General Editor's Introduction to the Series Genocide: Its Causes, Components, Connections and Continuing Challenges

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Seven weeks after the fall of the Pol Pot regime in 1979, the first noncommunist journalists visited the Cambodian capital. One wrote: 'Phnom Penh . . . is in the image of the rest of the country. There is no drinking water, no telephone, no mail service, no transport, no registry office, no money, no markets, hardly any electricity, hardly any schools, hardly any medical dispensaries. The city is so quiet that bird-song has a sinister ring to it.'¹ Sixteen years later, another journalist reported a similar silence in another country that had just suffered a genocide: 'The nights were eerily quiet in Rwanda. After the birds fell silent, there were hardly even any animal sounds. I couldn't understand it. Then I noticed the absence of dogs.'² This was not a new theme. In Chapter 7 of this volume, T. M. Lemos and Seth Richardson describe an ancient Mesopotamian vision of genocide that also included eerie silence, and darkness devoid even of wild animals.

Genocide has a way of imposing silence. Part of its purpose is to erase history, and human voices, if not sound itself. This series of three volumes aims to contribute to breaking the silence that so often follows genocidal outbreaks. The volumes, in combination, attempt to document and understand the global phenomenon of genocide. They include more than eighty substantive chapters, five in this volume on overarching themes, and more than seventy-five in all three volumes on individual case studies from prehistory to the present.

I Jean-Pierre Gallois, Agence-France Presse, report from Phnom Penh, 25 March 1979, quoted in Ben Kiernan, 'Kampuchea 1979–1981: national rehabilitation in the eye of an international storm' in *Southeast Asian Affairs 1982* (Singapore: Institute of Southeast Asian Studies, Heinemann, 1982), pp. 167–95, at p. 167.

² Philip Goureveitch, We Wish to Inform You that Tomorrow We Will Be Killed with Our Families: Stories from Rwanda (New York: Picador, 1998), p. 147. I am grateful to David Simon for bringing this passage to my attention.

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Yet this series cannot claim to be comprehensive. Many of our contributing authors have researched cases that had previously been identified but have hitherto received relatively little scholarly attention, such as the premodern Vietnamese genocide of Champa, examined by George Dutton in Chapter 20 of this volume.³ In other identified cases, our authors have uncovered a paucity of evidence that genocide actually occurred; see for instance Cornelia Soldat's chapter in Volume 11 on Ivan the Terrible's 'Sack of Novgorod'. But we have unfortunately been unable to include some genocides, such as – to cite another imperial Russian case – the mass murder, according to one estimate, of 600,000 Circassians in the mid-nineteenth century.⁴

Definitions

The term 'genocide', as a way of describing the 'practice of extermination of nations and ethnic groups', was coined in 1943, when Raphael Lemkin (1900–59) penned the preface to his 1944 book *Axis Rule in Occupied Europe.*⁵ Just five years later the United Nations General Assembly unanimously adopted the Genocide Convention, which came into force as an international treaty in 1951.⁶ But it took until 1998 for the first genocide perpetrator to be convicted in an international trial – for a crime committed in 1994 in Rwanda, a genocide examined by Scott Straus in Volume 111 of *The Cambridge World History of Genocide*. The first genocide conviction of a former head of state in an international court came only in 2018, for crimes committed in Cambodia in 1977–8, which are also examined in Volume 111.⁷

³ Bernard Fall wrote that 'the case of the Chams... amounted to veritable genocide' (*The Two Viet-Nams* (New York: Praeger, 1963), pp. 13–14).
4 Kurt Jonassohn and Karin Solveig Björnson include 'The Sack of Novgorod in 1570 by

⁴ Kurt Jonassohn and Karin Solveig Björnson include 'The Sack of Novgorod in 1570 by Ivan the Terrible' as a case of 'genocidal massacre' in their generally excellent book, Genocide and Gross Human Rights Violations in Comparative Perspective (New Brunswick: Transaction, 1998), pp. 202–5. On the Circassian case, see e.g. Yehuda Bauer, 'Reflections on cruelty and sadism', Yad Vashem Studies (online) 49:2 (2021), 37–64, citing John F. Baddeley, The Russian Conquest of the Caucasus (Mansfield Center, CT: Martino, 2006); and Walter Richmond, The Circassian Genocide (Brunswick: Rutgers University Press, 2013).

⁵ Raphael Lemkin, preface dated 15 November 1943, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposal for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), p. xi.

⁶ Convention on the Prevention and Punishment of the Crime of Genocide, Paris, 9 December 1948, United Nations, *Treaty Series*, vol. 78, no. 1021, www.hrweb.org/leg al/genocide.html.

⁷ See also Ben Kiernan, 'The Pol Pot regime's simultaneous war against Vietnam and genocide of Cambodia's ethnic Vietnamese minority', *Critical Asian Studies* 53:3 (2021), 342–58.

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Yet it is widely acknowledged that the Nazi regime committed genocide against Jews, Romani and others during World War Two, even though the crime had no legal status at that time. The Nazi defendants at the Nuremberg trials (1945-6) were initially charged with genocide, though they were ultimately convicted of crimes against humanity and aggression.⁸ Indeed 'genocide' is often considered a twentieth-century crime rather than a retroactive post-war legalism or an analytical framework for understanding historical events. Yet Lemkin, a Polish Jewish jurist, conceived of genocide as a phenomenon that predated the Holocaust. He considered the Armenian genocide during World War One to have been a similar crime, and already during the 1930s he had actively worked for its international recognition as an event whose repetition should be criminalised and hopefully prevented by international legal prohibition. In 1933 he termed it a case of 'barbarity', and proposed that 'an international treaty should be negotiated declaring that attacks upon national, religious and ethnic groups should be made international crimes'.9

In fact, Lemkin considered genocide to have much older roots. He had set about writing – but did not complete before his death – a three-volume history of genocide from ancient times, in which he argued that the phenomenon had 'followed humanity throughout history'. For his first and second volumes, covering antiquity and the Middle Ages, Lemkin drafted chapters on ancient Assyria, the Albigensian war, the Mongol conquests and Spanish persecutions of Moors and Moriscos; and he planned eighteen other chapters, for example on 'Biblical Genocide', 'Carthage', 'Genocide in Gaul' and 'Crusades'. Although he considered that 'the last centuries have been particularly abundant in genocide cases', and he planned forty-one chapters for his third volume on 'Modern Times', Lemkin pointed out that in his view the causes began far earlier: 'One of the basic reasons for genocide is a conflict of cultures as it appeared for example in the encounter between migrating nomadic societies and sedentary ones.'¹⁰ This first volume of *The Cambridge World History of Genocide* tests that view, among many others.

⁸ Nuremberg Trial Proceedings, vol. 1, Indictment, Count Three: War Crimes, VIII, Statement of the Offence, (A) Murder and Ill-Treatment of Civilian Populations ... para 2, https://avalon.law.yale.edu/imt/count3.asp.

⁹ Lemkin, Axis Rule in Occupied Europe, p. xiii.

¹⁰ Raphael Lemkin, Lemkin on Genocide, ed. Steven L. Jacobs (Lanham, MD: Lexington Books, 2012), pp. 5, 17–19, 55–185. See also Michael A. McDonnell and A. Dirk Moses, 'Raphael Lemkin as historian of genocide in the Americas', Journal of Genocide Research 7:4 (December 2005), 501–29.

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The inaugural *Cambridge World History of Genocide* helps fill a need that arises from a popular misunderstanding that genocide, like its name, began only in the twentieth century. These volumes do so by showcasing much of the superb research and scholarship on genocide through the ages. In the last few decades, following the path that Raphael Lemkin and his peer Hersch Lauterpacht pioneered, genocide scholars have developed the robust new field of Genocide Studies. One of its hallmarks is the acknowledgement that although the term 'genocide' did not exist before World War Two, similar terms did, and more importantly, similar concepts and practices existed.^{II}

One example is illustrated by premodern usage of the term 'extermination'. The Latin term *exterminare* originally meant 'drive beyond the boundaries', and it retained this meaning well beyond the eighth century CE, when the Venerable Bede employed it probably in that sense of 'expel'. But in another context, Bede (and others to follow) did also use *exterminare* to mean 'kill them all', in the modern sense of the word 'exterminate'. He wrote of England in the late seventh century: 'After Caedwalla had gained possession of the kingdom . . . he also captured the Isle of Wight . . . and he endeavoured to exterminate (*exterminare*) all the natives by merciless slaughter (*ac stragica caede*), and to replace them by men from his own kingdom'.¹²

Many other examples show that well before 1900, let alone 1939, what we call genocide was in no way unthinkable. Rather, people described it using different terminology, for instance as 'annihilation of a whole people', 'extermination' or 'generall massacre', even 'unpeopling'.¹³ The German term *Völkermord*, a synonym for 'genocide' which Lemkin also used but ultimately avoided, appeared as early as 1831.¹⁴ And of course in earlier times humans committed genocide in different ways, depending on variable historical,

11 See e.g. Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven: Yale University Press, 1990); Ben Kiernan, 'Is "genocide" an anachronistic concept for the study of early modern mass killing?', *History* 99:336 (July 2014), 442–60, https://doi/10.1111/1468-229X.12062.

12 Bede quoted in James E. Fraser, 'Early medieval Europe' in *The Oxford Handbook of Genocide Studies*, ed. D. Bloxham and A. D. Moses (Oxford University Press, 2010), pp. 259–79, at p. 261 and p. 268.

¹³ Eric D. Weitz, A World Divided: The Global Struggle for Human Rights in the Age of Nation-States (Princeton University Press, 2019), pp. 59–60, at p. 97. In the 1850s whites in California often used the term 'extermination' during their genocide of California Indians; see Benjamin Madley's Chapter 17 in Volume 11 of this series. See also Kiernan, 'Is "genocide" an anachronistic concept?', and Ben Kiernan, Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur (New Haven: Yale University Press, 2007), p. 160.

14 Christian Gerlach, 'Extremely violent societies: an alternative to the concept of genocide', Journal of Genocide Research 8:4 (2006), 455–71, at 464.

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demographic and environmental circumstances, with earlier technological and organisational limitations.

However, these long-established terms, especially if their meanings changed over time, could lack agreed precision or conceptual rigour. The Norwegian term for genocide, *folkemord*, has been traced back to 1846. But in the 1920s the philologist Torleiv Hannaas used it in a broader sense, to protest at the destruction of the 'national language' of a minority ethnic group (the Sámi) under the policy of Norwegianisation in the schools in the Finnmark county of Norway. Hannaas wrote: 'Is this not language coercion? I have called it a *folkemord*. The word is strong. But not at all too strong. If the language is the people, it is genocide [*folkemord*] to kill an old national language.¹⁵ Today we might call this 'cultural genocide'. However, not all would agree that to 'kill a language' in itself amounts to genocide. As important as cultural genocide is, that is not the focus of *The Cambridge World History of Genocide*.

To take a different case from the other side of the world: no word for 'genocide' is found in Cambodian dictionaries until as late as 1978. Nor, more surprisingly, after Cambodia had ratified the UN Genocide Convention in 1950, is the term found in the 1956 Cambodian Penal Code.¹⁶ In 1978 a Khmer term for 'genocide' did appear, in the *English–Khmer Dictionary* published by Yale University Press in that year: 浴宮山帘 (*chun khéat*) – 'destruction of a people'.¹⁷ The Yale *Dictionary* also included a term for 'exterminate', *tveu aoy son* ('make into nothing'). But neither of these terms came into popular usage for 'genocide' after the 1975–9 Khmer Rouge era. A new Khmer term emerged in 1979, and it quickly became both the official and popular word for 'genocide': *prolay pouc sas* ([பல்பில்பில்பில்பில்), literally, 'destruction of the seed of a race'.

This three-volume project, *The Cambridge World History of Genocide*, is unified, in part, by an agreed conception of the phenomenon it addresses.

¹⁵ Torleiv Hannaas, 'Maaltvangen i Finnmark' (c.1923), translated and quoted in Even Sebastian Skallerud, 'Acts shocking to the conscience of mankind: why Norway voted to delete cultural genocide from the 1948 Genocide Convention' (MA thesis, Faculty of Law, University of Oslo, 2019), p. 17. Thanks to Bernt Hagtvet for drawing this work to my attention.

¹⁶ These include the first published Cambodian dictionary, Joseph Guesdon's 1930 Dictionnaire Cambodgien–Français; the 1938 Khmer-Khmer dictionary; Chuon Nath's authoritative 1968 Buddhist Institute Khmer-Khmer dictionary, Vacanānukram khmaer; Robert Headley's Cambodian–English Dictionary published by the Catholic University of America Press in 1977; and Franklin E. Huffman and Im Proum, Cambodian–English Glossary, published by Yale University Press in 1977. Thanks to Thavro Phim for research assistance.

¹⁷ Franklin E. Huffman and Im Proum, *English–Khmer Dictionary* (New Haven: Yale University Press, 1978), p. 249. The word *khéat* is listed in Guesdon's 1930 *Dictionnaire* as meaning both 'kill' and 'destroy' (p. 338). The 1977 *Glossary* translates *khéatekam* as 'murder' (p. 22).

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There are now over twenty different definitions of genocide, both legal and sociological.¹⁸ Nonetheless, there is only one international, legal definition. Article II of the 1948 United Nations Convention on the Prevention and Punishment of the Crime of Genocide defines that crime as

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.¹⁹

The UN Genocide Convention also specifies different crimes, such as conspiracy, incitement and attempt to commit genocide, as well as complicity in genocide, and it adds that 'Persons committing genocide or any of the other acts enumerated' may include 'constitutionally responsible rulers, public officials, or private individuals'.

There are three parts to the core UN Convention definition of genocide itself: the mental element, or the 'intent to destroy'; the physical element, or the 'acts' of genocide listed in Article II (a)–(e), quoted above; and the kinds of groups 'protected' by the Convention, namely 'national, ethnical, racial [and] religious' groups. The mental element is the most controversial and perhaps the least understood. Contrary to popular understandings that racial hatred must be the motive for any genocide, the word 'intent' does not refer to the perpetrator's *motive* for the act or acts, but to their deliberate nature, what the perpetrator sets out to do. This means first that recklessness or criminal negligence do not qualify as 'intent' to commit genocide; the acts must be intentional. On the other hand, as the sociologist Helen Fein has shown, the motives for the acts may be varied: racial hatred, theft of the group's possessions, seizure of its territory, ideological conviction, retribution, economic development, and despotic ambitions are all possible motives for genocide.

However, under the Genocide Convention, *no motive need be proven*. The words 'intent to destroy' a group 'as such' do set a high burden of proof, which

¹⁸ Adam Jones, Genocide: A Comprehensive Introduction, 3rd ed. (London: Routledge, 2017), pp. 23–7.

¹⁹ See Human Rights Web, www.hrweb.org/legal/genocide.html (accessed 3 May 2021).

²⁰ See Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993), pp. 28–9, table 1, for a listing of various typologies of genocides, including by motive.

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lawyers refer to as 'specific intent'. This is the requirement that the group be attacked as that group, in other words, specifically for its identity, because of who they are. There must be a 'conscious desire' to destroy *the group*, or a substantial 'part' of it. That of course neither assumes nor precludes any reasons, or motives. These are irrelevant to the legal definition of the crime. The fact that for genocide to be committed, a group must be targeted 'as such', does not mean that the group must be targeted *solely* because of who they are.²¹ They may be targeted for other reasons as well. The legal definition of genocide is in this sense broader than the popular sense of the term, which often assumes racist motives, even exclusively racist motives.

However, for many scholars of genocide, this legal definition remains insufficiently broad. Some, as we shall see, prefer to include 'acts' that are not physically or biologically destructive, now often referred to as 'cultural genocide', a term Lemkin was using by the 1950s for a phenomenon he had earlier encompassed under the term 'vandalism' – assaults on a people's culture and heritage,²² acts that he had included in his own 1943–4 definition of genocide.²³ Certainly, acts of cultural eradication, both the physical destruction of sites (for instance those in Bosnia in the 1990s)²⁴ and linguistic and educational suppression, often form part of or accompany genocidal campaigns. As late as May 1948, a UN Ad Hoc Committee proposed that Article III of the forthcoming Genocide Convention include the following statement:

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

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

23 Lemkin, Axis Rule in Occupied Europe, pp. xi-xii.

²¹ See Berel Lang, *Genocide: The Act as Idea* (Philadelphia: University of Pennsylvania Press, 2017), pp. 99–100.

²² Philippe Sands, East West Street: On the Origins of Genocide and Crimes against Humanity (London: Weidenfeld & Nicolson, 2016), p. 157. Sands credits the Romanian scholar Vespasian V. Pella with pioneering this usage of the term 'vandalism'. For Lemkin's use of the term 'cultural genocide', see Lemkin, *Lemkin on Genocide*, e.g. pp. 41, 74, 388–90.

²⁴ Uğur Ümit Üngör, 'Cultural genocide: destruction of material and non-material human culture' in *The Routledge History of Genocide*, ed. Cathie Carmichael and Richard C. Maguire (London: Routledge, 2015), pp. 241–53, at p. 247.

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2) destroying or preventing the use of libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group.²⁵

But this proposed article, and therefore acts of 'cultural genocide', were ultimately excluded. The only possible exception is Article II(e), 'Forcibly transferring children of the group to another group', an act which could be categorised as 'cultural genocide' because even under coercion it does often (but as we shall see, far from always) lead to the children surviving though being deprived of their indigenous culture. As for those particular groups who can be potential victims of genocide, yet other scholars prefer to include not only ethnic, national, racial and religious groups but also *political* groups and possibly even wider, less distinct groups, such as socioeconomic classes. In *The Cambridge World History of Genocide* we follow the UN Genocide Convention definition in excluding most cases of 'cultural genocide'.

We extend our historical coverage beyond that legal definition of genocide in only two directions. First, we include those group-selective cases of mass killing which fall under another legal definition, that of the crime of 'extermination', which was included in the 1998 Rome Statute of the International Criminal Court. This is an older and separate legal term, coming under the category of crimes against humanity, but one which largely overlaps with most sociological definitions of genocide. Extermination is legally described by the Rome Statute as conduct that 'constituted, or took place as part of, a mass killing of members of a civilian population' and was 'committed as part of a widespread or systematic attack directed against a civilian population'.²⁶ Extermination is a crime against humanity which includes not only massacres but, like genocide, also covers 'the intentional infliction of conditions of life, inter alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population'.²⁷ The UN-sponsored Truth Commission for East Timor, for instance, found in 2005 that Indonesian

²⁵ Quoted in Skallerud, 'Acts shocking', 24-6.

²⁶ Official Records of the Assembly of States Parties to the Rome Statute of the International Criminal Court, First session, New York, 3–10 September 2002 (United Nations publication, Sales no. E.o.3.V.2 and corrigendum), part II.B; Article 7(1) (b) Crime against humanity of extermination. See International Criminal Court, www.icc-cpi.int.

²⁷ Rome Statute of the International Criminal Court, Part 2, Article 7, paragraph 2 (b), p. 4, www.icc-cpi.int/resource-library/documents/rs-eng.pdf (accessed 28 March 2022).

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forces there had perpetrated 'extermination as a crime against humanity' in the period 1975–99.²⁸

Like genocide (under the UN Genocide Convention), in the case of a crime against humanity the intentionality of the crime is important, though again the purpose or motive of the extermination is not relevant to guilt. Yet unlike genocide, to meet the definition of extermination the population or the part of it that is targeted need not be an ethnic, national, racial or religious group. Thus, extermination may cover political and social groups, as do most sociological definitions of genocide. Nor do charges of crimes against humanity such as extermination require proof, as the UN definition of genocide does, of 'specific intent', that is, the 'intent to destroy' a group, in whole or in part, 'as such'. That higher level of intent is not required for the crime of extermination, though it too is a crime committed intentionally, not accidentally or without foreknowledge, as is made clear by the deployment in its legal definition of the terms 'widespread or systematic', 'intentional' and 'calculated'.

The legal definition of extermination clearly applies to most of those cases of mass murder that are treated as genocide by many genocide scholars yet are not covered by the UN Genocide Convention. While crimes against humanity (e.g. murder) may be committed against individuals as well as groups, this three-volume project emphasises the nature and historical occurrence of crimes against groups, 'collectivities' or communities that are encompassed by the terms 'genocide' and 'extermination'.²⁹ The focus of this project is on cases that fit either of these terms in their legal definitions, or those of sociologists, such as Helen Fein's: '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.'³⁰

Second, we also include in our coverage cases of extreme violence that the sociologist Leo Kuper, writing in 1981, and others since, have categorised as 'genocidal massacres'. This category, too, is not covered by the UN

30 Fein, Genocide: A Sociological Perspective, p. 24.

²⁸ Chega! The Report of the Commission for Reception, Truth and Reconciliation in Timor-Leste (CAVR), October 2005. See also Ben Kiernan, Genocide and Resistance in Southeast Asia: Documentation, Denial and Justice in Cambodia and East Timor (New Brunswick: Transaction, 2007), pp. 137–99, and Geoffrey Robinson's chapter in Volume 111 of the series.

²⁹ The crime of 'extermination must be collective in nature rather than directed towards singled out individuals'. David Scheffer, All the Missing Souls: A Personal History of the War Crimes Tribunals (Princeton University Press, 2012), p. 435.

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Genocide Convention. It describes shorter, more restricted outbreaks of killing that target a specific local or regional community because of its membership in a larger group.³¹ Nevertheless in some cases, perhaps because of a limited range of accessible evidence, it may remain unclear whether or not the perpetrators possessed an intent to destroy a particular group 'as such', even in part.

The Genocide Convention's limitation of its protections to ethnic, national, racial and religious groups seems in one sense a justified focus on those groups to which individuals usually have little choice in belonging, as distinct from membership of political or even social groups, which are covered by international law pertaining to crimes against humanity and by sociological definitions of genocide and 'genocidal massacres' that overlap with the legal concept of 'extermination'. This is not to say that extermination of political, economic or social groups is anything other than a heinous offence, but merely that it is an *even more* heinous crime to perpetrate genocide against groups whose members can have had no choice in joining them.

Even so, in some cases the perpetrators may blur the boundaries between political and ethnic groups. In Argentina in May 1977, General Ibérico Saint Jean defined the enemies of that country's military dictatorship (1976-83), and specified how they should be treated during the 'Dirty War' it was waging against them. Saint Jean became governor of the important Buenos Aires province, after making this statement: 'First we will kill all subversives, then we will kill all of their collaborators, then those who sympathize with subversives, then we will kill those that remain indifferent, and finally we will kill the timid.³² In Saint Jean's project, it seems, only strong supporters of the Argentine dictatorship were to be spared. It is difficult to see such a statement as simply the targeting of a 'political group' when the victims so easily encompassed 'those that remain indifferent' and 'the timid'. As Federico Finchelstein writes, 'Anti-Semitism, anticommunism, and the idea of the internal enemy as a non-Argentine Other' were key elements in the junta's fascist ideology.33 Daniel Feierstein and Lucrecia Molinari give more attention to this particular case in Volume III of the series. Compounding the

³¹ Leo Kuper, Genocide: Its Political Use in the Twentieth Century (New Haven: Yale University Press, 1981), pp. 59ff.; Chalk and Jonassohn, History and Sociology of Genocide, p. 26.

³² Quoted in Federico Finchelstein, The Ideological Origins of the Dirty War: Fascism, Populism, and Dictatorship in Twentieth-Century Argentina (Oxford University Press, 2014), p. 127.

³³ Ibid., p. 122.