leading exponent of such views is the linguistics scholar and political commentator Noam Chomsky, whose most bitter controversy revolves around a defense of the right of Robert Faurisson to air his denialist views. In an essay titled "Some Elementary Comments on the Rights of Freedom of Expression," published (without his prior knowledge) as a foreword to Faurisson's *Mémoire en défense*, Chomsky depicted calls to ban Faurisson from teaching, even to physically attack him, as in keeping with authoritarian traditions:

> Such attitudes are not uncommon. They are typical, for example, of American Communists and no doubt their counterparts elsewhere. Among people who have learned something from the 18th century (say, Voltaire) it is a truism, hardly deserving discussion, that the defense of the right of free expression is not restricted to ideas one approves of, and that it is precisely in the case of ideas found most offensive that these rights must be most vigorously defended. Advocacy of the right to express ideas that are generally approved is, quite obviously, a matter of no significance . . . Even if Faurisson were to be a rabid anti-Semite and fanatic pro-Nazi . . . this would have no bearing whatsoever on the legitimacy of the defense of his civil rights. On the contrary, it would make it all the more imperative to defend them.[76]

Each of these perspectives brings important ideas to the table. To expand on Smith *et al.*'s reasoning: in most societies, some speech is subject to legal sanction – libelous, threatening, and obscene speech, for instance. It can reasonably be asked whether genocide denial does not do greater harm to society, and pose a greater threat, than personal libel or dirty words. Does not genocide denial libel an entire people? And is the threat it poses not extreme, given that denial may sow the seeds of future genocides?

The case is a powerful one, and yet I find myself generally in agreement with Chomsky. Free speech *only* has meaning at the margins. Banning marginal discourses undermines liberal freedoms. Moreover, only a handful of deniers – principally those assailing the Jewish and Armenian genocides – have attracted controversy for their views. The president (François Mitterrand) of the same French state that prosecuted Robert Faurisson not only actively supported Rwanda's *génocidaires* – before, during, and after the 1994 catastrophe – but when asked later about the genocide, responded:

"The genocide or the genocides? I don't know what one should say!" As Gérard Prunier noted, "This public accolade for the so-called 'theory of the double genocide' [i.e. by Tutsis against France's Hutu allies, as well as by Hutus against Tutsis] was an absolute shame."[77] It advanced a key thesis of genocide deniers: that the violence was mutual or defensive in nature. But Mitterrand's words were widely ignored; he was certainly in no danger of being arraigned before a tribunal. *Sed quis custodiet ipsos custodes?* – Who will guard the guards themselves?

One wonders, as well, whether the names and views of people such as Irving, Faurisson, and Keegstra would be remotely as prominent, if prosecutions and other measures had not been mounted against them.[78] (Indeed, it makes me queasy to print them here.) Deborah Lipstadt, for one, thinks not. The scholar who defended her work against David Irving's charge of libel told the BBC in 2006: "I am uncomfortable with imprisoning people for speech . . . I don't find these laws efficacious. I think they turn Holocaust denial into forbidden fruit, and make it more attractive to people who want to toy with the system or challenge the system."[79] In my view, denialist individuals, and the initiatives they sponsor, are best confronted with a combination of monitoring, marginalization, and effective public refutation. Such refutation can be accomplished by visible and vocal denunciation, informed by conscientious reportage and scholarship, as well as by proactive campaigns in schools and media.

While genocide denial in the public sphere may be destructive, for genocide scholars and students its consequences may actually be productive. Professional deniers have spurred scholarship in areas that otherwise might not have attracted it.[80] Moreover, not all "denial" is malevolent. Whether a genocide framework should be applied in a given case is often a matter of lively *and legitimate* debate. In recent decades, the character and content of mass killing campaigns in Bosnia and Kosovo, Darfur, Biafra (Nigeria), East Timor, Guatemala, and Vietnam have been intensively analyzed and hotly disputed. I believe this is to be encouraged, even if I find some of the viewpoints disturbing and disheartening. Keeping denial of *all* genocides out of the realm of crime and punishment may be the price we pay for this vigorous exchange.[81]

FURTHER STUDY

Ian Buruma, *The Wages of Guilt: Memories of War in Germany and Japan*. London: Atlantic Books, 2009. Originally published in 1994, Buruma's book explores how World War Two's main aggressors came to terms with their past – or failed to.

Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering*. Cambridge: Polity Press, 2001. Insights into denial, and efforts to counter it, on both personal and societal levels.

Father Patrick Desbois, *The Holocaust by Bullets: A Priest's Journey to Uncover the Truth behind the Murder of 1.5 Million Jews*. London: Palgrave Macmillan, 2008. Describes the efforts of the French priest, profiled in this chapter, to document atrocities against Jews on the eastern front.

Richard J. Evans, *Lying About Hitler: History, Holocaust, and the David Irving Trial*. New York: Basic Books, 2001. Brisk account of Irving's defamation suit, by a historian who served as a defense witness.

John R. Gillis, ed., *Commemorations: The Politics of National Identity*. Princeton, NJ: Princeton University Press, 1994. How collective memory shapes national identity.

Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanys*. Cambridge, MA: Harvard University Press, 1997. Intricate rendering of Germany's "search for a usable past."

Herbert Hirsch, ed., *Genocide and the Politics of Memory: Studying Death to Preserve Life*. Chapel Hill, NC: University of North Carolina Press, 1995. Early and wide-ranging collection.

Richard G. Hovannisian, ed., *Remembrance and Denial: The Case of the Armenian Genocide*. Detroit, MI: Wayne State University Press, 1999. Armenian genocide denial and its place in collective memory.

Adam Jones, ed., *Evoking Genocide: Scholars and Activists Describe the Works That Shaped Their Lives*. Toronto, ON: The Key Publishing House Inc., 2009. Explores, in sixty mini-essays, how genocide was memorialized and interpreted in cultural works, and how those works in turn influenced genocide educators and anti-genocide advocates.

Deborah E. Lipstadt, *Denying the Holocaust: The Growing Assault on Truth and Memory*. New York: Plume, 1994. Survey of denial's exponents that prompted David Irving's failed legal action against Lipstadt.

David E. Lorey and William H. Beezley, eds, *Genocide, Collective Violence, and Popular Memory: The Politics of Remembrance in the Twentieth Century*. Wilmington, DE: Scholarly Resources, 2002. Still the best primer on genocide and memory.

Peter Novick, *The Holocaust in American Life*. Boston, MA: Mariner Books, 2000. Fascinating exploration of how the Jewish Holocaust was remembered and deployed by American Jews and others.

George Orwell, *Nineteen Eighty-Four*. London: Penguin, 1983. Dark satire of the manipulation of history and memory under totalitarianism.

Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (rev. edn). Berkeley, CA: University of California Press, 2000. Carefully documented rebuttal of Holocaust deniers.

Jay Winter, *Sites of Memory, Sites of Mourning: The Great War in European Cultural History*. Cambridge: Canto, 1998. History, memory, and memorialization in post-First World War Europe.

John C. Zimmerman, *Holocaust Denial: Demographics, Testimonies and Ideologies*. Lanham, MD: University Press of America, 2000. Like Shermer (above), a systematic and effective counter to denialist claims.

NOTES

1 Simon Sebag Montefiore, *Stalin: The Court of the Red Tsar* (London: Phoenix, 2004), p. 142.

2 Elizabeth Jelin, "The Minefields of Memory," *NACLA Report on the Americas*, 32: 2 (September/October 1998), p. 25. Martha Minow wrote: "Memorials can name those who were killed; they can depict those who resisted and those who rescued. They can accord honor and confer heroic status; they can express shame, remorse, warning, shock. Devoting public space to memories of atrocities means devoting time and energy to decisions about what kinds of memories, images, and messages to embrace, critique, and resist . . . Vividly capturing and recasting memory, fights over monuments in the streets and in debates usefully disturb congealed memories and mark important junctions between the past and a newly invented present," Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston, MA: Beacon Press, 1998), pp. 138, 140.

3 Jelin, "The Minefields of Memory," pp. 26, 28.

4 For some nuanced and cautionary comments on public memory, see Jay Winter, "The Generation of Memory: Reflections on the 'Memory Boom' in Contemporary Historical Studies," *GHI Bulletin*, 27, http://www.ghi-dc.org/publications/ghipubs/bu/027/b27 winterframe.html.

5 For text and a vivid photograph, see "Encyclopedia: Warschauer Kniefall," Nation Master. com, http://www.nationmaster.com/encyclopedia/Warschauer-Kniefall. "The event made Brandt widely unpopular in Germany, especially among conservatives and liberals but also many social democrats, and he was heavily criticized by the press for being unpatriotic . . . Eventually, [however,] even many Germans came to see it as a courageous and honorable decision."

6 Robert G. Moeller, "War Stories: The Search for a Usable Past in the Federal Republic of Germany," in David E. Lorey and William H. Beezley, eds, *Genocide, Collective Violence, and Popular Memory: The Politics of Remembrance in the Twentieth Century* (Wilmington, DE: Scholarly Resources, 2002), pp. 206, 211.

7 Alexander Wilde, "Irruptions of Memory: Expressive Politics in Chile's Transition to Democracy," in Lorey and Beezley, eds, *Genocide, Collective Violence, and Popular Memory*, p. 4.

8 Hoehne quoted in Ian Buruma, *The Wages of Guilt: Memories of War in Germany and Japan* (London: Atlantic Books, 2009), p. 88.

9 Quoted in Moeller, "War Stories," p. 210. On Bitburg, see also Jeffrey Herf, *Divided Memory: The Nazi Past in the Two Germanys* (Cambridge, MA: Harvard University Press, 1997), pp. 350–54.

10 Friedrich quoted in J.M. Coetzee, "Victims" (review of Günter Grass, *Crabwalk*), *New York Review of Books*, June 12, 2003.

11 See the companion volume for the exhibition: Hamburg Institute for Social Research, *The German Army and Genocide: Crimes Against War Prisoners, Jews, and Other Civilians in the East, 1939–1944* (New York: New Press, 1999). An excellent documentary on the controversy surrounding the Wehrmacht exhibition is *The Unknown Soldier*, dir. Michael Verhoeven (First Run Features, 2008).

12 Moeller, "War Stories," p. 216. See also Nicholas Kulish, "Facing German Suffering, and Not Looking Away," *The New York Times*, February 26, 2009, http://www.nytimes. com/2009/02/27/world/europe/27poland.html.

13 William Underwood, "WWII Forced Labor Issue Dogs Aso, Japanese Firms," *The Japan Times*, October 28, 2008, http://search.japantimes.co.jp/cgi-bin/fl20081028zg.html. By contrast, as Christopher Reed notes, "Germany has chosen a path of reconciliation by proactively settling wartime forced labor accounts. The 'Remembrance, Responsibility and the Future' Foundation was established in 2000, with funding of some $6 billion provided by the German federal government and more than 6,500 industrial enterprises.

As reparations payments drew to a close in late 2005, about 1.6 million forced labor victims or their heirs had received individual apologies and symbolic compensation of up to $10,000. Similarly, the Austrian Reconciliation Fund recently finished paying out nearly $350 million to 132,000 workers forced to toil for the Nazi war machine in that country, or their families" (Reed, "Family Skeletons: Japan's Foreign Minister and Forced Labor by Koreans and Allied POWs," n.d., *The Asia-Pacific Journal: Japan Focus*, http://www.japanfocus.org/-Christopher-Reed/1627).

14 The "comfort women" experienced treatment that "was almost universally barbaric. They were forced to have sex with as many as 50 men a day, some were tied to beds with their legs open, and many were beaten by drunken soldiers." Velisarios Kattoulas, "No Comfort for the Women," *Far Eastern Economic Review*, March 15, 2001. According to George Hicks, "The comfort system consisted of the legalised military rape of subject women on a scale – and over a period of time – previously unknown in history." George Hicks, *The Comfort Women: Japan's Brutal Regime of Enforced Prostitution in the Second World War* (New York: W.W. Norton, 1994), pp. 16–17.

15 David McNeill, "Korea's 'Comfort Women': The Slaves' Revolt," *The Independent*, April 24, 2008; Norimitsu Onishi, "Japan's 'Atonement' to Former Sex Slaves Stirs Anger," *The New York Times*, April 25, 2007.

16 Norimitsu Onishi, "Abe Rejects Japan's Files on War Sex," *The New York Times*, March 2, 2007, http://www.nytimes.com/2007/03/02/world/asia/02japan.html.

17 See Jun Hongo, "Sex Slave Victims Press for Apology," *The Japan Times*, November 26, 2008, http://search.japantimes.co.jp/cgi-bin/nn20081126a5.html.

18 For an overview of the controversy surrounding the Yasukuni shrine, see John Breen, ed., *Yasukuni, the War Dead and the Struggle for Japan's Past* (New York: Columbia University Press, 2008); and Buruma, *The Wages of Guilt*, pp. 219–28.

19 Christopher Reed, "When the Victors Memorialize Their Massacres: Koizumi and the Rape of Nanking," *Counterpunch*, October 19, 2005, http://www.counterpunch.com/reed10192005.html.

20 Chisaki Watanabe, "Suit Over Japan War Shrine Visits Rejected," Associated Press dispatch in *The Guardian*, September 29, 2005.

21 Miwa Suzuki, "Japan's Leader Shuns Controversial War Shrine," *The Sydney Morning Herald*, August 16, 2007.

22 A.O. Scott, "Entwined at a Japanese Shrine, the Nobility and Horrific Brutality of War," *The New York Times* (review of *Yasukuni*, dir. Li Ying), August 12, 2009.

23 Mizushima quoted in David McNeill, "Propaganda War is Declared in Cinemas over Nanking Massacre," *The Independent*, December 5, 2007, http://news.independent.co.uk/world/asia/article3223694.ece; and Justin McCurry, "China Angered by Nanjing Massacre Film," *The Guardian*, January 25, 2007, http://www.guardian.co.uk/film/2007/jan/25/china.world.

24 Tamogami quoted in Blaine Harden, "WWII Apologists Persist Despite Japanese Policy," *The Washington Post*, November 3, 2008.

25 In May 2009, representatives in the Russian Duma actually went so far as to "propose a law that would criminalize the denial of the Soviet victory in World War II," in the words of Sergei Shoigu, the co-chairman of Putin's United Russia party. Another United Russia MP, Valery Ryazansky, stated: "Those who attempt to interpret the outcome of World War II, to turn everything upside down, to represent those who liberated countries from the Nazi invaders as subjugators" would face punishment. See John Wendle, "Russia Moves to Ban Criticism of WWII Victory," *Time*, May 8, 2009, http://www.time.com/time/world/article/0,8599,1896927,00.html.

26 See Jenny Booth, "Russia Threatens Estonia over Removal of Red Army Statue," *The Times*, April 27, 2007, http://www.timesonline.co.uk/tol/news/world/europe/article1714401.ece; and "Russian MPs Visit Estonia as Soviet War Statue is Re-erected," Associated Press dispatch in *The Guardian*, May 1, 2007, http://www.guardian.co.uk/world/2007/may/01/russia.international.

27 As Anne Applebaum has written, "If the Russian people and the Russian elite remembered – viscerally, emotionally remembered – what Stalin did to the Chechens, they could not have invaded Chechnya in the 1990s, not once and not twice. To do so was the moral equivalent of post-war Germany invading western Poland. Very few Russians saw it that way – which is itself evidence of how little they know about their own history." (Applebaum, "The Gulag: Lest We Forget," *Hoover Digest*, 2005: 1, http://www.hoover.org/publications/digest/3001971.html).

28 Marina Marshenkulova and Azamat Bram, "Outrage at 'Fake' Circassian Anniversary," Institute for War and Peace Reporting, October 5, 2007. "By way of compromise, the local authorities offered to use the word 'union' more frequently than 'voluntary accession.'"

29 For another example, see "Memorial Raised to Victims of Stalin," Agence France-Presse dispatch in *The Times*, August 9, 2007, http://www.timesonline.co.uk/tol/news/world/europe/article2224591.ece: "A three-storey cross has been erected on a site where thousands of victims of Stalin's purges were executed 70 years ago. About 500 people gathered in the southern [Moscow] suburb of Butovo for a religious service after the 12.5m (41ft) wooden cross was raised by hand and then fixed in place with rocks. More than 20,000 were killed at the site during Stalin's campaign against "enemies of the people" . . . The cross was carved from cedar and pine from Solovetsky Monastery in Siberia, one of Stalin's most notorious prison camps." Another "Solovetsky Stone," this one in St. Petersburg, is depicted in Figure 14.4, p. 509.

30 "Putin Honors Stalin Victims 70 Years after Terror," Reuters dispatch, October 30, 2007, http://www.reuters.com/article/idUSL3072723020071030. For his part, Medvedev stated in October 2009 that "even now we can hear voices saying that these numerous deaths were justified by some supreme goals of the state. Nothing can be valued above human life, and there is no excuse for repressions . . . It is . . . important to prevent the justification, under the pretext of putting historical records straight, of those who killed their own people." Ellen Barry, "Don't Gloss Over Stalin's Crimes, Medvedev Says," *The New York Times*, October 30, 2009, http://www.nytimes.com/2009/10/31/world/europe/31russia.html.

31 Orlando Figes, "The Raid on Memorial," *New York Review of Books*, 56: 1 (January 15, 2009), http://www.nybooks.com/articles/22248.

32 Will Stewart, "Stalin's Mass Murders Were 'Entirely Rational' Says New Russian Textbook Praising Tyrant," *Daily Mail*, September 3, 2008.

33 David Holley, "TV Series on Stalin Divides Russian Audience," *The Los Angeles Times*, March 30, 2007.

34 "Stalin Voted Third-Best Russian," *BBC Online*, December 28, 2008, http://news.bbc.co.uk/2/hi/europe/7802485.stm.

35 See Nick Allen, "Airline Pilot Arrested over Argentine 'Death Flights,'" *The Telegraph*, September 24, 2009.

36 An essential source is Antonius C.G.M. Robben's *Political Violence and Trauma in Argentina* (Philadelphia, PA: University of Pennsylvania Press, 2005). Two English-language overviews are Martin Edwin Andersen, *Dossier Secreto: Argentina's Desaparecidos and the Myth of the "Dirty War"* (Boulder, CO: Westview Press, 1993), and Paul H. Lewis, *Guerrillas and Generals: The "Dirty War" in Argentina* (Westport, CT: Praeger Publishers, 2002). A concise summary from a genocide studies perspective is "The Disappearances: Mass Killing in Argentina," ch. 14 in Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), pp. 210–31. The kidnapping of infants was the subject of an Oscar-winning Argentine film, *The Official Story* (1985).

37 The Falkland Islands are known as Islas Malvinas to Argentines.

38 Amnesty International, "Argentina: The Military Juntas and Human Rights," in William L. Hewitt, ed., *Defining the Horrific: Readings on Genocide and Holocaust in the Twentieth Century* (Upper Saddle River, NJ: Pearson, 2004), p. 247.

39 In November 2003, together with a small group of other foreign scholars, I attended what

was probably the first international conference on genocide in South America, held at the University of Buenos Aires. At a guess, 75 or 80 percent of the presentations dealt with the "genocide in Argentina" under military rule. Without exception, all the presenters took it as a given that the events in question had constituted genocide. This would be much more controversial among genocide scholars in the West, given the limited number of victims, and the fact that the violence was targeted against alleged members of a political group. In conversation with some of the Argentine scholars, though, it became clear to me that not only did they consider the term valid, but they regarded its application as *vital to memorializing the events and validating victims' suffering*.

40 Larry Rohter, "Debate Rises in Argentina on Museum of Abuses," *The New York Times*, April 19, 2004. Unless otherwise specified, all quotes in this discussion of the Museum of Memory are drawn from Rohter's article.

41 Quoted in ibid.

42 However, *junta* leader General Videla was jailed in June 1997 for the kidnapping of children, which was held to lie beyond the boundaries of the *punto final*.

43 As noted in Chapter 15, Chile's outgoing president at the time of writing, Michele Bachelet, was a political prisoner under General Augusto Pinochet's military regime (1973–90).

44 Juan Forero, "Argentina Puts Officials on Trial over the Abuses of the 'Dirty War,'" *The Washington Post*, December 28, 2009.

45 "Police Probe Death of Witness in Argentina Human Rights Trial," CNN.com, October 20, 2009, http://www.cnn.com/2009/WORLD/americas/10/20/argentina.witness/ index.html; Tom Hennigan, "'Dirty War' Torture Witness Goes Missing," *The Times*, September 28, 2006, http://www.timesonline.co.uk/tol/news/world/us_and_americas/ article652322.ece.

46 Alfonso Daniels, "Argentina's Dirty War: The Museum of Horrors," *The Telegraph*, May 17, 2008, http://www.telegraph.co.uk/culture/3673470/Argentinas-dirty-war-the-museum-of-horrors.html.

47 Desbois quoted in Vivienne Walt, "Genocide's Ghosts," *Time*, January 16, 2008, http:// www.time.com/time/magazine/article/0,9171,1703919-1,00.html.

48 Desbois quoted in Isabel de Bertodano, "Two Faiths Together," *The Tablet*, February 7, 2009, http://www.thetablet.co.uk/article/12644.

49 Father Patrick Desbois, *The Holocaust by Bullets: A Priest's Journey to Uncover the Truth behind the Murder of 1.5 Million Jews* (London: Palgrave Macmillan, 2008), p. 37. See also Desbois's project's website at http://holocaustbybullets.wordpress.com, and an excellent CBC documentary on Desbois's work at http://www.youtube.com/watch?v= H5DSH2EqZ54.

50 Desbois quoted in Walt, "Genocide's Ghosts."

51 Desbois quoted in Elaine Sciolino, "A Priest Methodically Reveals Ukrainian Jews' Fate," *The New York Times*, October 6, 2007, http://www.nytimes.com/2007/10/06/world/ europe/06priest.html.

52 Desbois quoted in Walt, "Genocide's Ghosts."

53 Desbois quoted in Sciolino, "A Priest."

54 Desbois, *The Holocaust by Bullets*, p. 34. Emphasis added.

55 Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: HarperPerennial, 1993).

56 Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage, 1997). Whatever the flaws of Goldhagen's central thesis (see Chapter 6 for further discussion), both he and Christopher Browning deserve great credit for helping, with their careful archival research, to resurrect the "Holocaust by Bullets" for contemporary memory.

57 Gregory H. Stanton, "Eight Stages of Genocide," http://www.genocidewatch.org/about genocide/8stagesofgenocide.html.

58 Richard G. Hovannisian, "Denial of the Armenian Genocide in Comparison with Holocaust Denial," in Hovannisian, ed., *Remembrance and Denial: The Case of the Armenian Genocide* (Detroit, MI: Wayne State University Press, 1999), p. 202.

59 See Ian Traynor, "Irving Jailed for Denying Holocaust," *The Guardian*, February 21, 2006, http://www.guardian.co.uk/world/2006/feb/21/thefarright.highereducation.

60 For a summary, with many examples, see Anti-Defamation League, "Holocaust Denial in the Middle East: The Latest Anti-Israel Propaganda Theme," http://www.adl.org/holocaust/denial_ME/Holocaust_Denial_Mid_East_prt.pdf. For a consideration of the broad trends in the Arab world, see Meir Litvak and Esther Webman, *From Empathy to Denial: Arab Responses to the Holocaust* (London: Hurst and Company, 2009).

61 Thus, in the context of the "Holocaust by Bullets" just discussed, German Reichsführer Heinrich Himmler issued an order in July 1942 that "all mass graves [on the eastern front, mostly filled with Jewish victims] were to be opened and the corpses burned. In addition the ashes were to be disposed of in such a way that it would be impossible at some future time to calculate the number of corpses burned." A similar procedure was followed at the Auschwitz II-Birkenau death camp in Poland: "Elevators carried the corpses to the ground floor [of the gas chamber/crematorium complex], where several ovens reduced them to ashes. After the grinding of bones in special mills, the ashes were used as fertilizer in the nearby fields, dumped in local forests, or tossed into the river, nearby." Both passages from Saul Friedländer, *The Years of Extermination: Nazi Germany and the Jews* (New York: HarperCollins, 2007), pp. 404, 503.

62 Jacques Sémelin, *Purify and Destroy: The Political Uses of Massacre and Genocide* (New York: Columbia University Press, 2007), p. 248.

63 Michael Shermer and Alex Grobman, *Denying History: Who Says the Holocaust Never Happened and Why Do They Say It?* (Berkeley, CA: University of California Press, 2002), p. 40.

64 Ibid., p. 213. The point of *reductio ad absurdum* was reached with the Kosovo conflict of 1998–99, during which Serb acts of genocide against Kosovar Albanians were justified by the Albanian "occupation" of historic Serb lands. Serb extremists traced the alleged trend back no fewer than six centuries, to the Battle of Kosovo Polje in 1389, and used it to justify the first public accusations of "genocide" occurring in a contemporary Balkans context – that is, by Kosovar Albanians against Serbs! (See Chapter 8.) For Sémelin, such tropes serve as a reminder that "the word [genocide] is used as much as a symbolic shield to claim victim status for one's people, as a sword raised against one's deadly enemy" (p. 313).

65 For a summary and debunking, see Ben Kiernan, "Cover-up and Denial of Genocide: Australia, the USA, East Timor, and the Aborigines," *Critical Asian Studies*, 34: 2 (2002), pp. 180–82.

66 CNN International broadcast, December 31, 2004.

67 Taner Akçam, *From Empire to Republic: Turkish Nationalism and the Armenian Genocide* (London: Zed Books, 2004), p. 209.

68 Colin Tatz, *With Intent to Destroy: Reflecting on Genocide* (London: Verso, 2003), p. 137.

69 Corddry quoted in Alan Shapiro, "American Treatment of Iraqi and Afghan Prisoners: An Introduction," TeachableMoment.org, http://www.teachablemoment.org/high/prisoners.html.

70 See John Bunzl, "Islam's Holocaust Denial Trap," Haaretz.com, February 10, 2006, available at http://www.lebanonwire.com/0602MN/06021003HZ.asp.

71 Paris court judgment cited in Shermer and Grobman, *Denying History*, pp. 10–11. In 2007, the European Union adopted hate-crime legislation that "urges EU nations to impose prison sentences of up to three years for individuals convicted of denying genocide, such as the mass killing of Jews during World War II or the massacres in Rwanda in 1994. The rules would require countries to prosecute offenders in connection with killings that have been recognized as genocides by the International Criminal Court in The Hague." Molly Moore, "EU Ministers Agree on Rules against Hate Crimes, Racism," *The Washington Post*, April 20, 2007.

72 David Bercuson and Douglas Wertheimer, quoted in Luke McNamara, "Criminalising Racial Hatred: Learning from the Canadian Experience," *Australian Journal of Human*

Rights, 1: 1 (1994). Available online at http://www.austlii.edu.au/au/other/ahric/ajhr/V1N1/ajhr1113.html.

73 See McNamara, "Criminalising Racial Hatred." The case of Ernst Zündel, a German-born denier of the Jewish Holocaust, has also generated controversy. Zündel became "a political hot potato to immigration officials in Canada and the United States." Moving from Canada to the US when the Canadian government denied his application for citizenship, Zündel was then deported back to Canada, and then on to Germany, where in 2007 he was convicted on "14 counts of inciting racial hatred and for denying that the Nazis killed six million Jews during World War II." See "Jail for German Holocaust Denier," *BBC Online*, February 15, 2007, http://news.bbc.co.uk/2/hi/europe/6364951.stm.

74 Richard J. Evans, *Lying About Hitler: History, Holocaust, and the David Irving Trial* (New York: Basic Books, 2001), p. 6. Evans was one of the historians who testified at the trial; his book provides an excellent overview of the proceedings.

75 Roger W. Smith, Eric Markusen, and Robert Jay Lifton, "Professional Ethics and the Denial of the Armenian Genocide," in Hovannisian, ed., *Remembrance and Denial*, pp. 287, 289.

76 Noam Chomsky, "Some Elementary Comments on the Rights of Freedom of Expression," http://www.chomsky.info/articles/19801011.htm. Much controversy attached to Chomsky's comment in this essay that "As far as I can determine, he [Faurisson] is a relatively apolitical liberal of some sort."

77 Gérard Prunier, *The Rwanda Crisis: History of a Genocide* (New York: Columbia University Press, 1997), p. 339.

78 After the David Irving decision, historian Andrew Roberts claimed the judgment against Irving was at best a partial victory, since "the free publicity that this trial has generated for him and his views has been worth far more than could ever have been bought for the amount of the costs." Quoted in Evans, *Lying About Hitler*, p. 235.

79 Lipstadt quoted in "'Irving? Let the Guy Go Home,'" BBC Online, January 4, 2006, http://news.bbc.co.uk/1/hi/uk/4578534.stm. See also Michael Shermer, "Free Speech, Even If It Hurts," *The Los Angeles Times*, February 26, 2006; Ben MacIntyre, "We Can't Deny the Deniers," *The Times*, January 20, 2006, http://www.timesonline.co.uk/tol/comment/columnists/ben_macintyre/article715852.ece.

80 According to Colin Tatz, "for all the company they keep, and for all their outpourings, these deniers assist rather than hinder genocide and Holocaust research," in part by "prompt[ing] studies by men and women of eminence . . . who would otherwise not have written on genocide." Tatz, *With Intent to Destroy*, pp. 139–40.

81 For a discussion of responsible versus malicious denial of a genocide framework in the Cambodian case, see Ben Kiernan, "Bringing the Khmer Rouge to Justice," *Human Rights Review*, 1: 3 (April–June 2000), pp. 92–108. In fact, Jörg Menzel's article, "Justice Delayed or Too Late for Justice? The Khmer Rouge Tribunal and the Cambodian 'Genocide,' 1975–79," *Journal of Genocide Research*, 9: 2, pp. 215–33, strongly questions the "genocide" appellation for the Cambodian case, as the quote marks in the title suggest. "It is . . . far from clear if the criteria of genocide, as established under current international criminal law, are met by the crimes of the potential candidates of the ECCC . . . The genocide question may therefore be relevant more on a dogmatic and a psychological level" (ibid., pp. 222–23). I would consider Menzel's critique a "responsible" one in Kiernan's terms; yet it is notable that his skeptical and quite dismissive framing appeared in the leading journal in the field of comparative genocide studies.