

Introduction to Volume III

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In October 1945 the Nazi defendants at Nuremberg were charged, for the first time in international law, with ‘genocide’. The Nuremberg indictments included, under war crimes, ‘deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies and others’.¹

However, during World War Two, and even in 1945, the crime of genocide had no legal status. A Polish Jewish jurist, Raphael Lemkin, had coined the term ‘genocide’ in 1943, and first published it the following year. In large part as a result of his efforts, in 1948 the United Nations General Assembly passed the Genocide Convention, and it came into force in 1951. Those Nazi defendants found guilty at Nuremberg were convicted of other crimes, including aggression and crimes against humanity.

‘Genocide’ is still often popularly considered a twentieth-century crime, rather than either a retroactive post-war legalism, or the transhistorical phenomenon that the first two volumes of this series have documented. Lemkin certainly considered the Armenian genocide during World War One to have been such an event (whose repercussions he said ‘changed his life’), similar in many ways to the Jewish Holocaust; and during the 1930s, he had actively worked for its international recognition.² Then in the late 1940s and 1950s he set out to write an extended account of genocide since antiquity, and to ‘prove that genocide followed humanity throughout history’.³ His analysis had breadth too. In the

¹ *Nuremberg Trial Proceedings*, vol. 1, Count Three: War Crimes, VIII: Statement of the Offence, (A) Murder and Ill-Treatment of Civilian Populations . . . , 6 October 1945, para. 2, <https://avalon.law.yale.edu/imt/count3.asp>.

² Philippe Sands, *East-West Street: On the Origins of Genocide and Crimes against Humanity* (London: Weidenfeld & Nicholson, 2016), pp. 146–58, at 149.

³ Raphael Lemkin, *Lemkin on Genocide*, ed. and intro. Steven Leonard Jacobs (Lanham: Lexington Books, 2012), p. 5.

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1943 Preface to his 1944 work *Axis Rule in Occupied Europe*, Lemkin applied 'genocide' to an array of destructive acts such as cultural vandalism as well as to 'mass killings, mainly of Jews, Poles, Slovenes, and Russians'. In the text of the book, he included 'Gypsies' (Roma and Sinti) and Serbs as victims of genocide.⁴

The paths that Lemkin and his peer Hersch Lauterpacht, who developed the concept of crimes against humanity, pioneered in international law have led to a robust new field of Genocide Studies, as well as new studies of crimes against humanity such as extermination. One of the hallmarks of this field is the acknowledgement that although the term 'genocide' did not exist before World War Two, similar terms did, and more importantly, similar concepts existed.⁵ Genocide before 1939 or even 1900 was not at all unthinkable, but rather was expressed using different terminology, including crimes against humanity, extermination, and – phrases used by E. D. Morel in the first decade of the twentieth century to describe what was then happening in the Congo – 'collective massacre on a grand scale', a 'holocaust of human victims' and a 'crime committed upon a helpless race'.⁶ And of course, just like after 1945, genocide was perpetrated in different ways depending on the historical, demographic and environmental circumstances, and under different technological and organisational limitations, as well as different legal regimes, national and international.

There are various definitions of genocide, both legal and sociological. The 1948 UN 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;

4 Raphael Lemkin, *Axis Rule in Occupied Europe* (Carnegie Endowment for International Peace, 1944), Preface, p. xii, and pp. 85, 213, 249, 259–60.

5 Ben Kiernan, 'Is "genocide" an anachronistic concept for the study of early modern mass killing?', *History* 99:336 (2014), 530–48, <http://onlinelibrary.wiley.com/doi/10.1111/1468-229X.12062/abstract>.

6 E. D. Morel, 'The 1903 parliamentary debate', and 'Roger Casement', in *E.D. Morel's History of the Congo Reform Movement*, ed. Wm Roger Louis and Jean Stengers (Oxford: Clarendon Press, 1968), pp. 130, 134, 160. For other pre-1942 uses of the term 'holocaust' to describe mass murders, see Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven: Yale University Press, 2007), pp. 9–10.

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- (d) Imposing measures intended to prevent births within the group;
- (e) Forcibly transferring children of the group to another group.⁷

Many scholars of genocide find this definition sufficiently broad. Others find it too narrow, preferring to include political groups and possibly even wider, less distinct groups, such as socio-economic classes, as potential victims of genocide. At any rate, the hallmark of genocide is the targeting of groups, with the intent of bringing about their destruction. Genocide is therefore a form of ‘group-selective’ violence, where the criterion for selection is group membership. Genocide cannot exist without this ‘group-selective’ or ‘categorical’ element.

Our historical coverage in *The Cambridge World History of Genocide* includes not only genocide but also those group-selective cases of mass violence falling under another legal definition, that of the crime of ‘extermination’ – an older and separate legal term coming under the category of crimes against humanity, where it is found in the 1998 Rome Statute of the International Criminal Court. This concept largely overlaps with most sociological definitions of genocide. Extermination is legally described 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’.⁸ The Yugoslav Tribunal ruled in 2002 that a small or limited number of killings is insufficient to constitute extermination. Prosecutions must be aimed only at individuals responsible ‘for a large number of deaths, even if their part [in the crime] was remote or indirect’. The crime of ‘extermination must be collective in nature rather than directed towards singled out individuals’.⁹ It is important to note here that the nature of the violent crime that constitutes extermination involves collective-oriented violence in the sense that it targets large numbers of civilians (collectives) – rather than that a collective form of perpetration is deployed – to inflict harm on the group ‘as such’.

Extermination is a crime against humanity which includes not only massacres but, like genocide, also covers ‘the intentional infliction of conditions of life, inter

⁷ www.hrweb.org/legal/genocide.html.

⁸ 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.03.V.2 and corrigendum), Part II.B; Article 7 (1)(b) Crime against humanity of extermination, www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf.

⁹ David Scheffer, *All the Missing Souls: A Personal History of the War Crimes Tribunals* (Princeton University Press, 2012), p. 435, referring to the International Criminal Tribunal for the former Yugoslavia ruling in the Krstić case.

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alia the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population'.¹⁰ Like genocide (under the UN Convention), in the case of a crime against humanity the intentionality of the crime is important, though the purpose or motive of the extermination is not relevant to guilt. But unlike genocide, to meet the definition of extermination the targeted population need not be an ethnic, national, racial or religious group, and thus this crime may cover political and social groups, like 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 what legal scholars call 'specific intent' – that is, the 'intent to destroy' a group, in whole or in part, 'as such'. Such a high level of intent is not required for the crime of extermination, though it too is a crime committed intentionally, not accidentally or negligently or without foreknowledge, as is made clear by the deployment in its legal definition of the terms 'widespread or systematic', 'intentional' and 'calculated'.

Extermination covers most of those cases of genocide that are advanced by genocide scholars yet not covered by the UN Genocide Convention. While crimes against humanity (e.g. murder) may be committed against individuals as well as groups, this series of three volumes emphasises the nature and historical occurrence of crimes against groups, 'collectivities' or communities that are encompassed by the terms genocide and extermination. The focus is on group-selective or 'categorical' 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.'¹¹

'Ethnic Cleansing'

The term 'ethnic cleansing', in German *völkische Flurbereinigung*, was used in 1939–40 by Adolf Hitler and other Nazis.¹² During their war against the Soviet Union, German military and security forces reported on the razing of

¹⁰ www.un.org/law/icc/index.html.

¹¹ Helen Fein, *Genocide: A Sociological Perspective*, special issue of *Current Sociology* (1990).

¹² Robert Gellately, 'The Third Reich, the Holocaust, and visions of serial genocide', in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. R. Gellately and B. Kiernan (New York: Cambridge University Press, 2003), p. 247. The term may have had an earlier origin in the Balkans. See Norman Naimark, *Fires of Hatred: Ethnic Cleansing in Twentieth-Century Europe* (Cambridge: Harvard University Press, 2001), pp. 4–5, 201 n. 8.

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villages deemed partisan nests as a *Säuberungsaktion* ('cleansing operation').¹³ Regions falling under their control were progressively 'purified' of Jews (*Judenrein*). The Nazis' Croatian Ustaše allies followed suit. They described as *čišćenje terena* ('cleansing the terrain') military actions in which they killed non-Croats or drove them from their homes. Viktor Gutić, a ranking Ustaše commander, was one of the first Croatian nationalists to employ this term for conducting atrocities against Serbs. In 1941 alone, the number of Serbs killed in these actions may have reached 250,000.¹⁴ In turn, in the same year Serbian anti-Nazi Chetniks proposed 'cleansing the lands of all non-Serb elements', and they used the term 'ethnic cleansing' (*etničko čišćenje*) in internal memoranda to refer to retaliatory massacres they committed against Croats and Bosniaks up to 1945.¹⁵ However the ambiguity in meaning between the 'cleansing' of a territory and of a 'race' – between 'territorial' and 'ethnic' cleansing – could make the difference between a population's forcible expulsion and genocide.

In the 1990s the same term 'ethnic cleansing' (*etničko čišćenje*) resurfaced in Serbian usage, during the Bosnian war and the genocide of Bosniaks, which Edina Bećirević documents in her chapter in this volume. In that episode, as in Nazi usage, 'ethnic cleansing' often (though not always) served as a synonym for 'genocide'. Since then, however, the two terms have become distinguishable. The distinction is similar to the original World War Two difference between the Nazi concept of 'ethnic cleansing' ('purification' of the German race and living space, *Blut und Boden* – see Mary Fulbrook's analysis in Chapter 25), and the possibly more limited or ambiguous Croatian term 'cleansing the terrain', literally to forcibly expel one people from an area of land claimed by another. Depending on the means of 'removal' employed, ethnic cleansing possesses a far more elastic range of meanings that can encompass anything from outright genocide, to more ambiguous 'genocidal massacres' conducted in order to instil the fear required to force an ethnic population to flee from a territory, to the forcible expulsion of an ethnic population from a territory without major employment of violence or

13 The 454th Security Division's war diary for the summer of 1941 records many such engagements. *Säuberungsaktion* is the term used during the entire campaign, but most often during 1941–3.

14 Richard Ashby Wilson, *Writing History in International Criminal Trials* (New York: Cambridge University Press, 2011), p. 74; Lemkin, *Axis Rule in Occupied Europe*, p. 260, citing *Martyrdom of the Serbs* (Serbian Eastern Orthodox Diocese for the United States and Canada, 1943).

15 Norman Cigar, *Genocide in Bosnia: The Policy of 'Ethnic Cleansing'* (College Station: Texas A&M University Press, 1995), p. 18; Edina Bećirević, *Genocide on the Drina River* (New Haven: Yale University Press, 2014), pp. 22–3.

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infliction of casualties.¹⁶ Ethnic cleansing can imply the existence of a territorial refuge or reservation for its victims, whereas genocide implies their destruction, in whole or in part. Ethnic cleansing also remains undefined in international law. For these reasons, we have not used it as a criterion for the inclusion of historical cases in *The Cambridge World History of Genocide*.

An example of a non-genocidal form of ethnic cleansing occurred in South Asia in the early 1990s, during the same time period as the Bosnian genocide. After conducting a census in 1988, the landlocked Kingdom of Bhutan concluded that 28 per cent of its population were of Nepalese origin, a group known as the Lhotshampa, or ‘people from the south’. Lhotshampa had begun migrating north from Nepal into Bhutan as early as 1620. Most remained Nepali-speaking, but in 1958 many of them had received Bhutanese citizenship. The 1988 census was conducted unprofessionally, and not transparently.¹⁷ According to a subsequent human rights investigative report, it was also an ‘exclusive census’, carried out in Bhutan’s southern districts ‘with the intention to flush out’ the Nepali-speaking population. ‘Thousands of Nepali-Bhutanese were arrested, killed, tortured and given life sentences.’¹⁸

In 1990, Bhutan set up border controls. Then, under a ‘One Nation, One People’ policy, the Bhutanese government imposed cultural and linguistic restrictions upon the Lhotshampa. Nepali was banned from use as a classroom language, in favour of Bhutan’s majority language, Dzongkha. The government also obliged all citizens to follow a national dress code. It then began to expel the Lhotshampa as ‘migrant laborers’.¹⁹ Those who could not prove their pre-1958 residence in Bhutan were to be deemed illegal immigrants. Nepali-speakers in the south, but no one else in the country, had to provide proof of pre-1958 residence. Yet that did not prevent their expulsion. According to the human rights investigation, ‘The local authorities also seized the documents that people have which can prove their Bhutanese nationality, to ensure they cannot produce them again in the future . . . The government forced many evicted people, almost all, to sign the voluntary migration form before leaving the country.’²⁰ Three-quarters of the

16 See Naimark, *Fires of Hatred*; Helen Fein, ‘Ethnic cleansing’, in *The Blackwell Dictionary of Modern Social Thought*, ed. W. Outhwaite, 2nd ed. (Hoboken: John Wiley & Sons, 2006), pp. 208–11.

17 Maximillian Mørch, ‘Bhutan’s dark secret: the Lhotshampa expulsion’, *The Diplomat*, 21 September 2016.

18 I. P. Adhikari and Raju Thapa, *Human Rights and Justice in Bhutan: Shadow Report on the First Universal Periodic Review of Bhutan* (Nepal: Human Rights Without Frontiers, 2009), p. 58, www.apfanews.com/media/upload/final_report.pdf.

19 Mørch, ‘Bhutan’s dark secret’.

20 Adhikari and Thapa, *Human Rights and Justice in Bhutan*, pp. 19, 58.

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Lhotshampa expelled to Nepal did retain evidence that proved their Bhutanese nationality.²¹ But they had been expelled anyway; their documentation was of no use to them.

During the early 1990s, Bhutan expelled approximately 130,000 Lhotshampa, about one-sixth of the country's entire population. This made Bhutan, on a per capita basis, 'the world's biggest creator of refugees'.²² It was a major case of ethnic cleansing, but by no means a genocide. Therefore, this and similar cases are not included in this volume.

Modernity and Genocide

Acknowledgement of genocide as 'the crime' of all crimes against humanity occurred during the contemporary era and culminated with its codification in the 1948 UN Convention. Lemkin's definition was based on what he had personally witnessed in Nazi-dominated Europe, as well as his knowledge of the most recent case that the Young Turks had perpetrated against the Armenians, which some scholars have described as the first *modern* genocide. Although Lemkin would continue to research and write about the history of genocide since ancient times, discussions on the problem of genocide often focused on its twentieth-century forms and causes. If genocide was by definition the persecution and murder of masses, even millions, of innocents, then logically such a campaign required the weapons and infrastructure of the modern state and the radical ambitions of the modern man (the modern woman was usually presumed innocent of the crimes of the modern state, see below). The unique features of the Holocaust – the boxcar deportations and assembly-line gassings at Birkenau, organised by unempathetic, banal bureaucrats ('desk murderers') – reinforced this image of genocide as civilisation having veered off track from its otherwise progressive path since the Enlightenment. In 1989, however, Zygmunt Bauman published *Modernity and the Holocaust*, in which he argued the contrary, that the Holocaust was an expression of modernity, and a larger problem of civilisation, rather than a deviation from it, let alone a strictly Jewish tragedy or an event in Jewish history.²³ In the vein of Max Weber, the

21 *Kathmandu Post*, 19 June 2003, cited in Adhikari and Thapa, *Human Rights and Justice in Bhutan*, pp. 58–9.

22 Adhikari and Thapa, *Human Rights and Justice in Bhutan*, p. 58; Mørch, 'Bhutan's dark secret'.

23 Zygmunt Bauman, *Modernity and the Holocaust* (Ithaca: Cornell University Press, 1989). See reviews of Bauman's book by A. Milchman and A. Rosenberg, *Holocaust and Genocide Studies* 5:3 (1990), 337–42; and G. Wickam in *Journal of Sociology* 5:3 (1991), 429–33.

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Frankfurt school and Hannah Arendt, Bauman illuminated the darker structural forces of the 'civilising process' that created technocratic monsters such as Mengele who were driven by a dangerously amoral instrumental rationality. His study, as well as Arendt's similar thesis on the banality of evil, riled the intentionalist school of Holocaust scholars who centred their explanations on Nazi ideology and the individual agency of Hitler, Himmler and their fanatical followers.²⁴ While historian Ian Kershaw would famously state, 'no Hitler no Holocaust', sociologist Bauman argued, 'without modern civilization and its most central achievements there would be no Holocaust'.

Modernity has also been viewed as the incubator of hateful ideologies such as antisemitism and racism. While Götz Aly's earlier explanation was Bauman-like in its critique of the amoral technocrats, he later turned to the Holocaust's roots in a new form of European antisemitism originating in the experience of rapid modernisation in the late nineteenth century, which created deeper societal divisions between the 'haves' and 'have-nots', and an intense envy towards Jews who benefitted from emancipation, urbanisation, economic growth, and social and economic mobility. Antisemitism, among the longest hatreds that continues to cause harm, was specific to the Holocaust and European culture at that time. Yet its genocidal potential was realised in a modern civilisation of scientific racism and nationalism, and the modern concept of the state as demographic engineer and gardener, which were leading causes of the genocides in Turkey, the Soviet Union, Nazi Germany, Cambodia and the Balkans, according to Eric Weitz's twentieth-century survey.²⁵ Weitz also stresses a distinctively modern human drive towards perfection and problem-solving. Going back to the Enlightenment, historian Mark Levene situates genocide in 'modern world historical development', beginning with the popular, violent revolutions in France and America and the rise and fall of empires since then. According to Levene, genocide is 'integral to "mainstream" historical trajectory of development towards a single, global, political economy composed of nation states'.²⁶

24 Bauman, *Modernity and the Holocaust*, p. 87. Bauman argued that racism and not antisemitism had caused the genocide; that under the Nazis the Jews themselves had certain 'privileges' even the Poles lacked; that the Jews exacerbated their own plight by their own behaviour; that bureaucracies are ethically blind; and that civilisations are violent. His chapters are thematically focused on race and antisemitism, modernity, rationality, science, expertise, morality, and sociology and the Holocaust.

25 Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton University Press, 2003).

26 Mark Levene, *The Crisis of Genocide*, vol. I: *Devastation. The European Rimlands 1912–1938* (Oxford University Press, 2014), p. 1.

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So how does one account for the modern state's embrace of anti-modern ideas that become genocidal? Jeffrey Herf introduced the concept of reactionary modernism, which was taken up in studies of fascism in the interwar period in Europe and in Japan, and in definitions of fascism as an illiberal rejection of the Enlightenment and the industrial world. Roger Griffin and other theorists of fascism have nuanced this argument by showing that the totalitarian movements sought an alternative modernity though they were not anti-modern in their ideas and practices. Indeed, these totalising campaigns were characteristic of many genocidal regimes around the globe and historically. As Ben Kiernan illustrates in *Blood and Soil*, they are most evident in the agrarian fetish of the modern state as a social engineer and gardener, as well as in its natalist and anti-natalist policies, violent colonial development schemes and caste-structured plantation systems. Kiernan identified four main causes of genocide since ancient times: (1) racism in which 'perpetrators imagine a world without certain kinds of people in it'; (2) cults of antiquity that fight against 'perceived decline' and are preoccupied 'with restoring purity and order'; (3) cults of cultivation or agriculture that spur conquest and embolden aggressors to 'claim a unique capacity to put conquered lands into productive use'; and (4) expansionism.²⁷ In short, the tension (and sometimes false dichotomy) in the modern versus the anti-modern debate on the causes of genocide has provided a larger theoretical and diachronic paradigm that accounts for deeper structures and processes spanning decades if not centuries, and encompassing the globe.

Does it make sense to distinguish between modern and premodern cases of genocides, or does that temporal binary blur the continuities of genocidal violence and the specificities of each case, as well as the recurring targeting of certain victim groups since premodern times? Answers to these questions depend on one's understanding of the 'protean concept of "modernity"'. Dirk Moses and Donald Bloxham explain:

An understanding that leans particularly upon modernity's material (economic and technical) aspects would of course allow that the development of surveillance, bureaucracy, central state strength, weaponry, etc., would create greater facility to pursue and murder 'enemies', and would equally allow that the increasing contact between different peoples and the more intensive and extensive exploitation of resources might provoke more and increasingly intense intergroup conflicts, but distinctions along these lines between modern and premodern are of degree rather than fundamental nature.

²⁷ Kiernan, *Blood and Soil*, pp. 23, 27, 29.

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Moses and Bloxham argue against drawing too thick (and artificial) a line between notions of modern and premodern as an explanation for genocide. Modern states may have more tools and resources to incite violent conflict; however, the 'fundamental nature' of genocide as a human proclivity exists across time and space. Modernity may offer a temporal way to historicise genocide as integral to notions of progress, the development imperative and radical ideologies that consciously aim to break with a past and with peoples deemed backward and deleterious to civilisation. And it is true that all these forces and ideas propelled genocide and made the massive scale of the Holocaust and other twentieth-century genocides possible. But privileging peculiarly modern features of genocide creates blind spots that can be ahistorical.

For example, the omission of women as subjects and objects in this history has been taken up by historian Ann Taylor Allen when she criticised Bauman for his inattention to gender. Allen found that 'Women, while they remain in the female sphere, are thus endowed with innocence of the crimes of the modern state, but at the price of being placed outside modernity, and indeed outside of history itself.'²⁸ This series of volumes incorporates recent studies of women as victims and perpetrators and of the role of gender in genocidal thinking and policies. While women historically did not occupy positions of power and lead genocidal regimes, they were active agents in the events, directly and indirectly participating in the violence and inciting male genocidaires. Sexism can now be added to the list of explanatory 'isms'; sexual violence is a key component of the mass killing and can go so far as to constitute gendercide or gender-selective killing, according to the pioneering work of Adam Jones and Elisa von Joeden-Forgey. In retrospect, the groundbreaking concepts of a dystopian, even nihilistic, modern state proposed by Bauman, Nietzsche, Foucault and others offered necessary critiques of civilisation, but their theories were themselves biased and selective in their focus on the modern, Western man. Since the 1990s, the expansion of research on ancient and premodern cases of genocide manifests starkly the continuities of violent behaviour and totalising ideologies that can no longer be deemed uniquely modern features of the Holocaust and other twentieth-century cases.

Thus, the modernity explanations and debates have expanded Genocide Studies into different chronological analyses, conceptual themes and

²⁸ Ann Taylor Allen, 'The Holocaust and the modernization of gender: a historiographical essay', *Central European History* 30 (1997), 349–64.