
April 2009

Full Issue 4.1

Follow this and additional works at: <https://scholarcommons.usf.edu/gsp>

Recommended Citation

(2009) "Full Issue 4.1," *Genocide Studies and Prevention: An International Journal*: Vol. 4: Iss. 1: Article 1.
Available at: <https://scholarcommons.usf.edu/gsp/vol4/iss1/1>

This Front Matter is brought to you for free and open access by the Open Access Journals at Scholar Commons. It has been accepted for inclusion in *Genocide Studies and Prevention: An International Journal* by an authorized editor of Scholar Commons. For more information, please contact scholarcommons@usf.edu.

Editors' Introduction

Indigenous peoples—those people who consider themselves, or are considered by others, to be Aboriginal, “First Nations,” native peoples, Fourth World peoples, or “original occupants” of specific places on the planet—have faced genocide, cultural destruction, and forced removal from their ancestral areas for thousands of years. Over the centuries, colonization—the expansion of populations into new areas and the exploitation of natural and human resources there—has led to significant declines in the populations of indigenous groups. As Patrick Brantlinger notes, “One of the main causes for these declines is not mysterious: violence, warfare, genocide.”¹

In its headlong rush toward “progress,” “civilized” society has inexorably gobbled up land and resources for its own benefit, not caring a whit about crushing, destroying, or wiping out anything in its path—be it flora, fauna, or people (particularly indigenous peoples).² Instead of being stewards of the Earth, a large proportion of humanity has blithely and ignorantly become the destroyers of the Earth, seemingly with little or no thought of the ramifications, let alone the morality, of their actions.

An estimated 350,000,000 to 600,000,000 indigenous people live in the world today. A significant number of governments, however, do not recognize peoples within their borders as indigenous. In Asia, for example, only one country, the Philippines, has officially adopted the term “indigenous peoples,” has a law aimed specifically at protecting the rights of indigenous peoples, and has a National Commission on Indigenous Peoples (NCIP). India recognizes some 645 ethnic groups as “Scheduled Tribes,” many of whom see themselves as indigenous.³ In Africa, most sub-Saharan countries, including Botswana and Zimbabwe, argue that all their citizens are indigenous.

Governments sometimes refuse to recognize groups within their borders as indigenous because they do not want those groups to be able to appeal to international agencies such as the United Nations or the International Court of Justice for assistance. Governments also have significant concerns about the possibility that indigenous groups might seek self-determination, and, in fact, genocides of indigenous peoples are often directed at groups that are challenging the state for greater recognition of their rights or that are seeking autonomy.⁴

In numerous cases, indigenous peoples have actively resisted incursions by other peoples as well as assimilation and cultural modification efforts by outside agencies. Their cultural distinctiveness and their desire to maintain their lands, resources, and distinctive identities, combined with their lack of power relative to state systems, resulted in indigenous peoples’ being prime targets of genocide.

It is apparent from history that those “in need” (actually, in want) of land, resources, and minerals will do whatever is necessary to obtain these goods, in spite of the social, economic, and environmental damage they may cause.⁵ Because many indigenous peoples live in areas containing substantial wealth in resources, and because some of them have been pushed farther and farther into the hinterland, their mistreatment and decimation often go unchecked. Were it not for certain organizations whose express purpose is the protection of indigenous peoples, and the efforts of indigenous peoples themselves, there is little doubt that most of the smaller indigenous

groups still managing to eke out an existence would be in far worse situations than they are at present.

It is extremely difficult to get accurate statistics on indigenous peoples, especially if they reside in remote places, are mobile, or live in areas where there is conflict. Getting information on the deaths of indigenous peoples is even more difficult, in part because of the concerted efforts of perpetrators to destroy any evidence of their actions.

What to call the ill treatment of indigenous groups is a contentious issue, as is discussed in this special issue. Some analysts see the entire 500-year-long history of the expansion of European states into what are now called the Americas, Africa, and Asia—and, more recently, the Pacific and the Arctic—as a genocidal enterprise.⁶ As Ronald Niezen points out, “Indigenous peoples, like some ethnic groups, derive much of their identity from histories of state-sponsored genocide, forced settlement, relocation, political marginalization, and various formal attempts at cultural destruction.”⁷ Several researchers have labeled actions taken against indigenous peoples as genocides if they included destruction of a people’s culture or, as some analysts have termed it, “cultural genocide” or “ethnocide.”⁸

Arguments also continue over who is responsible for the destruction of indigenous groups. Governments of nation-states such as Paraguay, Indonesia, and the United States, for example, categorically deny that they intentionally destroyed indigenous peoples.

There has been considerable debate over whether the actions of the United States with respect to indigenous peoples constitute genocide. Brenden Rensink, in his article “The Sand Creek Phenomenon: The Complexity and Difficulty of Undertaking a Comparative Study of Genocide *vis-à-vis* the Northern American West,” addresses this issue, drawing on the example of the Sand Creek Massacre of Cheyennes and Arapahoes by the Colorado Militia in southeastern Colorado on 29 November 1864. The killings and mutilations of hundreds of American Indians, many of them women, children, and elderly people, sparked a firestorm of protest, investigations, and debate that continue to this day.⁹ The varying interpretations of the facts of the case, and of its causes and consequences, raise important questions about the ways in which scholarship on the North American West and on genocides of indigenous peoples should be pursued and about the importance of documenting the various perspectives of the individuals and groups involved.

Genocides of indigenous peoples sometimes take place when groups of people are identified by the state as secessionists or terrorists. The Herero of German South West Africa, in what is now Namibia, were targeted by the German military, following their revolt against the colonial government in 1904, in the first genocide of the twentieth century.¹⁰ The Bushmen, or San, of Namibia were subsequently targeted for destruction in the period 1912–1915, in part because they were seen as responsible for “banditry” and attacks on farms and groups of laborers returning from the mines, in a genocide that, as Robert Gordon notes in his article in this issue, has largely been ignored by scholars. Bushmen, like indigenous peoples in other parts of the world, were all too frequently labeled “vagrants” and treated harshly. One response to the labor shortage in South-West Africa was to round up Bushmen and put them to work on the farms or in the mines; if they resisted in any way, they were beaten, incarcerated, or even killed. As Gordon notes, in a number of instances farmers and soldiers who tortured or killed Bushmen were never arrested or tried for their actions.

In his article on Canada, Andrew Woolford reports that the impact of colonialism on indigenous peoples is often described as “cultural genocide,” a characterization he sees as problematic. He describes the heterogeneity and diversity of Canadian Aboriginal peoples, stressing the variability that existed in their experiences of colonialism. While many Aboriginals in Canada were exposed to processes of cultural assimilation, there were also those who died at the hands of settlers or as a result of disease and starvation. As Woolford points out, some Aboriginals characterize the treatment of Canadian indigenous peoples as genocide not only in the hope of harnessing the term’s symbolic power but because they genuinely believe that they and their ancestors experienced physical destruction.

Like indigenous peoples in other parts of the world, Aboriginal Canadians employed numerous strategies to resist cultural and physical domination. The reproduction of group identity among Canadian Aboriginals includes regaining land and resources, seeking restitution for mistreatment, and successfully obtaining an apology from the government of Canada for the practice of removing Aboriginal children from their families and placing them in residential schools. Woolford concludes with a useful analysis of the limitations of the UN Convention on the Prevention and Punishment of the Crime of Genocide (UNCG) in terms of the way it categorizes and draws boundaries around peoples, which has the potential to downplay Aboriginal notions of identity and space.

While missionaries, human-rights advocates, politicians, and historians have discussed and sometimes decried genocides of indigenous peoples for centuries, it was not until the latter part of the twentieth century that comparative analyses of genocides of indigenous peoples were attempted. Part of the reason for the expansion of interest in genocides of indigenous peoples was the massive increase in conflicts between states and indigenous peoples, characterized by Bernard Neitschmann as “the Third World War.”¹¹

Conflicts between governments and indigenous peoples arose during the 1950s and 1960s, and continued into the 1970s, in many parts of the world, including Bangladesh, Brazil, Burma, Guatemala, India, Indonesia, Kenya, Laos, Malaysia, Peru, the Philippines, and Vietnam.¹² Beginning in the 1960s, scholars and activists began paying greater attention to the struggles between Fourth World peoples and First, Second, and Third World states, because of what they saw as illegal actions of nation-states against indigenous peoples, indigenous groups’ passive and active resistance to top-down development, and concern about exploitation by transnational forces.¹³

It was in the late 1960s that the indigenous peoples’ rights movement began to take shape, in part as a response to the widespread mistreatment of indigenous groups. Several of the major indigenous peoples’ human-rights organizations were founded during this period, including the International Work Group for Indigenous Affairs (1968), Survival International (1969), and Cultural Survival (1972).¹⁴ There was a proliferation of organizations formed by indigenous peoples themselves, such as the American Indian Movement (AIM), founded by Indian activists in 1968, and various indigenous regional organizations such as those in Ecuador and Bolivia.¹⁵ The objectives of these groups varied considerably, but one overarching goal was the protection and promotion of the human rights of indigenous peoples.

Social and political movements in the Third World picked up steam in Southeast Asia, Africa, Latin America, and the Pacific in the latter part of the twentieth century. Governments opposed to these movements frequently took the position that the

activism was secessionist in nature, something that, in fact, was rarely the case. In Central and South America, as Jean Jackson and Kay Warren note,

During the past three decades, armed conflict, especially in Guatemala, Peru, and Colombia, has produced severe political repression, hundreds of thousands of indigenous deaths, and over a million indigenous refugees and internally displaced persons.¹⁶

As mentioned above, there have been debates and disagreements among analysts, governments, indigenous peoples' support groups, and indigenous peoples themselves as to whether specific sets of events constitute genocide. Some of these debates have revolved around issues of intent. This was the case, for example, in the discussions surrounding the treatment of the Ache in Paraguay, who were reported to have been victims of genocide as a result of the actions of the Paraguayan state and various non-state actors, including settlers.¹⁷

In May 1992, a declaration was issued by representatives of indigenous peoples from around the world who attended the World Conference of Indigenous Peoples on Territory, Environment, and Development, held in Brazil prior to the Earth Summit (the World Conference on Sustainable Development of the United Nations) that took place in June 1992. The Kari-Oka Declaration and the Indigenous Peoples Earth Charter state specifically that “[w]e continue to maintain our rights as peoples despite centuries of deprivation, assimilation, and genocide.” The Earth Charter notes, “There exist many examples of genocides against indigenous peoples”; the text goes on to conclude that the UNCG must be changed to include a discussion of the genocide of indigenous peoples.¹⁸ Questions were also raised about the impacts of transnational corporations on indigenous peoples.¹⁹ Subsequently, indigenous peoples in a number of countries—including Australia, New Zealand, and Canada—sought apologies and restitution from the governments of the states in which they resided.²⁰

Katherine Ellinghaus, in her article “Biological Absorption and Genocide: A Comparison of Indigenous Assimilation Policies in the United States and Australia,” examines the issue of whether or not policies aimed at assimilating indigenous peoples constituted genocide, focusing specifically on the issue of biological absorption, the process by which indigenous identities theoretically would disappear through interracial sexual liaisons. This process, which underlay numerous aspects of Australia’s and the United States’ dealings with Aboriginals and Native Americans, respectively, was a controversial one. Ellinghaus points out that the pervasiveness of the process blurs the boundaries between genocide and ethnocide. Her article examines the contentious issue of the removals of Aboriginal and Native American children from their families and explores whether or not removals and other assimilationist policies are a form of genocide.

At one time, the ethnocide and genocide of indigenous peoples was simply considered part and parcel of colonization.²¹ Today international laws and agreements outlaw such practices, but this has not brought to an end the decimation of indigenous peoples. In many ways, the almighty dollar (or euro, yen, pound, rand) is still valued above the lives of indigenous peoples.

The plight and fate of certain indigenous groups have been the focus of various human-rights organizations and genocide scholars over the years, but many more indigenous groups have not been assessed in terms of their human-rights situations. Thus, while many are somewhat familiar with the fate of the Ache of Paraguay and the Maya of Guatemala, and may know something about the Yanomami of the Amazon or the San of southern Africa, many, if not most, are unaware of even the names or locales

of the vast majority of indigenous groups scattered across the world today. Even this special issue on indigenous peoples largely mirrors this fact. That is, many of the articles in the issue focus on one or another of the better-known cases involving indigenous peoples: the Native Americans of the United States (Rensink, Ellinghaus), the San of southern Africa (Gordon), the Aboriginals of Australia (Ellinghaus), and the Aboriginal peoples or First Nations of Canada (Woolford). This was not our original plan as editors. In fact, we attempted to solicit articles on numerous indigenous peoples who are not, so to speak, in the limelight; but those scholars who submitted proposals chose to write on some of the better-known groups. Be that as it may, the articles assembled here tackle significant issues, and readers should find them highly informative and thought provoking.

Nevertheless, there is a clear message here for genocide scholars and others concerned with crimes against humanity and with genocide: greater attention must be paid to the plight of all indigenous groups around the globe, no matter how small, how little known, how hidden from view. If such attention is not paid to them, some, if not many, could disappear or be absorbed into the sizable populations of rural and urban poor who themselves have few rights. "Invisible" and "silent" genocide is just as much genocide as those cases that claim the attention of the mass media or the outrage of the masses across the globe (when, in fact, this happens at all). Part and parcel of being human-rights or genocide scholars, or so it seems to us, is to be our brothers' and sisters' keepers. This view fits with the very title and focus of this journal, *Genocide Studies and Prevention*.

Robert K. Hitchcock

Department of Anthropology, Michigan State University

Samuel Totten

University of Arkansas, Fayetteville

Notes

1. Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930* (Ithaca, NY: Cornell University Press, 2003), 2.
2. For excellent descriptions of these processes see Alan Thein Durning, *Guardians of the Earth: Indigenous Peoples and the Health of the Earth* (Washington, DC: Worldwatch Institute, 1992); John H. Bodley, *Victims of Progress*, 4th ed. (Mountain View, CA: Mayfield Publishing, 1999).
3. The 2001 India Census reports 84,326,240 people categorized as belonging to Scheduled Tribes, representing 8.2% of the Indian population. See G.S. Ghurye, *The Scheduled Tribes of India* (Piscataway, NJ: Transaction, 1980); R.M. Mann, *Tribes of India: Ongoing Challenges* (New Delhi: MD Publications, 1996); J. Karade, *Development of Scheduled Castes and Scheduled Tribes in India* (Cambridge: Cambridge Scholars Publishing, 2008). P.K. Mohanty, *Encyclopedia of Scheduled Tribes in India* (Delhi: Sanjanya Books, 2006) gives the number 537, while yet another source states that there are 698 Scheduled Tribes in India: "Indian Scheduled Tribes," *IndiaNetZone* (January 2009), http://www.indianet-zone.com/37/indian_scheduled_tribes.htm (accessed 15 January 2009).
4. See Ted Robert Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflict* (Washington, DC: US Institute for Peace Press, 1993); Ted Robert Gurr, *Peoples versus States: Minorities at Risk in the New Century* (Washington, DC: US Institute for Peace Press, 2000), 45–47.
5. It should not be assumed that indigenous peoples are incapable of resisting these practices. For assessments of indigenous' peoples responses see Franke Wilmer, *The Indigenous*

- Voice in World Politics: Since Time Immemorial* (Newbury Park, CA: Sage Publications, 1993); Al Gedicks, *Resource Rebels: Native Challenges to Mining and Oil Corporations* (Cambridge, MA: South End Press, 2001); Alison Brysk, *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America* (Stanford, CA: Stanford University Press, 2000); Marisol de la Cadena and Orin Starn, eds., *Indigenous Experience Today* (Oxford: Berg, 2007).
6. For an enlightening discussion of this complex issue see Elazar Barkan, "Genocides of Indigenous Peoples: Rhetoric of Human Rights," in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan, 117–39 (Cambridge: Cambridge University Press, 2003).
 7. Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: University of California Press, 2003), 5.
 8. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981), 31, 41; Alison Palmer, "Ethnocide," in *Genocide in Our Time*, ed. M.N. Dobrowski and I. Walliman, 1–6 (Ann Arbor, MI: Pierian Press, 1992), 1; Robert K. Hitchcock and Tara M. Twedt, "Physical and Cultural Genocide of Various Indigenous Peoples," in *Century of Genocide: Critical Essays and Eyewitness Accounts*, ed. Samuel Totten and William S. Parsons, 413–58 (New York: Routledge, 2009); David Maybury-Lewis, *Indigenous Peoples, Ethnic Groups, and the State* (Boston: Allyn & Bacon, 1997), 1–7.
 9. Stan Hoig, *The Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961); J.A. Green and Douglas D. Scott, *Finding Sand Creek: History, Archaeology, and the 1864 Massacre Site* (Norman: University of Oklahoma Press, 2004).
 10. See Jon Bridgman, *The Revolt of the Hereros* (Berkeley: University of California Press, 1981); Karla Poewe, *The Namibian Herero: A History of Their Psychosocial Disintegration and Survival* (Lewiston, NY: Edwin Mellen Press, 1985); Alison Palmer, *Colonial Genocide* (Adelaide, Australia: Crawford House Publishers, 2000); I.V. Hull, "Military Culture and the Production of 'Final Solutions' in the Colonies: The Example of Wilhelminian Germany," in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan, 141–62 (Cambridge: Cambridge University Press, 2003).
 11. Bernard Neitschmann, "The Third World War," *Cultural Survival Quarterly* 11, 3 (1987): 1–16.
 12. As reported by Amnesty International, Anti-Slavery International, Human Rights Watch, the International Work Group for Indigenous Affairs, Survival International, and the Minority Rights Group. See, e.g., Center for World Indigenous Studies [CWIS], *International Tribunal on Genocide in Central America* (Kenmore, WA: CWIS, 1986); Amnesty International, *Human Rights Violations against Indigenous Peoples of the Americas* (New York: Amnesty International, 1992); Minority Rights Group International [MRGI], *World Directory of Minorities* (London: MRGI, 1997); Minority Rights Group [MRG], *State of the World's Minorities 2007* (London: MRG, 2007); Mark Levene, "The Chittagong Hill Tracts: A Case Study in the Political Economy of 'Creeping' Genocide," *Third World Quarterly* 20 (1999): 339–69. For an excellent discussion of a conflict involving indigenous and other peoples and state systems that was kept secret for many years—that in Laos between 1942 and 1975, the residual effects of which continue to this day—see Jane Hamilton-Merritt, *Tragic Mountains: The Hmong, the Americans, and the Secret Wars for Laos, 1942–1992* (Bloomington: Indiana University Press, 1993).
 13. For a discussion of the reactions of anthropologists to counterinsurgency operations carried out by the US government in Thailand in the 1960s see Eric Wakin, *Anthropology Goes to War: Professional Ethics and Counterinsurgency in Thailand* (Madison: Center for Southeast Asian Studies, University of Wisconsin, 1992).
 14. Bodley, *Victims of Progress*, 170–96.
 15. Rex Weyler, *Blood of the Land: The U.S. Government and the Corporate War against the American Indian Movement*, 2nd ed. (Philadelphia: New Society Publishers, 1992); Alison

- Brysk, *From Tribal Village to Global Village: Indian Rights and International Relations in Latin America* (Stanford, CA: Stanford University Press, 2000); G. de la Pena, "Social and Cultural Policies toward Indigenous Peoples: Perspectives from Latin America," *Annual Review of Anthropology* 34 (2005): 717–39.
16. Jean E. Jackson and Kay B. Warren, "Indigenous Movements in Latin America, 1992–2004: Controversies, Ironies, and New Directions," *Annual Review of Anthropology* 34 (2005): 549–73 (see especially 552).
 17. Mark Munzel, *The Ache Indians: Genocide in Paraguay* (Copenhagen: International Work Group for Indigenous Affairs [IWGIA], 1973); Mark Munzel, *The Ache: Genocide Continues in Paraguay* (Copenhagen: IWGIA, 1974); Richard Arens, ed., *Genocide in Paraguay* (Philadelphia: Temple University Press, 1976); see also Kim Hill and Ana Magdalena Hurtado, *Ache Life History: The Ecology and Demography of a Foraging People* (New York: Aldine de Gruyter, 1996), 168–69.
 18. *Kari-Oka Declaration and Indigenous Peoples Earth Charter*, World Conference of Indigenous Peoples on Territory, Environment and Development, 25–30 May 1992.
 19. For a discussion of the impacts of multinational corporations on indigenous peoples see Al Gedicks, *The New Resource Wars: Native and Environmental Struggles against Multinational Corporations* (Boston: South End Press, 2001); Laura Westra, *Environmental Justice and the Rights of Indigenous Peoples: International and Domestic Legal Perspectives* (London: Earthscan, 2008), 219–22.
 20. See Elazar Barkan, *The Guilt of Nations: Restitution and Negotiating Historical Injustices* (New York: W.W. Norton, 2000).
 21. Distinctions are often drawn between genocide and ethnocide. For the purposes of this special issue, "genocide" refers to the physical destruction of a people, the removal of a group's children, or the depriving of a group of its ability to reproduce, while "ethnocide" refers to cultural genocide, or the destruction of a society's culture.

The Sand Creek Phenomenon: The Complexity and Difficulty of Undertaking a Comparative Study of Genocide *vis-à-vis* the Northern American West

Brenden Rensink

PhD candidate, Department of History, University of Nebraska—Lincoln

This article explores various issues germane to the field of the history of the North American West and the struggle to integrate these issues into the broader field of genocide studies. The primary historiographic example of the 1864 Sand Creek Massacre of Cheyennes and Arapahos in southeastern Colorado by the Colorado Militia illustrates the difficulties of producing objective research on such morally charged historical events. Specific attention is dedicated to understanding the potential value of integrating Native American history into the broader field of genocide studies and to explaining why comparative scholarship has yet to be undertaken in any substantial way. Building on this foundation, the article reveals the challenges facing genocide scholars in integrating the history of the North American West into the field of genocide studies, particularly in a comparative sense.

Keywords: Native American, American Indian, Sand Creek Massacre, genocide, American West

Introduction

On the morning of 29 November 1864, the Colorado Third Cavalry launched an attack on Chief Black Kettle's Cheyenne and Arapaho encampment at Sand Creek, with dramatic and horrific results. Commonly known as the Sand Creek Massacre, the ensuing conflict resulted in the death of hundreds of Native Americans and, most strikingly, the killing and mutilation of many women, children, and elderly individuals. The gruesome scene launched an immediate firestorm of public, congressional, military, and historical debate that has continued unresolved to the present day. As is to be expected, the apparent injustice of the event was not lost on contemporaries or on subsequent historians. However, the complex events that led up to and help explain the massacre have often been marginalized by authors trying either to condemn Colonel John M. Chivington, the Colorado Third Cavalry, and Governor John Evans for their actions or to absolve them of any guilt. Herein lies the foundational crisis in integrating Native American history into the field of comparative genocide studies.

John M. Chivington, colonel and leader of the Colorado Third Cavalry, the primary military unit at the Sand Creek Massacre, was originally a Methodist minister. Arriving in Denver from Omaha in 1860, Chivington was appointed presiding elder of the Rocky Mountain District of the Methodist Church.¹ With the outbreak of the Civil War soon thereafter, Chivington offered his services as a regimental chaplain for the

Brenden Rensink, "The Sand Creek Phenomenon: The Complexity and Difficulty of Undertaking a Comparative Study of Genocide *vis-à-vis* the Northern American West." *Genocide Studies and Prevention* 4, 1 (April 2009): 9–27. © 2009 *Genocide Studies and Prevention*. doi: 10.3138/gsp.4.1.9

Colorado volunteers, but was instead appointed major of the regiment.² He served in this capacity, combating Confederate threats in the area, until 1862, at which time he was appointed commander of the Military District of Colorado. In August 1864, a new volunteer unit, the Colorado Third Cavalry, was raised, with Colonel Chivington as its leader. The Third Cavalry's term of service was to last 100 days, and the unit was given the express mission of quelling any Indian hostilities in the region.³ The unit more closely resembled a local militia than a US Cavalry regiment, and it was largely untrained in military maneuvers and discipline. By late November, the unit's term of service was nearly up, and it had not yet engaged in battle. As a result they earned the moniker "The Bloodless Third," and thus they were eager to see action when they arrived at Fort Lyon, near Sand Creek, where Black Kettle's band had originally come to make peace.

Overseeing all of these activities was John Evans, who had served as Colorado's territorial governor since the fall of 1862. Originally trained in medicine, Evans had become involved in politics while supporting Lincoln's 1860 campaign and was offered first the governorship of Washington, which he turned down, and then the same position in Colorado.⁴ Seeking to resolve the escalating conflict with the Plains tribes, Evans issued a series of proclamations authorizing the destruction of all "hostile Indians."⁵ The objective of these proclamations was to separate the Natives into two discernible groups, which would be dealt with accordingly. It was in this context that Chivington's Third Cavalry was organized and charged with the duty of dealing with those Indians still at war. Because he had to report regularly to the commissioner of Indian affairs and to the US War Department, Evans had political motivations to end the hostilities in his territory quickly.

Under these circumstances, in the late fall of 1864, a camp of Cheyennes, led by Chief Black Kettle, approached Major Edward Wynkoop at Fort Lyon and sued for peace. Wynkoop was not a career military man, but had risen in rank during the Confederate struggles with neighboring Texas. When Chivington was promoted to colonel, Wynkoop was promoted to major, placed in command of Fort Lyon, and assigned control over Union troops stationed to protect against an attack from the south.⁶ When approached by Chief Black Kettle, Wynkoop instructed him to have his people camp temporarily on nearby Sand Creek, where, Wynkoop promised, they would be protected and provided with provisions.⁷ Subsequently, Wynkoop took Cheyenne Chief Black Kettle and Arapaho Chief White Antelope to Denver to present their case to Governor Evans. As will be discussed later, Evans was less than eager to accept peaceful terms from these chiefs, who were well known to have allowed some of the younger members of their tribes to engage in violence in the recent past. Ultimately, both chiefs were sent back to Sand Creek. Soon afterwards Wynkoop was replaced by Major Scott Anthony, who displayed a less conciliatory attitude toward the Natives. When Chivington and his Third Cavalry arrived unannounced at Fort Lyon on 27 November 1864, they quickly began preparing to attack the encampment at Sand Creek. On the morning of 29 November, Chivington's troops attacked Black Kettle's sleeping encampment. The attack lasted for most of the morning and early afternoon.

Investigations into the event revealed an array of conflicting facts that should be of interest to scholars interested in comparative genocide studies. Was Chivington's proclaimed policy to "kill all and scalp all, little and big" an example of genocidal policy, or is it to be understood in the broader military context of an ongoing struggle between the United States and Plains Indians?⁸ While the term "genocide" was not

part of Chivington's lexicon, some twentieth-century scholars (including Ward Churchill, Annette Jaimes, and David Stannard) have applied this term to his actions and those of the Colorado Third Cavalry.⁹

Such tragic events and violent rhetoric should prove fertile soil for comparative genocide research. Unfortunately, this has not been the case. Instead, contemporary reports and accounts, as well as scholarly commentary and historiography, represent a disarray of diametrically opposed interpretations of the historical facts of this conflict, not to mention its causes and consequences. Eyewitnesses and subsequent scholars describe identical events and interpret identical documents with striking disparity. The controversy exemplified by the Sand Creek Massacre encumbers objective scholarship and plagues much of North American West history.

The tragedy so vividly manifest in the Sand Creek Massacre is an inescapable undertone of North American history. The word "inescapable" is appropriate here because it is truly impossible to ignore or disregard the inherent sorrow and loss that accompany so many historical events in the continent's past. For every step forward of Euro-American development and triumph, there was a mirrored reaction of regress and loss for the indigenous inhabitants of North America. America's history of geographic expansion and cultural achievement must be tempered by the constant reminder of the unseen or even ignored costs it exacted from Native Americans. This dichotomy is inescapable. Euro-American contact led to the decimation of indigenous populations, a disastrous alteration of their culture, and a permanent change to their physical world.¹⁰ Those who escaped death and disease suffered the imposition of a foreign culture, will, and identity. To speak in such terms can be dangerous, as it may appear to relegate Native populations to the status of mere objects to be acted upon—to constrict them in a straitjacket of victimization, offering them no voice and denying them agency within their own history. Indeed, historian Patricia Limerick has warned against histories that portray "Indians as victims, passive people who stood frozen in place as a great wave of white expansion crashed down on them and left them broken and shattered."¹¹ Even with this consideration in mind, however, one cannot escape the overarching misfortune that befell Native Americans.

There are various worthy reasons for studying Native American history and attempting to resolve, or at least to contextualize, its many controversies. Rectifying inaccuracies in past accounts, building awareness of one's ancestors, and simply increasing and disseminating knowledge are important goals. Yet another goal is to contribute to the field of genocide studies, and particularly the comparative study of genocide. Throughout world history there are examples of atrocities, massacres, and genocides that merit careful study. As Israel Charny notes, this field of study seeks to

demonstrate that man's genocidal destructiveness can be seen as a process to be studied, charted, and managed correctively. . . . If ever we are to curtail holocausts of human life, we must understand the cancers we are fighting.¹²

The history of the North American West clearly includes many examples of the destructive tendencies of human nature that typify the cancers of which Charny speaks.

If one accepts the reality that contact between Europeans/Euro-Americans and Native Americans led to the continental demographic collapse of North America's autochthonous populations, it is readily apparent how the place of Native American history in comparative genocide studies is significant; but it is equally significant that it has not played a more prominent role in such comparative scholarship. The demographic collapse of an entire continent's population surely involves events and

trends that can be profitably compared with other aspects of world history; however, this has not been done. If properly approached, with careful and objective methodology, North American history may reveal a wealth of valuable comparative topics for global application. Comparative genocide research in North America is a promising field awaiting proper development.

An examination of the Sand Creek historiography illustrates the problems that hinder such comparative research and enables the subsequent explanation of such problems. It is hoped that such analysis will point to ways of correcting negative trends and will help move forward the eventual integration of the history of the North American West and genocide studies.

Sand Creek Historiography and the Struggle for Objectivity

Because the 1864 Sand Creek Massacre is a prime candidate for comparative genocide research, the need for objective scholarship into what does and does not constitute genocide in the history of the North American West is especially pressing. One difficulty in examining those events that might be considered genocide is the biased nature of the primary documents themselves. The majority of the sources available to historians document a series of congressional hearings and investigations on the matter that took place between 1865 and 1867. The reports of these hearings contain the testimonies of all the military leaders involved in the massacre, as well as numerous eyewitness accounts from others present—military, civilian, and Indian. Given the severity of the accusations and the investigation at hand, the testimonies all reflect individuals' vested interests in either condemning or justifying the event. Some eyewitnesses and soldiers strove to clear their own names by condemning what occurred or by pinning guilt on others, while others described a series of events that largely excused their own, and their colleagues', wrongdoings—if any were admitted at all.¹³ Statements about the massacre made after the fact by Governor Evans and Colonel Chivington also reflect attempts to justify the attack on Black Kettle's encampment. Thus, the primary sources available are, by their nature, acutely biased. Not surprisingly, controversy and extreme interpretations of events have dominated the historiography of Sand Creek Massacre from the outset.

Immediately after the attack on Black Kettle's encampment by Chivington's Third Cavalry, public reactions polarized and the conflict became the subject of an official inquiry by the Department of War and Congress. The first words written on the subject were part of an open debate as to whether the events at Sand Creek constituted a *battle* or a *massacre*.¹⁴ Given the divisive foundations of the historiography, it comes as no surprise that this has been described as "one of our most controversial Indian conflicts."¹⁵ The inherent bias of the sources, with their conflicting perspectives, has had direct consequences for the secondary literature analyzing the events. Coupled with the political legacies of Native American activist scholarship, the resulting historiography understandably proves problematic for comparative genocide research.

This does not imply that the events at Sand Creek and its historiography are representative of the whole of white-Indian interaction and the related fields of historical study. However, even in the uniqueness of the event and how it has been written about, those interested in the comparative study of genocide should find this case to be of interest. It is extremely difficult for historians to ascertain which of the many conflicting testimonies relating to this case are most valid. That said, regardless of the many inconsistencies in the testimonial accounts, certain facts can be established. First, the massacre did occur. Second, women, children, and the elderly

were killed, and many bodies were mutilated. The uncertainty, self-serving prejudice, and biased opinions present in Sand Creek's primary documents, however, have provided ample ammunition for modern scholars to engage in debate over even such incontrovertible facts. Likewise, the documents have offered more than enough evidence to support both those who vilify Chivington and emphasize the innocence of the Indian victims and, conversely, those who wish to exonerate Chivington and "prove" that his actions were warranted. These motives and biases, present in the primary documents, are now manifest in the historical analysis as well.

Addressing a wide range of factual questions, historians of the Sand Creek Massacre have used various primary sources to arrive at very different conclusions. A thematic presentation of the primary debates at hand can be framed upon a set of introductory questions posed in William R. Dunn, Jr.'s *I Stand By Sand Creek*:

- Were the Cheyenne and Arapaho Indians camped at Sand Creek hostiles or friendlies?
- Were these Indians under protection of the United States Government?
- Was the fight at Sand Creek a massacre or a battle?
- Were excessively large numbers of women and children killed at Sand Creek?
- Did Colonel Chivington permit the scalping and mutilation of the Indian dead?¹⁶

While Dunn's own answers to these questions are a prime example of *unbalanced* and biased research, his questions do provide a useful road map for a subsequent discussion of the matter. The opinions of those who defend Chivington will be examined first, followed by the opinions of those who condemn him. This thematic comparison will lay bare not only the conflicting historical analyses but the conflicting primary sources upon which they rely. The historiography of the Sand Creek Massacre thus illustrates how historians selectively using conflicting portions of the documentary evidence can come to diametrically opposed conclusions.

Were Cheyennes and Arapahos camped at Sand Creek at peace or at war?

According to William R. Dunn, Reginald Craig, and J.P. Dunn, the tribes encamped at Sand Creek had long been in a state of violent war with the region's settlers.¹⁷ All three authors assert that Indian attacks against settlers had taken place in the spring and summer of 1864 and that Black Kettle's supposedly admitted such attacks. Opposing this depiction, though not denying Cheyenne involvement in the violence on the Plains, others have sought to at least qualify Native actions. In her history of the Cheyenne, Mari Sandoz explains that they "had tried to keep peaceful" but were repeatedly driven by starvation to join with Comanche, Kiowa, and Sioux in their campaigns.¹⁸ Others have stressed that the Cheyenne involvement was limited to a small number of young warriors who were outside Black Kettle's control; the Indians camped at Sand Creek thus represented a peaceful band and should not be linked with Indian actions during the previous months and years.¹⁹

The motives behind the violent activities of both Native Americans and Chivington's Third Cavalry are another important issue that relates to the status of Black Kettle's band at Sand Creek. By painting a detailed picture of the Indians' misdeeds on the Plains, Craig presents the attack on Black Kettle's camp as a necessary, though regrettable, action (basically, a case of retaliation), meant to "teach them" a lesson and move them toward desiring peaceful relations.²⁰ Craig reinforces

this justification by insisting that Chivington was “appalled at the outbreak of full scale war,” whereas the “Indians enjoyed savage torture and killing . . . entirely without provocation.”²¹ His juxtaposition of such portrayals makes clear his underlying desire to exonerate Chivington and lay all blame upon Native shoulders. Taking an opposite stance, historians seeking to condemn Chivington and Evans have found plenty of sources that portray them as eager to use violence prior to November 1864, the implication being that they would attack Indians regardless of their hostile or friendly status. One of the most infamous statements attributed to Chivington displays his acutely vengeful attitude toward Indians. S.E. Browne, a Colorado resident and attorney questioned at the congressional hearings on the event, stated that Colonel Chivington had publicly announced in August or September of 1864, that his policy was to “kill and scalp all, little and big; that nits made lice.”²² Authors such as Ralph Andrist, Dee Brown, Thom Hatch, and Duane Schultz all highlight similar evidence to assert theses diametrically opposed to that of Craig.²³

The Indians at Sand Creek and the Position of the US Government

Were the Indians at Sand Creek under the protection of the US government? In answering, “No, they were not,” William R. Dunn takes obvious direction from his predecessor, J.P. Dunn.²⁴ In *Massacre of the Mountains*, the latter argues that Black Kettle’s camp had received no authorized promise of protection from either Governor Evans or Colonel Chivington, who commanded the region’s troops.²⁵ Dunn asserts that promises made by Wynkoop and possibly by his successor, Anthony, were outside their authority. Reginald Craig sees it differently, asserting that while Black Kettle had sued for peace, he had done so only as a ploy to gain time to regroup and strengthen his people’s resistance.²⁶ In *Bury My Heart at Wounded Knee*, Dee Brown sees the situation from yet another perspective, arguing that Black Kettle’s camp was under government protection and that not only had Black Kettle sent most of his warriors off to hunt buffalo but the encampment was so confident of “absolute safety, [that] they kept no night watch except of the pony herd which was corralled below the creek.”²⁷ Attempting to corroborate this position, Brown cites the testimony of Edmund Guerrier (the mixed-blood son-in-law of frontiersman William Bent), who was encamped at Sand Creek on the morning of the attack. Of that morning Guerrier remembered the following: “I heard, at first, some squaws outside say there were a lot of buffalo coming into camp.”²⁸ Brown paints the encampment as completely unaware of the possibility of an attack. By carefully selecting from among the disparate sources, Brown and Craig were able to come to well-documented but opposite conclusions.²⁹

Sand Creek: A massacre or a battle?

Did the events at Sand Creek constitute a massacre or a battle? In his answer to this question, William R. Dunn emphasizes the preparedness of Black Kettle’s encampment: they had dug rifle pits and, according to Dunn, were caught by surprise only as a result of Chivington’s secretive operations.³⁰ Yet Dunn provides no other evidence to support his conclusion that the events at Sand Creek were a battle and not a massacre, and offers no discussion of the conflict itself. Most other participants in the debate have provided more evidence to support their claims. Instead of arguing that the Indians fled from battle, Craig contends that the hand-to-hand combat the Indians engaged in constituted an organized retreat and a simple extension of the battle to predetermined defensive strongholds.³¹ Craig even cites examples of Black Kettle himself engaging in the battle.³²

To emphasize Black Kettle's pacifist desires, others offer accounts describing the Cheyenne chief holding aloft an American flag he received from President Abraham Lincoln in hopes of convincing the approaching troops not to fire.³³ Not only does this paint a scene of cruel irony and betrayal, it suggests that Black Kettle's band had no desire to fight. Indeed, the very vocabulary that many authors use to describe Sand Creek suggests a very different story from the notion that the Indians were itching for a battle. Peter Matthiessen has described the events of 29 November 1864 as "the *slaughter* [of] an *unsuspecting* Cheyenne camp by an armed *mob* of Colorado irregulars"; Duane Schultz uses such terms as "primate," "unrestrained," "crude," and "barbaric" to describe the mob.³⁴ Again, these authors' analyses are based on conflicting sets of primary documents. The primary sources depict Sand Creek as both a battle and a massacre. There are, in fact, scenarios that cite the presence of both many Indian warriors and almost none—and mortality levels follow a similar pattern of disagreement. One account states that "[t]he Indians returned our first fire almost instantaneously," whereas another tells of a defensive group that "just flocked in a promiscuous herd, men, women and children together."³⁵ Another suggests that women and children were in fact being used as a shield while the warriors organized a counter-offensive.³⁶ Testimonies can be found to support either side, and, by using only one side of the testimonial evidence and ignoring the half that contradicts their thesis, authors can conveniently present evidence fitting the story they wish to convey. Whether or not the Cheyennes were prepared for battle or offered serious resistance, however, they were nevertheless slaughtered. For this reason, the term "massacre" has largely been accepted.

Were excessively large numbers of women and children killed at Sand Creek?

Of all the aspects of the Sand Creek Massacre, the report that large numbers of women and children were killed has proved among the most inflammatory. William R. Dunn attempts to disarm this accusation by quoting Acting Battalion Adjutant Stephen Decatur, who testified that "I counted 450 warriors (dead), and do not think there were any more women and children killed than would have been killed in attacking a village of whites of the same number."³⁷ Dunn offers no corroborating evidence. Decatur's testimony is similarly used by Craig to explain that "[s]everal squaws were shot while fighting beside the men, using spears, bows and arrows and muskets with as much dexterity as the warriors; and several children were struck by stray bullets."³⁸ Craig therefore concludes,

From all the circumstances, it appears that probably not over one-fourth of the dead were women, most of whom were killed fighting the troops, and that there were few children killed and most of them by accident.³⁹

Craig adds the testimony of Robert Bent, who claimed that "noncombatants had every opportunity to escape."⁴⁰

Other authors present numerous testimonies to the contrary. Duane Schultz cites accounts of women surrendering and begging for mercy but being shot nonetheless; of a six-year-old girl who was shot while holding a white flag; and of a five-year-old girl's being shot as she tried to hide in the sand.⁴¹ David Stannard relates Major Scott Anthony's testimony, which tells of a three-year-old child's being shot for sport.⁴² The testimony of one James P. Beckwith is cited by Dee Brown to counter views like Craig's by asserting that the slaughter of women and children not only occurred but was

intended.⁴³ Beckwith testified that Chivington instructed the troops as follows: "I don't tell you to kill all ages and sex, but look back on the plains of the Platte, where your mothers, fathers, brothers, sisters have been slain, and their blood saturating the sands on the Platte."⁴⁴ Chivington's statement implies a possible planned retribution. Further, Beckwith testified that among those killed "[t]here were all sexes, warriors, women, and children, and all ages, from one week old up to eighty years," and that "about two-thirds" of those killed were women and children.⁴⁵ Clearly, there is ample testimony that authors on both sides can use to make opposing claims. However, the claim that no unarmed women or children were killed constitutes little more than denial. The primary documents disagree on many facts, but the killing of numerous unarmed Cheyennes is irrefutable. Although Craig, J.P. Dunn, and William R. Dunn attempt to justify some of these facts and simply deny others, the historical record is clear on the broader issue of these killings, despite some confusion about the details.

Did Chivington permit the scalping and mutilation of the Indian dead?

William R. Dunn writes, "There were some Indian scalps taken, and probably some mutilation of the Indian dead, but certainly this was done without Colonel Chivington's knowledge or approval."⁴⁶ This statement raises two important questions: Were bodies scalped and mutilated? and, if so, Was Colonel Chivington aware of such atrocities? Reginald Craig either denies such mutilations outright, quickly discrediting the sources that describe such events, or justifies them by saying that it was common frontier belief that scalping or mutilation was the only way to truly strike fear into the hearts of Indians.⁴⁷ In addition, he argues that the overwhelming spirit of vengeance felt by Colorado citizens as a result of Indian attacks on settlers explains away their guilt.⁴⁸ In either case, Craig vehemently defends these actions by emphasizing documents that support his thesis and quickly discarding those that do not. Dunn cites the testimony of Irving Howbert (one of the most supportive of the Third Cavalry's actions) as justifying any misdeeds in light of the horrors of the Indian depredations from the previous summer. Although he had not personally seen anyone in the act of scalping Indian bodies, when faced with the fact that it had occurred, Howbert reasoned that

[t]hey had probably been scalped by some of the reckless persons referred to, or possibly by some of the many men in the regiment whose relatives or friends had been killed and brutally mutilated by the savages during the preceding summer. I am not apologizing for the acts of these people, but every fair-minded person must admit that there may have been extenuating circumstances connected with the offense, and no one unfamiliar with the horrors of savage warfare can appreciate the feelings of those who have suffered from their attacks.⁴⁹

In other words, both Howbert and Dunn claimed that if any soldiers actually did scalp or mutilate Indian bodies, their actions were due to the psychological trauma they had suffered themselves. On the numerous first-hand accounts and testimonies that condemned the Third Cavalry's actions, Craig is largely silent. Even though there is ample documentary evidence to oppose his claims, Craig highlights only those that bolster his thesis.

Even those elements of the secondary literature that largely support the views and actions of the Third Cavalry admit that some scalping and mutilation of bodies occurred. Accounts that condemn the Third Cavalry focus largely on such mutilation, ostensibly in order to cast the entire event in such a light. The accounts of Duane Schultz, Thom Hatch, Ralph Andrist, and others all feature excerpts from testimonies

that describe live captives—as well as those already dead—being scalped and otherwise mutilated. These testimonies describe women being raped and then shot, Indians wandering blindly around the battlefield with their scalps missing, men’s and women’s genitals being cut off and placed decoratively on the soldiers’ horses’ bridles or taken to be used as tobacco pouches, women’s breasts being cut off and worn as caps, fingers being cut off to facilitate the theft of jewelry, and Indian women killing themselves and their children in order to escape a more brutal death.⁵⁰ Duane Schultz reports that the “orgy of murder and mutilation” was so tiring that many soldiers had to lie down and rest before continuing.⁵¹

While the testimonies that describe these horrific scenes assert that such depredations did occur, Chivington’s involvement is another issue entirely. The evidence cited by both Duane Schultz and Dee Brown to prove that Chivington was aware of such atrocities comes from Lieutenant James Connor, who testified that “according to the best of my knowledge and belief these atrocities that were committed were with the knowledge of J.M. Chivington, and I do not know of his taking any measures to prevent them.”⁵² Since opposing authors cite either Connor to condemn Chivington or Howbert to exonerate him, it is difficult to draw a firm conclusion as to the “truth” of the matter. As with so many aspects of the Sand Creek Massacre, the historian must decide to which testimonies he or she should give credence. Whichever side these historians’ conclusions fall upon, they represent incomplete histories. Though scholars are certainly not obliged to use testimonies that contradict their interpretation, a discussion of why the author has discounted such sources would strengthen his or her conclusions. The biased approach used in these studies devalues them and calls their conclusions into question. The result is a murkiness as to how the Sand Creek Massacre, a potential topic of insightful study, fits into the wider backdrop of genocide in the world.

Citing Sand Creek: The Historiographic Casualty

Because the Sand Creek Massacre is a prominent event in the history of the North American West, its unbalanced portrayal in the historiography is deleterious in several ways. Most immediately, it perpetuates the problem of unbalanced research and polemical conclusions. Relying on Ward Churchill’s emphasis on Chivington’s supposed bloodlust and its gruesome outcome,⁵³ for example, M. Annette Jaimes has drawn a conclusion that epitomizes the troublesome end result of biased research. First, based on Churchill’s statement that all of the Colorado Third Cavalry, like the Nazi SS, was a “criminal organization, formed solely for criminal purposes and composed of criminal individuals,” Jaimes concludes that the Sand Creek Massacre and other like events typify American West history.⁵⁴ In other words, instead of viewing such events as anomalies in America’s westward expansion, she sees them as representative of the region’s history. Jaimes’s and Churchill’s claim that Sand Creek is the “normative expression” of American civilization is striking. While this view represents an extreme interpretation of the historiographic record, it highlights a significant concern: a historiography dominated by biased literature can lead to extreme conclusions.

Such broad generalizations about all of the American West, or all of American history, constitute a fatal flaw. There is no argument that the Sand Creek Massacre, the Wounded Knee Massacre, the Sappa Creek Fight, the Bear Creek Massacre, and the Washita River Massacre were pivotal in the history of the West, but to suggest that they represent America as a whole is not a little troublesome. If the events at

Sand Creek did indeed represent the desires of all Americans and constitute government policy, then why were they followed by widespread public outcry? The extensive military and congressional inquiries into the event, not insignificant occurrences, also imply a lack of government approval.

In their effort to explicitly tell the Native American side of American history, studies such as Jaimes's exemplify a general reaction to past scholarship that primarily portrayed the Euro-American perspective on the history of the American West. There is no doubt that this earlier Eurocentric emphasis was in dire need of revision; but some scholars have swung the pendulum so far that they now present history from a different but equally biased and ethnocentric perspective.

In his review of David Stannard's *American Holocaust*, Samuel R. Cook of the University of Arizona claims that it is "necessary to counterbalance the ethnocentricities of past historical works on Natives."⁵⁵ However, the claim that works such as Stannard's accomplish this goal stands on a precarious and ultimately hypocritical foundation. To attempt to right the wrongs of past ethnocentric scholarship by writing new ethnocentric scholarship is academically irresponsible. The cliché that two wrongs do not make a right has never rung clearer. Clear evidence of this is the work of William R. Dunn, which explicitly sought to swing the pendulum of historical interpretation in the opposite direction; a struggle has now emerged in which competing "sides" with competing perspectives attempt to "balance" the historiographical record by using non-objective methodologies and drawing biased conclusions. Incessant vilification or single-minded defense of either Euro-Americans or Native Americans by some historians is counterproductive and interferes with efforts to establish a solid historical record of the history of the American West, particularly with respect to whether and what type of genocidal activity may have taken place. To suggest that events like the Sand Creek Massacre were typical of Indian–American relations, or to stubbornly justify such events without admitting any American wrongdoing, is to place oneself largely outside the realm of objective scholarship.

The Sand Creek Massacre can provide important information for those conducting research into the origins of genocidal actions. For example, while the ill-treated subject of intercultural miscommunication and confusion does not explain away the obvious elements of rancor and revenge exhibited by Evans and others, it could at least foster a more complex explanation for events surrounding Sand Creek than the monocausal reasoning requisite for simply assigning guilt. Understanding what caused such confusion, acrimony, and friction among these groups, and how these problems led to a series of violent events, including the Sand Creek Massacre, would be a more productive avenue of research. While there are numerous examples of contemporaneous violent outbreaks, none of these devolved into such wholesale butchery—in quantity or in quality. The historian's task, therefore, involves determining whether Sand Creek was a tragic massacre or a justified battle, as well as attempting to discover how and why the events of 29 November 1864 unfolded differently from other contemporaneous events and resulted in such catastrophe. The polemics and politics engaged in by many of the authors whose work is explored above have resulted in many weighty and significant questions' being left underexplored. With few exceptions, the resulting historiography is a confusing, confrontational body of scholarship that makes comparative genocide research just that much more difficult.

More careful analysis of the Sand Creek Massacre could certainly prove useful to genocide scholars. Though not without its faults, one of the stronger works currently available is Stan Hoig's *The Sand Creek Massacre*, published in 1961. Unlike the other

studies discussed here, Hoig's interpretation is supported by a fair selection of documents from both sides of the historical record. *The Sand Creek Massacre* should not be placed on a pedestal or touted as a paragon of objective research, but Hoig's study does exhibit a much greater degree of objectivity than most others do. Hoig's contextualization of the Sand Creek Massacre shows the faults and merits of both Native Americans and whites. In his initial six chapters, Hoig relates the series of bloody conflicts and the resulting escalation of tensions that led to the massacre on 29 November 1864. To accomplish this task, Hoig selected a wide range of documents—including newspapers, personal correspondence, government reports, and secondary analyses—that reflect both sides of the conflict. For example, in laying out the situation of Indian affairs in 1863, Hoig has been careful to detail Cheyenne, Ute, Comanche, Kiowa, Sioux, Caddoe, and Arapaho offensives along with attempts by various United States military units to suppress these attacks. In addition to describing the events themselves, his documentation delineates the motives and reasoning behind each group's actions. In his analysis Hoig shows that some conflicts were initiated by Indians and others by whites.⁵⁶ In stark contrast to other accounts that display an eagerness to assign sole blame to one side or the other, Hoig's more careful analysis does not excuse either side for their aggression and assigns guilt and innocence much more judiciously.

This more careful analysis continues as Hoig follows the history through to the Sand Creek Massacre. Whereas other texts show a bias in the author's choice of sources, Hoig consulted a fair selection of testimonies from both sides of the debate. He cites the testimonies of Irving Howbert, John Smith, Colonel John Chivington, James P. Beckwith, Major Scott Anthony, Major Hal Sayr, Major Edward Wynkoop, and many others. For example, in describing the death of the prisoner Jack Smith, Hoig is careful to offer both testimonies that describe the death as an accident and others claiming that it was murder.⁵⁷ Though Hoig comes down on the side of murder, he first offers evidence supporting the counterargument. Again, unlike the other accounts described above, *The Sand Creek Massacre* includes an analysis of a wide range of sources, more thoroughly presents the different perspectives of the different sides in the conflict, and attempts to provide a more holistic context for the event. The resulting text is much more valuable for comparative research than the other works discussed thus far.

The Challenge of Integrating the History of the North American West into the Field of Genocide Studies

Ultimately, regardless of whether the depopulation of America's autochthonous peoples is officially defined as genocide, mass murder, casualties of war, or simply the unfortunate consequence of post-Columbian contact, careful study of such events can be of great benefit. The fact remains that, for millions of Native Americans, European contact brought violent conflict and violent death, and the cataclysmic events that followed merit careful study. The value of understanding this history lies not only in enabling Native American groups to understand their regional, cultural, or ethnic history but in helping the world to understand its own.

Unfortunately, events and incidents of the North American West have too seldom been examined in the context of comparative genocide studies. Efforts to expand the study of such events are needed, but they must be as objective as possible, for only then will the insights and new knowledge gleaned be of value.

It is also true, however, that the political foundation from which many authors draw is a major obstacle to the development of more objective research in the field and to subsequent integration with the field of genocide studies. The political roots of many in the field of Native American studies help explain the apparent dearth of objective comparative scholarship. The temptation for some has been to deny any academic or historical value to activist literature; such a stance, however, fails to appreciate the important social trends that such literature represents. To dismiss such scholarship as nothing more than political rhetoric is to deny contemporary Native Americans a voice in their own history. Furthermore, this dismissive attitude fails to recognize that the legacies of North American history have brutally real effects on the day-to-day life of indigenous people, effects that extend far beyond the realm of mere political posturing. As in any other field, each study must be assessed on its own merits.

In the late 1960s, amidst myriad other social and civil-rights movements, the American public witnessed one of the first manifestations of a large-scale Native American activist movement. Through the years this movement took on many shapes and foci.⁵⁸ Some of the primary struggles dealt with issues of political autonomy, religious freedom, control over self-image, and traditional Indian land rights. The historical literature that emerged represented an attempt by Native American scholars to revise what they viewed as one-sided, biased, Eurocentric histories of their past. Their historical analyses were aimed not only at re-establishing control over their own past but also at justifying contemporary political, social, economic, or religious reform. It should be no surprise that much of their work took on a political and impassioned tone.

Perhaps the most influential of the early Native American activist writers was Vine Deloria, Jr. Deloria was born a Standing Rock Sioux; in 1969, his first major publication, *Custer Died for Your Sins*, sent shockwaves through both Native and non-Native communities and established an ideological framework of topics and themes that can be traced throughout the subsequent years of the movement.⁵⁹ As some of the titles and subtitles of his books suggest (*We Talk You Listen; An Indian Manifesto; An Indian Declaration of Independence*), Deloria's writings strongly voiced Native frustration and issued a vigorous call for reform.⁶⁰ Deloria's prolific writing covered such foundational topics as treaty making, the ins and outs of political sovereignty, and self-government, and broadened out to encompass issues of religious freedom, community solidarity, social autonomy, and cultural self-determination.⁶¹

Throughout his writings, Deloria's response to previous scholarship on the Native American experience is clear: Native Americans must stop looking outward and start looking inward for their sense of identity, political autonomy, and spiritual understanding. Ultimately, this response came to encompass the whole of the Indian activist movement: a reaction against a long history of Native Americans' being forced (though in some cases they did so of their own volition) to look outside of themselves and their communities for their well-being. While Deloria played a valuable role in articulating the justifiable frustrations and grievances that Native Americans felt about their past and present conditions, uniformly applying his reactionary and politically based methodology and perspective to objective comparative genocide scholarship presents problems.

The mass of Deloria's work—and that of many who have followed him—focused on analyzing historical events for the purpose of advocating contemporary political and cultural change. This is the same goal that some have proposed for studying possible genocide in general. While the dividing line between scholar and activist is one that

proves difficult to clarify, some individuals from both groups use the study of the past to bring about change in the present world. However, genocide studies' goal—to better understand genocide as a phenomenon in order to prevent its future reoccurrence—is fundamentally different from Deloria's goal of using historical analysis to demonstrate ongoing injustices toward Native Americans and to justify changing fundamental tribal relationships with the US government. When authors admit that their historical research is fueled by “unequivocally political” motives and declare no more than an “abstract allegiance” to academic issues, as Ward Churchill does in his 1997 *A Little Matter of Genocide*, there is cause for concern.⁶² While Churchill's admittedly polemic treatise may represent the extreme, the phenomenon of politically fueled research is widespread. One manifestation of this phenomenon is the high number of indigenous authors who list their tribal affiliation in their publications, seemingly in an attempt to add political and cultural weight to their views.⁶³ There is no fundamental problem with writing from a political standpoint, but such biases must be acknowledged and analyzed in order to determine a study's overall usefulness, particularly if it is to be used in the realm of comparative genocide studies.

In his review of Marc Bloch's theorizing on comparative studies, William Sewell explains that comparative methodology, by design, should reduce our personal biases by forcing us to confront alternative views.⁶⁴ The underlying assumption is that our comparative analysis is objective enough to consider alternate views. If authors are unwilling to devote fair attention to opposing views and explanations of historical events, then what use is there in searching for greater historical insight by attempting to compare events in the first place? This does not imply, for example, that Holocaust historians must devote significant time to the issue of Holocaust denial; however, it does suggest that, in analyzing historical events, they should discuss a wide spectrum of primary source evidence—including alternative views that may run counter to their arguments (a classic case being the functionalist versus intentionalist argument of years past). If nothing else, such open and frank discussion will strengthen their arguments; readers are less likely to feel as though the proverbial wool is being pulled over their eyes, and all interested parties will gain a more informed understanding of the subject.

In the study of possible genocidal events, historical characters are bound to be labeled as victims and perpetrators. In the case of the Holocaust, it is fairly clear who committed murder and who the victims were; but the history of white-Indian violence is more complex. Not only does the history of their interactions span centuries, involve innumerable disparate groups and individuals, and cover widely different geographical zones, it is also a fact that atrocities were committed by both sides. Highly selective and unbalanced presentation of primary documents cannot hope to produce a solid understanding of why and how such atrocities were perpetrated. Indeed, ultimately, it may prove impossible to discern how and why contentious cross-cultural interactions escalated into genocide if scholars are more focused on condemning or exonerating the parties involved than on conducting a sophisticated analysis of the facts.

The negative impact of overt bias on history is well described by anthropologist Bruce Trigger: “such biases may simply add harmless colour to a dry story, but they can [also] turn historical study into a dangerous piece of propaganda.”⁶⁵ Robert Athearn similarly complains, in his review of Ralph Andrist's *The Long Death*, “It is all right for an author to have a point of view, but in this case it is waved in the reader's face at every turn.”⁶⁶ To some degree, Athearn is correct.⁶⁷ With his usual candor, Ward Churchill mused that his study *A Little Matter of Genocide* would not be well

received in the academic community because it contains similar extreme posturing.⁶⁸ In his review, sociologist Kurt Jonassohn absolves Churchill of such misdeeds: “The reader should not be distracted by errors and interpretations that seem to weaken the overall argument, an argument that is far too important to be dismissed on such grounds.”⁶⁹ Nevertheless, the work is too obviously biased to be taken at face value.

As heirs to either the Native American or Euro-American legacy of such events, authors are likely to find their personal feelings for or attachment to the subject difficult to escape. Conducting objective research is difficult as it is, and such difficulties are only exacerbated by cultural ties to historical characters and events. These considerations have led James Axtell to theorize further on the role of historians in retelling the past:

The serious historian may not wrap himself in judicial robes and pass sentence on high; he is too involved in both the prosecution and the defense . . . the [historian’s] goal is not to punish or rehabilitate historical malefactors—who are morally incorrigible—but to set the record straight for future appeals to precedent.⁷⁰

Emphasis should be duly placed on Axtell’s use of the term “*serious* historian.” As the historiography shows, it does not take an incredible amount of skill to scrutinize the historical record and point fingers; however, to research and present a balanced portrayal of past events that is useful for comparative research or produces insights to inform future government policy is much more difficult. With respect to the focus of this article, then, it takes the most serious and objective historian to make any balanced sense of the complex and violent interactions between Native American and Euro-American groups.

Another troublesome characteristic of scholarship in this field is a tendency to speak in broad generalizations and oversimplified dichotomies, damaging historical understanding of both the individual and the group in their complex interactions with one another. On the group level, complex historical processes and events cannot be broken down into simple binaries (e.g., “whites versus Indians”). Patricia Limerick argues that

Only in rare circumstances were the affairs we call “white–Indian wars” only matters of whites against Indians. More often, Indians took part on both sides, tribe against tribe or faction against faction, and whites sometimes played surprisingly peripheral roles in the working out of relationships between and among Indian groups.⁷¹

Yet some scholars insist on framing historical conflicts in such simple terms. For example, to provide a historical background for his arguments on contemporary affairs, Robert Burnette offers a brief survey of 400 years of Euro–Indian relations. In doing so, he suggests that all early Europeans were personified by the Puritan leader Cotton Mather, labeling them “bloodthirsty missionaries,” while Native Americans are grouped together and referred to collectively as “The Indian.”⁷² Broad generalizations erase the historical intricacies of individual and group interactions, dismissing the complexity not only of relations between various groups of Native Americans and Europeans but also of relations between individuals.⁷³

Conclusions

As peoples across the world struggle to understand and cope with tragedies in their own histories, many look to similar cases from other time periods or other parts of the world. Scholars, of course, do the same thing. By conducting comparative studies,

scholars seek to further and deepen understanding of key events in history. This is certainly true of those genocide scholars who engage in the comparative study of genocide.

In surveys of modern history, the depopulation of America's autochthonous peoples offers an unparalleled variety of comparative examples. The diversity of situations, events, and actors allows for valuable comparisons and contrasts.

If the historiography of one of the North American West's most prominent examples of possible genocide, the Sand Creek Massacre, is any indication of the state of the field, it is obvious that in-depth and solid study of a host of single events is critically needed; only with the benefit of such detailed studies will scholars be able to carry out solid comparative studies. Beyond the Sand Creek Massacre, the history of the North American West and the conflicts between the various empires, cultures, and peoples offer a wealth of material for comparative research. Though such research is not a simple task by any means, the possible results are well worth consideration and further discussion.

Notes

1. Reginald S. Craig, *The Fighting Parson: The Biography of Colonel John M. Chivington* (Los Angeles: Westernlore Press, 1959), 46.
2. *Ibid.*, 66.
3. *Ibid.*, 163.
4. Stan Hoig, *The Sand Creek Massacre* (Norman: University of Oklahoma Press, 1961), 20n.
5. *Ibid.*, 69.
6. *Ibid.*, 82–83n.
7. Though sympathetic to Black Kettle in this case, Wynkoop had previously been actively engaged in destroying the Indians still at war. After the violent summer of 1864, however, Wynkoop seems to have been more ready to accept peaceful terms; see *ibid.*, 90.
8. US Senate, *The Chivington Massacre*, 39th Cong., 2d sess., 1867, S. Rep. 156, 71.
9. Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco: City Lights Books, 1997); M. Annette Jaimes, ed., *The State of Native America: Genocide, Colonization and Resistance* (Boston: South End Press, 1992); M. Annette Jaimes, "Introduction: Sand Creek, the Morning After," in *The State of Native America: Genocide, Colonization and Resistance*, ed. M. Annette Jaimes, 1–12 (Boston: South End Press, 1992); David Stannard, "Uniqueness as Denial: The Politics of Genocide Scholarship," in *Is the Holocaust Unique?: Perspectives on Comparative Genocide*, ed. Alan S. Rosenbaum, 163–208 (Boulder, CO: Westview Press, 1996); David Stannard, *American Holocaust: The Conquest of the New World* (New York: Oxford University Press, 1992).
10. See Steven T. Katz, *The Holocaust in Historical Context*, vol. 1: *The Holocaust and Mass Death before the Modern Age* (New York: Oxford University Press, 1994), 91. The study of Native American demography is itself a fiercely debated field, and estimates of how many died after European contact relies largely on estimates of the pre-contact population. While such estimates have ranged from 900,000 to 18 million, few scholars in the field deny that European contact brought about a cataclysmic demographic collapse. See Henry Dobyns, *Their Numbers Become Thinned: Native American Population Dynamics in Eastern North America* (Knoxville: University of Tennessee Press, 1983); Russell Thornton, *American Indian Holocaust and Survival: A Population History since 1492* (Norman: University of Oklahoma Press, 1987), 25–26; Kirkpatrick Sale, *The Conquest of Paradise: Christopher Columbus and the Columbian Legacy* (New York: Alfred A. Knopf, 1990), 315. Even Stephen Katz, an advocate for the uniqueness of the Holocaust, admits, "Contrasted solely on statistical grounds, the collapse of the Native American population, both absolutely and proportionally, surpasses the destruction of European Jewry." Katz, *Holocaust and Mass Death*, 119.

11. Patricia Nelson Limerick, *Something in the Soil: Legacies and Reckonings in the New West* (New York: W.W. Norton, 2000), 61.
12. Israel Charny, *How Can We Commit the Unthinkable? Genocide: The Human Cancer* (Boulder, CO: Westview Press, 1982), 5. Jack Porter suggests an extensive array of sociological lessons that may be learned from the study of genocide, including “the process of war and colonialism, the experience of death and extreme deprivation, the meaning of survival and resistance and the very nature of society itself” as tangential subjects that may profit from the study of genocide. Jack Nusan Porter, “Introduction: What Is Genocide? Notes Toward a Definition,” in *Genocide and Human Rights: A Global Anthology*, ed. Jack Nusan Porter, 2–33 (Washington, DC: University Press of America, 1982), 4.
13. For a collection of primary documents, including the reports submitted by the secretary of war and the US Senate concerning the massacre, see John M. Carroll, ed., *The Sand Creek Massacre: A Documented History* (New York: Sol Lewis, 1973). Most of the congressional documents cited in this survey can be found in this volume, but they are cited here separately as legislative documents.
14. It should be pointed out that the very use of the term “massacre” to describe the event represents some prejudice of the event. Some authors refer to it instead as a “battle” or “fight.” My use of the term “massacre” in this study reflects modern historiography, the majority of which refers to the event as the “Sand Creek Massacre” or “Chivington Massacre.”
15. Hoig, *Sand Creek Massacre*, vii. Even this statement shows some bias on the subject. Hoig’s decision to term the event a “conflict” could be questioned, because it implies some degree of Cheyenne resistance—an idea some authors contest: see, e.g., Ralph K. Andrist, *The Long Death: The Last Days of the Plains Indians* (New York: Macmillan, 1964), 87; Dee Brown, *Bury My Heart at Wounded Knee* (New York: Holt, Rinehart, & Winston, 1970), 87.
16. William R. Dunn, *I Stand By Sand Creek: A Defense of John M. Chivington and the Third Colorado Cavalry* (Fort Collins, CO: The Old Army Press, 1985), viii.
17. *Ibid.*, viii; J.P. Dunn, *Massacres of the Mountains: A History of the Indian Wars of the Far West* (New York: Harper & Bros., 1886), 408–15; Craig, *The Fighting Parson*, 145–65.
18. Mari Sandoz, *Cheyenne Autumn* (Lincoln: University of Nebraska Press, 1953), 4; Craig, *The Fighting Parson*, 168–69.
19. See Duane P. Schultz, *Month of the Freezing Moon: The Sand Creek Massacre, November 1864* (New York: St. Martin’s Press, 1990), 76. J.P. Dunn disagrees, stating that the Dog Soldiers were an integrated part of tribal government, which made Black Kettle responsible for their actions. Dunn, *Massacres of the Mountains*, 431.
20. Craig, *The Fighting Parson*, 178.
21. *Ibid.*, 155–56.
22. US Senate, *The Chivington Massacre*, 71.
23. Andrist, *The Long Death*, 79; Brown, *Bury My Heart*, 86; Thom Hatch, *Black Kettle: The Cheyenne Chief Who Sought Peace But Found War* (Hoboken, NJ: John Wiley, 2004), 147; Schultz, *Month of the Freezing Moon*, 85–96.
24. Dunn, *I Stand By Sand Creek*, 144.
25. Dunn, *Massacres of the Mountains*, 420.
26. Craig, *The Fighting Parson*, 168–69.
27. Brown, *Bury My Heart*, 87.
28. *Ibid.*, 87–88. For Guerrier’s testimony see US Senate, *The Chivington Massacre*, 65–66.
29. J.P. Dunn and Ralph Andrist arrive at similarly opposing conclusions on the issue of whether Black Kettle was even aware of possible danger. Dunn, *Massacres of the Mountains*, 421; Andrist, *The Long Death*, 87. Thom Hatch and others point to Major Wynkoop’s testimony as the strongest proof that Black Kettle’s camp was under express government protection. See US Senate, *Sand Creek Massacre: Report of the Secretary of War*, 39th Cong., 2d sess., 1867, S. Doc. 26, 102–3; and Hatch, *Black Kettle*, 142.

30. Dunn, *I Stand By Sand Creek*, 146. The testimonies of Lieutenant Joseph Cramer and Corporal Amos Miksch indicate otherwise. Having surveyed the battleground after the event, Cramer stated that there were no rifle pits. See US Senate, *The Chivington Massacre*, 74. Amos Miksch recalled that “there were no rifle-pits except what the Indians dug into the sand bank after we commenced firing. I saw them digging out sand with their hands while firing was going on; the water came into the trenches they dug in this manner.” *Ibid.*, 75.
31. Craig, *The Fighting Parson*, 194.
32. *Ibid.*
33. Andrist, *The Long Death*, 89; Hatch, *Black Kettle*, 147; Schultz, *Month of the Freezing Moon*, 134. William R. Dunn flat-out denies that any flags were flown by Black Kettle; though he provides one source as evidence, he ignores the numerous sources that attest the opposite. Dunn, *I Stand By Sand Creek*, 145.
34. Peter Matthiessen, *In the Spirit of Crazy Horse* (New York: Penguin, 1980), 6 (emphasis added); Schultz, *Month of the Freezing Moon*, 134–35, 137.
35. US Senate, *The Chivington Massacre*, 67, 41.
36. *Ibid.*, 41.
37. Dunn, *I Stand By Sand Creek*, 146.
38. Craig, *The Fighting Parson*, 194.
39. *Ibid.*, 195.
40. *Ibid.*
41. Schultz, *Month of the Freezing Moon*, 138. For Robert Bent’s complete testimony see US Senate, *The Chivington Massacre*, 95–96.
42. Stannard, *American Holocaust*, xi. Major Anthony recalled the following:

There was one little child, probably three years old . . . I saw one man get off his horse, at a distance of about seventy-five yards, and draw up his rifle and fire—he missed the child. Another man came up and said, “Let me try the son of a bitch; I can hit him.” He got down off his horse, kneeled down and fired at the little child, but he missed him. A third man came up and made a similar remark, and fired, and the little fellow dropped.

US House, *Massacre of the Cheyenne Indians: Report on the Conduct of War*, 38th Cong., 2d sess., 1865, H. Rep. 142, 27.
43. James P. Beckwith is also known in many sources as “James P. Beckwourth.” Because the records cited here refer to him as “Beckwith,” that spelling is used in the text.
44. US Senate, *Sand Creek Massacre*, 68.
45. *Ibid.*, 70–71. Beckwith also reported that Jack, son of Bent, St. Vrain & Company Indian trader John S. Smith, was shot from behind while exiting a lodge, long after the battle was over.
46. Dunn, *I Stand By Sand Creek*, 146.
47. J.P. Dunn makes the following observations on this concept: “Scalping and mutilation also strike terror to the Indian heart. Their religious belief is that the spirit in the next world has the same injuries that were inflicted on the body here . . . That the Sand Creek affair inspired them with terror is beyond question.” Dunn, *Massacres of the Mountains*, 426–27.
48. Craig, *The Fighting Parson*, 216–17. Craig closely follows the reasoning of J.P. Dunn, who writes, “There is a certain amount of justice in the theory of meting to a man in his own measure, and the people of Colorado had old scores to pay in the accounts of murder, robbery, and rape.” Dunn, *Massacres of the Mountains*, 427. Dunn continues by detailing some depredations committed by Plains Indians, and concludes as follows:

The people of Colorado did want revenge, and these men, who had been cooped up all summer in towns and blockhouses, whose crops were ruined, whose stock had been run off, whose houses had been burned, who had been eating bread made of forty-five-dollar flour, who had buried the mutilated bodies of their neighbors, in helpless wrath, who

had heard stories of the women captives—these men marched to Sand Creek, with the fire of vengeance in their hearts, and quenched it in blood.

According to Dunn, this explains why Indian bodies were mutilated at Sand Creek and, judging by the tone of his reasoning, somewhat exculpates the guilty parties. Dunn, *Massacres of the Mountains*, 429–30.

49. Irving Howbert, *The Indians of the Pike's Peak Region* (1914; reprint, Glorieta, NM: Rio Grande Press, 1970), 178; Dunn, *I Stand By Sand Creek*, 146–47.
50. Churchill, *A Little Matter of Genocide*, 233; Hatch, *Black Kettle*, 159–66; Schultz, *Month of the Freezing Moon*, 138–39.
51. Schultz, *ibid.*, 139.
52. See Brown, *Bury My Heart*, 90; Schultz, *Month of the Freezing Moon*, 139. For Connor's testimony see US Senate, *The Chivington Massacre*, 53. Major Anthony also reported that the single instance of mutilation that he observed took place while Colonel Chivington was standing by his side. See US House, *Massacre of the Cheyenne Indians*, 27.
53. Churchill, *A Little Matter of Genocide*, 228–34.
54. Jaimes, *The State of Native America*, 3, 5.
55. Samuel R. Cook, review of *American Holocaust: Columbus and the Conquest of the New World* by David E. Stannard, *American Indian Quarterly* 19 (1996): 241.
56. Hoig, *Sand Creek Massacre*, 23, 41, 51.
57. *Ibid.*, 155–58.
58. Such terms as “Native American activist movement” or “Native American activism” refer to these phenomena in the broadest and most general sense, and not to specific groups or people, unless otherwise noted.
59. Vine Deloria, Jr., *Custer Died for Your Sins: An Indian Manifesto* (London: Macmillan, 1969).
60. Vine Deloria, Jr., *We Talk You Listen* (New York: Macmillan, 1970); Deloria, *Custer Died for You Sins*; Vine Deloria, Jr., *Behind the Trail of Broken Treaties: An Indian Declaration of Independence* (New York: Delacorte Press, 1974).
61. In 1881, Helen Hunt Jackson penned a scathing exposé of US Indian policy titled *A Century of Dishonor*. Jackson's documentation of deceit, dishonesty, and murder ran counter to mainstream scholarship and appealed to the American people to demand that Congress act to right past wrongs. Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (New York: Harper & Bros., 1881; reprint, Minneapolis: Ross & Haines, 1964), 30. For the next eighty years, however, few followed Jackson's lead. Finally, in 1964, Ralph Andrist published *The Long Death*, a treatise on Native loss that “might well have been dedicated to Helen Hunt Jackson,” according to one reviewer: Robert G. Athearn, review of *The Long Death: The Last Days of the Plains Indians* by Ralph Andrist, *Journal of American History* 52 (1965): 379–80; Ralph K. Andrist, *The Long Death: The Last Days of the Plains Indians* (New York: Collier, 1964). From Jackson Deloria inherited a tradition of using historical analysis as justification for contemporary reform, and from Andrist a poignant writing style that relies upon an emotive vocabulary and imagery.
62. Churchill, *A Little Matter of Genocide*, 11.
63. It is not my intention to discredit authors who state their tribal affiliations, because there is nothing inherently wrong with doing so. If nothing else, it notifies the reader of the author's indigenous perspective. But it also alerts the reader to possible cultural, religious, or otherwise personal ties the author has to the subject. For a few examples see Eva Marie Garrouette, *Real Indians: Identity and the Survival of Native America* (Berkeley: University of California Press, 2003); Jaimes, *The State of Native America*; Fremont J. Lyden and Lyman H. Legters, eds., *Native Americans and Public* (Pittsburgh: University of Pittsburgh Press, 1992); MariJo Moore, ed., *Genocide of the Mind: New Native American Writing* (New York: Thunder's Mouth Press, 2003); John Yewell, Chris Dodge, and Jan DeSirey, eds., *Confronting Columbus* (London: McFarland & Co., 1992). Ironically, it is

here that Ward Churchill himself has attracted considerable trouble: some Native groups, including the American Indian Movement, have largely disavowed Churchill and challenged his claims of being Native American at all. See American Indian Movement, “Is This One and the Same Person? You Decide,” <http://aimovement.org/mckiernan.html> (accessed 6 January 2009).

64. William H. Sewell, Jr., “Marc Bloch and the Logic of Comparative History,” *History and Theory* 6 (1967): 208–18, 218.
65. Quoted in James Axtell, *After Columbus: Essays in Ethnohistory of Colonial North America* (New York: Oxford University Press, 1988), 18.
66. Athearn, review of *The Long Death*, 380.
67. From the book’s inflammatory title, *The Long Death*, to his choice of chapter titles (including “Massacre in Minnesota,” “Nits Make Lice,” and “Ten Million Dead Buffalo”), Andrist makes no excuse for his perspective.
68. Churchill, *A Little Matter of Genocide*, 11.
69. Kurt Jonassohn, review of *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present*, by Ward Churchill, *American Historical Review* 104 (1999): 867–68. While Churchill’s study synthesizes an impressive amount of information, covers a wide variety of topics, and boasts extensive footnotes and bibliographic information, the overtly biased tone in which it is written is distracting.
70. Axtell, *After Columbus*, 20.
71. Limerick, *Something in the Soil*, 33–34.
72. Robert Burnette, *The Tortured Americans* (Englewood Cliffs, NJ: Prentice Hall, 1971), 12. Burnette’s use of Cotton Mather (one of the most extreme examples of inflammatory rhetoric he could have chosen) to represent the whole of the Pilgrim community is troublesome; moreover, the further division of the entire American population into two simple groups—Indians and white men—is a gross oversimplification.
73. Patricia Limerick offers further insight into the problems of too readily grouping individuals into large generalized groups and categorizing those groups along simplified lines. As she observes,

When Anglo-Americans look . . . into an Indian reservation, they are more likely to see stereotypes than recognizable individuals or particular groups; the same distortions of vision no doubt works the other way too. The unitary character known as “the white man” has never existed, nor has “the Indian.” Yet the phrases receive constant use, as if they carried necessary meaning.

All historians of white–Indian interaction and conflict, regardless of how they interpret the past, would do well to strike these unitary platitudes from their lexicons. The stereotypes, caricatures, and generalizations that plagued the contemporary thought of decades past should not find footing in the lexicon of modern historical analysis. Studies that speak in such simple terms of “the Indian” and “the white man” are bound by their own limited scope to misrepresent historical events and figures. Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton, 1987), 349.

Hiding in Full View: The ‘Forgotten’ Bushman Genocides of Namibia

Robert J. Gordon

Department of Anthropology, University of Vermont

This article examines the Bushman genocide of 1912–1915 which, despite overwhelming evidence of its having occurred, has been largely ignored by both scholars and the local population. It invokes the Durkheimian distinction between necessary and sufficient conditions. Necessary conditions are akin to Marxian notions of “primitive accumulation” or Weberian “booty capitalism,” but in addition, the author emphasizes the demographics of the settlers, largely (aspiring) middle-class single men, and suggests that notions of the Rechtsstaat—code-based rather than case-based rule of law—represented an important, if not distinctive, sufficient condition in facilitating genocide, especially in tandem with the legitimization activities of turn-of-the-century scholars. The article concludes with a brief examination of the “bureaucratization” thesis.

Keywords: colonial state formation, San, Germans, South Africans, demographics

In 1914, while the numerically superior and better armed South African forces were invading German South West Africa, the seriously outmanned German commander, Major Viktor Franke, had to send a company of sixty *Schutztruppe* (“protection troops”) to the Grootfontein district to deal with troublesome Bushmen. The unpublished journal/memoir of one of these troopers, Gunther Walbaum, provides vivid documentation of what happened on these “Bushman patrols.” His commander instructed him as follows: “I would be glad if you will not kill too many [Bushman] if possible. Only kill them when there is an attack, but use your own discretion.”¹

The banality of these hunts is obvious from Walbaum’s description:

After three kilometers we reached an open field where Jan [the guide] showed us to go down. One kilometer in front of us some Bushmen were busy digging out *uintjies* [tubers]. Now Jan did not want to walk in front anymore, because he did not want to have anything to do with the shooting. We discussed our next step for a moment so that we could encircle them. We had to sneak up to them like one does with game. On a sign, we all got up with our guns ready to shoot. We were about fifty to seventy meters away from them. The Bushmen stood in astonishment. When we approached them, ten or twelve men ran away. Falckenburg and one of our natives shot two. Unfortunately, I missed.²

Indeed, death was often preferable to capture:

Jonas [a prisoner] said he did not know Sus [a farm that had been raided recently by Bushmen], well, he did not want to know Sus, but the women said they saw him as he cut the boy’s heart out. [Note: *This is not verified by court records.*] The people were asked how many people were involved and how many guns they had, as well as who had killed the other [white] farmer. They said nothing. I hit them until the blood was running down [in streams]. They behaved badly and said their brothers would kill us all. I told them I would get them all. At night I tied each one naked to a tree. It was ice cold and they stood far from the fire; they tried to untie themselves with their feet.

The watchman hit them all over with a *sjambock* [hippo-hide whip]. At four o'clock in the morning—the coldest time of the night—they started begging: “Mister, if you bring us to the fire we will say everything.” I told them that they had to wait because I was sure they were not mistreated enough.

At five o'clock we untied them. Jonas told us everything, but his bad behavior he did not change. The woman stayed near the fire with her child during the night. All the men had bad lacerations on their shoulders from trying to untie themselves by rubbing their shoulders on the bark of the tree.

At eight o'clock we took the scoundrels to the bush where we found the right trees in no time. A few boxes were piled up, ropes were tied onto branches—the men were put on the boxes with their hands tied and ropes placed around their necks. We kicked the boxes over and they were dead in seconds, because their necks were broken. All four of them had burst veins in the lower leg after they died. In twenty minutes they were dead. The women we took to Wiesental [a farm].³

One of the first orders of business of the newly installed South African administration in 1915 was to ban “Bushman hunting.” The instructions of the secretary for South-West Africa were explicit:

It is necessary in the interests of all to secure a truce and bring the belligerents back to reason. *The farmers must be told that shooting of Bushmen will no longer be permitted and will be prosecuted with all the rigour of the law.* The Bushmen must be informed in like manner.⁴

But so traumatic was Bushman experience of German brutality that, three years after the German defeat, the South African military magistrate of Grootfontein felt duty bound to break protocol and write directly to the secretary of the Protectorate. Magistrate Gage described how he encountered some Bushmen prisoners who

were trembling so much that I remarked on it to the Gaoler. Later they were brought before him under an escort with fixed bayonets, and their terror was pitiful to behold. . . . It is like catching a bird in your hand when you can see its heart throbbing against its breast and you know that unless it is soon released it will die of sheer terror.⁵

Walbaum's acts were not those of a few miscreants; they were systemic.

This article focuses on genocide in Namibia. Not the much-heralded, if problematic, Herero genocide of 1904, but one that is more invidious because it has effectively been made invisible and forgotten. While German mistreatment of the Herero provoked a public outcry in Germany and Europe and led to large-scale government reforms—moving the colonial apparatus from naked coercion to scientific colonialism, epitomized by the founding of the Colonial Institute in Hamburg in 1908—the genocide with which this article is concerned was hardly heeded, apart from one or two isolated voices of protest. Indeed, so successful has this process of “invisibilization” been that even scholars with expertise on those labeled Bushmen or San, when discussing the vulnerability of indigenous peoples to genocide, ignore this earlier history.

Contemporary anthropologists specializing in the San⁶ have largely overlooked the long history of denigratory academic involvement with those labeled “Bushman.”⁷ Even genocide scholars specializing in Namibia ignore the Bushman or San case, ostensibly on the grounds that no one has done research on this issue.⁸ Popular histories of the destruction of tribal or indigenous peoples also seem to forget this dark moment. Ironically, nowadays Bushmen themselves do not recall this genocide.⁹

This silence might have serious consequences. Recently the prominent and influential Herero historian Dr. Zedekia Ngavirue weighed in on the debate about Herero genocide and the claims for German reparations; he reportedly

dispelled the confusion of “other people” having suffered. He said it is true that the numbers of Namas were reduced with some having been taken to countries like Togo and Cameroon. He said it was equally true that some Damaras were on the side of the Ovaherero and that some Oshiwambo fought on the side of the Ovaherero like Chief Nehale ka Mpingana of Ondonga.

However, Ngavirue said the German army only issued the Genocide Order against the Ovaherero, only Ovaherero land was confiscated wholesale and only Ovaherero leaders were hanged. All these, he said, pointed out to a clear German agenda against the Ovaherero.

He said the German government keeps referring to “others” to avoid facing the Ovaherero squarely while purporting to acknowledge the atrocities inflicted on the Ovaherero.¹⁰

It is not that the Bushman genocide in Namibia was unknown. Indeed, the (in)famous 1918 Blue Book detailing Germany’s treatment of the indigenes made much of it.¹¹ Lawrence Green, a South African journalist who did much to create the popular settler image of Namibia in his numerous books (which were reprinted many times and carried such romantic titles as *Lords of the Last Frontier* and *Where Men Still Dream*) frequently mentioned that Bushmen were shot on sight by the Germans;¹² American travelers such as Sidney Legendre and Negley Farson aver the same.¹³ German settlers and travelers all acknowledged the genocidal actions. Lydia Höpker, reminiscing about her days as a farmer in the Grootfontein-Otavi area writes of a neighbor, Frau Keller, showing her a Bushman child in her care, the result of a punitive expedition against Bushmen that had killed many and taken numerous prisoners. Höpker includes a photograph of “captured Bushmen” in her book, and writes that “orphaned Bushmen children were divided among German farmers wives who cared for them and later used them as personal servants.”¹⁴ In outer districts, she avers, one could never be certain about one’s life when meeting Bushmen, who hid and shot poisoned arrows at both whites and native shepherds; she then goes on to detail numerous instances of settler paranoia concerning Bushman attacks, including an experience of her own when her tea was ostensibly poisoned. Others concurred.¹⁵

Ghosts in the Graveyard: Apparitions beyond the Limelight

Part of the reason for this invisibilization is precisely the narrow focus on the so-called Herero Genocide, often touted as the “first genocide of the twentieth century” or the “first modern genocide.”¹⁶ A closer examination shows that hostilities did not break out in January 1904 and cease in 1907 but started in 1903 and petered out into continuous police action that persisted right up to the South African invasion in 1915. This focus has led to such a single-minded emphasis that events slightly out of focus are ignored. This article is concerned with the turbulent wake or afterglow of the “official war.” This is where things get interesting, if not scary.

Once we remove that ethnocentric framing device called “the twentieth century,” it is obvious that the “Herero Genocide” had more in common with the late-nineteenth-century colonial wars of annihilation—such as the Mashonaland wars of 1897 and some of the “Zulu” wars¹⁷—or even with what was happening contemporaneously in

the Belgian Congo and with the US invasion of the Philippines, than with the classic defining genocides of the twentieth century. It was a defining moment in Namibian history, however, insofar as it led to the transformation of a “weak” colonial state into a “strong” one, and it was under the latter, with its laws and bureaucrats and pretensions to scientific colonial administration, that the machinery was put in place for implementing genocide against “bandits” and other “forager” groups such as the so-called Bushmen. It was in the context of a *Musterstaat* (“model state”), as Zimmerer¹⁸ felicitously calls it, that a lot of the dirty work of genocide got done.

In Germany, some of the major objections to the war had been its high cost to the German taxpayer and its destructive impact on the supply of cheap labor.¹⁹ Colonies had to be made to pay for themselves, which contributed directly to further exploitation of indigenous peoples. To facilitate this economic self-sufficiency, decision-making power gradually devolved from Berlin to the settlers. In 1909 a *Landesrat*, an advisory body consisting of fifteen elected and fifteen appointed members, was established in Windhoek. The *Landesrat* had to jointly approve any regulations concerning “Native Affairs.”²⁰ Horst Drechsler has famously termed the period after the 1904–1907 war the “peace of the graveyard.”²¹ Yet, for all the deathly silence of historians on this age, it was a time when many ghosts were abroad. It was a period of economic boom for the settlers. Diamonds were discovered in Luderitzbucht in 1908; the fabulously rich Tsumeb copper mine was expanding, and the completion of railroads leading to the mine made access much easier for settlers and entrepreneurs. Between 1907 and 1911 the settler population almost doubled, from 7,110 to 13,962.²² Transfer of resources continued apace. Land placed under settlers’ control increased from 4.4% of total landmass in 1903 to 13% in 1910. To put it differently, the number of European farms increased from 458 farm units totaling 4.8 million hectares (mil ha) in 1904 to 1,331 farm units totaling 13.4 mil ha in 1913. Settlers were also amassing animal wealth: the number of cattle owned by Europeans increased from 52,531 in 1907 to 205,643 in 1913, while small stock under European ownership increased from 208,480 to 1,011,697.²³ While farmers and smallholders numbered only 1,390 in 1911, there were also some 2,572 artisans and miners; 1,035 merchants, shopkeepers, and innkeepers; and slightly fewer than 900 civil servants.²⁴

Both the mining industry and settlers demanded cheap labor, a rather scarce commodity given the infamous *Vernichtungsbefehl* (“annihilation order”) issued by Lothar von Trotha in 1904. Indeed Moritz Bonn, a young liberal economist who had gone out to South Africa in 1906 to field-test Hobson’s theory of imperialism and subsequently made a three-month trip to explore conditions in Namibia, complained that

though the country has regularly been called a white man’s country, most manual work is carried out by native labour. . . . the real problem . . . has always been not only how to find the white man to settle the country, but quite as much how to find coloured labourers to support them when settled.²⁵

So desperate were settlers for inexpensive labor that larger employers were forced to recruit laborers from South Africa, while efforts to recruit labor from other German colonies failed and importing Chinese and Indian labor was seriously considered.²⁶ In such a situation, recruiting labor from Owamboland, an area to the north of the Etosha Game Park, became a major priority. The number of Owambo contract laborers tripled from about 4,000 in 1908 to 11,764 by 1914.²⁷ These laborers, however, had to traverse an area inhabited by San or Bushmen.

The German administration did its utmost to facilitate the "internal" labor supply as well, by way of a series of draconian *Verordnungen* (ordinances) issued by Governor Friedrich von Lindequist in August 1907, which allowed for indigenous inhabitants to be stripped of their property (largely land and livestock). Once they were deprived of their "traditional livelihood," it was assumed that they would be forced into the colonial workforce. Indigenous had to apply to the governor for permission to own livestock. Another set of regulations sought to control their movements through "pass laws": people were required to wear brass tokens around their necks, a central register of natives was to be developed, and work contracts were regulated. Settlers were given the right to engage in "fatherly chastisement" of their workers. Lastly, and ominously for Bushmen, it was decreed that "natives who are loitering, may be punished as vagrants, when they can show no means of support."²⁸ These three sets of regulations locked together in a mutually supporting way to forcibly incorporate indigenous people into the settler-controlled economy. In September 1907, commenting on the *Eingeborenen-Verordnungen* ("Indigenous Ordinances"), the *Windhuker Nachrichten* said,

The native must be made aware that he has a right to exist only in direct dependence on the territorial authorities; without this, he is in a certain sense an outlaw: a livelihood outside of working for whites is not available to him.²⁹

Directly and indirectly, this legislation facilitated the genocide of a people whose mode of existence was defined by the state as vagrancy or outlawry.

The bitter reality for settlers was that they were faced with a critical labor crisis of their own making and had to make do with Bushman labor, no matter how unsatisfactory they alleged it to be. By 1908 police and military patrols were rounding up Bushmen and allocating them to farmers as laborers. The mines also required labor: a military patrol from the Waterberg rounded up some fifty Bushmen in the vicinity of Tsumeb and transferred them to the mines as laborers.³⁰ In 1910, the Outjo District Council decided that *all* Bushmen in the district should report for work, and, ultimately, police succeeded in rounding up more than 100.³¹ Of the 2,829 Bushmen enumerated in the 1912 Grootfontein census, some 997 were already listed as working for settlers. Trooper Walbaum also observed that most of the farm laborers in the district were Bushmen.

As part of the effort to implement these laws, the territory underwent administrative re-organization and the formalization of the bureaucracy. The number of administrative districts increased from six in 1903 to sixteen in 1914. The establishment of a police zone in the north and a *Sperrgebiet* ("prohibited area") in the Namib Desert served to concentrate the settler population in the center of the country. While the military was reduced in size from 3,988 in 1907/1908 to 1,970 in 1912, a police force was created in 1905 to fill the vacuum. In 1907 it consisted of eighty-four Europeans at thirty-two stations,³² by 1913 the police force consisted of at least twenty-eight sergeant majors, 532 Europeans, and 370 native police based at 111 stations.³³

Not only the significant expansion in European settlement after the official ending of the 1904–1907 war but also the location of these settlers is important. One of the magnet areas was the northeastern district of Grootfontein, where a higher rainfall and many springs made the area attractive to smallholders. The extension of the railway line to the nearby Tsumeb copper mine, with its ready market, further served to enhance the area's appeal for settlers and speculators. Of the various towns and districts in Namibia, Grootfontein displayed the most rapid growth

between 1911 and 1913. More telling, though, was the expansion of European farms in the district, from twenty-five in 1904 to 173 in 1913, encompassing 777,077 ha. The number of settler-owned cattle in the district increased from 7,600 in 1908 to 13,611 in 1912.³⁴ Outjo District, lying directly adjacent to Grootfontein experienced a similar expansion with some 431,125 ha occupied by farms. This area was not *terra nullius* but, rather, the traditional habitat of Bushmen. If police are stationed where the trouble is, then these two districts were clearly the epicenter. By 1907 Grootfontein already boasted the single largest contingent of police—some eighty-two personnel, including one warrant officer and nine sergeants. In 1912 that dubious honor fell to Outjo.³⁵

These developments were indicative of, and led to, violence. As Stals points out, by 1910 the only real security problems for settlers in the colony were the Bondelswarts, part of the legacy of the 1904–1907 war in the far south, and the Bushmen in the north and east.³⁶ A few murders of Owambo and German settlers by Bushmen led to an outcry in the settler press. Headlines like “Bushman Pestilence,” “Bushman Plague,” and “Bushman Danger” were common coinage. Powerful forces, namely the Luderitzbucht Chamber of Mines and the various farmers’ organizations, called on the government to act. Especially egregious to the mining industry was an attack on some sixty-nine returning Owambo contract workers, which they felt would disrupt the labor supply. Energetic disciplinary action was called for, thundered the *Südwest-Zeitung*, claiming that it was outrageous that two Bushmen armed with bows and arrows could put to flight a group of thirty Owambo contract workers, with an obvious, if unstated, impact on labor recruitment.³⁷ Reinforcements and “mobile” police stations were necessary.

Similarly, the *Deutsche-Kolonialzeitung* complained in of attacks on Owambo migrant-contract laborers and reported that the Grootfontein District Council had, by a large majority, voted to place non-working Bushmen on a reserve on the other side of the Police Zone, an area beyond that recently occupied by European settlers.³⁸ Captured Bushmen were to be sent to work in the diamond mines in Ludertizbucht. These suggestions received a sympathetic hearing in the colonial press and among officials.³⁹

The supposedly liberal Governor Theodor Seitz, advised by Native Commissioner Kurt Streitwolf, also a “liberal,”⁴⁰ opted for a strong-arm strategy, increasing the number and power of police and military units in the troubled area and proclaiming, *inter alia*,

1. When patrol officers of the police are searching Bushmen areas, breaking up their settlements or searching for cattle thieves and robber bands, *they must have their weapons ready to fire at all times, using of course the utmost caution.*
2. *Firearms are to be used in the slightest case of insubordination against officials. When a felon is either caught in the act, or when being hunted down, “does not stop on command” but tries to escape through flight.*
3. The native police servant who is accompanying or guiding a patrol may carry a firearm, model 71 (Mauser rifle) with full responsibility in all areas where the Bushmen live.

The way in which State officials are to act towards Bushmen is regulated by the following rules. Even though it may be difficult, one should strive to keep the Bushmen at work. Forced dislocation of a Bushman werft [encampment] may only take place if they have been stealing stock or robbing or have attacked Europeans or their native workers . . .

If some of the male Bushmen who have been arrested are strong enough to work, they should be handed over to the district authorities at Luderitzbucht to work in the Diamond Fields.⁴¹

Seitz’s immediate subordinates felt that these draconian measures did not go far enough. More specifically, the commander of the *Schutztruppe* felt that the *Verordnung* was unsatisfactory because the term “felon” would raise problems; he urged that the proclamation be amended to state that any Bushman who did not stop on command could be shot. Since it was impossible to say from which *werft* (loosely, “encampment”) the alleged culprit came, he said, “it was nearly futile not to break up and arrest the members of all the settlements in the area where the patrol is operating.” The district commandant of Outjo went even further: he wanted to include women in the definition of Bushmen, as they “were just as dangerous.” Only one district commandant, Beringar van Zastrow of Grootfontein, felt that Seitz’s measures were too draconian, but even his protests were muted.

Given the broad interpretation of what constituted the “slightest case of insubordination,” or even the Germans’ dubious linguistic capacity to tell Bushmen to stop “on command” and the fact that it was common knowledge that Bushmen fled at the sight of any patrol, this *Verordnung* constituted, in effect, as later events were to show, a warrant for genocide. Insofar as it was crucial in providing a legal underpinning for sustained purposeful action by officials and settlers to carry out a policy referred to in the settler press and administration as “*Ausrottung*” (extermination), this was more than simply an episodic massacre or pogrom; it was embedded within settler society. Of course, the creation of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide was still several decades away at the time of these events, but, like genocide scholar Helen Fein, I treat this as a sociological genocide. All the facilitative characteristics for genocide were present—deep structural divisions, identifiable victim groups, legitimating hate ideology and a breakdown of moral restraints, and what we might call “audience obliviousness” (toleration by local, national, and international communities).⁴²

Action was indeed thorough. The governor’s annual report for 1911–1912 notes that in that year alone police, often supported by soldiers, undertook more than 400 Bushman patrols in the Grootfontein, Outjo, Rehoboth, and Maltahohe districts, covering some 60,000 km². Attempts at controlling vagrants, mostly Bushmen, by issuing metal “dog tag” passes were so unsuccessful that settlers, the press, and the *Landesrat* discussed the possibility of tattooing Bushman vagrants, but this suggestion was dropped, largely because of “technical difficulties” and the possibility of public outcry in Germany.⁴³

Still, the “Bushman problem” did not go away. In April 1912, Seitz addressed the *Landesrat*, acknowledging that there were still many difficulties because of robberies committed by Bushmen in the Grootfontein, Outjo, and Maltahohe Districts and that there was a need to further increase punishment.⁴⁴ By early 1912, the area west of the Etosha Pan had been “cleansed” of Bushmen and the police station at Okakeujo reinforced with additional personnel. Attacks on Owambo migrant workers, however, continued to such an extent that the Luderitzbucht Chamber of Mines urgently requested the government to “please be so kind as to immediately start with the sanitization of the Bushman hordes in that area.”⁴⁵ The Chamber of Mines was supported by the Outjo district head, Dr. Schultze-Jena, who proposed that all Bushmen in his district be forcibly removed to the coast. The governor vetoed this suggestion, both because of the cost, which was estimated at

between 50,000 and 60,000 marks per annum, and out of concern that such a strategy might draw unwelcome public criticism in Germany; more specifically, there would be a “very undesirable public discussion if natives who have not broken the law were to be removed as prisoners to an area where the climate would kill many of them.”⁴⁶ The troops sent to deal with these raids found it almost impossible to control the Bushmen, who could easily escape into the thick bush with its many hidden springs. The only workable solution, the governor believed, was to provide military escorts to Owambo workers.⁴⁷

A short while later, the acting head of Grootfontein District, Otto Link, urgently requested that the governor deport all the collected Bushmen to the Luderitzbucht diamond fields. Moreover, he urged, the military should assist, as the police were too few to undertake preventive patrols. Now was the time for raids against the Bushmen, he felt, as they were congregated around waterholes for the winter prior to the rains. A negative response from Windhoek did not stop Link from proposing the same total deportation or “cleansing” policy for his district the very next year, in response to a unanimous petition from the local Farmers Union, which begged the Kaiser to undertake the “most stringent possible measures to end the present situation” because life and possessions of farmers were in “high danger” from “every Bushman from the Otjijita Mountains to Nurugas who are nomadic.”⁴⁸ This time the governor, angered by the murder of two white settlers by Bushmen, agreed, and thirty additional troops were seconded to deal specifically with the “Bushman danger.” A short while later, Link reported that the Army’s 4th Company had managed to kill ten Bushmen and capture thirty.⁴⁹

Official documentation is suggestive about the atmosphere reigning in Grootfontein settler circles. In a sworn deposition in a court case tried by the South Africans, one Farmer Thomas averred,

In 1911 I had a fight with Bushmen. I shot one and wounded, I believe, three or four. I was never tried by a German court for having shot these Bushmen. I have accompanied the German police and troops when they used to hunt Bushmen but I do not know how many Bushmen I shot then.⁵⁰

In early 1915, Farmer K. Boehme of Kakuse West wrote to Governor Seitz concerning the problem of labor and the “more burning question” of how to protect settlers from Bushmen. Although he had given his Bushman laborers meat, they had run away and then attempted to drive off livestock, but he and some Herero tracked them for about 7 km:

There we found a fire with five Bushmen sitting around it. Unfortunately, they ran away too soon because of my dogs. But one was grabbed by my dogs and prevented from fleeing. He then grabbed for his bow and arrows but was stopped by my twelve-year-old Herero helper who called for help whereupon I fired. I recognized the corpse to my astonishment as [illegible] the Bushman [illegible] who had been taken to Tsumeb about three weeks ago. My two Herero assistants claimed to recognize all five Bushmen [illegible]... (Included a ca. seven-year-old) ... I have repeatedly requested the competent District Office to deport the Bushmen or to kill them off [*abschiessen*]. It seems that I will only get an answer to the Bushman question if I write directly to the Imperial Government or to the Colonial Office.⁵¹

Boehme was friendly with another farmer, Karl Wilhelm Becker, who in 1916 was charged with murder, having killed two male and four female Bushmen (two of them children) when he surprised them eating his ox. He was accompanied by a farm laborer, a Bushman named Max, who said he had “not reported the matter to the police

because I was afraid the Boss would have killed me if I did so. I ran away when we got to the house. I ran to the Sandveld because if I went towards the Police Station the master might have found me on the road and shot me.” Becker openly boasted about his Bushman-hunting exploits to the police. The South Africans found him guilty of murder and sentenced him to life imprisonment, citing as mitigating circumstances the fact that the German administration had condoned such killings.⁵²

Captured Bushmen were usually deported to the coast to work in cold and damp conditions at Swakopmund and Luderitzbucht, and sometimes in the mines at Tsumeb.⁵³ Hard statistics are difficult to come by, but some indicators are available. A letter from the Grootfontein District secretary reports twenty-seven Bushman men, twenty-four women, and twenty-four children captured. Of these, twelve men, two children, and two women were being sent to Swakopmund. The women were wives of men killed in skirmishes with troops, and it was assumed that they would hate settlers and perpetuate acts of brigandage. One survey of Bushman prisoners in Swakopmund lists thirty-two, of whom fifteen died within a year.⁵⁴

Booty Capitalism

Karl Marx, of course, called this process of accumulation by dispossession “primitive accumulation.” Noting the contemporary ubiquity of “primitive accumulation,” David Harvey prefers the term “accumulation by dispossession.”⁵⁵ Max Weber was also concerned with social processes of this nature, which he termed “booty capitalism” or “adventure capitalism,” a rather daring and ruthless predatory form of capitalism in which profit is made possible by direct force or domination. It was, said Weber, a largely unethical capitalism, inspired by the “inner attitude of the adventurer, which laughs at all ethical limitations. . . . Absolute and conscious ruthlessness in acquisition has often stood in the closest connection with the strictest conformity to tradition.”⁵⁶

A characteristic emphasized by neither Marx nor Weber—nor, indeed, most works on colonial genocide—concerns demographics.⁵⁷ In such booty-capitalist or “primitive accumulative” moments, there is typically a severe gender imbalance. Men overwhelmingly predominate. Leaving aside the sizeable male military presence in German South West Africa in 1912, there were 9,046 adult male Europeans over fifteen, of whom only 2,438 were married. Of those claiming to be married, 1,970 had European wives living with them, 421 claimed absentee European wives, and forty-seven were married to “coloreds.”⁵⁸ Immediately before World War I, settler gender balance reached its most equitable, with one woman for every five men.⁵⁹

During this period, there were five factors relevant to a proclivity to violence, factors that, in certain combinations, can produce a lethal cocktail for potential violence, including genocidal violence. First, and most importantly, as David Courtwright has shown, wherever there are large concentrations of single men, violence in its various manifestations is endemic.⁶⁰ Colonial writers often took a certain pride in the violent colonial ethos.⁶¹ Violence was both action and attitude. After a visit to Luderitzbucht, prospector Fred Cornell described the treatment of Herero and Nama prisoners:

I had seen something of this myself, and had heard more from ex-German soldiers themselves, who with extraordinary callousness used to show whole series of illustrated postcards, depicting wholesale executions and similar gruesome doings to death of these poor natives. One of these, that enjoyed great vogue at the time, showed a line of ten Hottentots dangling from a single gallows. And each and every German soldier in the photo was striking an attitude and smirking towards the camera in pleasurable

anticipation of the fine figure he would cut when the photo was published. This, I repeat, was only one of many that enjoyed a big sale in German South-West for the delectation of admiring friends in the Father-land. Absolutely no mercy was shown to these unfortunate creatures ...⁶²

Such everyday visual acceptance—and, indeed, active encouragement—to treat the other as decidedly inferior was an important factor in creating and sustaining the local *Zeitgeist* in which genocide could occur.

The second factor relates to sex. Some contemporary accounts estimate that 90% of all white men lived in so-called concubinage relationships; while such relationships might have dampened disorder and violence, it was government policy to actively discourage them, especially after 1904.⁶³ At the same time, such relationships precipitated violence. The first South African military magistrate in the Grootfontein District admitted, “It seems that the Bushmen have lost all faith in the white man’s methods [of justice], more especially as their women were being constantly interfered with by both farmers and police.”⁶⁴ Major T.L. O’Reilly, the military magistrate who drafted the Blue Book on Germany’s treatment of the natives, concluded that, based on evidence from missionaries and German officials and statements by natives, “The chief cause of all the trouble between Germans and Bushmen was that the Germans would persist in taking the Bushwomen from their husbands and using them as concubines.”⁶⁵ He also cited Johannes Kruger, described as “an intelligent Cape Bastard,” who in 1895 was appointed by Governor Leutwein as “Chief of the natives of Grootfontein,” as claiming that “the whole district is full of these German-Bushwomen cross-breeds.”⁶⁶ This, in turn, generated fears of Bushman “Retribution,” which settlers believed was best pre-empted by killing.

A third factor relating to the demographic imbalance concerns alcohol, the misuse of which is generally a valid indicator of social disorder. Alcohol consumption among settlers was striking. In 1903, of the 167 firms and companies licensed in the *Schutzgebiet*, one-third were involved with the alcohol trade. By 1913, there was one commercial drinking establishment for every seventy-eight Europeans; Windhoek, with a population of 500 Europeans, had fourteen public bars—approximately one bar for every forty-one settlers.⁶⁷ Tellingly, there was some criticism of settlers’ excessive alcohol consumption, especially from the so-called moral purity movements in Germany.⁶⁸ A Dr. Warneck, for example, complained that beer consumption in the *Schutzgebiet* was 50% higher than in Germany.⁶⁹ Others noted complaints that farmers would consume champagne for any slight occasion, despite having to pay twenty marks for a bottle; they drank it like soda water and called it “*Farmer Weisse*.”⁷⁰ Discussing unsuccessful horticultural smallholders, Clara Brockmann suggested that many failed not only because of “inactivity” and “stubbornness” but also as a result of “playing the great gentleman” and “drinking themselves to ruin by buying rounds of champagne.”⁷¹ Alcohol numbs the sense of bourgeois decency; the breakdown of “moral restraints” in facilitating mass killing is well known, and excessive alcohol consumption is generally associated with such breakdowns.⁷²

Fourth, the socioeconomic background of all these rather virile male settlers needs to be considered. This is important, given Weber’s insight about the connection between adventure capitalism and its “closest connection with the strictest conformity to tradition.” Recalling his visit to the *Schutzgebiet*, Moritz Bonn observed,

In South-West Africa, we have created a kind of manorial system with a European lord of the manor and an African serf. . . . You quickly drift into European problems . . .

but whatever you do on African soil will always be merely “semi-European.” The democracies you create are not a people, but merely a class, whose progress, existence and safety depends on the services of a subject race which they cannot amalgamate, but which they must rule. There lies . . . the labour foundation of the African society.⁷³

Most of the junior officials Bonn encountered

were scions of the Prussian nobility who had not learned much and who were suspicious of every kind of learning. They had come out to Africa because it offered them a chance of bossing on a scale no longer available even in darkest Pomerania.⁷⁴

The *Schutztruppe* contained a high proportion of officers descended from distinguished military families,⁷⁵ and their legacy lives on in the form of the fake Rhenish castles and massive monuments that are so popular with tourists nowadays. Even the missionaries Bonn found disappointing: “Their small-town minds had been trained in that docile obedience which was a distinctive feature of German Lutheranism; they did not dare to stand up for the rights of the natives or even for their own work.”⁷⁶ This mindset of arrogance combined with unquestioning acceptance of orders, or of the dictates of science, helped facilitate the exercise of killing people defined as “lesser,” whether for the purposes of massacre or of genocide.

The fifth consequence of the demographics of settler society, as Courtwright suggests, concerns the important role of widespread rumors.⁷⁷ Rumors were especially apt to generate insecurity when the settlers were thinly scattered on the ground. Paranoia was widely recognized. As Walbaum’s commander advised, “The people out there will have some gruesome stories to tell you, but only half of them are true.”⁷⁸ Undoubtedly the situation bred a remarkable paranoia. Indeed, Jan-Bart Gewald sees paranoia as a major factor leading to the German–Herero War, and Isobel Hull reports that even General von Trotha suffered from fantasies in which he doubted the magnitude of the dying and believed that the Herero had simply vanished and would return to fight.⁷⁹ Paranoia manifests and infiltrates the business of living in various subtle ways. While the laws were draconian, their effectiveness was constantly doubted, and attempts to ensure more regularization through the plethora of rules and regulations controlling indigenes served only to exacerbate the situation.⁸⁰ The administration soon realized this:

[I]t will frequently be found that natives who are actually vagrants are in possession of registration badges, these are obtained from other natives or stolen. Care should therefore be taken that proper proof of employment is produced and that the native is in possession of his own registration badge.⁸¹

The colonial wars in Namibia between 1903 and 1907 were subject to extensive media scrutiny,⁸² at least in the early stages, or until the conflict began to drag out into a long and costly low-intensity guerrilla war, largely in the south and in the northeast. Abuses by settlers and officials led to sufficient public outcry that the Social Democrats and the various Catholic parties in the Reichstag were able to impose some controls on colonial affairs. Colonizers became acutely conscious that their actions were subject to careful scrutiny and criticism in the metropole. Comments like those made in 1906 by one Dr. Schaedler in the Reichstag obviously had an impact on settlers:

The story of our colonies contains a whole series of events of a not too pleasant kind; embezzlements, falsifying of evidence, senseless cruelties, assaults on women, horrible ill-treatment—things that do not contribute to a laurel wreath. The colonies must be no dumping ground for second-rate people.⁸³

Fear of criticism influenced how they treated strangers who might be critical. Bonn, for example, found that on his 1907 visit, officials and many settlers refused to assist him in his inquiries until he threatened to make their lack of cooperation a matter of public record.⁸⁴ Settlers and officials had reason to be suspicious of meddling metropolitan types because of the claims made in the *Reichstag* by one of its leading members, August Bebel, in 1905 to the effect that it was difficult for people to send unpopular reports to Europe and Germany about the administration there because if it became known who the individual was, “his entire existence is placed in jeopardy.”⁸⁵ Similarly, for economic reasons, colonial civil servants, unlike their metropolitan counterparts, lacked tenure and thus were discouraged from questioning or taking a stand against abuses, and from criticizing their superiors, by the fear of losing their jobs.⁸⁶

The *Musterstaat* as Ceremonial State

The situation in German South-West Africa was rife with contradictions. Settlers hated the indigenes yet depended on them; they disliked the government but relied heavily on it. In such circumstances, there was a strong emphasis—indeed, some visitors felt, an overemphasis—on ritual and ceremonialism. On a 1913 visit, South African anthropologist A. Winifred Hoernle complained, “It is awkward having anything to do with the Germans because rank counts so much and one can’t get to the individual direct.”⁸⁷ Excessive formality can disguise many features, including ignorance. The *Weltanschauung* of such persona, I suggest, had two important consequences. First, it produced an excessive reliance on the letter of the law; second, it meant that the words of academics and scholars carried a certain, often exaggerated, authority. Both were crucial factors in the Bushman genocide.

Ritual plays a crucial role both in coping with uncertainty and insecurity at the individual level and in state formation at the collective level. The casual observer of colonial photographs⁸⁸ is struck by the immense time, money, and effort spent on secular ritual. Many have argued that inculcating awe and respect for the colonizer was more important than force as a means of ruling, and here “invented traditions,” such as commemorative events, frequently justified by monuments, were especially important. Certainly they were deployed for such purposes in Namibia, given the fractured and politically divisive nature of the Namibian settler community. While Helmuth Bley is undoubtedly correct in noting their emotional and political impact upon indigenes,⁸⁹ my concern here is to note their impact on the colonials as well.

Often ignored but crucial were the day-to-day rituals, and, indeed, this was where natives experienced the state. There was a veritable industry for socializing intending settlers, which covered the gamut from *Handbucher für Auswanderungslustige* (handbooks for those intending to travel abroad) to special schools in Germany, and “proper” interracial etiquette featured prominently.⁹⁰ Laws underwrote seemingly trivial daily interaction rituals of subordination for indigenes, such as prohibiting indigenes from walking on sidewalks and forcing them to greet settlers respectfully and not to make loud noises. Laws also reinforced certain stereotypes. Consider the *väterliches Züchtigungsrecht*, the law of paternal chastisement. This meshed well with the notion that indigenes were like dependent children who had to be disciplined in order to become well brought up, a notion lent added credence by the fact that in Germany corporal punishment was allowed only in schools and in the home.

Given the shortage of personnel to enforce compliance, interaction rituals between colonizer and colonized took on an added dimension. The colonial situation calls forth

exaggerated etiquette from both colonizer and colonized. According to Albert Memmi, "formalism is the cyst into which colonial society shuts itself and hardens, degrading its own life in order to save it. It is a spontaneous action of self-defense, a means of safeguarding the collective consciousness."⁹¹ Memmi has noted the profound ambivalence that permeates the colonial project: How could the colonizer look after his workers while periodically gunning down a crowd of the colonized? For the colonizer, to think about the contradictions inherent in colonialism was to undermine it. The panoply of legislation and the activities of scholars represented a mechanism for the colonizers to grant themselves self-absolution.

This image of a smoothly functioning social order creates the capacity for fascist self-delusion. As Erving Goffman has noted:

A performer may be taken in by his own act, convinced at the moment that the impression of reality which he fosters is the one and only reality. In such cases the performer comes to be his own audience; he comes to be performer and observer of the same show. Presumably he intrcepts or incorporates the standards he attempts to maintain in the presence of others so that his conscience requires him to act in a socially proper way. It will have been necessary for the individual in his performing capacity to conceal from himself in his audience capacity the discreditable facts he has had to learn about the performance; in everyday terms, there will be things he knows, or has known, that he will not be able to tell himself.⁹²

Recht Machen mit Rechtsstaat (Making Right with a Rechtsstaat)

Settlement involves not only physical movement but also a psychic domain: angst and other anxieties must be allayed for settlers to be settled. Law is crucial in this operation, creating what Jürgen Habermas has termed "facticity."⁹³ Settlers, while in a position of domination, suffer the unbearable powerlessness of "waiting"⁹⁴ and seek to stabilize their situation through the magical use of law. As an ideology, law contributes to the social construction of the social world by creating images of social relationships as natural and fair to the settlers because they are endowed with legality.

The emphasis on the instrumentality of legislation has diverted attention from the contradictions inherent in it. We must look not only at what the law says but also at what it does. In particular, the cultural and attendant "moral" meanings of this legislation have been ignored. The 1907 Native Regulations were important for the settlers not only on an instrumental level but also on a symbolic level. For the first time, the distinction between "whites" and "indigenes" was legally recognized,⁹⁵ and thus the issue of sovereignty was touched upon. Sovereignty is not about determining the law but about determining who is exempt from it, as Giorgio Agamben has argued.⁹⁶ But there are two types of exemptions: first, those whereby those with power can ignore the law and foist their will upon the less powerful; and, second, those whereby the vulnerable and less powerful are defined as beyond the law, as *Vogelfrei* (literally, "free birds"). The latter is obvious, if frequently overlooked, in von Trotha's infamous "extermination order," the very first sentence of which is "*you have ceased to be German subjects*"—the implication being that, as non-German subjects, they are beyond the realm and protection of German law. This idea meshed well with the German jurisprudential notion of *Rechtsstaat* (roughly translated as "constitutional state"), which, essentially, makes everyone equal who is subjugated by the same law within the bounds of the state. According to the Native Regulations, indigenes without labor contracts were without legal rights and could be punished as vagrants.

It also validated the ability of settlers to engage in private policing. The *Musterstaat* survived by franchising its legal use of violence to its settlers.

Authorization or legality displaced legitimacy as a key concern. In the *Schutzgebiet*, as in apartheid South Africa, oppression occurred not so much through terror per se as by the routinization of terror in day-to-day interaction. “Lumping it” (ignoring the state officials) or “redressive self-help” (do-it-yourself justice) were apparently common settler strategies on the outlying farms, especially in the Grootfontein and Outjo Districts.⁹⁷ Indeed, these strategies led to a sub-genre of German colonial literature, epitomized most notably by Hans Grimm, author of the influential Nazi-era bestseller *Volk ohne Raum* (“A People without Space”). Such misguided settler self-help was not seen as mistreatment but justified as “discipline” (*Züchtigung*).

Another level at which the *Rechtsstaat* played a role was the quality of the formal judicial structure. Even while en route to Swakopmund from Germany, General von Trotha issued orders empowering every commanding officer to suspend preliminary judicial proceedings and to shoot any enemy. Other “colored” inhabitants, if suspected, were to be tried by field courts.⁹⁸

In 1912 a Dr. Müller complained in the Reichstag,

Our civil and military administration of justice is simply indefensible. . . . With regard to native justice and administration there exists an incredible uncertainty concerning the powers of the administrative authorities. . . . One judge uses the German penal code without further ado. . . . Another does not use the penal code at all. In short, our criminal proceedings leave the natives entirely without rights.⁹⁹

The courts were lenient when forced to take action against settlers for killing indigenes; homicides were invariably justified as “accidental” or as necessary for “public safety.”¹⁰⁰ Settlers frequently justified their own actions and mistreatment of indigenes by referring to the actions of von Trotha and other (quasi-)legal officials. In Namibia, Harry Schwirck concludes, “a whole legal discourse and law itself enabled rather than restrained colonial abuse.”¹⁰¹

Bleibt da etwas anderes übrig als Erschiessen? Soft alternatives to genocide?

The infamous 1911 *Verordnungen* were not the result of a unanimous decision. Rather, policy makers had to accommodate different stakeholders, and the results must be seen as part of a larger policy debate about the “Bushman Danger,” which drew upon historical and “scientific precedent” and which produced three options in addition to direct extermination. The first of these involved “cleansing” the area by deporting captured Bushmen to the coast or driving them into the vast sandy waterless area to the northeast of Grootfontein, known as the Kaukauveldt (an area deemed unsuitable for European settlement). This was the option favored by many settlers. A second option was to “civilize” Bushmen by habituating them to work. This option was given lip service by occasional settlers but did not form part of settler ideology; on the contrary, settlers were very suspicious of attempts to link education with labor laws.¹⁰² The main proponents of this option appear to have been missionaries and some humanitarian-oriented officials. The third option was the creation of special “reserves”—what were known in Europe as “ghettoes”—for Bushmen. In a sense, this was a compromise favored by officials as a way to circumvent criticism from the metropole, even though most believed it to be unworkable, given the Bushmen’s alleged inherent *Wanderlust*.

The reserve option was given official credence in a memorandum drafted by Dr. Seibert, the government’s chief medical officer:

[Bushmen] are unsuitable as settled employees, and the relinquishment of their nomadic lifestyle spells their doom. While they are of little economic value, they are of large scientific value. And even the Cameroons have a law, which protects gorillas by placing them in reserves.¹⁰³

Copies of Seibert’s letter were sent to all the relevant district heads for comment; all the comments were negative, with the notable exception of those of Beringar von Zastrow, the Grootfontein *Bezirkamtmann* (district head), in this case supported by the farmer-dominated Grootfontein District Council, which had requested that all “non-working” (!) Bushmen be placed on a reserve. Von Zastrow felt that the area northeast of Grootfontein, beyond the police zone (an area settlers could only enter with special permits), already constituted a de facto reserve. Objections raised by the other *Bezirkamtmänner* included the following: that reservations would lead to a concentration of stock thieves and vagabonds; that it was impossible to keep the Bushmen within a demarcated area; that the landscape would be damaged through their hunting methods and veldt-fires; and that this policy would hinder efforts to educate “Bushmen through labor.” The Maltahöhe *Bezirkamtmann* characteristically replied that it was debatable whether there were any full-blooded Bushmen left, and a reserve would simply be a hiding place for runaway servants. Bushmen had excellent potential to serve as herd-boys. He concluded that

[a] wild animal (or gorilla) can be held captive for breeding in which case the race would not become extinct by the process of natural selection. It is not possible to hold a Namib Bushman captive because they are still human beings, *but they have no pride in their race*, in fact they are without racial consciousness.¹⁰⁴

His Outjo colleague argued that the scientific value of the Bushmen was minor compared to the security threat they posed to Owambo contract workers and white settlers.

The notion of a reserve was first mooted in 1906, when the prominent Berlin ethnologist Felix von Luschan suggested the creation of a South African Bushman reserve in the “interest of science.”¹⁰⁵ The *Deutsche Kolonialzeitung* took up the theme, arguing that the suggestion was also applicable to Namibia.¹⁰⁶ The Kalahari was the last asylum of the “*vertreibenen Ureinwohner* [expelled Aborigines].” The following year, Lt. P. Gentz, an officer with many years’ field experience, made a strong plea:

With the death-knell of these people ringing, one wishes that there was a reserve for them, as there are for the lazy Herero and Hottentots. A reserve where they can live in peace and where they can maintain their lifestyle so important for scholarly research.¹⁰⁷

Most officials with experience in Grootfontein, including von Zastrow and Hauptmann Müller, felt that a Bushman reserve already existed, created by the Bushmen themselves, in the Kaukauveld, but that forcibly moving Bushmen there was problematic not for ethical or ethnographic reasons, such as infringing on the territory of others, but—as Müller put it in 1912—because “I have never heard of anyone being successful at driving jackals before dogs.”¹⁰⁸

At present, data are scanty, but it is surely more than coincidental that, at the time when missionary Heinrich Vedder of the Rhenish Missionary Society and von Zastrow the Grootfontein *Bezirkamtmann* were expressing concern about the wholesale decimation of Bushmen, Reinhard Mumm, a leader of the Moral Purity Movement

and recently elected member of the Reichstag, made an eloquent plea for a reserve for the “poorest of the poor . . . the slaves of the slaves.” Bushmen, he claimed, were a product of a tragic history, dispossessed by farmers and railroad companies and riddled with venereal disease. As a reserve, Mumm suggested the area stretching from the Grootfontein farms to the Kavango River. He repeated his call for a Bushman reserve in 1914.¹⁰⁹ While Mumm’s plea did not have much impact, it is clear that there was an important information network linking the colony to the metropole.

The issue of whether Bushmen could be “habituated” to work also provoked much discussion among academics. The academic who provided the immediate reference point for the debate was the geographer Siegfried Passarge who, in 1907, published a compilation of his contributions to the *Mitteilungen aus des deutsches Schutzgebiets* as a book. His research was based on a sojourn of a few months in the Kalahari on an expedition led by Lord Lugard and accompanied by a Dutch-speaking Bushman. Most of his information was derived from white traders or Bechuanas, since he found it difficult to get information directly from Bushmen: “Nothing is more changeable, undependable, and unpredictable than the character of the Bushman; it combines within itself the greatest imaginable contrasts, virtues, and vices.”¹¹⁰ As a race, Bushmen were on a closed development path, he claimed; they were incapable of adapting to agriculture or pastoralism. Passarge concluded that the only viable policy, in a settlement situation, was extermination:

What can the civilized human manage to do with people who stand at the level of that sheep stealer? Jail and the correctional house would be a reward, and besides do not even exist in that country. *Does any possibility exist other than shooting them?*¹¹¹

Passarge’s efforts were sufficient to get him appointed, in 1908, to the inaugural Chair of Geography at the Hamburger Kolonial-Institut, the only geography department devoted solely to colonial geography.

Franz Seiner, an Austrian geographer, also participated in this discussion. He argued that adult male Bushmen were incorrigible, and thus best deported from the area where captured. The way to make Bushmen into reliable laborers was to start with the children and re-socialize them from an early age, divorced from their traditional milieu and from their parents. Bushmen were in no danger of extermination by farmers, he argued, because they had a vast “natural reserve” in the Kalahari. At the same time, Seiner felt that if women were placed on settler farms they would begin miscegenating with local blacks, leading to an overall superior labor force. He suggested that all the northern Bushmen—that is, those north of Grootfontein—were “Bastard Bushmen” (hybrids), and thus not an *Urrace* worthy of protection.¹¹²

In reality, as Lydia Höpker’s memoir attests, all these options were being practiced simultaneously. Bushmen were hunted, shot, and driven out of their areas, and their children were press-ganged into serving as cheap labor for farmers. Many officials used the belief that the Bushmen were already a “Bastard race” to argue against any need to “preserve” them.

Seiner’s and Passarge’s were not isolated academic voices. On the contrary, we should consider, for example, the remarks made by Leonard Schultze, a renowned geographer-anthropologist with extensive field experience in both Namibia and New Guinea. Schultze’s study of the Nama¹¹³ is widely regarded as definitive, and he coined the term “Khoisan,” which lumps “Bushmen” and “Khoi”(or Nama) together. Schultze undertook his research in Namibia during the notorious wars of 1904–1907. He profusely acknowledged the assistance given by General von Trotha, lauded as a fellow *Naturforscher* (natural scientist). Indeed, Schultze accompanied the German

troops in their last great flanking movement, which led to the death of Nama leader Hendrik Witbooi, and then accompanied Hauptmann Ludwig von Estorff in his famous tracking expedition, which pursued fleeing Nama and their allies to Rietfontein in the southern Kalahari. Obviously the war situation restricted his travels, and his research was carried out only in a small part of southern Namibia. The sample on which his famous classification is based was neither random nor large; it consisted of measuring twenty-six people in Walvis Bay and the rest, some fifty prisoners, almost exclusively in Keetmanshoop. Schultze measured some ninety characteristics, including such arcana as breast circumference, while the genitalia of his twelve female subjects enjoyed special emphasis. Six people measured in southern Botswana (Lehututu or Letlake Pan), together with three Namib Bushmen, constituted the "Bushman" sample. Given what we know about naming practices and theories of the time, it seems likely that his "Bushmen" were impoverished "Nama," and thus his new term simply reinforced conventional dogma.¹¹⁴ There was economic value in such "lumping." A few years after undertaking fieldwork that led to this formulation, he inveighed as follows:

The ethnologist may lament the fact that a portion of humanity with such strongly developed characteristics as displayed by the tribes of German South West Africa . . . will one day become *wholly melted down in order to be put into circulation again as common day labor coin, stamped with the imperial eagle and the Christian cross, with the inscription "colored laborer," to constitute an economic value.* But the struggle for our own existence allows no other solution. At the same time, work is the only solution for them: he who doesn't want to work perishes here with us as well; we have no reason to be more sentimental in Africa than in Europe. We who build our houses on the graves of those races must, however, take twice as seriously our obligation to avoid no sacrifices for the purposes of civilization, that is, for the greater development of all means of existence in this new land.¹¹⁵

Given such a *Weltanschauung*, Schultze's views on Bushmen are not surprising. He considered them the lowest of the low:

If we consider the natives according to their value as cultural factors in the protectorate, then one race is immediately eliminated: the Bushmen. The *Bushman lacks entirely the precondition of any cultural development: the drive to create something beyond everyday needs, to secure or permanently to improve systematically the conditions of existence, even the most primitive ones like the procurement of food.* In the course of centuries he has come into contact with cultures of all levels; in conflict with them he has often enough had the knife put to his throat; tireless missionaries have attempted to save him from such struggle, to protect and to join him as the modest member to a civilized community; but the Bushman has always run away. He feels better out in the Sandveld behind a windscreen of thin-leaf thornbush than in a solidly built house with a full pot and regular work—as long as he is *free*. Colonists cannot count on such people; they let them live as long as at least they do no damage. But when they do not fulfill this requirement, they have been *killed off like predatory game*. The idea has been considered to preserve the Bushmen in reservations as the last remnants of the primordial past of the human race, just as elsewhere attempts are made to save endangered animal species. But we will not be able to afford the luxury of leaving fallow the required land areas and everything else which man requires for the maintenance of the species without inbreeding.¹¹⁶

Even scholars defined as "liberal" supported this view. Paul Rohrbach, for example, suggested that "in Africa the extermination or the decay of the natives is impossible, excepting perhaps the few Bushmen in the southwest who at present are giving us serious trouble."¹¹⁷ To be sure, there was some criticism of this position from the

slightly more liberal anthropologists centered around the *Zeitschrift für Ethnologie* in Berlin, who in 1914 published von Zastrow's 1912 memorandum dismissing proposals calling for "shooting or deporting whole tribes as so absurd as not to deserve any consideration"¹¹⁸ and opted instead for economic integration and education. But this was decidedly a minority view. More typical was George McCall Theal, the leading South African historian, who carefully studied the available evidence and concluded in 1919,

It can now be asserted in positive language that the Bushmen were incapable of adopting European civilization. . . . To this day there has not been a single instance of a Bushman of pure blood having permanently adopted the habits of the white man.¹¹⁹

The relative importance of science and the practice of science in Germany *vis-à-vis* other colonial powers should be noted. German anthropology dominated its English and French counterparts; as early as 1885, von Luschan could already boast that the "Berlin collection is seven times as big as the ethnographic department of the British Museum." As late as 1920, with Germany stripped of its colonial possessions, the Berlin Gesellschaft für Anthropologie, Ethnologie und Urgeschichte had more members than the Royal Anthropological Institute and the American Anthropological Association combined. Even smaller German societies outdrew their British and US counterparts. In 1906, the Vienna Anthropological Society, for example, could claim 459 members.¹²⁰ Given the mandarin nature of German academe, this meant in practice that academic and scientific pronouncements enjoyed a much wider currency and authority in Germany than in the other metropolitan centers. Even critics of colonialism, such as Moritz Bonn, conceded that German scientific colonialism was more advanced than the British or French versions. It is within this context that one can appreciate von Luschan's claim that he was "entirely convinced that our late war in South-West Africa might have been avoided, and that it was simply the result of neglect of the teachings of ethnology on the part of leading officials."¹²¹

Certainly officials took scholars seriously. In November 1912, Franz Seiner wrote a letter concerning Bushman prisoners to the colonial secretary and enclosed photographs to illustrate his point about their mistreatment. His letter was forwarded to Governor Seitz for comment. Ten months later, after investigating the matter, the governor replied that he had no doubt that, if published, Seiner's photographs would provide "unpleasant agitation material against the Territorial administration." He then added, in a trope familiar to science, that

a more objective view of the situation must take into account the fact that the Bushmen are by no means only harmless children of nature, but constitute a serious danger to more intensive settlement of the fertile northern districts. Weakness cannot therefore be justified by any means in the treatment of the Bushmen.¹²²

These photographs are important—indeed, damning—for what is not discussed in the resulting correspondence. Two of the prisoners have amputated arms; this was a common way of dealing with Bushman "theft," yet neither then nor later did such practices merit discussion, let alone criticism.¹²³

While sweating at their uneconomical smallholdings in the Grootfontein district, many inexperienced and underfinanced settlers projected their wildest fantasies upon the "vagabond Bushmen," and their fantasies often meshed with those of academics. The same can be seen in the numerous reports written by officers and officials that were published in quasi-academic journals. With the exception of Seiner, the scholars whose material and ideas were so eagerly read and used by officials and settlers were

not in Namibia during the period when these Bushmen “hunts” were carried out. They were still involved in Bushman issues, but they seem to have been exclusively concerned with Bushman penises! A major question troubling some of the finest scholars was how to distinguish between “Bushmen” and “Hottentots.” Craniometrical differences between the two were insignificant, and thus the issue had to be resolved by other means. Within a few years the focus had shifted to penises as the differentiating trait. Especially influential were Seiner’s research on and photographs of Bushman prisoners; Seiner argued that the semi-erect penis of the Bushman was a distinctive racial characteristic and that Bushmen could be identified by the angle of the penis: “Exceptionally interesting is the circumstance that Bushmen do not have pendular penises like the other human races, but are in non-aroused circumstances horizontal like four-footed mammals.”¹²⁴

So intense was the debate over the Bushman/Hottentot distinction that Eugen Fischer, later to achieve a certain notoriety in Nazi Germany, wrote to Governor Seitz in 1913 requesting a Bushman penis. His letter contains detailed instructions about how to preserve the organ and the suggestion that if the governor had a condemned Bushman, the prisoner could be sent to Freiburg, where the cold climate would soon kill him and the good professor would have a fresh cadaver to work on. Bushmen’s genitalia seem to have transfixed many physical anthropologists, and this fascination continued to be a popular trope in German physical anthropology. Fischer, too, associated the genitalia of Bushmen with attributed animality. Genitalia were seen as clinching their intercalary role between humans and animals—a belief that lasted into the 1950s.¹²⁵

Seiner appears to have played a key role not only in stimulating this debate but also in directly and indirectly influencing official policy on Bushmen. Indeed, a closer reading of newspaper headlines featuring “The Bushman Danger” or “The Bushman Plague” indicates that all seem to be traceable to Seiner’s pen. Some felt that his claims were exaggerated—so much so that Seiner tried to sue an experienced settler newspaper editor and member of the *Landesrat*, Rudolf Kindt, for libel after the latter accused him of presenting reports laced with fantasy. Kindt obtained sworn statements from Pater Bierfort, a Catholic missionary on the Kavango River, who pointed out Seiner’s numerous elementary linguistic *faux pas*. Other expert witnesses testified to Seiner’s “*übernervoes*” and overanxious state: he was prone to take exception to the smallest thing, and once punished his *bambuse* (factotum) with twenty-five lashes. Bierfort, who served as Seiner’s interpreter, called his article on the “Bushman Danger” pure “invention.”¹²⁶ Seiner left the country before the case was settled. The fact that other observers disputed his claims of danger raises an intriguing question: Were Seiner’s (and, indeed, Passarge’s) statements about Bushmen based on scientific observation, or were they generated from his interactions with settlers, and, having been given scholarly credibility, did they then return to reinforce settlers’ fantasies and nightmares? This interpretation seems not only possible but likely.

Conclusion

What was a small war for Germany was genocide for Bushmen. Émile Durkheim’s distinction between necessary and sufficient conditions, first made in his classic study *Suicide*, is useful in examining this genocide. Sufficient conditions relate to intent (typically phrased in terms of policy), the focus of liberal analyses, while necessary conditions relate to structural features necessary for the genocide to occur.¹²⁷

These conditions are not mutually exclusive but must be analyzed synthetically, since the problem in examining colonial genocide is not to explain it so much as to understand the variations that occur. As I have pointed out, structurally German South West Africa was a classic case of Marxian “primitive accumulation” or Weberian “booty capitalism.” Seeing the situation as one of resource competition would appear attractive. Ecological pressure most certainly might have been a factor: as well as settlers’ having moved into Bushman territory, 1910 had also been a bad drought year, with only 42% of the average annual rainfall.¹²⁸ The fact that four of the following five rainy seasons also saw below-average rainfall aggravated the situation. In addition, the 1907 proclamation of the Etosha Game Park, in prime Bushman territory north of Grootfontein, and 1908 proclamations outlawing hunting out of season or without a written license conceivably added to the pressure. The Blue Book detailing Germany’s treatment of the indigenes cites approvingly an earlier official report dealing with Bushmen in the northern Cape in which Major J. Herbst (secretary for South West Africa at the time of the Blue Book) states that “the strict enforcement of the game laws has made the country unsafe for them. They profess to be unable to understand by what right Government protects the game and invariably ask to be shown the government brand on the animals.”¹²⁹

The problem with the ecological approach is that this was a case of genocide by long-term stealth. Bushmen, farmers, and officials occupied different ecological niches on the same terrain, and thus were not in direct or immediate competition. Rather, as in other parts of the Kalahari, a symbiosis emerged, and direct resource competition became an issue only much later. With respect to the game laws, it is obvious that state forces were thinly spread and had little chance of implementing these laws.

Theories on colonial genocides, those situations of brute “booty capitalism” or “primitive accumulation,” often ignore the importance of demographics and of psychologically pacifying settlers. In Namibia the settlers were spread thinly and came from a strong German tradition. Had they been less “tradition-bound,” they would probably have sought their fortunes in regions beyond German hegemony. In pacifying the colonizers, ceremonialism, and particularly the *Rechtsstaat*, played an important role. This emphasis fits the facts well and complements Isobel Hull’s recent argument about the role of German military culture (understood as a complex of habitual practices and basic assumptions embedded in its doctrines and administration).¹³⁰ In addition, German society valued the opinions of scholars to a far higher degree than other Europeans did. Indeed, the structure of both academia and the military had strong nationalistic overtones. This had important implications in facilitating the Bushman genocides.

Perhaps one of the most insightful analyses, not only linking Germany’s colonial experiences with the rise of the Nazis but also delving into the nature of genocide, is that of Moritz Bonn, who, unlike Hannah Arendt and other intellectuals, actually had first-hand experience of the colonies. An unpublished, undated paper titled “End of the Colonial Discussion” (probably written in the 1930s, when Bonn was in exile) provides the following analysis:

[Nazis] accept and amplify the racial theories by which General von Trotha had justified his policy of extirpating the rebellious Hereros by making them die of thirst in the Omaheke desert:—that according to the law of nature inferior races must die out when brought in contact with superior races. The Nazi creed is based on the same cheap conception of Darwinism, and like their colonial predecessors, they do not believe in the unaided working of this supposed law of nature[.]

The great Nordic race, as represented by Nazism, cannot defend itself against the Jews by its own superior values, except by closing all avenues of a living to them and by stealing their money. They are now doing on a much larger scale to the Jews what had been intended as punishment for the Hereros. The Hereros had undoubtedly rebelled—though they had been sorely tried—they murdered many German settlers; they had successfully outmaneuvered the rather theatrical German Army chief, who was ignorant of aboriginal warfare and in his wrath decided to inflict collective destruction on those who would not play the game of war in accordance with scientific rules. The Nazis hold German Jewry collectively responsible for the criminal act of a non-German Jew, who their own brutality had goaded into frenzied crime. His evil deed served them as a pretext, for a policy of expropriating, Jewish property . . . the Commander in South West Africa had hidden himself behind the law of nature in order to justify his brutal reprisals; the *Nazis are trying, as they have done all the time, to dress up their arbitrary, violent acts in the form of legality* . . .

As long as they express such doctrines there should be no discussion of returning the colonies because to *them justice is not an ethical conception, but a mere legal quibble*. Germany must learn that recognition of the right of self-determination for a majority does not include the right of extermination of an alien minority.¹³¹

This unpublished document is cited for a number of reasons. To begin with, it establishes that Bonn rather than Arendt was the first to see the connection between the colonial experience and the rise of Nazi totalitarianism.¹³² There may be a connection between colonialism and totalitarianism, as Arendt suggested, but it is necessary to note that the critique of totalitarianism may also have some colonial roots, as in Bonn’s case. Bonn’s central insight, however, is to highlight the importance of the manipulation of legal ideology in setting the stage for genocide, directing attention to the importance of the *Rechtsstaat*.

In this case, the *Rechtsstaat* facilitated two outcomes. First, it franchised coercive power to settlers while at the same time empowering them psychologically. It had magical qualities. Rohrbach, formerly settlement commissioner for German South West Africa, complained, “The conviction has gained ground that without the formality of the law and the juristic atmosphere of our high Prussian-German officials, nobody can administer anything.”¹³³ Nevertheless, such formality was a crucial factor in giving settlers a self-confidence that, Rohrbach believed, rendered them “spiritually more effective than any average million of people at home.”¹³⁴ Second, the *Rechtsstaat* attempted to create a supply of pliable labor by removing key elements of the means of production from a sizeable number of indigenes, especially Herero and Khoekhoegowab-speakers, by confiscating their lands and livestock and then attempting to tie them down to colonial employers through the permit system. Indigenes not on the reservations or carrying a pass were defined as criminal and punished as vagrants. Bushmen by definition, then, were vagrants and subject to punishment.

Justification for the Labor Regulations was couched in two ways: as a senior official told Colonial Secretary Dernberg during his visit to Windhoek, “If the natives ever become rich in cattle again, the safety of the country will be threatened.” It was equally important that settlers, officials, and scholars shared a dominant view that the object of the laws was to create an indigenous proletarian working class.¹³⁵ The official rhetoric of this milieu is rife with references to indigenes as “economic use units,” as in Schultze’s twisted phraseology, mentioned above, about the circulation of common labor coin stamped with the Imperial eagle and the Christian cross. Similarly, Rohrbach believed that indigenes had rights only if they could prove

that they could work.¹³⁶ In his popular Herero war novel, *Peter Mohr's Fahrt nach Südwest Afrika*, Gustav Frenssen has one of his soldiers exclaim, "These blacks deserved to be killed in the eyes of God and men; not because they murdered two hundred farmers and rose up against us in rebellion, but because they built no houses and dug no wells."¹³⁷ The attributes of Bushmen epitomized the critical distinction between Herero and Bushman: in the hierarchical typology developed by academics, Bushmen ranked even below Herero and Nama because, it was alleged, they had no property. It is not enough to recognize this hierarchy as neo-Darwinian; crucially, we must consider the basis on which the hierarchy was constructed. According to many colonials, Bushmen were *Vogelfrei*, precisely because they owned no property or had laws. Their alleged incapacity to work was also tied to notions of property. Most importantly, having no property meant that their territory was seen as *Herrenlos*, or *terra nullius*, and thus available for the taking by settlers.¹³⁸

For all the problems settlers claimed to have with them as workers, Herero and Nama could still be massaged into the system by manipulating their love of livestock.¹³⁹ While indigenes were prohibited from owning livestock, farmers used this love as a means of ensuring labor. According to the *Landesrat*, indigenes owned about 25% of all small stock and more than 20,000 head of cattle.¹⁴⁰ Most of this stock ownership was "informal," facilitated by settlers, since officially, between 1911 and 1914, the governor received only thirty-four applications for such licenses and approved thirty.¹⁴¹ Bushmen, believed to have no concept of property or wealth, could not be manipulated in this way, which gave emphasis to their "worthlessness" in settlers' eyes. As foragers, they were not dependent upon their colonial masters and could "drop out" or disengage from the colonial economy when they wanted to. This fact also facilitated the settlers' ability to project their worst fantasies and nightmares onto the Bushmen and explains why Bushmen served as convenient scapegoats to cover the incompetence of novice, and invariably underfunded, farmers. The Bushmen could not be controlled or integrated, and thus they had little "economic value."

While much effort has been expended in understanding that coterie of genocides known variously as "frontier" or "colonial" genocides, one of the major problems underlying these efforts is the issue of false comparisons. Invariably, the comparison is between Herero and Australian Aborigines. Alison Palmer, for example, distinguishes between "state" and "societal" genocides, the former referring to the Herero and the latter to Queensland, where genocide was not the product of direct state policy but, rather, the result of settler vigilantism tolerated by a state that lacked the resources to impose its will on the settlers.¹⁴² As the Bushman case shows, however, the boundaries between state and societal genocides are rather blurred. A comparison between the genocides of the Bushmen and of the Aborigines suggests several important similarities. Not only were both groups foragers living in mobile small groups with no clear-cut hierarchy, both had to deal with a sparse, mostly male, settler population. In terms of intellectual classifications concerning humans, it is no accident that, going back to the "Great Chain of Being," the two groups that were seen as most primitive were the Aborigines and the Bushmen.¹⁴³

Perhaps the most important recent contribution to understanding colonial genocides has been that of Jürgen Zimmerer,¹⁴⁴ who elaborates on Palmer's insights to make the case that such genocides occurred by way of pre-modern and incompletely bureaucratized states that could not control their unruly citizens (thus paving the way for vigilante action) and, at most, could only produce massacres, since they did not have the requisite organizational complexity. Zimmerer's analysis raises an important

question: How does one understand the end of the Bushman genocide that occurred when the South Africans took over? Certainly the Afrikaner settlers who slowly but surely supplanted the German settlers were believed to be far more racist, even in German times,¹⁴⁵ and the first South African administrators were notoriously unsympathetic toward Bushmen. Administrator A.J. Werth, for example, asserted that

We make no attempt to civilize the Bushmen. They are untameable. . . . The territory is so large and the Bushmen so cunning that an army might seek them in vain. But it is all fine country, splendid for sheep and cattle farming . . .¹⁴⁶

In addition, the territory had undergone significant, if not massive, de-bureaucratization. In 1923, the administrator complained that the administration consisted of only 311 officials, of whom 212 were temporary employees, and that there were massive morale problems because of anomalies in pay and allowances. (In contrast, 1,226 German officials were deported.) Similarly, the police force decreased from 440 European and 330 native police to 284 European and 239 native police in 1923, while the number of police stations decreased from 113 to thirty-nine.¹⁴⁷ Poor quality of personnel and woeful under-financing of transport was a constant administrative refrain—a situation conducive to vigilante-style actions against Bushmen, one would expect.

Bushman numbers belie the facile explanation that they had already been "tamed" by then. Nor is there any evidence that they were negatively affected by the great influenza epidemic of 1918. Three factors, I suggest, may be significant. The first relates to the notion of *Rechtsstaat*. For all the brute racism of the South African regime, there was no *Rechtsstaat* that could promote the grown of fascist self-delusion. Second, the South Africans deported most of the recent German settlers and left the *alte Afrikaner* who, like the racist but experienced Boers, realized that they had to live with the consequences of their actions and could not expect much state support. Finally, and perhaps most importantly, the South Africans did not want to be embarrassed at the League of Nations. They had painted the Germans as barbaric in making their claim for a Mandate, and thus could not afford to be accused in their turn of "barbaric atrocities." The so-called Bondelswarts Affair of 1922 had been a source of acute international mortification. The way in which the South African administration responded to even the most vague accusation that might reflect on their reputation as a competent Mandatory authority always seemed to involve a high-powered investigation and spin-doctoring.¹⁴⁸ Public embarrassment by way of a free press, as a potential deterrent to atrocity, had already demonstrated its potential in Germany. Now it flowered. Clearly, the international politics of embarrassment as a means of genocide prevention can work in unanticipated ways.

Notes

1. National Archives of Namibia [NAN] A.214, "Kriegstagebuch von Gunther Walbaum, 1914–1915," 39 [Walbaum, "Kriegstagebuch"]. Unless otherwise indicated in the notes, all translations into English are my own.
2. *Ibid.*, 42.
3. *Ibid.*, 49.
4. NAN, ADM 13/35 Grootfontein, Lawlessness of Bushmen, 1915, Administrator to Military Magistrate (9 December 1915), 2.
5. NAN, ADM 13/26 Bushman raiders, Grootfontein, Magistrate Gage to Secretary of the Protectorate (21 December 1918). Like most German scholars, the Reverend W.A. Norton

- visited Bushmen in the Grootfontein prison: "The poor things were trembling visibly, and seemed to think I was come to execute them . . . Some physical anthropologists, known to Cape Town, had recently visited them . . . and hence perhaps inspired the terror which greeted me." W.A. Norton, "The South-West Protectorate and Its Native Population," *South African Journal of Science* 16 (1920): 453–65, 454.
6. E.g., Jacqueline Solway, ed., *The Politics of Egalitarianism* (New York: Berghahn Books, 2006).
 7. See Robert J. Gordon, *The Bushman Myth and the Making of a Namibian Underclass* (Boulder, CO: Westview Press, 1992), which contains many of the empirical data on which this paper is based. See also Robert J. Gordon, "Covering the Tracks with Sand: P.J. Schoeman and Public Anthropology," *Historia* 52 (2007): 98–126.
 8. Jürgen Zimmerer and Joachim Zeller, eds., *Völkermord in Deutsch-Südwestafrika* (Berlin: Ch. Links Verlag, 2003).
 9. Ute Dieckmann, *Hai//om in the Etosha Region* (Basel: Basler Afrika Bibliographien, 2007); Gordon, *The Bushman Myth*, 218–19.
 10. Kae Matundu-Tjiparuro, "Ovaherero Reparations Case Ongoing," *New Era*, 31 August 2005.
 11. Jeremy Silvester and Jan-Bart Gewald, eds., *Words Cannot Be Found: German Colonial Rule in Namibia. An Annotated Reprint of the 1918 Blue Book* (Leiden: Brill, 2003), 235–45.
 12. Lawrence Green, *Where Men Still Dream* (Cape Town: Howard Timmins, 1945); Lawrence Green, *Strange Africa* (1938; reprint, Cape Town: Howard Timmins, 1981); Lawrence Green, *Lords of the Last Frontier* (1953; reprint, Cape Town: Howard Timmins, 1981).
 13. Sidney Legendre, *Okavango: Desert River* (New York: Messner, 1939); Negley Farson, *Behind God's Back* (New York: Harcourt Brace, 1941).
 14. "Die verwaisten Kinder solcher Buschleute wurden an Farmersfrauen verteilt, damit sie diese aufzoegen und sie spaeter als Bambusen benützten." Lydia Höpker, *Als Farmerin in Deutsch-Südwest* (1936; reprint, Otavi: E. Will, 1997), 49.
 15. Paul Vageler, *Afrikanische Mosaik* (Berlin: Paul Parey, 1941), 87.
 16. e.g. Zimmerer and Zeller, *Völkermord in Deutsch-Südwestafrika*, 45.
 17. David Pizzo, "Forged in Massacre: The Formation and Implications of European Conquest Tactics and Policy in the African Context" (MA thesis, University of North Carolina, Chapel Hill, 2001).
 18. Zimmerer and Zeller, *Völkermord in Deutsch-Südwestafrika*; A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocide of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36, 4 (2002): 7–36.
 19. Paul Rohrbach, *German World Policies*, trans. Edmund von Mach (New York: Macmillan, 1915); Moritz Bonn, *Wandering Scholar* (New York: Day & Co., 1949).
 20. Ernst L.P.Stals, *Kurt Streitwolf: Sy werk in Suidwes-Afrika 1899–1914* (Johannesburg: Perskor, 1978), 89.
 21. Horst Drechsler, *Let Us Die Fighting: The Struggle of the Herero and Nama against German Imperialism (1884–1915)*, trans. Bernd Zöllner (London: Zed Press, 1980).
 22. Philip Prein, "Guns and Top Hats: African Resistance in German South West Africa, 1907–1915," *Journal of Southern African Studies* 20 (1994): 99–121, 103.
 23. Lewis Gann and Peter Duignan, *The Rulers of German Africa* (Stanford, CA: Stanford University Press, 1977), 277.
 24. *Ibid.*, 241.
 25. Moritz Bonn, "German Colonial Policy," *United Empire* 5, 2 (1914): 129.
 26. Stals, *Kurt Streitwolf*, 102.
 27. Ernst L.P.Stals, "Duits Suidwes-Afrika na die Groot Opstande," *Archives Yearbook for South African History* 46 (1984): 1–154, 43.
 28. See, e.g., Helmut Bley, *South-West Africa under German Rule, 1895–1914* (Evanston, IL: Northwestern University Press, 1971), 170–73.

29. “Eingebornen-Verordnungen,” *Windhuker Nachrichten*, 19 September 1907, 1.
30. *Deutsche Südwest Zeitung*, 25 November 1908.
31. G.P.Kruger, *Outjo* (undated mimeograph, National Library of Namibia).
32. Zimmerer and Zeller, *Völkermord in Deutsch-Südwestafrika*, 36.
33. Stals, “Duits Suidwes-Afrika,” 66.
34. Gordon, *Bushman Myth*, 201–2.
35. Hans Rafalski, *Vom Niemanssland zum Ordnungstaat* (Berlin: Werseitz, 1930), 72; Dieckmann, *Hai//om in the Etosha Region*, 91.
36. Stals, “Duits Suidwes-Afrika,” 83.
37. *Südwest-Zeitung*, 17 October 1911.
38. *Deutsche Kolonialzeitung* 28 (1911): 773.
39. *Deutsche Kolonialzeitung* 29 (1912): 554; NAN, ZBU 2043, District Secretary to Governor (7 September 1913) [Link letter].
40. Gann and Duignan, *Rulers of German Africa* 142–43; Stals, “Duits Suidwes Afrika.”
41. NAN, ZBU 2043, Verordnung J.nr 26883/5391 (24 October 1911; emphasis added).
42. Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993).
43. Stals, “Duits Suidwes-Afrika,” 74, 84.
44. *Deutsch Südwest-Afrika Zeitung*, 27 April 1912, 1.
45. Cited by K.F.Budack, “Die Voelker Suedwestafrikas (21),” *Allgemeine Zeitung*, 10 October 1980, n.p.
46. NAN, ZBU 2043 Buschleute Specialia, Governor to District Head, Outjo (20 January 1913).
47. NAN, ZBU 2043 Letters, District Head, Outjo, to Governor (22 February 1913, 21 May 1914); Stals, “Duits Suidwes-Afrika,” 85.
48. *Deutsche Kolonialzeitung* 1913: 672–3.
49. NAN, ZBU 2043, Link Ref 644 (7 September 1913).
50. He was being unduly modest: archival records show that he had also killed a Bushman in March 1913 and then, on 20 August, had shot both two Bushmen (a man and a woman). NAN, *R. v. Thomas* (1917) SCW, 6; Link letter (7 September 1913).
51. NAN, ZBU 2043, K. Boehme to Imperial Government (4 February 1915).
52. NAN, *R. v. Becker* (1979) SCW; Silvester and Gewalt, *Words Cannot Be Found*, 311–12.
53. Stals, “Duits Suidwes-Afrika,” 46–47.
54. NAN, BSW 1/1/81 G35, ZBU 2043 (15 September 1913).
55. David Harvey, *The New Imperialism* (New York: Oxford University Press, 2005). For readers unfamiliar with primitive accumulation, Harvey mentions that it includes
the commoditization and privatization of land and the forceful expulsion of peasant populations; conversion of various forms of property rights (common, collective, state, etc.) into exclusive private property rights; suppression of rights to the commons; commoditization of labor power and the suppression of alternative (indigenous) forms of production and consumption; colonial, neo-colonial and imperial processes of appropriation of assets (including natural resources); monetization of exchange and taxation (particularly of land); slave trade; and usury, the national debt and ultimately the credit system as radical means of primitive accumulation. The state, with its monopoly of violence and definitions of legality, plays a crucial role in both backing and promoting these processes. (145)
56. Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, trans. Talcott Parsons (New York: Scribner, 1958), 121.
57. E.g., Alison Palmer, *Colonial Genocide* (London: C. Hurst, 2000); A. Dirk Moses, “Genocide and Settler Society in Australian History,” in *Genocide and Settler Society: Frontier Violence and Stolen Children in Australian History*, ed. A. Dirk Moses, 3–48 (New York: Berghahn Books, 2004); Jürgen Zimmerer, “Colonialism and the Holocaust: Towards an Archaeology of Genocide,” in *Genocide and Settler Society: Frontier Violence and Stolen Children in Australian History*, ed. A. Dirk Moses, 49–76 (New York: Berghahn Books, 2004).

58. Martha Mamozai, *Herrenmenschen: Frauen im deutschen Kolonialismus* (Hamburg: Rowoldt, 1989), 128.
59. Daniel Walther, *Creating Germans Abroad* (Athens: Ohio University Press, 2002), 58.
60. David Courtwright, *Violent Land: Single Men and Social Disorder from the Frontier to the Inner City* (Cambridge, MA: Harvard University Press, 1996).
61. Hugh Ridley, *Images of Colonial Rule* (New York: St. Martin's Press, 1983), 140–43.
62. Fred Cornell, *The Glamour of Prospecting* (London: Fisher-Unwin, 1921), 41.
63. Robert Gordon, "Prostitution in Namibia in Colonial Times," in "Whose Body is It?" *Commercial Sex Work and the Law in Namibia*, ed. Diane Hubbard, 47–60 (Windhoek: Legal Assistance Center, 2002); Brigitte Schmidt-Lauber, *Die verkehrte Hautfarbe* (Berlin: D. Reimer, 1998), 368.
64. NAN, ADM 13/26 (6 November 1915).
65. Silvester and Gewalt, *Words Cannot Be Found*, 243.
66. *Ibid.*, 244.
67. Robert Gordon, "Inside the Windhoek Lager: Liquor and Lust in Namibia," in *Drugs, Labor and Colonial Expansion*, ed. William Jankowiak and Dan Bradburd, 117–34 (Tucson: University of Arizona Press, 2003).
68. See, e.g., "Die Schädlichkeit des Alkoholgenusses in Südwest," *Windhoek Nachrichten*, 28 October 1908; "Das Trunksüchtige Südwestafrika," *Windhoek Nachrichten*, 17 April 1909.
69. Walther, *Creating Germans Abroad*, 97.
70. Mamozai, *Herrenmenschen*, 147–48.
71. Clara Brockmann, *Brief eines deutschen Mädchens aus Südwest* (Berlin: Mittler & Sohn, 1912), 171.
72. Alexander Laban Hinton, ed., *Genocide: An Anthropological Reader* (Malden, MA: Blackwell, 2002), 14.
73. Bonn, "German Colonial Policy," 135.
74. Bonn, *Wandering Scholar*, 135.
75. Gann and Duignan, *Rulers of German Africa*, 104–36.
76. Bonn, *Wandering Scholar*, 138.
77. Courtwright, *Violent Land*, 174.
78. Walbaum, "Kriegstagebuch," 38.
79. Jan-Bart Gewalt, *Herero Heroes: A Socio-political History of the Herero of Namibia, 1890–1923* (Athens: Ohio University Press, 1999); Isobel V. Hull, "Military Culture and the Production of 'Final Solutions' in the Colonies: The Example of Wilhelminian Germany," in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan, 141–62 (New York: Cambridge University Press, 2003), 151.
80. Robert J. Gordon, "Vagrancy, Law and 'Shadow Knowledge': Internal Pacification 1915–1939," in *Namibia under South African Rule: Mobility and Containment*, ed. Patricia Hayes, Jeremy Silvester, Marion Wallace, and Wolfram Hartmann, 51–77 (Oxford: James Currey, 1998).
81. NAN, SWAA 2/14/2 Native Affairs, Memoranda and Reports 1916. Paranoia about Bushmen has a long history, extending up to the current period; see Gordon, *Bushman Myth*.
82. Gann and Duignan, *Rulers of German Africa*, 122–23.
83. *German African Possessions (Late) No. 114: German Treatment of Natives* (London: HMSO, 120), 2–3.
84. Bonn, *Wandering Scholar*, 134, 138.
85. Quoted in G.T. Schenck, "German South West Africa" (PhD diss., New York University, 1974), 138.
86. Gann and Duignan, *Rulers of German Africa*, 88.
87. A. Winifred Hoernle, *Trails in the Thirstland: The Anthropological Field Diaries of Winifred Hoernle*, ed. Peter Carstens, Gerald Klinghardt, and Martin West

- (Cape Town: Center for African Studies, University of Cape Town, 1987), 44; Ridley, *Images of Colonial Rule*, 152.
88. See, e.g., Wolfram Hartmann, ed. *Hues between Black and White* (Windhoek: Out of Africa, 2005).
89. Bley, *South-West Africa under German Rule*, 63–65.
90. Walther, *Creating Germans Abroad*; Paul Barth, *Südwest-Afrika* (Windhoek: John Meinert, 1926); Lora Wildenthal, *German Women for Empire, 1884–1945* (Durham, NC: Duke University Press, 2001).
91. Albert Memmi, *The Colonizer and the Colonized* (Boston: Beacon Press, 1967), 101.
92. Erving Goffman, *The Presentation of Self in Everyday Life* (New York: Anchor, 1959), 80–81. I have dealt extensively with the ceremonial nature of vagrancy legislation during the mandate period in Gordon, “Vagrancy, Law and Shadow Knowledge”; the argument is even more applicable in the German colonial case.
93. Habermas uses this term to refer to the decisionistic aspect of the law, its origins in the will of the sovereign, and the fact that compliance with the law is externally motivated by the threat of sanctions. Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, trans. William Rehg (Cambridge: Polity Press, 1996), 29.
94. Vincent Crapanzano, *Waiting: The Whites in South Africa* (New York: Doubleday, 1985).
95. Bley, *South-West Africa under German Rule*, 172.
96. Giorgio Agamben, *State of Exception*, trans. Kevin Attell (Chicago: University of Chicago Press, 2005).
97. W. Mattenklodt, *Fugitive in the Jungle* (Boston: Little, Brown, 1931); Otto Reiner, *Achtzehn Jahre Farmer in Afrika* (Leipzig: Paul List Verlag, 1924).
98. Harry M. Schwirck, “Violence, Race and the Law in German South West Africa 1884–1914” (PhD diss., Cornell University, Ithaca, NY, 1998).
99. Quoted in M.J. Olivier, “Inboorlingebeleid en -Administrasie in die Maandaatgebied van Suidwes-Afrika” (DPhil diss., Stellenbosch University, South Africa, 1961), 223.
100. Bley, *South-West Africa under German Rule*, 260–67; Schwirck, “Violence, Race and the Law,” 172.
101. Schwirck, “Violence, Race and the Law,” 233.
102. Bley, *South-West Africa under German Rule*, 198, 227.
103. NAN, ZBU 2043, Memorandum of Dr. Seibert (24 August 1911). In the policy discussions, it is remarkable how officials referred to historical precedent, especially in North America and the Cape Colony, then also cited academics to justify their choices.
104. NAN, ZBU 2043 (2 December 1911); emphasis added.
105. Professor von Luschan made this suggestion during the 1906 joint meeting of the South African and British Associations for the Advancement of Science.
106. *Deutsche Kolonialzeitung* 1908: 99.
107. Lt. P. Gentz, “Die Buschmänner: Ein auststerbendes Volk in Deutsch-Südwestafrika,” *Deutsche Kolonialzeitung* 26 (1909): 450–52.
108. Mathias Guenther, ed., *Kalahari and Namib Bushmen in German South West Africa: Ethnographic Reports by Colonial Soldiers and Settlers* (Cologne: Rüdiger Köppe, 2005), 214.
109. *Deutsche Südwest-Afrika Zeitung*, 16 July 1912; Oswin Köhler, “Dokumente zur Entstehung des Buschmannsproblem in Südwestafrika,” *Afrikanischer Heimatkalender* (1957): 54–62.
110. Siegfried Passarge, *Die Buschmänner der Kalahari* (Berlin: Reimer, 1907), 2.
111. *Ibid.*, 124, 132 (emphasis added).
112. The information in this paragraph is drawn from documents in the National Archives of Namibia.
113. Leonard Schultze, *Aus Namaland und Kalahari* (Jena: Fischer, 1907).
114. Leonard Schultze, *Zur kenntnis des Körpers der Hottentotten und Buschmänner* (Jena: Fischer, 1928), 211.

115. Leonard Schultze, "Südwestafrika," in *Das Deutsche Kolonialreich*, ed. Hans Meyer, vol. 2, 129–298 (Leipzig: Verlag des Bibliographischen Instituts, 1914), 295 (emphasis added).
116. *Ibid.*, 290.
117. Rohrbach, *German World Policies*, 135.
118. NAN, ZBU 4032 (3 January 1912).
119. George McCall Theal, *Ethnography and Condition of Africa South of the Zambesi before 1505* (London: Allen & Unwin, 1919), 76.
120. Details in Robert Gordon, "The Rise of the Bushman Penis: Germans, Genitalia and Genocide," *African Studies* 57 (1998): 27–54.
121. Quoted in Foreign Office Historical Section, *German African Possessions (Late)* (London: HMSO, 1920; reprint, New York: Greenwood, 1969), 46.
122. NAN, ZBU 2043, unsigned rough draft, Governor to Colonial Secretary, Berlin (September 1913); see also Fritz Müller, *Kolonien unter der Peitsche* (Berlin: Rutten & Loening, 1962), 169.
123. Robert Gordon, *Picturing Bushmen: The Denver African Expedition of 1925* (Athens: Ohio University Press, 1997), 165.
124. Franz Seiner, "Die Buschmanngefahr in Deutsch-Südwestafrika," *Deutsche Kolonialzeitung* (1912): 311–12; "Die Buschmannfrage im nordlichen Deutsch-Südwestafrika," *Deutsche Kolonialzeitung* (1913): 745–46.
125. I have dealt extensively with this penile fixation and the subsequent rather right-wing careers of all the German scholars involved in this "debate" in Gordon, "The Rise of the Bushman Penis." See also NAN, ZBU 1006.
126. NAN, B53/12 *Seiner v. Kindt*, GW 556 (1911).
127. Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8 (2006): 387–409.
128. J.H. Wellington, *South West Africa and Its Human Issues* (Cape Town: Oxford University Press, 1967), 43.
129. Quoted in Silvester and Gewalt, *Words Cannot Be Found*, 240.
130. Hull, "Military Culture," 160.
131. Bundesarchiv Koblenz, Nachlass Moritz Bonn, N.1082, vol. 13b "The End of the Colonial Discussion" (undated and unpaginated manuscript; emphasis added).
132. In 1909 Bonn had already argued that "as long as there are still people who deem such policies as necessitated by Nature, the danger will persist that they may also be used in other places. If the mistakes of Trotha's colonial policy can be surrounded with a theoretical halo, nothing will protect from it being repeated." Quoted in Volker Berghahn, *Europe in the Era of the Two World Wars* (Princeton, NJ: Princeton University Press, 2006), 25. It is also of interest that the figures Bonn gives for indigenous losses during the war are considerably lower than those given by other sources. Before the war he put the population at about 100,000, and after the war at 87,796 (but including some 10,500 Owambo). Bonn, "German Colonial Policy," 128, 129.
133. Rohrbach, *German World Policies*, 152.
134. *Ibid.*, 137.
135. Bley, *South West Africa under German Rule*, 230, 226.
136. Paul Rohrbach, *Deutsche Kolonialwirtschaft. Band 1: Südwest-Afrika* (Berlin: Buchverlag der "Hilfe"), 352.
137. Gustav Frenssen, *Peter Mohr's Fahrt nach Südwest Afrika* (Berlin: G. Grote, 1906), 198.
138. As a possible topic for future investigation, one could go further and suggest that Hannah Arendt's well-known thesis that the origins of German totalitarianism can be found in the colonial experience can be further qualified. Its cultural roots lay not so much in relations between Germans and blacks as in relations between Germans and Bushmen. It is no accident that, in the documents preserved in the National Archives of Namibia, German officials invariably distinguish between *vagabundieren Buschleute* and *Eingeborenen* ("vagabond Bushmen" and "Indigenes"). It is striking how much effort—both administrative and emotional—colonizers invested in controlling people of no fixed

- address: vagabonds, vagrants, Bushmen, and the like. My reading of the literature on the Nazi state suggests an obsession with the control of movement. The parallels and, indeed, continuity between the “Wandering” Jews, the Gypsies, and the Bushman “vagabonds” are important not only for the alleged mobility of these groups but also for their attributed attitudes toward property.
139. Perhaps the most telling example in this regard is Afrikaans journalist E.N. Marais’s interview of the Herero leader Samuel Maharero after the infamous Battle of Waterberg. Marais’s sympathetic account, “Die Woestynvlug van die Hereros,” in *Versamelde Werke* (Cape Town: Human and Rousseau, 2006), presents one of the few first-hand Herero accounts of that battle. In this accounting, Samuel Maharero realized that he could never match the Germans in terms of technology and thus resolved to entice them into the desert, where Herero were better experienced. Unfortunately his followers refused to leave their cattle, with disastrous consequences.
 140. Prein, “Guns and Top Hats,” 109.
 141. Stals, *Kurt Steinwolf*, 110.
 142. Palmer, *Colonial Genocide*.
 143. Malvern van Wyk Smith, “Metadiscourses of Post Colonialism: ‘Strong Others’ and European Images of Africa,” *History and Anthropology* 9 (1992): 267–97. These two groups also happen to be those most geographically distant from Europe.
 144. Zimmerer, “Colonialism and the Holocaust.”
 145. Georg P.J.Trümpelmann, *Die Boer in Suidwes-Afrika, Archives Yearbook for South African History* 2 (1948).
 146. Quoted in Hedley Chilvers, *The Seven Wonders of Southern Africa* (Johannesburg: SAR & H, 1929), 276.
 147. Gordon, “The Rise of the Bushman Penis,” 59–61.
 148. Sara Pienaar, *South Africa and International Relations between the Two World Wars* (Johannesburg: Witwatersrand University Press, 1987).

Biological Absorption and Genocide: A Comparison of Indigenous Assimilation Policies in the United States and Australia

Katherine Ellinghaus

School of Historical Studies, Monash University, Australia

This article examines biological absorption (the imagined process by which indigenous identity would disappear through interracial sexual liaisons) and its relationship to the assimilation policies of the United States and Australia. In the debates about whether or not indigenous assimilation policies constituted genocide, biological absorption has often been pointed to as a particularly salient example of genocidal thinking. US and Australian historians, however, have mostly seen biological absorption as only a minor aspect of assimilation. This article argues that biological absorption should be recognized as a pervasive construct underlying many aspects of Australia's and the United States' dealings with Aborigines and Native Americans, respectively. Acknowledging its pervasiveness blurs the boundaries between ethnocide and genocide, demonstrating that strict definitions are not always useful for historians attempting to understand the actions of settler societies.

Keywords: indigenous peoples, genocide, biological absorption, assimilation policies

The statistics of all attempts to civilise and convert the savage show that the savage dies out sooner through civilisation and conversion than by the more straightforward method of lead and rum. Only the master-races of the world are fit material for the ordeal of civilisation. (*[Sydney] Bulletin*, 9 June 1883, 6)

Since at least the 1970s, historians in Australia and the United States have been assessing the morality of their nations' origins, prompted by what Antoinette Burton has termed "the imperial turn"—the increasing attention paid by scholars to the impact of colonialism and imperialism in the wake of "decolonization, pre-and post-1968 racial struggle and feminism in the last quarter century."¹ In the 1990s this scholarly preoccupation was channeled into public debate. In Australia in 1997 the Human Rights and Equal Opportunity Commission (HREOC) released its report, titled *Bringing Them Home*, on the Australian government's practice of removing Aboriginal children from their parents. The report argued that this practice was a form of genocide under the definition given in the United Nations Convention on the Prevention and Punishment of Genocide (UNCG) of 1948, which includes the "forcible removal of children" as one of its five subsections.² This claim prompted much public controversy at the time, and it was closely followed by "history wars" in which conservatives and liberals debated the extent of Aboriginal massacres on the frontier. Whether or not genocide took place in Australia has since been deliberated on by a number of Australian scholars, who have published explorations of the issue of

genocide in Australian history.³ In the early 1990s in the United States a similar public discussion centered around the 1992 quincentenary of Christopher Columbus's arrival on the North American continent. This event prompted an enormous outpouring of scholarship and public discussion about the implications of the United States' beginnings as a nation, one strand of which was the condemnation of the decline of Native American populations since 1492 and the invocation of the crime of genocide by scholars whom US historian James Axtell condescendingly described as having "itchy fingers [on] the trigger of moral outrage."⁴

Few would deny the value of the project of recognizing the high price paid by the original owners of the lands on which these settler societies imposed themselves. However, the use of the word "genocide"—used most often to refer to the Holocaust perpetrated by Nazi Germany during World War II—complicated and politicized the issue. Many Australians and Americans were uncomfortable conflating this event with frontier "wars," population loss due to disease, or the removal of indigenous children, not wishing, perhaps, to undermine the uniqueness of the Holocaust experience.⁵ This discomfort has, in some ways, infected the debate about whether or not the crime of genocide was committed against the indigenous peoples of North America and Australia, despite the fact that many cogent arguments have been put, not least by the HREOC report itself, that what occurred did fit with the UNCG's definition.⁶ "Historians," writes Laurence M. Hauptman of the US context, "have a responsibility to use words such as *genocide*, *holocaust*, *concentration camp*, or, more recently, *ethnic cleansing* in a careful manner."⁷ "If the word is to retain any meaning or moral impact at all," Axtell argues, "we must not apply it wholesale to every Indian death in the colonial period. To do so is to dilute our moral vocabulary to insipidity and to squander its intellectual and emotional force."⁸ Australian historian Inga Clendinnen believes that the use of the word "genocide" has unhelpfully generated "outrage . . . accompanied by the slamming-shut of minds."⁹ Henry Reynolds, who has written a book-length investigation of the issue in Australian history, has written of his hesitation to speak of the subject of genocide, which he believes is

destined to be tossed on a sea of controversy, likely to be battered from all sides—by those who are hostile to the mere suggestion that such an "outrageous word" could be applied to Australia and by their opponents, who feel that no other term is powerful enough to capture their anger.¹⁰

The issue is so fiercely debated, Reynolds writes, that "neither side appears to welcome a careful and reasonably dispassionate investigation of the topic."¹¹

The issue of whether or not indigenous peoples were the victims of genocide has been further complicated by the assimilationist policies under which they suffered—and the question of whether the removal of culture through education, Christianization, institutions, child removal, and the breaking up of families was as genocidal as the actual physical destruction of human bodies. Indeed, a common tendency is to use linguistic subcategories such as "ethnocide" or "cultural genocide" to describe what happened to indigenous peoples in settler societies. This article focuses on one particular aspect of US and Australian assimilation policies—the phenomenon of biological absorption. Biological absorption was a discernible strategy in both countries during the assimilation period and is of particular relevance to the question of the applicability of genocide to indigenous peoples. This is because its basic premise—that, through interracial relationships, indigenous people would biologically disappear, or be "bred out"—blurs the boundaries between cultural removal and the physical destruction of a people. In this discussion my aim has been to move beyond

concepts of “national guilt” and debates over the legal meanings of the UNCG definition—and to some extent the conservative/liberal political battle into which the issue is so easily swept (it is worth noting that the vast majority of the participants in the debates over indigenous genocide in Australia are not indigenous themselves)—and into the realm of further historical understanding generated by the perspectives that can be gained from comparative history. Ann Curthoys has argued for historians to be less “national” and more “transnational” in their reassessments of national histories in the light of indigenous issues, and asks whether such an approach might make it “possible to participate more . . . in worldwide historiographical conversations.”¹² Most comparative studies of genocide that look at indigenous peoples compare them with non-indigenous groups, most often the Jewish Holocaust.¹³ But comparing the genocidal treatment of indigenous populations in different colonial contexts is particularly helpful in assessing whether, as Robert Hitchcock and Tara Twedt have discussed, the word “genocide” can in fact be applied to indigenous people.¹⁴ It is my contention that a better understanding of biological absorption in the United States and Australia helps us to assess the particularities of indigenous genocide. The histories of indigenous assimilation in the United States and Australia make a revealing comparison, both in terms of the policies themselves and also in terms of the ways in which scholars have understood them.

The first section of this article describes the particular directions that scholarship on biological absorption and genocide has taken. The second traces and compares the histories of biological absorption in Australia and the United States in the twentieth century, in an effort to gain a better understanding of the application of the concept of genocide to the dealings of settler societies with the indigenous people they displaced.

Scholarly Discussions of Biological Absorption

Scholarly discussions of biological absorption have taken very different tacks in Australia and the United States. In Australia, debates have raged (prompted by the HREOC report) about whether the assimilation policies of the twentieth century, especially biological absorption, were a form of genocide. In the United States, discussions of assimilation as genocide have not become so central either in the public sphere or in scholarship. In part, this is a result of the very different ways in which Australia and the United States set out to assimilate indigenous people in the late nineteenth and early twentieth century. As I have explored in depth elsewhere, the United States, influenced by a humanitarian movement that moved from the cause of abolishing slavery to the “Indian problem,” put in place legislation and policies that focused on cultural assimilation. The 1887 Dawes Act divided reservations into individual allotments on which Indians were expected to become self-supporting farmers, and funding was dedicated to educational institutions designed to help them acculturate. In Australia, “protection” legislation offered few avenues for cultural acculturation. Instead, it segregated Aborigines onto reserves where those of full descent were expected to succumb to the “doomed race theory,” while those of mixed descent were expected to “absorb” biologically, through interracial relationships, into the white population. Some public servants and commentators openly articulated absorptionist ideas, although such ideas always remained somewhat controversial. By contrast, in the United States, where the issue of miscegenation was made particularly salient by the taboos surrounding sex between white and African-American populations, assimilationists rarely discussed interracial relationships as

an aspect of Indian assimilation. Thus, some scholars have argued that biological absorption was not part of US assimilation policies.¹⁵ These arguments are, as I will demonstrate, based on too narrow a view of the extent of biological absorption in the United States and Australia. Rather, as I argue, biological absorption permeated the assimilation policies of both Australia and the United States, a phenomenon that ought to be taken into account in any scholarly assessment of genocide and indigenous peoples in these settler societies.

Despite hesitation to publicly discuss biological absorption as an assimilative policy in the United States, some scholars have discerned what M. Annette Jaimes has termed a “strategy of elimination” in the use of blood quanta to define who was or was not an “Indian.” “If the government could not repeal its obligations to Indians,” Jaimes argues,

it could at least act to limit their number, thereby diminishing the cost associated with underwriting their entitlements on a per capita basis. . . . Much of the original impetus towards the federal preemption of the sovereign Indian prerogative of defining “who’s Indian,” and the standardization of the racist degree-of-blood method of Indian identification, derived from the budgetary considerations of a federal government anxious to avoid paying its bills.¹⁶

Patricia Limerick has also perceived an eliminationist logic behind the policies put in place by nineteenth-century white Americans, who, she argues, planned to

set the blood quantum at one quarter, hold to it as a rigid definition of Indianness, let intermarriage proceed as it had for centuries, and eventually Indians will be defined out of existence. When that happens, the federal government will finally be freed from its persistent “Indian problem.”¹⁷

Controversial historian and activist Ward Churchill has similarly noted the financial benefits behind the way in which Native American identity was configured, arguing that “reductions in the number of Indians at large in North America corresponded directly to diminishment of the cloud surrounding the dominant society’s claims of clear title to, and jurisdictional rights over, its purported land base.”¹⁸ Churchill invokes the racial ideologies that made blood quanta a compelling logic. “Endowed as they were with staunchly racist perspectives,” he argues, “it was predictable that [assimilationists] would rely heavily upon the sort of blood quantum standards already evident in treaty language.”¹⁹

As early as 1976, Ronald Trosper noted the dilemma facing American Indian nations as a result of intermarriage with whites. “Rights to land and services originally based upon treaty commitments depend in fact upon stereotypes for survival,” he argued. “Should Indians appear to be like whites, valuable rights could be taken away by Congress in response to an argument that all American citizens are the ‘same.’”²⁰

Melissa Meyer explicitly sees genocidal intent in the laws that regulated Indian identity. “Few scholars would argue that all of United States Indian policy amounted to genocide,” she argues, “but long-term demographic trends certainly point to a holocaust. Genocide has ideological as well as demographic consequences; defending and celebrating race is probably among them. In their purest form, blood quantum requirements amount to a celebration of race.”²¹

Indeed, scholarly discussions of miscegenation, strategies of elimination, and Indians are often found not in discussions of genocide but in debates about Indian identity. Bonita Lawrence argues that the history of government manipulation of Indian identity in Canada and the United States ought not to be forgotten in

discussions of urban mixed-blood Native identity. “The question of who is an Indian,” she writes,

which lurks beneath the surface of many of the issues that contemporary Native communities are struggling with, is much larger than that of personal or even group identity—it goes directly to the heart of the colonization process and to the genocidal policies of the settler governments across the Americas toward Indigenous peoples.²²

David Hollinger notes that the history of elimination through designation has led to a recent tendency for Americans with Indian heritage to “reclassify”: “In the twenty years between 1970 and 1990, the federal census reported an increase of 259 per cent in the American Indian population despite a very low birthrate.”²³

Native American “strategies of elimination” are also discussed in scholarship that attempts to understand the broader racial landscape in the United States and its effect on discourses about miscegenation. Churchill notes that since African Americans “were considered to be property, yielding value not only in their labor but as commodities which could be bought and sold, it was profitable not only to employ but to breed them in ever larger numbers.” By contrast, he writes,

Native people . . . were legally understood to own property—mainly land, and minerals within that land—coveted by whites. It followed then, as it still does, that . . . any racial admixture at all, especially with blacks, was often deemed sufficient to warrant individuals, and sometimes entire groups, being legally classified as non-Indians.²⁴

Patrick Wolfe has similarly compared the racial discourses surrounding Indians and African Americans; he describes the

difference between one group of people who had survived a centuries-long genocidal catastrophe with correspondingly depleted numbers and another group who, as commodities, had been preserved, their reproduction constituting a singularly primitive form of accumulation for their owners.²⁵

Hollinger argues that the particular racial landscape in the United States made the discourses surrounding miscegenation and Indians unique, noting that “the Indian case was sufficiently different from both the African-American case and that of the European immigrants to stand somewhat outside the miscegenation conversation and the melting pot conversation.”²⁶

The “strategy of elimination” argument is not without its critics. Alexandra Harmon and Circe Sturm have both, for different reasons, challenged the assumption made by Jaimes, Limerick, and others that blood quanta were introduced by the federal government in a cynical effort to reduce Indian numbers. Harmon calls their arguments “largely speculative generalizations” and contends that a further investigation is required to “provide a sounder foundation for conclusions about the influence of U.S. law and racial ideology on the composition of tribes.”²⁷ She argues that tribes themselves played a crucial and active role in allowing blood quanta to define their identities. Circe Sturm points out the importance of the deeply ingrained racial discourses that created blood quanta:

Blood quantum was widely embraced by nineteenth-century scientific thought as a rational measure of racial identity and racial “purity” . . . In fact, blood quantum could just as easily been introduced by naively well-meaning bureaucrats and liberal supporters who wanted to help “deserving Indians” but had no effective way of identifying them except through the crude contours of genealogy.²⁸

John LaVelle questions the historical accuracy of Jaimes’s and Churchill’s claims.²⁹

In the second half of this article, I hope to find at least part of a way beyond these scholarly quandaries about a “strategy of elimination” by giving a broader view of biological absorption in the United States and an argument about its previously unrecognized centrality to US assimilation policy. Harmon is right that further scholarly investigation reveals that a “strategy of elimination” can be found to permeate many other aspects of assimilation policy than are covered in the literature outlined above, and the racial discourses that Sturm, Hollinger, and Wolfe ask us to examine can be seen to have a clear absorptionist thread that is particularly revealed in a comparative study. This perspective also enables us to get beyond discussions of the way “blood” was a seductive means of understanding racial identity for both Indian and white people (even those who were not necessarily engaged in reducing the Indian population) and to understand how it operated as a method of reducing Native American numbers.

In Australia, by contrast, the 1997 HREOC report, *Bringing Them Home*, prompted forthright discussion of biological absorption as genocide. Many commentators decided that child removal was not genocide but concluded that genocide had indeed taken place in Australia during the interwar period in the Northern Territory and Western Australia, under the policies of chief protectors A.O. Neville and Cecil Cook. Both Neville and Cook were open about their belief that ongoing interracial relationships would solve the problem of the growing population of Aborigines of mixed descent by seeing them absorbed into the white population generation by generation. Meanwhile, Aborigines of full descent would, thanks to the Darwinian notion of “survival of the fittest,” slowly die out (indeed, as Colin Tatz has argued, a “major underpinning, almost an article of faith, of Australian race-relations history has been a Social Darwinist notion that the unfittest don’t survive”).³⁰ Thus, Australia’s “Aboriginal problem” would be solved. Although other states/colonies were not as blatant in their absorptionist policies, the same notion was expressed at a national level during the oft-quoted 1937 Aboriginal Welfare conference, at which it was resolved that “ultimate absorption by the people of the Commonwealth” was the future of Australia’s mixed-descent population.³¹

Many of the scholars who have discussed the interwar absorptionist theories of Neville and Cook resist the applicability of genocide to any other policy in Australia’s history. Russell McGregor has argued that Aboriginal assimilation policies in Australia in the post-war period “cannot be comprehended within the conceptual framework of genocide” but believes that “interwar absorption did seek to engineer [the effacement of one of the groups involved].”³² Paul Bartrop also states that “it is impossible to conclude otherwise that Australia in the 1930s was possessed of an administrative culture that in reality practiced genocide.”³³ Robert Manne reluctantly concludes that “because of the fantastical nature of the absorption policy, ‘genocidal thoughts’ and ‘genocidal plans’ are more adequate descriptors of what they were implicated in than ‘genocidal crimes.’”³⁴ Early in the debate, Raimond Gaita observed that the absorptionist program’s “arrogant belief that some peoples may eliminate from the earth peoples they hold in contempt” was crucial to the designation of Aboriginal assimilation policies as genocide.³⁵ Manne has also argued that the 1937 conference was a moment when “genocidal thought and administrative practice touched.”³⁶ “If a case is to be made that genocide was committed,” he contends, “it can only be made with regard to a particular policy plan, biological assimilation; at a particular time, the 1930s; and in particular places, the Northern Territory and Western Australia.”³⁷ In his discussion of forced assimilation, Tatz similarly

focuses on the absorptionist policies of A.O. Neville, J.W. Bleakley, and Cecil Cook, concluding that

no matter what spin is put on the mindset of these men, the intent was as repugnant then as it would be now: to await the “natural” death of the “full-blood” peoples and to socially engineer the disappearance, forever, of all those “natives of Aboriginal origin.” They were, indeed, progenitors of group disappearance. They were, beyond doubt, complicit. They did conspire and they did attempt to commit genocide, that is, ensure the elimination, in whole or in part, of a racial group (of “half-castes”).³⁸

This focus on the 1930s in discussions of Aboriginal genocide and biological absorption is problematic. As Manne has pointed out, such a focus is necessarily limiting, as the “administrative will to pursue [absorption] did not survive Cook’s virtual removal from his post in 1939 and Neville’s retirement one year later.”³⁹ These arguments also ignore the insidious nature of biological absorption, the many guises in which it appeared, and the vast machinery that made up Aboriginal assimilation policy. As Andrew Markus has argued,

the debate that has erupted over the removal of children has diverted attention from an issue of central importance. Policies of child removal should not be seen in isolation, as they often are—child removal was but one of the integral components of a clearly articulated government policy in the first two-thirds of the twentieth century.⁴⁰

We need to acknowledge biological absorption beyond Neville and Cook. Absorption, in fact, deeply underpinned Australian assimilation policy and dealings with Aborigines both before and beyond the interwar period.

Biological Absorption in Australia and the United States

What, then, might a broader history of biological absorption in Australia and the United States look like? As an Australian historian, I take my starting point for understanding the phenomenon of biological absorption from the work of Russell McGregor, Warwick Anderson, and Patrick Wolfe, who have defined the concept in their work on Aboriginal policy and racial discourses in the twentieth century.⁴¹ It is my contention that biological absorption should be understood as even more pervasive than the excellent work of these historians suggests. The notion of biological absorption can be found in the written and spoken words of those who commented on the future of colonial societies and in the way they imagined what interracial sexual relationships might do to the future of indigenous cultures. It can be found baldly stated in the rationales behind government policies (at least in Australia). The idea that indigenous people would disappear through interracial relationships can be discerned in the use of blood quanta to identify Native Americans, in the decisions made as to who would be put on tribal rolls, and in who was declared competent and therefore exempt from federal controls and protections. But it also emerges in less obvious, more understated ways. It can be found, for example, in the removal of indigenous children from their communities, and in the ways their futures were imagined. It can also be recognized in the *laissez-faire* attitude of the Australian government, which expected it to solve the “Aboriginal problem” in only a few generations, and in the assumptions underlying the granting of certificates of exemption from protection legislation. It can be discerned as an undeclared outcome of the efforts to culturally assimilate indigenous people—in how white people imagined acculturated Indians might interact with society, blend in, and eventually intermarry. In some contexts it was expressed as boundary maintenance, whereby anxieties about

interracial mixing led to efforts to categorize people of mixed descent in a certain way that did not threaten the status quo. In other places, it took the form of simply turning a blind eye to the rape or sexual oppression of Aboriginal women. And it is visible in the fact that people of mixed descent were deemed inauthentic, or not properly “indigenous,” and in the way “mixedness” could be used to undermine tribal sovereignty.

Thus, in order to fully understand biological absorption, we need to both broaden our focus and recognize the pervasiveness of this concept in many aspects of indigenous assimilation policy. Indeed, an acknowledgment of the centrality of biological absorptionist imaginings to settler colonial societies might help to realign and extend the discussion about indigenous assimilation and genocide. In the following paragraphs I locate biological absorption in three different aspects of the culture, legislation, and assimilation policies of Australia and the United States. Lacking the space for an all-encompassing discussion of the many guises of biological absorption, I have focused on three aspects of assimilation policy in which absorption remained an unspoken conspirator: the blind eye turned on the rape of indigenous women, the absorptionist assumptions behind efforts at cultural assimilation of indigenous people, and the destabilizing of indigenous identity through laws and the imposition of artificial ideas of cultural authenticity.

As countless historians of colonial societies have noted, the rape of indigenous women paralleled the possession of their land. Ann McGrath has argued that from the moment of the first settlement at Port Jackson in the late eighteenth century Aboriginal women were being raped. She notes that as early as 1796, prostitution involving Aboriginal women had become “commonplace” and there were regular reports of convicts and sailors sexually “interfering” with Aboriginal women.⁴² Raymond Evans has argued the centrality of violent interracial sexual contact to both “frontier and post-frontier existence.”⁴³ In the American colonies, the mythical union of John Rolfe and Pocahontas, an Algonquian woman, in the earliest years of the colony of Virginia became, as Gary Nash, has argued, “the embryo of a mestizo United States.”⁴⁴ This consecrated but ill-fated union lent some form of legitimacy and romance to the sexual oppression of Indian women by white men that took place as Europeans overtook the continent. As Andrea Smith has further argued in the US context, the “project of colonial sexual violence establishes the ideology that Native bodies are inherently violable—and by extension, that Native lands are also inherently violable.” Drawing from her experience as a rape crisis counselor, Smith explicitly names this phenomenon as genocide: “Native peoples,” she writes, “internalize the genocidal project through self-destruction. . . . It was not a surprise to me that Indians who have survived sexual abuse would often say that they no longer wish to be Indian.”⁴⁵

The rape of indigenous women in US and Australian history was not part of a deliberate strategy of biological absorption (that is, the rapists did not have absorption as their prime motivation). Can we assume, however, that the blind eye that was turned on it in both settler societies was in some ways part of an appreciation of the long-term consequences of interracial mixing for indigenous peoples? There was little effort in either country to prevent or deter white men from having access to indigenous women. In the United States, the rape and mutilation of Indian women’s bodies was often an aspect of massacres and warfare perpetrated by the army.⁴⁶ Later, in the assimilation period, concerns about “squaw men” were raised only when their relationships with Indian women appeared to be giving them access to land.⁴⁷

Tellingly, men in relationships with Indian women were also seen by some as an “element of civilization.”⁴⁸ Benjamin S. Coppock told the Lake Mohonk Conference in 1893 that the

army, the trading-posts, the missionary, the written language, the “squaw-man,” the half-breed children, the frontiersman, the lack of game, the ingress of railroads, the training of children in school, have all helped to modify the practical question of Indians being longer Indians among us.⁴⁹

When a 1904 Royal Commission into Aboriginal conditions in Western Australia found alarming evidence of the abuse of Aboriginal women, its leader, Dr. Walter Roth, came in for some vociferous criticism from various members of Parliament who believed that this was a natural, expected part of colonialism. “What good has Dr. Roth done in holding up this immorality?” asked one member.

He has only made this place stink in the nostrils of other places, and has done no good to the natives. Do members mean to say they are ignorant of all this? Surely anyone knowing the history of Western Australia knows this sort of thing is going on, and as far as my reading or knowledge goes it seems to me that wherever races are mixed it has been the same ever since the dawn of history.⁵⁰

While men who engaged in sexual relationships with Aboriginal women were often castigated for their immorality, the worst disdain seems to have been reserved for men whose relationships were long term, and therefore more likely to be based on affection. In 1936, the Hon. J. Nicholson told the Western Australian parliament that he was

decidedly against the man who cohabits, or habitually lives, with a black woman. I do not think that practice is in accord with nature of the proper scheme of things... When the offence is of a casual nature, it is different.⁵¹

In Australia, we can see a flow-on effect of the overlooking of the sexual exploitation of Aboriginal women. An unspoken reliance on biological absorption as a solution can also be discerned, as Pat O'Malley has termed it, in the “ungovernment” of Western Australian Aboriginal people in the 1930s and 1940s. O'Malley argues that the policies set in place by A.O. Neville led the government to employ a strategy of isolation and neglect of Aborigines in the Central Reserve, as Neville waited for interracial relationships and high rates of poverty and disease to take care of the population there: “In a sense, it was government at a distance, in which the indigenous culture preserved by Neville’s policies would produce the eugenic effects he sought.”⁵² This idea might be applied more widely. In neither country were serious attempts made to prevent the access of white men to indigenous women—white men were rarely prosecuted, and received only light sentences, for raping indigenous women⁵³—and, as I will show in my forthcoming discussion of legal indigenous identity, governments wrote legislation that responded to this problem rather than addressing it. As Neville chillingly told the 1937 conference, speaking about girls and women of mixed descent sent into domestic service,

Our policy is to send them out into the white community, and if a girl comes back pregnant our rule is to keep her for two years. The child is then taken away from the mother and sometimes never sees her again. Thus these children grow up as whites, knowing nothing of their own environment. At the expiration of the period of two years the mother goes back into service so it really does not matter if she has half a dozen children.⁵⁴

Thus we see biological absorption working as an offshoot of colonial contact, taking advantage of a behind-the-scenes activity that helped to destabilize indigenous communities by diluting (from the colonists' perspective) their identity.

A second veiled expression of absorptionist ideas is found in the cultural assimilation policies practiced by the Australian and US governments. These, of course, ostensibly focused on transforming indigenous people—not biologically, but culturally—into people who spoke English; practiced Christianity; and embraced European gender roles, land ownership, and capitalism. Nonetheless, on closer examination, a perceivable if undeclared byproduct of these policies was very often the idea that acculturated indigenous people would make potential marriage partners for whites. In Australia, for example, the removal of indigenous children from their families has been recognized as an absorptionist policy, most notably by the HREOC report *Bringing Them Home*, which notes that it was most often children with lighter skins who were taken from their parents.⁵⁵ As Robert van Krieken has argued, absorption and child removal were in fact linked:

[The] primary and overarching concern was to “solve” the “half-caste problem” by breeding out colour of both body and mind through this programme of social engineering, and in this sense the removal of Aboriginal children meshed with the first strategy of controlling sexual relations and reproduction among adult Aborigines.⁵⁶

This racial targeting reveals the child removals' absorptionist underpinnings. These children were not simply being removed to be educated and acculturated into the ways of white Australia; they were, in fact, being removed because they were prime candidates for sexual relationships or marriage with whites. Although this logic was rarely articulated, there are certainly examples expressed by prominent Australians. In the debates surrounding Queensland's Aboriginals Protection and Preservation Act of 1939, one parliamentarian noted that on a recent visit to Fantome Island, he had been

astounded to see what I thought was a little curly-haired white kiddy running about the beach playing with the piccanninies. When I asked who she was I was told that she was the child of the half-caste cook at the hospital... I think that perhaps we could persuade these mothers to lease their children to others to be educated, and to go out to work amongst the white population. Then these girls would probably marry, and no-one would be any wiser about their parentage. They could be readily absorbed into the white population instead of having to return to the gunyah life.⁵⁷

Quentin Beresford and Paul Omaji have pointed out that Sister Kate Clutterbuck's home for removed Aboriginal children in Perth's southern suburbs in the 1940s had a clear racial-engineering purpose, which encouraged girls to marry white men.⁵⁸ Victoria Haskins notes that in New South Wales, where Aboriginal girls were particularly targeted for removal and were sent into domestic service, the NSW Aboriginal Welfare Board's records for the 1920s and 1930s show “a remarkably high rate of pregnancy for girls indentured to service, especially those sent to the cities.”⁵⁹

In the United States there is no evidence that pale-skinned Indian children were targeted in the same way,⁶⁰ but in some of the boarding schools to which Indian girls were sent there was a culture of assimilation that implicitly encouraged or led to marriages of acculturated graduates with white men. Devon Mihesuah's study of the Cherokee Female Seminary in Oklahoma reveals that most graduates “married white men or men who had a smaller amount of Cherokee blood than they had.”⁶¹ In my own

work on Carlisle Indian School I found that the school placed great importance on who students married, and created an environment in which significant numbers of alumni married white partners.⁶² Making indigenous people live and act as though they were white, and preparing them for a life away from their own communities—indeed, teaching them that their own communities were not the places in which they should envision their own futures—was not an openly absorptionist policy, but it was a policy with an easily imagined consequence: relationships with white people, no doubt based in many cases on love and respect, but intermarriages nevertheless.

A third area in which biological absorption can be discerned as an unspoken aspect of colonialism is the legislative attempt to regulate indigenous identity and related ideas about “authentic” and “inauthentic” indigeneity that are common to both Australia and the United States. On closer examination, an acknowledgment of the absorptionist outcomes of these policies has much to contribute to the historiography on biological absorption in both countries. In both nations, legislation passed by settler governments attempted to decide who was and was not an indigenous person. This legislation was rarely inclusive and often gave people of mixed descent an uncertain legal status. As Paul Havemann has argued, the “power to confer the status of citizenship is the pivotal technique used by modern states to distinguish the ‘belonging’—non-waste—from the ‘excluded’—the waste.”⁶³

In many Australian states, legislation defined people of mixed descent as Aboriginal only if they associated with Aboriginal people of full descent or were of a certain age. The 1886 Aborigines Protection Amendment Act in Victoria, for example, assigned Aboriginal status only to those people of mixed descent “habitually associating and living with an aboriginal,” women of mixed descent who were “married to an aboriginal” prior to the act’s coming into force, infants, and persons over thirty-four years of age.⁶⁴ If not defined as Aborigines, these people occupied an ill-defined legal status somewhere between white and indigenous, in a society that judged them very much on the color of their skin.

Another legal method existed by which government officials could remove Aboriginal status. Exemption certificates were awarded in New South Wales, Western Australia, South Australia, Queensland, and the Northern Territory. Although these certificates ostensibly freed acculturated Aboriginal people from the controls of protection legislation, there is some evidence that certificates were awarded not just on the basis of acculturation but also based on perceived ideas about skin color. In Queensland, there was a racial requirement: “only half-castes who are civilized and have no intercourse with aboriginals can obtain them and then only on satisfying the Department of their ability to manage their own affairs.”⁶⁵ All people of mixed descent would be declared exempt, unless they lived “as an aboriginal with full-blooded aboriginals,” in which case “[they] will be treated as . . . aboriginal.” This was not just a protective measure. The secretary for health and home affairs, who introduced the bill, thought that those people of mixed descent who were “inclined to look at matters too loosely soon complied with conditions when they found that they were likely to be brought under the control of the Aborigines Department and treated as Aborigines.”⁶⁶ In other states, certificates were not awarded according to racial background, but assumptions about skin color and the potential to blend in with the white community made people of mixed descent prime candidates. It should be noted that exemption certificates and legal controls over who was officially an Aborigine both predated and lasted well beyond the interwar period during which most scholars locate biological absorption.⁶⁷ Thus, discussions of biological absorption and genocide would

be enhanced by taking into account the broad absorptionist underpinning of much of Aboriginal legislation in the twentieth century.

In the United States, the notion of the blood quantum was introduced in nineteenth-century legislation and used mostly inconsistently in federal Indian law.⁶⁸ At certain points in US history, however, blood quanta were clearly used to separate people of mixed descent and to deny them Indian identity or the special rights that came with it. The 1887 Dawes Act required Indian tribes to finalize tribal rolls in order for lands to be divided equitably among their members. This process was soon hurried along by the federal government, which sent enrollment commissions out to reservations to enumerate Indian nations. The resulting administrative confusion and strict deadlines left many people of mixed descent, whose connections to the tribe were sometimes more fragile, off tribal rolls. In 1912, for example, the Dawes Commission summarized its work in Oklahoma as follows: "Applications were made for the enrollment of over 200,000 persons, of which number 101,221 were enrolled and found entitled to allotments."⁶⁹ In addition, a prevalent view of the time was that many of the people applying to be placed on tribal rolls were white or "practically white" people trying to get their share of Indian lands. Commissioner of Indian Affairs Thomas Morgan used the Osage Nation as an example of white people's claiming Indian ancestry in order to be allotted land:

Some of the applicants for tribal rights have but the slightest trace, if any, of Indian blood; and, in some instances, they have lived among and affiliated exclusively with white people. Indeed, applications have been made to this office for participation in tribal benefits by United States citizens whose sole title thereto rested upon their claim of having aboriginal blood in their veins by descent from Powhatan through Pocahontas.⁷⁰

In April 1917, Indians of mixed descent were targeted in a different way. Commissioner of Indian Affairs Cato Sells issued his "Declaration of Policy," which immediately declared all Indians with less than one-half Indian "blood" to be automatically "competent" and therefore exempt from the special rights and protections that came with Indian status. Previously, competency had been a tool whereby acculturated Indian people might become exempt from the twenty-five year trust period that prevented their allotted lands from being sold or mortgaged, and had to be applied for on the basis of acculturation and business acumen. Land-hungry settlers soon realized that it was in their interests for as many Indians as possible to be declared competent, culminating in Sells's policy basing competency on racial background. Finally, the 1934 Indian Reorganization Act contained a section that defined as "Indian" all people recognized by an Indian tribe, and of the rest, only those that were "of one-half or more Indian blood."⁷¹ Such a definition immediately statistically absorbed all those Indians of mixed descent who were not on tribal rolls.

In states with large African-American populations, biological absorption of Indians took a slightly different tack, operating as a kind of boundary maintenance. The saliency of black/white miscegenation in Virginia, for example, created an environment in which a form of Indian biological absorption was openly advocated and sanctioned, most prominently by the head of the Bureau of Vital Statistics, Walter A. Plecker, and imposed upon the native peoples of that state by legislation that allowed them to be called "colored" rather than Indian. This unusual and extreme focus on Indians' being absorbed into the African-American population rather than the white population stemmed from the arrogant assumption made by some white Virginians that segregation had been achieved with stringent application of the "one-drop rule,"

Jim Crow laws, and anti-miscegenation legislation; Indian people were a messy third category that blurred their neatly dichotomized state.⁷² Recent scholarship has begun to explore how white America's focus on intermarriages between Indians and African Americans has been used to declare Indian nations inauthentic. Tiya Miles reports that

recently when I was speaking in a public forum about black and American Indian relations in colonial and early America, a respected Indian elder from a Great Plains tribe impressed on me her strong desire that I cease speaking about this topic. Her fear, as she expressed it, was that documenting the intermarriage of black and Indian people would give the U.S. government just one more reason to declare Native people inauthentic and soluble and then to seize their remaining lands any vestiges of political autonomy.⁷³

These brief examples of how federal and state governments in the United States used divisions based on blood quantum or race to reduce the numbers of Indians support the idea of a “strategy of elimination” advocated by scholars such as M. Annette Jaimes. Biological absorption may not have been an explicit policy in the United States, but there is no doubt that simply being of mixed descent prevented an individual from attaining full, unquestioned Indian status (at least in the settler governments' view). By itself, being of mixed descent did not necessarily separate a person out from a tribe or nation, but in conjunction with other factors it could weaken his or her claim on indigenous identity. Patrick Wolfe's notion of *repressive authenticity*—the romantic view of only full-descent, “traditional” Indians as “real” Indians—is useful here. Wolfe argues that this stereotyping “eliminates large numbers of empirical natives from official reckonings and, as such, is often concomitant with genocidal practice.”⁷⁴ Repressive authenticity has persisted to the present day. As Andrea Smith reports,

In 1990, Illinois governor Jim Thompson echoed these sentiments when he refused to close down an open Indian burial mound in the town of Dixon. The State of Illinois had built a museum around this mound to publicly display Indian remains. Thompson argued that he was as much Indian as current Indians, and consequently, he had as much right as they to determine the fate of Indian remains. The remains were “his.” The Chicago press similarly attempted to challenge the identity of Indian people protesting his decision by asserting that they were either only “part” Indian, or merely claiming to be Indian.⁷⁵

The use of blood quanta by many Indian nations is now controversial. As Theda Perdue has argued,

it drives a wedge between the members of a Native community by using “blood” to privilege some individuals, to discredit others, and ultimately to racialize Native societies in ways that are foreign to Native cultural traditions.⁷⁶

Linking blood quanta to “strategies of elimination” to genocide reveals the historical foundations of, and the absorptionist thinking that lies behind, this kind of racialized categorization.

Thus, a comparison of indigenous assimilation policies in Australia and the United States helps us to understand the many guises biological absorption can take. Australian ideas about the long-term effects of ongoing interracial relationships certainly had parallels in the US context. Indeed, a closer look at US Indian policies prompts us to look beyond the rhetoric of cultural assimilation for absorptionist strategies hidden in the legal definitions of indigenous identity. In turn, this is a

valuable lesson for the Australian context, where scholars have focused on biological absorption only when it was an outspoken policy.

So where does this broader view of biological absorption leave us with respect to the debates over genocide and indigenous peoples in Australia and the United States? At first glance, thinking of interracial marriages and their production of offspring as genocide is counterintuitive; interracial relationships were a phenomenon that *created* life, not ended it. Nevertheless, the doctrine of biological absorption rested on the idea of the eventual disappearance of a distinct group of people. But should we perhaps consider the linguistic device of using terms such as “ethnocide” or “cultural genocide” to refer to absorption? Does it have more relevance to these sub-definitions of genocide that scholars have invented to refer to attempts to destroy culture rather than the people?

Andrew Markus offers useful definitions of ethnocide and genocide. He defines ethnocide as “the attempt to bring about the disappearance of an ethnic or racial group by suppression of its culture, language, and religion, but stopping short of physical destruction” and genocide as “the attempt to bring about the disappearance of an ethnic or racial group by deliberately inflicting on the group conditions of life calculated to bring about its partial physical destruction and including selective mass killing.”⁷⁷ Given these definitions, a broader acknowledgment of how biological absorption operated in Australia and the United States in fact blurs the boundaries between ethnocide and genocide: absorption led to births, not to deaths, but these births were supposed to be (although they often were not) a conduit of culture loss—a gradual disconnecting from culture, language, and religion over the generations. Thus, if we view biological absorption as ethnocide, we must take into account its biological aspects—its reliance on blood, sex, and bodies. As R. Charli Carpenter puts it, pregnancy can have a “unique role in corroding the victimized culture.”⁷⁸ If we view biological absorption as genocide, we must acknowledge that it was not a method of mass killing; but it was still certainly a “condition of life calculated to bring about [a group’s] partial physical destruction”: it was a policy about changing skin color and physical markers of identity as well as internal connections to culture and family.

However, although the application of the concept of genocide to the assimilation of indigenous peoples in Australia and United States has received much scholarly attention, I believe we need to move away from hard-and-fast legal definitions in order to be able to assess these nation’s histories more clearly. As Wolfe points out, there is a danger in using sub-definitions of genocide, such as ethnocide or cultural genocide, because such usage

confuses definition with degree... In particular, in an elementary category error, “either/or” can be substituted for “both/and,” from which genocide emerges as either biological (read “the real thing”) or cultural—and thus, it follows, not real.⁷⁹

“The apparently insurmountable problem with the qualified genocides [‘cultural genocide,’ ‘ethnocide,’ ‘politicide,’ etc.],” Wolfe writes,

is that, in their very defensiveness, they threaten to undo themselves. They are never quite the real thing... The term “structural genocide” avoids the questions of degree—and, and therefore, of hierarchy among victims—that are entailed in qualified genocides.⁸⁰

Moving away from discussions of the strict definitions of genocide goes some way toward recognizing the most important aspect of this debate—its implications for indigenous communities themselves. As Seena Kohl has argued, the biggest difference

between ethnocide and genocide is the tenacity of cultures that have undergone the former.⁸¹ The fact that indigenous peoples have so successfully resisted attempts to remove their culture and identity does not mean that we should underestimate the persistence with which colonial societies attempted to erase them by bickering over legal definitions.

We must also pay careful attention to how these debates over definition actually assist indigenous peoples in negotiating the inequalities that still exist in settler societies. As Dirk Moses points out,

who will gainsay the point of Indigenous jurist Larissa Behrendt that “the political posturing and semantic debates do nothing to dispel the feeling Indigenous people have that this is the word that adequately describes our experience as colonized people”?⁸²

When historians focus our discussions on the subsections of a legal definition, we undermine the promise and potential of the historical profession. It is not our job to decide legal accountability: it is our task to document the complexity of the past, with all its variations and its troubling, difficult-to-define people and beliefs. Thinking about whether biological absorption was genocidal according to the term itself obscures the myriad ways in which absorptionist thinking underlay legislation even when it was not openly discussed. There are good political reasons for indigenous peoples to characterize their experiences as genocide and to use the language of accountability. In our investigations into the past, we can help them best by trying to understand colonialism and by exploring its powerful, still-present assumptions about the world. I hope I have shown in this paper, for example, that there is an irony in applying a strict definition from the 1948 UNCG to the equally stringent definitions of indigenous identity from the late nineteenth and twentieth centuries in Australia and the United States.

We must also think hard about how this aspect of Australia’s history affects present-day ideas about indigenous identity. As Darlene Johnson argues,

genocide must also be understood in terms of the historical effects on a people of institutional colonialism. It is still being written and read off our bodies. The policies of control, segregation, incarceration—the abuses of power, the separation of families and the gaoling of people—have effects on bodies and have inscribed cultural memories on them.⁸³

One of the outcomes of acknowledging the links between miscegenation, assimilation policies, and genocide is a contribution to the angst-ridden debates about Aboriginal and Indian identity, an acknowledgment of the underlying biological, physical, bloody aspects of assimilation policies that demonstrate the terrifying resolve of settler governments to rid themselves of the Aboriginal or Indian problem one way or another.

Notes

1. Antoinette Burton, “Introduction: On the Inadequacy and the Indispensability of the Nation,” in *After the Imperial Turn: Thinking with and through the Nation*, ed. Antoinette Burton, 1–23 (Durham, NC: Duke University Press 2003), 2.
2. Human Rights and Equal Opportunity Commission [HREOC], *Bringing Them Home: A Guide to the Findings and Recommendations of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families* (Sydney: HREOC, 1997), http://www.hreoc.gov.au/Social_Justice/stolen_children/index.html (accessed 19 December 2008). The HREOC used the following definition of genocide, drawn from the *Convention on the Prevention and Punishment of the Crime of Genocide*, 9

December 1948, 78 U.N.T.S. 277, http://www.unhcr.ch/html/menu3/b/p_genoci.htm (accessed 19 December 2008), art. 2:

Any of the following acts committed with intent to destroy, in whole or in part, any national, ethnical, racial or religious group, as such:

- (a) killing members of the group
 - (b) causing serious bodily 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; and
 - (e) forcibly transferring children of the group to another group.
3. See, in particular, A. Dirk Moses, "An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia," *Journal of Genocide Research* 2 (2000): 89–106; A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York: Berghan Books, 2004); Robert Manne, *The Way We Live Now: The Controversies of the Nineties* (Melbourne: Text Publishing, 1998), 15–44; Henry Reynolds, *An Indelible Stain: The Question of Genocide in Australia's History* (Ringwood, Australia: Viking, 2001); Alison Palmer, *Colonial Genocide* (Adelaide, Australia: Crawford House, 2000); Colin Tatz, "Genocide in Australia," *Journal of Genocide Research* 1 (1999): 315–52; "Genocide?": Australian Aboriginal History in International Perspective," special section of *Aboriginal History* 25 (2001): 1–172. On the "history wars" see Robert Manne, ed., *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History* (Melbourne: Black, 2003); Stuart Macintyre and Anna Clarke, *The History Wars* (Carlton, Australia: Melbourne University Publishing, 2003). For a sociological analysis of the effects of the discussion of "indigenous issues" in the media in the 1990s see Martha Augoustinos, Keith Tuffin, and Mark Rapley, "Genocide or a Failure to Gel? Racism, History and Nationalism in Australian Talk," *Discourse and Society* 10 (1999): 351–78. On 24 May 2007, Lowitja O'Donoghue, a prominent Pitjantjatjara activist, marked the tenth anniversary of the release of *Bringing Them Home* with a speech pointing out that most of the report's recommendations had not been followed by the federal government. Annabel Stafford, "Abbott Scorned as He Backs Stance on Stolen Generations," *Age*, 25 May 2007, <http://www.theage.com.au/articles/2007/05/24/1179601576391.htm> (accessed 26 May 2007).
 4. James Axtell, *Beyond 1492: Encounters in Colonial North America* (New York: Oxford University Press, 1992), 224. For a substantive review of this outpouring of literature see James Axtell, "Columbian Encounters: 1992–1995," *William and Mary Quarterly* 52 (October 1995): 649–96. For a comprehensive discussion of the conservative political denial of genocide in Australia see Ben Kiernan, "Cover-Up and Denial of Genocide: Australia, the USA, East Timor, and the Aborigines," *Critical Asian Studies* 34 (2002): 163–92.
 5. Lilian Friedberg, "Dare to Compare: Americanizing the Holocaust," *American Indian Quarterly* 24 (2000): 353–80. For a comprehensive argument against comparing the Holocaust to other genocides see Steven T. Katz, "Quantity and Interpretation: Issues in the Comparative Historical Analysis of the Holocaust," *Holocaust and Genocide Studies* 4 (1989): 127–48.
 6. See, in particular, Stuart Bradfield, "From Empires to Genocide Chic: Coming to Terms with the Stolen Generations in Australia," in *Genocide Perspectives II: Essays on Holocaust and Genocide*, 243–66 (Sydney: Brandl and Schlesinger / Australian Institute for Holocaust and Genocide Studies, 2003); Manne, *The Way We Live Now*.
 7. Laurence M. Hauptman, *Tribes and Tribulations: Misconceptions about American Indians and Their Histories* (Albuquerque: University of New Mexico Press, 1995), 4–5 (original emphasis).
 8. Axtell, *Beyond 1492*, 261.
 9. Inga Clendinnen, "First Contact," *The Australian's Review of Books*, 9 May 2001, B6.

10. Reynolds, *An Indelible Stain*, 1–2.
11. *Ibid.*, 3.
12. Ann Curthoys, “Cultural History and the Nation,” in *Cultural History in Australia*, ed. Hsu-Ming Teo and Richard White, 22–37 (Sydney: University of New South Wales Press, 2003), 23.
13. See, e.g., Friedberg, “Dare to Compare”; Ward Churchill, *A Little Matter of Genocide: Holocaust and Denial in the Americas 1492 to the Present* (San Francisco: City Lights, 1997). Simone Gigliotti, “Unspeakable Pasts as Limit Events: The Holocaust, Genocide, and the Stolen Generations,” *Australian Journal of Politics and History* 49 (2003): 164–81; Bruce Wilshire, *Get’ Em All! Kill’ Em!: Genocide, Terrorism and Righteous Communities* (Lanham, MD: Lexington Books, 2005), 15–32; Jürgen Zimmerer, “Colonialism and the Holocaust: Towards an Archeology of Genocide,” in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*, ed. A. Dirk Moses, 49–76 (New York: Berghahn Books, 2004). For the problems associated with making such a comparison see Neil Levi, “‘No Sensible Comparison?’: The Place of the Holocaust in Australia’s History Wars,” *History and Memory* 19 (2007): 124–56. There are some excellent studies comparing the genocidal treatment of indigenous peoples in more than one settler society. See, in particular, Patrick Wolfe, “Settler Colonialism and the Elimination of the Native,” *Journal of Genocide Research* 8 (2006): 387–409; Patrick Wolfe, “Structure and Event: Settler Colonialism, Time, and the Question of Genocide,” in *Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History*, ed. A. Dirk Moses, 102–32 (Oxford: Berghahn Books, 2008). See also Norbert Finzsch, “‘It is scarcely possible to conceive that human beings could be so hideous and loathsome’: Discourses of Genocide in Eighteenth- and Nineteenth-Century America and Australia,” *Patterns of Prejudice* 39 (2005): 97–115.
14. Robert K. Hitchcock and Tara M. Twedt, “Physical and Cultural Genocide of Various Indigenous Peoples,” in *Century of Genocide: Eyewitness Accounts and Critical Views*, ed. Samuel Totten, William S. Parsons, and Israel W. Charny, 372–407 (New York: Garland Publishing, 1997), 378.
15. Katherine Ellinghaus, *Taking Assimilation to Heart: Marriages of White Women and Indigenous Men in Australia and the United States, 1887–1937* (Lincoln: University of Nebraska Press, 2006). For discussions of white attitudes to Indian/white relationships concluding that they were not part of assimilation policy see Brian W. Dippie, *The Vanishing American: White Attitudes and U.S. Policy* (Middletown, CT: Wesleyan University Press, 1982); David D. Smits, “‘Squaw Men,’ ‘Half-Breeds,’ and Amalgamators: Late Nineteenth-Century Anglo-American Attitudes toward Indian–White Race-Mixing,” *American Indian Culture and Research Journal* 15 (1991): 157–92. See also Alexandra Harmon, “When Is an Indian Not an Indian? The ‘Friends of the Indian’ and the Problems of Indian Identity,” *Journal of Ethnic Studies* 18 (1990): 95–123; Wilbert H. Ahern, “Assimilationist Racism: The Case of the ‘Friends of the Indian,’” *Journal of Ethnic Studies* 4, 2 (1976): 23–32.
16. M. Annette Jaimes, “Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America,” in *The State of Native America: Genocide, Colonization, and Resistance*, ed. M. Annette Jaimes, 123–38 (Boston: South End Press, 1992), 126–27.
17. Patricia Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton, 1987), 338.
18. Ward Churchill, “The Crucible of American Indian Identity: Native Tradition versus Colonial Imposition in Postconquest North America,” in *Contemporary Native American Cultural Issues*, ed. Duane Champagne, 39–67 (Walnut Creek, CA: AltaMira Press, 1999), 46.
19. *Ibid.*, 50. Churchill also discerns “statistical extermination” in the consistent underestimates of pre-contact Indian populations. Churchill, *A Little Matter of Genocide*, 131–37.

20. Ronald L. Trosper, "Native American Boundary Maintenance: The Flathead Indian Reservation, Montana, 1860–1970," *Ethnicity* 3 (1976): 256–74, 257–8.
21. Melissa L. Meyer, "American Indian Blood Quantum Requirements: Blood is Thicker than Family," in *Over the Edge: Remapping the American West*, ed. Valerie J. Matsumoto and Blake Allmendinger, 231–50 (Berkeley: University of California Press, 1999), 241.
22. Bonita Lawrence, "Real" Indians and Others: *Mixed-Blood Urban Native Peoples and Indigenous Nationhood* (Lincoln: University of Nebraska Press, 2004), 16.
23. David A. Hollinger, "Amalgamation and Hypodescent: The Question of Ethnoracial Mixture in the History of the United States," *American Historical Review* 108 (2003): 1363–90, 1368. R. David Edmunds has also argued that the popularity of claiming Indian ancestry needs to be studied further. R. David Edmunds, "Native Americans, New Voices: American Indian History, 1895–1995," *American Historical Review* 100 (1995): 717–40, 734.
24. Churchill, "The Crucible of American Indian Identity," 46.
25. Patrick Wolfe, "Land, Labor and Difference: Elementary Structures of Race," *American Historical Review* 106 (2001): 866–905, 881.
26. Hollinger, "Amalgamation and Hypodescent," 1367.
27. Alexandra Harmon, "Tribal Enrollment Councils: Lessons on Law and Indian Identity," *Western Historical Quarterly* 32 (2001): 175–200, 177.
28. Circe Sturm, *Blood Politics: Race, Culture, and Identity in the Cherokee Nation of Oklahoma* (Berkeley: University of California Press, 2002), 80–81.
29. John P. LaVelle, "The General Allotment Act 'Eligibility' Hoax: Distortions of Law, Policy, and History in Derogation of Indian Tribes," *Wicazo Sa Review* 14 (1999): 251–302.
30. Tatz, "Genocide in Australia," 321.
31. Commonwealth of Australia, *Aboriginal Welfare: Initial Conference of Commonwealth and State Aboriginal Authorities held at Canberra, 21st to 23rd April, 1937* (Canberra: L.F. Johnston, Commonwealth Government Printer, 1937).
32. Russell McGregor, "Governance, Not Genocide: Aboriginal Assimilation in the Postwar Era," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*, ed. A. Dirk Moses, 290–311 (New York: Berghahn Books, 2004), 293, 307.
33. Paul R. Bartrop, "The Holocaust, the Aborigines, and the Bureaucracy of Destruction: An Australian Dimension of Genocide," *Journal of Genocide Research* 3 (2001): 75–87, 83.
34. Robert Manne, "Aboriginal Child Removal and the Question of Genocide, 1900–1940," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*, ed. A. Dirk Moses, 217–42 (New York: Berghahn Books, 2004), 238.
35. Raimond Gaita, "Genocide: The Holocaust and the Aborigines," *Quadrant* 41, 11 (1997): 17–22, 20.
36. Robert Manne, "In Denial: The Stolen Generations and the Right," *Quarterly Essay* 1 (2001): 1–113, 40.
37. Manne, *The Way We Live Now*, 40–41.
38. Tatz, "Genocide in Australia," 333.
39. Manne, "Aboriginal Child Removal," 238–9.
40. Andrew Markus, "Genocide in Australia," *Aboriginal History* 25 (2001): 57–69, 64.
41. Warwick Anderson, *The Cultivation of Whiteness: Science, Health and Racial Destiny in Australia* (Carlton South: Melbourne University Press, 2002), 216–43; Quentin Beresford and Paul Omaji, *Our State of Mind: Racial Planning and the Stolen Generations* (Fremantle, Australia: Fremantle Arts Centre Press, 1998); Russell McGregor, *Imagined Destinies: Aboriginal Australians and the Doomed Race Theory, 1880–1939* (Carlton South: Melbourne University Press, 1997), ch. 4; Russell McGregor, "'Breed Out the Colour' or the Importance of Being White," *Australian Historical Studies* 33 (2002): 286–302; Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London: Cassell, 1999), 175–76; Manne, *The Way We Live Now*, 15–41.

42. Ann McGrath, "The White Man's Looking Glass: Aboriginal-Colonial Gender Relations at Port Jackson," *Australian Historical Studies* 24 (1990): 189-206, 195.
43. Raymond Evans, "'Don't You Remember Black Alice, Sam Holt?' Aboriginal Women in Queensland History," *Hecate* 7, 2 (1982): 6-21, 12.
44. Gary B. Nash, "The Hidden History of Mestizo America," in *Sex, Love, Race: Crossing Boundaries in North American History*, ed. Martha Hodes, 10-34 (New York: New York University Press, 1999), 10.
45. Andrea Smith, *Conquest: Sexual Violence and American Indian Genocide* (Cambridge, MA: South End Press, 2005), 12-13.
46. See the testimonies quoted *ibid.*, 15.
47. See the discussions surrounding the 1888 Act (and its reversal in 1897), which prevented white men from becoming entitled to "any tribal property, privilege, or interest" and forced every Native American woman who married a white man, except those belonging to the so-called Five Civilized Tribes, to become an American citizen upon her marriage. US House, *Annual Report of the Commissioner of Indian Affairs*, 50th Cong., 2d sess., 1888, 940; *Fifteenth Annual Report of the Indian Rights Association, 1897* (Philadelphia: Office of the Indian Rights Association, 1898), 28.
48. Lake Mohonk Conference, *Proceedings of the Eighth Annual Meeting of the Lake Mohonk Conference of Friends of the Indian, 1890* (Philadelphia: Lake Mohonk Conference, 1890), 142.
49. Lake Mohonk Conference, *Proceedings of the Eleventh Annual Meeting of the Lake Mohonk Conference of the Friends of the Indian, 1893* (Philadelphia: Lake Mohonk Conference, 1893), 106.
50. *Western Australian Parliamentary Debates* 28 (1905), 424.
51. *Western Australian Parliamentary Debates* 98 (1936), 1197.
52. Pat O'Malley, "Gentle Genocide: The Government of Aboriginal Peoples in Central Australia," *Social Justice* 21, 4 (1994): 46-65, 52.
53. Victoria Freeman, "Attitudes Towards 'Miscegenation' in Canada, the United States, New Zealand, and Australia," *Native Studies Review* 15 (2005): 49-61, 57.
54. Commonwealth of Australia, *Aboriginal Welfare*, 12.
55. HREOC, *Bringing Them Home*, ch. 9.
56. Robert van Krieken, "The Barbarism of Civilization: Cultural Genocide and the 'Stolen Generations,'" *British Journal of Sociology* 50 (1999): 297-315, 307.
57. *Queensland Parliamentary Debates* 174 (1939), 459.
58. Beresford and Omaji, *Our State of Mind*, 44.
59. Victoria Haskins, "On the Doorstep: Aboriginal Domestic Service as a 'Contact Zone,'" *Australian Feminist Studies* 16, 34 (2001): 13-25, 18.
60. See Victoria Haskins and Margaret D. Jacobs, "Stolen Generations and Vanishing Indians: The Removal of Indigenous Children as a Weapon of War in the United States and Australia, 1870-1940," in *Children and War: A Historical Anthology*, ed. James Marten, 227-41 (New York: New York University Press, 2002); Katherine Ellinghaus, "Indigenous Assimilation and Absorption in the United States and Australia," *Pacific Historical Review* 75 (2006): 563-85.
61. Devon Abbott Mihesuah, *Indigenous American Women: Decolonization, Empowerment, Activism* (Lincoln: University of Nebraska Press, 2003), 77.
62. Ellinghaus, *Taking Assimilation to Heart*, 25-40.
63. Paul Havemann, "Denial, Modernity and Exclusion: Indigenous Placelessness in Australia," *Macquarie Law Journal* 5 (2005): 57-80, 60.
64. *Aborigines Protection Amendment Act, 1886* (Victoria). Similar clauses are found in the *Aborigines Ordinance, 1918* (Northern Territory); the *Aborigines Act, 1911* (South Australia); the *Aborigines Act, 1905* (Western Australia); and the *Aborigines Protection and Restriction of the Sale of Opium Act, 1897* (Queensland).

65. "Annual Report of the Chief Protector of Aboriginals for the Year 1909," *Queensland Parliamentary Papers* 3 (1910), 12.
66. *Queensland Parliamentary Debates* 174 (1939), 452.
67. Indeed, there is evidence that absorptionist ideas lasted beyond the interwar period. See, e.g., "Must Australia's 30,000 Half-Castes Be Outcastes?" *Sydney Morning Herald*, 26 January 1949, 2.
68. Paul Spruhan, "A Legal History of Blood Quantum in Federal Indian Law to 1935," *South Dakota Law Review* 51 (2006): 1–50, 9.
69. *Report of the Commissioner to the Five Civilized Tribes to the Secretary of the Interior for the Fiscal Year Ended June 30 1912* (Washington, DC: Government Printing Office, 1912), 6.
70. "Report of the Commissioner of Indian Affairs T.J. Morgan, September 5, 1890," quoted in Wilcomb E. Washburn, *The American Indian and the United States: A Documentary History* (New York: Random House, 1973), 465.
71. Felix S. Cohen, *Handbook of Federal Indian Law* (Washington, DC: Government Printing Office, 1945), 5.
72. See, e.g., J. Douglas Smith, *Managing White Supremacy: Race, Politics, and Citizenship in Jim Crow Virginia* (Chapel Hill: University of North Carolina Press, 2002); Richard B. Sherman, "'The Last Stand': The Fight for Racial Integrity in Virginia in the 1920s," *Journal of Southern History* 54 (1988): 69–82; Peter Wallenstein, *Tell The Court I Love My Wife: Race, Marriage, and the Law—An American History* (New York: Palgrave Macmillan, 2002), 137–41; Lisa Lindquist Dorr, "Arm in Arm: Gender, Eugenics, and Virginia's Racial Integrity Acts of the 1920s," *Journal of Women's History* 11 (1999): 143–66. The most comprehensive exploration is Helen C. Rountree, *Pocahontas's People: The Powhatan Indians of Virginia through Four Centuries* (Norman: University of Oklahoma Press, 1990), 219–68.
73. Tiya Miles, *Ties that Bind: The Story of An Afro-Cherokee Family in Slavery and Freedom* (Berkeley: University of California Press, 2005), xv.
74. Wolfe, "Structure and Event," 120.
75. Smith, *Conquest*, 11. For a similar discussion in the Australian context see Ian Anderson, "I, the 'Hybrid' Aborigine: Film and Representation," *Australian Aboriginal Studies* 1 (1997): 4–14.
76. Theda Perdue, *"Mixed Blood" Indians: Racial Construction in the Early South* (Athens: University of Georgia Press, 2003), x.
77. Markus, "Genocide in Australia," 58. It should be noted that Alison Palmer does not include biological absorption in her definition of ethnocide. By her definition, ethnocide can mean the loss of ecosystem that forms the basis of a social and cultural system; being forced into new forms of economic activity; the undermining of traditional forms of political organization; that languages and cultural practices are forbidden and not taught to the next generation; that Christianity replaces traditional religions; that cultural identities are simply denied; that state policies remove people from their communities through migration or child removal; or that expressions of a culture are forbidden or destroyed. Alison Palmer, "Ethnocide," in *Genocide in Our Time: An Annotated Bibliography with Analytical Introductions*, ed. Michael N. Dobkowski and Isidor Walliman, 2–4 (Ann Arbor, MI: Pierlan Press, 1992).
78. R. Charli Carpenter, "Surfacing Children: Limitations of Genocidal Rape Discourse," *Human Rights Quarterly* 22 (2000): 428–77, 429. And of course, as Carpenter points out, we must be very careful about how we connect the experiences of such children with any discussion of genocide: in Australia, notably, children of mixed descent were fully fledged members of the community into which they were born.
79. Wolfe, "Settler Colonialism and the Elimination of the Native," 398–9.
80. *Ibid.*, 402–3.
81. Seena B. Kohl, "Ethnocide and Ethnogenesis: A Case Study of the Mississippi Band of Choctaw, a Genocide Avoided," *Holocaust and Genocide Studies* 1 (1986): 91–100.

82. A. Dirk Moses, "Genocide and Settler Society in Australian History," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*, ed. A. Dirk Moses, 3–48 (New York: Berghahn Books, 2004), 17.
83. Darlene Johnson, "Ab/originality: Playing and Passing versus Assimilation," *The Olive Pink Society Bulletin* 5, 2 (1993): 19–23, 19.

Ontological Destruction: Genocide and Canadian Aboriginal Peoples¹

Andrew Woolford

Department of Sociology, University of Manitoba, Winnipeg

The impact of colonialism on Aboriginal groups in Canada is often described as “cultural genocide” or “ethnocide.” In contrast, this article offers a re-reading of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948) that is sensitive to Aboriginal understandings and experiences of group life and group destruction. Through this re-reading, it is argued that genocide must be understood in a culturally contextualized manner so as to avoid modernist and Eurocentric biases. Only by opening up the conception of genocide will we be able to contend adequately with Canadian Aboriginal experiences of colonialism.

Keywords: genocide, Canadian Aboriginal peoples, residential schools, assimilation, cultural genocide

Introduction

The terms “cultural genocide” and “ethnocide” have often been used to describe the destruction perpetrated against Canadian Aboriginal peoples.² In such cases, one senses that these terms are not intended to invoke one of the categories of genocide created by Raphael Lemkin when the United Nations Secretariat retained him in 1946 to help draft an international convention³ but, rather, are used as qualifiers to describe processes different from and less severe than genocide proper, which some suggest must involve the attempted physical annihilation of the targeted group.⁴ However, to characterize the harms produced by Canadian colonialism as cultural genocide is problematic on at least three grounds. First, the varied path of attempted Aboriginal destruction in Canada is misrepresented by attempts to reduce Canadian colonialism to a singular event and Aboriginal Canadians to a single “group.” To put it simply, Canadian Aboriginal peoples are culturally and regionally diverse and experienced colonialism in different ways. Second, while all Aboriginal groups experienced at least some degree of attempted assimilation, some also experienced high levels of physical destruction through settler violence, disease, and deadly residential-school conditions, as well as biological interference with reproductive processes. Finally, the separation between “cultural” and “physical” forms of destruction—a modernist contrivance that contends that such neat categories in fact exist—collapses under a more detailed investigation of Aboriginal experiences of destruction. This third problematic is the primary focus of this article.

While the assumption that Canadian Aboriginal peoples experienced *only* cultural genocide is commonplace, in my research on land claims and reparations for Aboriginal peoples in British Columbia, I have come across many Aboriginal persons who describe their experiences of colonialism as “genocide.”⁵ At first, I took this to be a politicized use of the term—an attempt to harness its symbolic power to the task of advancing Canadian Aboriginal justice claims.⁶ Surely they meant cultural genocide or ethnocide. Moreover, in delineating their experiences of genocide, these Aboriginal respondents

included not only residential schools and Canadian assimilation policies—phenomena often discussed under the rubric of cultural genocide—but also land appropriation, the spread of European diseases, and the broad legal framework of Canadian colonialism. Taking these claims seriously, I begin in this article from the premise that these people are neither strategically misinterpreting the term “genocide” nor employing it solely for political purposes. In doing so, I argue that a re-reading of the 1948 United Nations Convention on the Prevention and Punishment of Genocide (UNCG) through a lens sensitive to Aboriginal realities lends greater validity to these claims.

If we are to begin to address Canadian Aboriginal claims of genocide, it is necessary to reject a strictly epistemological approach to the question of genocide, one that seeks to identify a guiding legal or sociological definition of genocide that can be applied to multiple cases in a doctrinal manner. This means that the UNCG definition of genocide will not be used here as a “universal grid”⁷ for classifying human groups and their violent relations. Lost within such generalizations are local understandings of collective life and collective destruction. Thus, this article moves toward an “ontology of destruction,” examining genocide from the perspective of how destruction is experienced and made sense of by targeted collectivities who define their worlds within culturally specific meaning systems. This portrayal will be partial, since it is impossible to do more than hint at some Aboriginal understandings of destruction within the allotted space. Thus, the examples provided are not intended as a comprehensive account of Canadian Aboriginal genocides but are merely illustrative of how the UNCG potentially fails to capture Canadian Aboriginal notions of being.

It should also be noted that my project is not to relativize or to broaden the concept of genocide to the extent that it loses all meaning. Instead, the UNCG will continue to serve as a guiding framework for constituting acts of genocide, but key components of its definition will be interrogated and opened up so that they move beyond modernist and Eurocentric meaning horizons. The goal is to employ the UNCG in a manner more sensitive to cultural specificity, rather than in a strictly legalistic sense. To this end, I will seek to destabilize what it means to be a “group,” to show “intent,” and to experience “destruction,” all terms specified in art. 2 of the UNCG.⁸

Aboriginal/Non-Aboriginal Relations in Canada

Before embarking on this analysis it is necessary to provide a succinct summary of the history of Aboriginal/non-Aboriginal relations in Canada. The narrative that follows is a simplification of the process of colonization, which, as mentioned above, took a variety of distinct forms depending on the Aboriginal people and the region in question.

The first non-Aboriginal visitors to what is now Canada were Norsemen who attempted to settle parts of Newfoundland and Labrador in the eleventh century. Conflict ensued with the local Aboriginal population, and the Norse abandoned their efforts. In the latter part of the fifteenth century, Europeans returned, this time pursuing sea products ranging from cod to whale. Some expeditions set up temporary camps ashore to dry their catch, but, for the most part, they had minimal contact with Aboriginal peoples of this region.

Beginning in the sixteenth century, Europeans—in particular, the French and the British—set out more regularly to explore North America. At first they sought to discover a sea route to the riches of the Far East. But they soon discovered that North America possessed its own store of wealth: the beaver pelts and other animal furs that were desired in Europe. European traders depended on Aboriginal peoples to hunt and treat the furs so that they could be transformed into hats and other clothing.

This trade continued through much of the seventeenth and eighteenth centuries, creating a symbiotic relationship between Aboriginal and non-Aboriginal trappers and traders.

Aboriginal peoples were also important military allies for the competing European colonizers. Warfare between Aboriginal peoples prior to the arrival of Europeans tended to produce few casualties, since the available weaponry was relatively unsophisticated. However, with the arrival of European military technology and the export of European struggles to North American soil, Aboriginal peoples found themselves increasingly engaged in deadly combat. The eighteenth century was particularly bloody as the French, British, and Anglo-Americans battled for control of North America. Many Aboriginal peoples found themselves immersed in war, whether as part of an alliance with one of the conflicting European nations or in combat with a new or long-standing Aboriginal enemy.

The French brought evangelism to their Aboriginal trading partners in the seventeenth century. These efforts to “save” the “souls” of Aboriginal peoples were intensified by religious orders such as the Récollets and the Jesuits who ventured into Aboriginal communities to proselytize to their inhabitants. These orders differed in the degree to which they sought to assimilate Aboriginal peoples to European ways. The Récollets attempted not just a spiritual but a cultural conversion, while the Jesuits believed that tending to the souls of Aboriginal peoples was enough. However, the presence of these and other evangelists within Aboriginal communities, not to mention the schools and churches they established, would, in the nineteenth and twentieth centuries, be used by the Canadian government in its attempts to culturally absorb Aboriginal persons into the Canadian mainstream (e.g., through “residential schools”).

Despite the early presence of European traders and missionaries, settlers were few at the onset of Canadian colonization. Indeed, Aboriginal peoples would have been in a secure position to maintain their power, territories, traditions, and trade had it not been for the spread of European diseases. Since Aboriginal peoples had established little resistance to diseases such as smallpox, these diseases provided “biological power” to facilitate European control.⁹ Carried along trade routes, diseases often preceded Europeans into Aboriginal communities and decimated their populations. At least half the Aboriginal population of between 200,000 and 300,000 people was killed by disease between the beginning of the seventeenth century and the end of the nineteenth.¹⁰ This devastating death toll opened vast areas of land to European settlement and exploitation.

The destructive effect of colonialism intensified as Europeans began to seek possession of Aboriginal territories for settlement and resource exploitation. Once British control of Canada was established in the mid-seventeenth century, population pressures and land scarcity in Britain brought settlers seeking new economic opportunities to eastern Canada (and later to the Prairie region). In contrast, on the West Coast of Canada, various entrepreneurs spearheaded colonial control of what is today British Columbia when they strove to exploit the resources of this region. Colonial economic activities on the West Coast began with the fur trade but expanded into gold mining, fisheries, and forestry. Both settler and entrepreneurial patterns of colonization affected Aboriginal peoples drastically, carving their traditional territories into increasingly smaller allotments.

Any attempt by these newcomers to dispossess Aboriginal peoples of their lands was supposed to be constrained by British law. In the aftermath of the Anglo–French struggle for control of what is now Canada, George III of Britain issued the

Royal Proclamation of 1763 to set the ground rules for colonial relations. The portion of this text that refers to Aboriginal peoples reads as follows:

We do therefore, with the Advice of our Privy Council, declare it to be our Royal Will and Pleasure . . . that no Governor or Commander in Chief in any of our other Colonies or Plantations in America do presume for the present, and until our further Pleasure be known, to grant Warrants of Survey, or pass Patents for any Lands beyond the Heads or Sources of any of the Rivers which fall into the Atlantic Ocean from the West and North West, or upon any Lands whatever, which, not having been ceded to or purchased by Us as aforesaid, are reserved to the said Indians, or any of them.¹¹

In accordance with this proclamation, the colonial government was charged with signing treaties with Aboriginal peoples through which the latter would exchange their territorial rights for goods and services to be provided by the Crown. This policy was followed in several parts of Canada, leading to the creation of agreements such as the “numbered treaties,” which cover large portions of Ontario and the Prairie provinces. Negotiating in the afterglow of the cooperation and trust that defined the fur trade, Aboriginal groups often assumed the treaties to be living documents that would shift depending upon their changing needs. In contrast, the non-Aboriginal negotiators saw the treaties as an opportunity to restrict Aboriginal peoples to reserves and to gain access to their traditional territories through annuity payments.¹²

In other regions, this legal imperative to negotiate treaties was ignored. In British Columbia, for example, Aboriginal peoples were denied treaties and forced onto reserves smaller than those anywhere else in Canada. To this day, First Nations in British Columbia seek treaty agreements that will recognize their Aboriginal rights and title, as well as their inherent right to self-government.¹³

Although Canadian Aboriginal peoples have at times used laws such as the Royal Proclamation to pursue their Aboriginal rights and title, law has more often operated as a tool of colonization. Under British control, legal mechanisms such as the 1857 Gradual Civilization Act were passed to legislate the “progress” of Aboriginal peoples. Following Confederation in 1867, the Dominion of Canada increased its use of law as a means to control Aboriginal peoples. Indeed, a first step in this control was to define the population that was to be controlled. In 1876, the Indian Act officially codified the definition of Indian and non-Indian.¹⁴ This piece of legislation, despite many revisions, is still in place and still regulates most dimensions of the lives of First Nations individuals and communities.¹⁵ In addition, traditional Aboriginal government structures were reshaped through laws such as the Indian Act and the Enfranchisement Act of 1869, which combined to give the Canadian government greater powers to interfere with governance on Aboriginal reserves.

It should also be noted that the spread of Canadian policing to the far corners of the new nation had a marked impact on Aboriginal ways of life. Royal North-West (later Canadian) Mounted Police officers enforced Canadian law upon even those Aboriginal peoples who had previously operated at some remove from the colonial government. Among the most destructive laws were those forbidding traditional cultural practices, such as the Potlatch or Sun Dance, and those that required Aboriginal children to attend residential schools.¹⁶

Residential schooling was an important part of a broader policy of assimilation. Frustrated by Aboriginal peoples’ refusal to accept Canadian offers of “enfranchisement,” Canadian leaders turned to education as a means to eliminate Aboriginal cultures. Residential schools began operating in the late nineteenth century, drawing on an existing network of Protestant and Catholic schools. These were initially day

schools, but their administrators felt that the children's returning to their parents at the end of each day was undoing their day of lessons in the proper conduct of "civilized" persons. In response, the schools began to hold students in residence for most of the year, giving them only a month in the summer to visit their families. By 1920, residential schools were made mandatory for all Aboriginal children. At many schools, conditions were so inadequate that large numbers of children died from ill health, exposure to the elements, and poor nutrition.¹⁷ Others suffered physical and sexual abuse, as well as a constant verbal assault on their cultures, traditions, communities, and families. Upon completing their education, many no longer felt at home or welcome in their communities and became divorced from their cultural traditions. Moreover, deprived of the experience of being parented, they later found it a great struggle to raise their own children.¹⁸ Continuing cycles of emotional, physical, and sexual abuse, as well as addiction, suicide, and other markers of intergenerational trauma, within Aboriginal communities are considered residual effects of the residential-school experience.¹⁹

The combined effects of land appropriation, violated or ignored treaties, legal domination, and forced assimilation were devastating for Aboriginal peoples. However, they did not entirely succumb to these experiences. Since colonization they have enacted resistance both on an everyday and at a broader societal level. On the everyday level, Aboriginal peoples have held onto their identities and have worked hard to recover and revitalize Aboriginal languages and traditions in order to preserve their cultures. Although these emblems of cultural identity are still in jeopardy, the extent to which they have survived is remarkable, given the colonial onslaught against them.²⁰ On a broader societal level, Aboriginal persons have used national political organizations such as the Assembly of First Nations and countless regional bodies to express Aboriginal grievances and to pursue justice. The efforts of such organizations have culminated in several moral and political victories. For example, in 1969, the Canadian government tabled a white paper through which it attempted to impose the individual rights of Canadian citizenship upon Aboriginal persons. This policy decision, taken by Pierre Trudeau's Liberal government, seemed so contrary to advice provided by First Nations leaders in government consultations prior to the release of the document that it immediately galvanized Aboriginal persons across Canada. Most saw this policy as an attempt at cultural assimilation that would destroy the Aboriginal way of life. Because of their vocal and concerted protest, the Trudeau government was forced to withdraw the proposal.

Aboriginal peoples have also used Canadian courts to protect and extend their Aboriginal rights and title. One of the first major legal victories for Aboriginal peoples came in *Calder v. British Columbia* (1973).²¹ Although the Supreme Court of Canada's decision did not technically favor the Nisga'a First Nation, which launched the case, the reasons for the judgment given by the Court did recognize that Aboriginal title is not something granted by the Crown but, rather, pre-exists European settlement. This decision, together with Aboriginal protests against the 1969 white paper, convinced the Canadian government to take steps to acknowledge Aboriginal demands. In this spirit, in 1974 the government began to negotiate comprehensive land claims with Aboriginal groups that did not possess treaties, and affirmed and recognized Aboriginal and treaty rights in Part II of the Constitution Act, 1982.²²

Aboriginal peoples remain a powerful force within Canadian society, despite living in conditions that set them apart in terms of poverty, health, economic opportunity, education, and other indicators of social marginalization.

Genocide and Canadian Aboriginal Peoples

The complexity of this historical narrative, even in such a simplified form, makes any application of the concept of genocide to the circumstances difficult. First, the events described above are loosely networked and do not follow any straightforward genocidal teleology of intent; that is, although we see many moments of intentional destruction, it would be difficult to legally prove the existence of a focused plan of annihilation that could be construed as specific intent. Second, assaults on Aboriginal peoples often derived from what were, at least at the time, liberal or even humanistic motivations. Various “enlightened” Europeans came to North America with the belief that “Indians” could—through instruction and education—be made fit for “civilized” society. Finally, given the constant presence of Aboriginal resistance, there is a tendency in Canadian historiography to avoid use of the term “genocide” lest it portray Aboriginal nations as utterly powerless in the face of European might and overlook their impressive perseverance.²³

These issues must be acknowledged in addressing Canadian Aboriginal claims of genocide. However, they also distract us somewhat from grappling directly with Aboriginal experiences of attempted colonial destruction. The first two issues prioritize the intentions and motives of the perpetrators, but we must first address what we mean by “destruction” before we can examine whether or not it was intended. As I suggest below, Aboriginal peoples who suffered greatly at the hands of the majority continue, in their own eyes, to suffer the effects of colonialism. Humanitarian motives do not absolve genocidal intent if these humanitarian beliefs promoted the denial and elimination of Aboriginal ways of being. The third issue attempts to shift the focus away from portraying Aboriginal peoples as passive victims and toward an emphasis on their active survival; however, it is wrong to assume that charges of genocide presuppose the passivity of victims. Indeed, one would be hard pressed to find any instance of genocide that did not meet with some level of resistance on the part of victims.

The remainder of this article is devoted to re-reading the opening sentence of art. 2 of the UNCG in a manner informed by Canadian Aboriginal experiences of colonialism. The objective is to illustrate how we must first open our evaluative tools to localized Aboriginal understandings of group identity and collective destruction before we can attempt to adjudicate whether or not genocidal intent was evident in the Canadian case.

Genocide and the UNCG

Raphael Lemkin devised the term “genocide,” a combination of Greek *genos* (“race,” “tribe”) and Latin *cide* (from *cidere*, “to kill”), to provoke the world to take seriously this crime that had heretofore gone “without a name.”²⁴ With this new word in hand, he directed his efforts toward the legal codification of the term so that a clear standard would be in place, rather than the hodgepodge of international treaties and agreements that did not speak to the scale of genocidal crimes. Debate continues about what Lemkin determined to be included within, or necessary to, his definition of genocide.

Lemkin, with his focus on the maintenance and protection of “national groups,” discussed not only mass killing and the physical elimination of such groups but also what is often referred to as “cultural genocide” or “ethnocide.”²⁵ Some, such as Ward Churchill, argue that, according to Lemkin, the destruction of a group’s ability to continue its cultural existence is sufficient for a determination of genocide.²⁶

Others argue that Lemkin still held killing to be an essential component of genocide.²⁷ Regardless, it is important to note that Lemkin did give priority to the protection of cultural or “national” groups.²⁸ Thus, “physical” genocide was not, for him, simply a matter of individual killings in the aggregate; rather, it referred to the manner in which the mass loss of life debilitates the continuation of a “group.” Given this, it must also be acknowledged that extermination is not the only means available to achieve group destruction, although it is certainly a potent and primary means.

Moreover, we must first learn something about the group’s singularity, or what Lemkin calls the “essential foundations” of group life,²⁹ if we are to ascertain what it might mean to destroy them. What binds the group together? What cultural components are central to the definitional work of reproducing this group as a social unit? Obviously, there must be individual members participating in this collectivity if it is to exist, but there may be other necessary factors involved as well: territory, language, modes of governance, to name but a few. Based on this focus on the key components of group life, the analytical difference that scholars such as Chalk and Jonassohn claim to exist between physical and cultural forms of genocide becomes less obvious, as we can envision the possibility that the loss of the so-called cultural components of group life might be as damaging to the group’s sustainability as the killing of its members.³⁰ Thus, these processes of physical and cultural destruction are so entwined that they are often separable only at an analytical level that breaks down upon examination of actual experiences of destruction.³¹

Lemkin’s goal of achieving recognition of the crime of genocide was realized, in part, with the drafting of UNCG. Article 2 of this convention reads,

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.³²

Setting aside for the moment the five means to genocide that follow the “as such,” as well as the political context in which this article was crafted,³³ it is worth exploring the opening sentence of art. 2 in relation to Canadian Aboriginal experiences of destruction. It is this statement that establishes the parameters of the UNCG, demanding that we consider the meanings of words such as “intent,” “destroy,” and “group.”

Aboriginal Understandings of Group Identity

One of the most controversial aspects of the UNCG is that it restricts the groups potentially targeted by genocide to “national, ethnical, racial or religious” groups. Clearly, this is a rather limited list of potential groupings that ignores a great variety of forms of collective life.³⁴ Nonetheless, it could be argued that Aboriginal groups fit into one or more of these group categories. For example, Aboriginal groups have some of the characteristics of racial or ethnic groups, in the sense that they exhibit distinct cultural practices and are bound by specific norms, beliefs, and a common language or

linguistic heritage. However, this designation overlooks the multiethnic dimensions of Canadian Aboriginal communities. Often these communities invite members from other communities to join their ranks; indeed, such ethnic mobility was historically encouraged as a means of creating inter-tribal links.³⁵ For this reason, one might be tempted, instead, to designate Canadian Aboriginal communities as “nations” for purposes of the UNCG. However, this too is imperfect, since, unlike European notions of nationhood that presuppose fixed national boundaries, Aboriginal understandings of territory tend to be more fluid. For example, neighboring Aboriginal groups often held “shared territories” that allowed for multi-community usage of lands.³⁶

Thus, the restrictions placed on group identity by the UNCG are inappropriate and potentially encourage a “totalization” of community life that is itself a danger to Aboriginal group identities. In other words, by seeking to impose clear community parameters upon Canadian Aboriginal groups, interpreters of the UNCG may miscategorize these communities in a way that obstructs their attempts to exist as “becoming communities”³⁷—that is, communities engaged in an ongoing and daily process of self-definition and redefinition that never suggests a point of community closure. Indeed, some Aboriginal peoples consider the experience of enforced closure, through mechanisms such as the Canadian reserve system and the “self-governance” arrangements offered by the Canadian government, part of an ongoing process of attempted colonial destruction.³⁸

The UNCG further implies that a group consists solely of its human members, but this may be quite contrary to the group identity of collectivities adhering to or built upon animist belief systems that include their environs and local wildlife as part of the group. Under the terms of the UNCG, the impact of the destruction or expropriation of lands and wildlife on group life is considered only through the charge (in art. 2(c)) of “deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part.” Indeed, several scholars have used this part of the UNCG to argue that the ecological destruction experienced by Canadian Aboriginal peoples is genocidal.³⁹ Along these lines, one could examine how, at the end of the fur-trade period, with the move toward settlement, the colonial project began to bear more directly on Aboriginal lands. For example, in British Columbia, the imposition of the reserve system denied Aboriginal peoples nearly all of their territories, as well as traditional hunting, fishing, and governance practices. As Cole Harris notes,

From the late 1860s, Native leaders had protested their small reserves in every way they could, claiming, fundamentally, that their people would not have enough food and that their progeny had no prospects. In retrospect, they were right. The spaces assigned to Native people did not support them, although the mixed economies they cobbled together, the revised diets they ate, and the accommodations and settlements they lived in had allowed some of them to survive.⁴⁰

This destructive force of colonial land appropriation is evident in the experiences of the Tsawwassen First Nation. Located in the lower mainland of British Columbia, their reserve was wedged between a ferry terminal, a coal port, and a highway. The coal port and the ferry terminal combined to destroy shellfish life and fishing areas along the Tsawwassen beachfront, and their longhouse was destroyed to make way for the highway. Such practices, and their equivalents throughout BC and across Canada,⁴¹ were near catastrophic in their consequences, especially when combined with the population loss caused by European diseases, making difficult not only cultural but also physical reproduction. Thus, one could reasonably argue that these

are instances in which “conditions of life calculated to bring about [an Aboriginal group’s] physical destruction in whole or in part” were inflicted.

However, this reading does not fully address the centrality of land and wildlife to Aboriginal peoples. As Peter Kulchyski suggests of Aboriginal communities in Denendeh and Nunavut, the Aboriginal relationship to landscape is neither merely “closeness” to nor a strong reliance upon nature; rather, the natural world represents an “embodied inscription.”⁴² Territory is an essential part of their group-formation processes, and its removal represents a dire threat to the ability of these groups to reproduce a group identity. Mohawk legal scholar Patricia Monture-Angus describes group identity as follows: “Identity, as I have come to understand it, requires a relationship with territory (and not a relationship based on control of that territory).”⁴³ The point is that it is a disservice to force Aboriginal experiences of ecological destruction into a framework that acknowledges only the subsistence value of land to a group, even if this move might initially appear to advance their justice claims by clearly locating land and wildlife destruction within the terms of the UNCG. To fully acknowledge the Aboriginal experience of attempted destruction, we need to understand land and environment not simply as means of sustaining group life, but as key components of group life. Thus, in our example, the Tsawwassen did not simply lose their traditional food supports and their longhouse; the whittling down of their reserve and the destruction of their sociocultural environment placed severe restrictions on how they could imagine themselves as a people in relation to, and as part of, their physical surroundings.

Similarly, Westphalian notions of “national” territory as bounded property to be owned and used for profit often conflict with traditional Aboriginal understandings of territory.⁴⁴ For the Coast Salish of British Columbia, territories are not sharply defined and instead allow for greater freedom of movement, sharing, and relationships. Indeed, the imposition of boundaries upon these communities presents a significant challenge to their self-understandings and group identity. As Brian Thom states, Coast Salish members

see boundaries and borders as arbitrary and artificial at best, and at worst a part of a recurring colonial mechanism of government to create division between communities and kin and weaken the potential strength of the Coast Salish people as a Nation. These people are concerned that the power of such maps and terms will have the effect of severing their connections to place, framing the future of engagements with the land exercised as rights negotiated under land claims settlements firmly in western ontological terms.⁴⁵

Genocide scholars interested in the attempted destruction of Canadian Aboriginal peoples should thus be wary of trying to categorize and draw boundaries around these peoples in a manner that imposes Western understandings of group identity and group spaces. If its categories are not held sufficiently open to Canadian Aboriginal notions of identity and space, the UNCG may unwittingly become yet another Eurocentric tool for reframing Aboriginal lifeworlds, rather than a resource for Aboriginal justice.⁴⁶

Forms of Destruction

So what does it mean to “destroy” a group? The previous section discussed the destructive effects of the imposition of European notions of group identity and territory; in this section I focus instead on how a modernist framing of destruction potentially leads to the exclusion of certain harms from consideration in our discussion of genocide.

Genocide carries with it notions of harm that are artifacts of a specific (in particular, modernist) viewpoint that may not reflect how harms are experienced and understood by different collectives. This is particularly true of what are argued to be “natural” processes of destruction, such as disease and famine. As Bruno Latour notes, the modern “Constitution” holds the poles of nature and culture separate, all the while allowing for the proliferation of hybrids, or “quasi-objects” and “quasi-subjects,” that are amalgamations of nature and culture networked together in a complex interface. This act of “purification”—that is, of keeping nature and culture separate—allows moderns to stack the deck in their favor, designating events and objects to either the nature or the culture pole when it suits their interests.⁴⁷ Taking Latour’s argument out of its science studies context, we can examine how this practice of purification operates within debates about what is and what is not genocide, as the hybridity of destructive processes—for example, the deadly spread of HIV/AIDS through rapes, or the destruction caused by (fully or partially) orchestrated famines designed to punish rebellious collectives—often complicates the picture of what is and is not a part of a genocidal action.

We are able to separate hybridic and networked phenomena such as disease and famine into the category of “nature” (as distinct from culture or society) not because this is what empirical evidence suggests but because we adhere to an intellectual orientation that holds nature and culture to be mutually distinct and uncoupled, despite their clear interconnections.⁴⁸ Moreover, this separation also allows for the production of more terrible hybrids whose destructive tendencies are not held to account by law or ethics because they are not viewed as targets for social intervention. Thus, European diseases were permitted to ravage Aboriginal communities largely unchecked, and with a certain degree of indifference, because these were not processes for which Europeans felt particularly responsible.⁴⁹

The spread of European diseases served to weaken Aboriginal communities and to increase European dominance in North America. As traders and missionaries penetrated further into Aboriginal societies, they carried epidemics such as smallpox with them. In other cases, the diseases spread through Aboriginal networks, originating at colonial entry points—the forts and ports of North America—and eventually reaching even those groups who had yet to experience European contact. In these latter cases, the diseases acted as a pre-emptive form of ethnic cleansing, allowing Europeans to declare Aboriginal lands *terra nullius* upon reaching the latter’s decimated communities.⁵⁰

Amidst the first epidemics of the mid- to late seventeenth century, the growing importance of trade for Aboriginal societies limited their ability to respond to the simultaneously growing threat of disease. For example, the Huron in southwestern Ontario suspected that the plagues that were destroying their communities were brought by the French Jesuit missionaries, but they dared not evict the missionaries for fear that the French would halt trade with the Huron. Subsequently, with the Huron weakened by disease and the supply of beaver pelts dwindling to the point of provoking greater inter-tribal friction over trade competition, the Iroquois confederacy attacked and destroyed the Huron.⁵¹

Tuberculosis was rampant through many residential schools until the 1940s, and reports suggest that the staff at these schools did little to help the infected children. Susceptibility to this and other diseases was increased by the poor nutrition and inadequate clothing provided to students. In addition, there are reports of students’ being required to bunk with others who were infected.⁵² With death tolls from

tuberculosis reaching as high as 50% in some schools, any claim that this was simply “natural” is exposed as disingenuous at best.

More recently, the community of Grassy Narrows experienced the destructive effects of forced modernization, environmental deterioration, and assimilation. Relocated from their more isolated reserve by the Canadian government because it was believed the First Nation would be better served if they had access to a direct roadway to Kenora, Ontario, the community suffered in the end through the loss of its traditions, mass suicide, rampant child neglect and abuse, widespread alcoholism and mercury poisoning, and the destruction of their food source and livelihood.⁵³

Each of these destructive events represents a braiding of social and natural processes.⁵⁴ However, the UNCG is often read within a modernist framework that assumes a stark divide between nature and culture. Thus, the five forms of destruction highlighted in art. 2—“killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group; forcibly transferring children of the group to another group”—all presume a decidedly social strategy of elimination. The problem with this presumption, in terms of understanding the attempted destruction of Canadian Aboriginal peoples, is that it allows the colonizer to avoid responsibility for hybridic assaults on Aboriginal peoples. Disease is conveniently removed as relevant evidence because it is classified as a natural process. But diseases such as smallpox and tuberculosis, and industrial ailments such as mercury poisoning, were experienced by Aboriginal peoples as consequences of enforced contact with non-Aboriginal peoples, and as part of a structured set of destructive relations, that cannot simply be categorized as “natural.” If we are to contend adequately with these experiences, we must not exclude certain forms of destruction from consideration; instead, genocide scholars must be ready to interrogate the modernist oppositions that shape our ways of knowing and being in the world.

Understanding Intent

One of the most vexing issues in discussions about genocide in Canada is that of intent. As in debates about genocide in other settler societies (the United States, Australia, and New Zealand), questions are raised about whether the perpetrators clearly formulated an intent to eliminate Aboriginal peoples. Some argue that because the Canadian colonial government’s assimilation policies were based on humanitarian and welfare-oriented concerns, they cannot be considered genocidal, since they do not evince a clear malevolent intent. Others point to the fact that functionaries and settlers operating at a distance from government were often the key agents of Aboriginal destruction. Missionaries, gold miners, settlers, and others carried with them no government mandate to impinge upon Aboriginal lifeworlds. However, Lemkin’s work on Aboriginal genocides suggests that centrally coordinated planning is not required for an event to be categorized as genocide. Indeed, Lemkin’s work shows great awareness of the networked character of Aboriginal destruction, acknowledging that various “genocidists” possessing different motives might each play a role in the wider process of Aboriginal destruction.⁵⁵

My objective in this section, however, is neither to outline debates about colonial intent nor to offer an alternative notion of intent. Rather, I aim to demonstrate, through the example of Canadian residential schools, how the notion of intent hinges on our understandings of group identity and group destruction.⁵⁶ In other words,

unless we take Aboriginal notions of group identity and group destruction seriously, we will have difficulty pinpointing “intent.”

Death was not an uncommon event in Canada’s residential schools. More than half the students at certain schools succumbed to early death from unchecked disease, poor nutrition, or lack of proper clothing and shelter.⁵⁷ Add to these the deaths brought on through physical and sexual assaults, and the suicides that sometimes followed these attacks, and one gains a sense of the deadly nature of this “civilizing” project. The point has been made that it was the “progressives” of their time who sought to redeem Aboriginal peoples by incorporating them into colonial society.⁵⁸ For this reason, charges of presentism are often leveled against those who are insensitive to the ethical milieu in which government and residential-school workers operated. Indeed, in the words of Reverend Wilson of the Shingwauk, residential schools appear benign on the surface:

[The Indian child] must be taught many things which come to the white child without the schoolmaster’s aid. From the days of its birth, the child of civilized parents is constantly in contact with the modes of civilized life, of action, thought, speech and dress; and is surrounded by a thousand beneficent influences. . . . He [the Indian child] must be led out from the conditions of . . . birth, in his early years, into the environment of civilized domestic life; and he must be thus led by his teacher.⁵⁹

The intention to breach the bond between parent and child and to disconnect the Aboriginal child from his or her collective receives much more blatant treatment in the words of Duncan Campbell Scott, superintendent of Indian Affairs from 1913 to 1932: “I want to get rid of the Indian problem. Our object is to continue until there is not a single Indian in Canada that has not been absorbed. They are a weird and waning race.”⁶⁰ Those seeking a teleology of intent would likely identify the latter statement as a point of origin in the Canadian genocidal process, but we must not fall into this trap; instead we should seek to understand the networked destruction wrought by residential schools in Canada as they destroyed not just lives but generations of lives by disrupting cultural patterns of parenting and cultural transmission. In this sense, they reflect an all-out assault on Aboriginal ontologies. As John Milloy points out,

The child, parent, and community exist in a landscape—a culture’s translation of environment into a “meaning”-filled place. Parts of the programme of studies would disorient children and then attempt to re-orient them in a place filled with European “meaning.” This “programme” intersected with other parts of the Canadian colonial enterprise to drastically alter the path of Aboriginal cultural production and reproduction.⁶¹

Thus, even though we have what may be taken as a clear statement of intent issued by a prominent government official, an overreliance on this statement distracts us from what is really at stake here: a colonial project that refused, and continues to refuse, to recognize the legitimacy of Aboriginal lifeworlds. Canadian colonialism has sought—through a range of seemingly benign and overtly aggressive actions—to replace these lifeworlds with the cultural patterns of the colonizers.⁶² As Robert van Krieken states with respect to the experiences of the “stolen generations” of Australian Aboriginal peoples, the source of destruction may lie less in an “unambiguous ‘intent to destroy’ a human group, than in the presumption that there was not much *to* destroy.”⁶³ Thus, to better understand the Aboriginal experience of destruction, we must move beyond a legalistic notion of intent that seeks to identify specific calculations of destruction on the part of the perpetrator; instead, we must understand intent as a catastrophic form of misrecognition, which so devalues a population that

assimilation is assumed to be a matter of their general welfare. In many ways, Europeans imagined Aboriginal peoples to be destitute, backward, uncivilized, and savage, and these assumptions facilitated their choice to impose a “liberal humanism” that denied Aboriginal ontologies.

Conclusion

The argument that Canadian Aboriginal peoples have experienced genocide is not new.⁶⁴ However, the authors who make this argument tend to take a universalist and modernist interpretation of genocide as their premise and to fit their claims of genocide within its frame, thereby reinforcing its hegemony. In contrast, my objective here has not been to prove a Canadian Aboriginal genocide against the UNCG standard or any other; instead, I have attempted to (a) establish that the designation of “cultural genocide” is too qualified and imprecise for understanding Canadian Aboriginal experiences of colonialism, and (b) argue that re-reading and opening certain components of the UNCG through an engagement with Canadian Aboriginal experiences and understandings of group identity, destruction, and intent provides a clearer path to discerning the nature of genocide in Canada.

Notes

1. According to the Canadian Constitution, the Aboriginal peoples of Canada are the Indians, Inuit, and Métis. *Constitution Act, 1982*, s. 35(2), being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11. “Indians” is the term used to refer to the many “First Nations” persons defined as either “status” or “non-status” by the *Indian Act*, R.S.C. 1985, c. I-5. “Inuit” means “people” and refers to a set of culturally similar indigenous groups who reside in Canada’s north (the term is also used to describe non-Canadian indigenous peoples). The Métis are people of mixed First Nations and European descent. Much of the information drawn on in this paper focuses on First Nations peoples in Canada, but I use the more general term “Aboriginal” because Inuit and Métis have shared many of these experiences.
2. J. Rick Ponting and Robert Gibbons, *Out of Irrelevance: A Sociopolitical Introduction to Indian Affairs in Canada* (Toronto: Butterworth, 1980), 18; Terry Wotherspoon and Vic Satzewich, *First Nations: Race, Class and Gender Relations*, 2nd ed. (Saskatoon: Canadian Plains Research Center, 2000), 28.
3. The other two categories are “physical genocide” (the “outright extermination or imposition of slow death measures”) and “biological genocide” (“the prevention of births among the target group”). The category of “cultural genocide,” in contrast, refers to the “destruction of the specific characteristics of the group.” Ward Churchill, “Forbidding the ‘G-Word’: Holocaust Denial as Judicial Doctrine in Canada,” *Other Voices* 2, no. 1 (2000), <http://www.othervoices.org/2.1/churchill/denial.html#53b> (accessed 19 December 2008). Churchill argues that these three categories are of “equal gravity” and do not represent a hierarchy of harm.
4. Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven, CT: Yale University Press, 1990), 23.
5. Andrew Woolford, *Between Justice and Certainty: Treaty-Making in British Columbia* (Vancouver: UBC Press, 2005).
6. For discussion of the potential banalization of genocide see Helen Fein, “Genocide: A Sociological Perspective,” in *Genocide: An Anthropological Reader*, ed. Alexander Laban Hinton, 74–90 (Malden, MA: Blackwell, 2002), 74; Michael Ignatieff, “Lemkin’s Word: The Danger of a World Without Enemies,” *The New Republic*, 26 February 2001, 25–28.
7. Charles L. Briggs and Clara Mantini Briggs, “‘The Indians Accept Death as a Normal, Natural Event’: Institutional Authority, Cultural Reasoning, and Discourses of Genocide in a Venezuelan Cholera Epidemic,” *Social Identities* 3 (1997): 439–69, 460.

8. *Convention on the Prevention and Punishment of the Crime of Genocide*, 9 December 1948, 78 U.N.T.S. 277, http://www.unhchr.ch/html/menu3/b/p_genoci.htm (accessed 19 December 2008), art. 2.
9. Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005).
10. J.R. Miller, *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*, rev. ed. (Toronto: University of Toronto Press, 1989).
11. George R., Proclamation, 7 October 1763 (3 Geo. III), reprinted in R.S.C. 1985, App. II, No. 1. The text of the Royal Proclamation is also available online through the Virtual Law Office, <http://www.bloorstreet.com/200block/rp1763.htm> (accessed 20 December 2008).
12. Arthur Ray, Jim Miller, and Frank Tough, *Bounty and Benevolence: A History of Saskatchewan Treaties* (Montreal: McGill-Queen's University Press, 2000). It should be noted that the terms of these treaties are contested and that many Aboriginal groups argue that the terms have been violated. Alleged treaty violations are dealt with through the Canadian government's "specific claims" process, whose current backlog of claims would likely take well over a century to resolve at the current pace.
13. Woolford, *Between Justice and Certainty*.
14. George Manuel and Michael Posluns, *The Fourth World: An Indian Reality* (Don Mills, ON: Collier-Macmillan., 1974).
15. Brian Calliou and Cora Voyageur, "Aboriginal Economic Development and the Struggle for Self-Government," in *Power and Resistance: Critical Thinking about Canadian Social Issues*, 2nd ed., ed. Wayne Antony and Les Samualson, 115–34 (Halifax: Fernwood Publishing, 1998); Dara Culhane, *The Pleasure of the Crown* (Vancouver: UBC Press, 1997).
16. Christopher Bracken, *The Potlatch Papers: A Colonial Case History* (Chicago: University of Chicago Press, 1997); Douglas Cole and Ira Chaikin, *An Iron Hand Upon the People: The Law Against the Potlatch on the Northwest Coast* (Vancouver: Douglas & McIntyre, 1990).
17. Kevin Annett, *Hidden from History: The Canadian Holocaust: A Summary of an Ongoing Independent Inquiry into Canadian Native "Residential Schools" and Their Legacy* (Vancouver: The Truth Commission into Genocide in Canada, 2001).
18. Patricia Monture-Angus, *Journeying Forward: Dreaming First Nations' Independence* (Halifax: Fernwood Publishing, 1999); Celia Haig-Brown, *Resistance and Renewal: Surviving the Indian Residential School* (Vancouver: Tillicum Library, 1988).
19. Eduardo Duran, *Native American Postcolonial Psychology* (Albany: State University of New York Press, 1995).
20. Peter Kulchyski, "Aboriginal Peoples and Hegemony in Canada," *Journal of Canadian Studies* 30 (1995): 60–68.
21. *Calder v. British Columbia (A.G.)* (1973), 34 D.L.R. (3d) 145, [1973] S.C.R. 313, [1973] 4 W.W.R. 1.
22. Each of these developments, however, was limited in terms of the justice offered to Aboriginal peoples. The comprehensive land-claims process is very onerous for Aboriginal groups; see Gurston Dacks, "The Politics of Native Claims in Northern Canada," in *The Quest for Justice: Aboriginal Peoples and Aboriginal Rights*, ed. Menno Boldt and J.A. Long, 251–64 (Toronto: University of Toronto Press, 1985). The Constitution Act, 1982, provides Aboriginals with only an "empty box" of rights—the nature of these rights and of Aboriginal title are still yet to be fully determined; see Douglas Sanders, "Pre-existing Rights: The Aboriginal Peoples of Canada (Sections 25 and 35)," in *The Canadian Charter of Rights and Freedoms*, 3rd ed., ed. G.-A. Beaudoin and E.I. Mendes, 232–60 (Scarborough, ON: Carswell, 1995).
23. Miller, *Skyscrapers Hide the Heavens*.
24. Samantha Power, "A Problem from Hell": *America and the Age of Genocide* (New York: Basic Books, 2002), 17.
25. Chalk and Jonassohn, *History and Sociology of Genocide*; Samuel Totten, William S. Parsons, and Robert K. Hitchcock "Confronting Genocide and Ethnocide of Indigenous

- Peoples: An Interdisciplinary Approach to Definition, Intervention, Prevention, and Advocacy,” in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton, 54–91 (Berkeley: University of California Press, 2002).
26. Ward Churchill, *Perversions of Justice: Indigenous Peoples and Angloamerican Law* (San Francisco: City Lights Books, 2003).
 27. See, e.g., Dirk A. Moses, “Conceptual Blockages and Definitional Dilemmas in the ‘Racial Century’: Genocides of Indigenous Peoples and the Holocaust,” *Patterns of Prejudice* 36, 4 (2002): 7–36.
 28. This aspect of Lemkin’s work was similarly emphasized by the Australian inquiry into the separation of Aboriginal and Torres Strait Islander children from the families. See Human Rights and Equal Opportunity Commission, *Bringing Them Home: Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Sydney: Sterling Press, 1997).
 29. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79.
 30. Chalk and Jonassohn, *History and Sociology of Genocide*, 23.
 31. See, e.g., Robert van Krieken, “Rethinking Cultural Genocide: Aboriginal Child Removal and Settler-Colonial State Formation,” *Oceania* 75 (2004): 125–50.
 32. UNGC, art. 2. The UNGC entered into force on 12 January 1951.
 33. Several scholars have noted that the political negotiations surrounding the UNGC shifted it away from Lemkin’s intentions. See, e.g., Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981).
 34. See Alexander Laban Hinton, “The Dark Side of Modernity: Toward an Anthropology of Genocide,” in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton, 1–40 (Berkeley: University of California Press, 2002).
 35. See, e.g., the resistance to assumptions of ethnic homogeneity among the Tsleil-Waututh of British Columbia. Tsleil Waututh First Nation, *Our Land to Share: A Future for the People of the Inlet: A Comprehensive Approach to Settling an Urban First Nation Treaty in British Columbia* (Vancouver: Tsleil Waututh First Nation, 2000).
 36. Brian Thom, “The Paradox of Boundaries in Coast Salish Territories” (paper presented at Indigenous Cartographies and Representational Politics: An International Conference Dedicated to the Critical Examination of Indigenous Mapping and Geographic Information Systems, Cornell University, Ithaca, NY, 3–5 March 2006); Monture-Angus, *Journeying Forward*.
 37. Peter Kulchyski, *Like the Sound of a Drum: Aboriginal Cultural Politics in Denendeh and Nunavut* (Winnipeg: University of Manitoba Press, 2005); Jean-Luc Nancy, *The Inoperative Community* (Minneapolis: University of Minnesota Press, 1991); Giorgio Agamben, *The Coming Community* (Minneapolis: University of Minnesota Press, 1993).
 38. See, e.g., Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (London: Oxford University Press, 1999).
 39. Dean Neu and Richard Therrien, *Accounting for Genocide: Canada’s Bureaucratic Assault on Aboriginal People*. (Black Point, NS: Fernwood Publishing/Zed Books, 2002); Katherine Bischooping and Natalie Fingerhut, “Border Lines: Indigenous Peoples in Genocide Studies,” *Canadian Review of Sociology and Anthropology* 33 (1996): 481–506.
 40. Cole Harris, *Making Native Space: Colonialism, Resistance and Reserves in British Columbia* (Vancouver: UBC Press, 2002), 291.
 41. As noted above, whereas the Canadian government signed treaties with most Aboriginal groups, in several regions of the country such agreements were not a feature of colonialism (e.g., B.C., Yukon, and parts of Quebec). However, even those Aboriginal groups that did sign treaties found themselves facing unexpected assaults on their territory and their traditional land-based practices as these agreements were violated or manipulated. See Ray et al., *Bounty and Benevolence*.
 42. Kulchyski, *Like the Sound of a Drum*, 18.

43. Monture-Angus, *Journeying Forward*, 56.
44. Julie Cruickshank, *The Social Life of Stories: Narratives and Knowledge in the Yukon Territory* (Lincoln: University of Nebraska Press, 1998); Thom, "Paradox of Boundaries."
45. Thom, "Paradox of Boundaries," 21–22.
46. It should be remembered that part of the colonial project in Canada was to homogenize Aboriginal peoples under a single term, "Indian," and thus to make them governable as a unitary people.
47. Bruno Latour, *We Have Never Been Modern* (Cambridge, MA.: Harvard University Press, 1993).
48. Ibid.
49. This, of course, excludes purposeful uses of disease as a form of "biological warfare" against Aboriginal combatants. See Elizabeth A. Fenn, "Biological Warfare in Eighteenth-Century North America: Beyond Jeffrey Amherst," *Journal of American History* 86 (2000): 1552–80.
50. Daniel W. Clayton, *Islands of Truth: The Imperial Fashioning of Vancouver Island* (Vancouver: UBC Press, 2000).
51. Bruce G. Trigger, *Natives and Newcomers: Canada's "Historic Age" Reconsidered* (Kingston: McGill-Queen's University Press, 1985).
52. Annett, Hidden from History.
53. Anastasia Shkilnyk, *A Poison Stronger Than Love: The Destruction of an Ojibwa Community* (New Haven, CT: Yale University Press, 1985).
54. Another instructive example involves the smallpox epidemic in Victoria, BC, in 1862. Aboriginal persons camping near the city to take advantage of trade were infected by a strain of smallpox that likely originated in San Francisco and was carried northward through the gold rush. After some efforts to quarantine and vaccinate those infected, the colonial government resorted to expelling the Aboriginal persons through the deployment of gunboats. These individuals returned to their communities, carrying the deadly disease with them. See Barry M. Gough, *Gunboat Frontier: British Maritime Authority and Northwest Coast Indians, 1846–90* (Vancouver: UBC Press, 1984).
55. Michael A. McDonnell and Dirk A. Moses, "Raphael Lemkin as Historian of Genocide in the Americas," *Journal of Genocide Research* 7 (2005): 201–29.
56. For more thorough discussion of the question of intent as it relates to Aboriginal peoples see Moses, "Conceptual Blockages and Definitional Dilemmas" Dirk A. Moses, "An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia," *Journal of Genocide Research* 2 (2000): 89–106; Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, ed. Isador Wallimann and Michael N. Dobkowski, 237–52 (Syracuse, NY: Syracuse University Press, 1987).
57. John S. Milloy, *A National Crime: The Canadian Government and the Residential School System, 1879 to 1986* (Winnipeg: University of Manitoba Press, 1999).
58. Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: UBC Press, 2000).
59. Quoted in Milloy, *A National Crime*, 33–4.
60. Quoted in Brian E. Titley, *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* (Vancouver: UBC Press, 1986), 50; see also Neu and Therrien, *Accounting for Genocide*.
61. Milloy, *A National Crime*, 37.
62. Lemkin writes that "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." Lemkin, *Axis Rule in Occupied Europe*, 79. One gets the sense that not only is assimilation a key component of the definition of genocide, it is a twin process to extermination, which is often the privileged focus of genocide studies. As Michael McDonnell and Dirk Moses note, this passage illustrates that genocide "is colonial in nature," since it shows imperialist

- ambitions to be at the heart of genocidal processes. McDonnell and Moses, "Raphael Lemkin as Historian," 501.
63. van Krieken, "Rethinking Cultural Genocide," 141.
64. See Annett, *Hidden from History*; Churchill, "Forbidding the 'G-Word'"; Robert Davis and Mark Zannis, *The Genocide Machine in Canada: The Pacification of the North* (Montreal: Black Rose Books, 1973); Neu and Therrien, *Accounting for Genocide*.

A Report from the Field: The Declaration on the Rights of Indigenous Peoples—Implementation and Implications

Lola García-Alix

International Work Group for Indigenous Affairs

Robert K. Hitchcock

Department of Anthropology, Michigan State University

Over nearly two-and-a-half decades, indigenous peoples and their supporters expended enormous energy on developing a declaration on the rights of indigenous peoples that both protects and promotes their individual and collective rights. The debates surrounding the declaration focused on issues ranging from self-determination to the rights of indigenous peoples to practice their cultures and to participate in decision making. The declaration establishes the requirement for fair and adequate compensation for violations of rights and directly addresses the issues of ethnocide and genocide. The United Nations General Assembly passed the Declaration on the Rights of Indigenous Peoples on 13 September 2007, with 143 votes in favor, four votes against, and eleven abstentions. Notably, the votes against were cast by Australia, Canada, New Zealand, and the United States. Implementation of the Declaration on the Rights of Indigenous Peoples will be a complex process, especially given that many indigenous communities today are located in places where states, private companies, and individuals are competing for resources, sometimes with deadly results.

Keywords: indigenous peoples, United Nations, genocide, Commission on Human Rights

Introduction

The colonization of what came to be known as the Americas, Africa, Asia, the Pacific, and the Arctic by various European nations from the fifteenth to the nineteenth centuries witnessed the expansion of contacts between indigenous peoples and non-indigenous governments and agencies. Indigenous peoples in these areas were subjected to policies ranging from genocide to paternalism and benign neglect. Most indigenous groups chose to resist actively what they saw as an onslaught.¹

Of the world's contemporary peoples, those groups defined by themselves or others as indigenous tend to be overrepresented among those lacking basic human rights, living below the poverty line, and working under exploitative or unjust conditions. The indicators of indigenous peoples' deprivation are stark: they tend to have the lowest standards of health and nutrition; the highest rates of unemployment, illiteracy, and mortality; the shortest life spans; the lowest incomes; and the lowest degrees of political participation of the various categories of people in the countries in which they reside.²

The past several decades have witnessed intensifying efforts, at both the international and the grassroots level, to promote human rights for indigenous peoples.³ The indigenous peoples' movements of this period have had a number of impacts, not least on issues relating to genocide and mass killings. As Ronald Niezen points out,

As the regional scope of the movement has moved to new hemispheres, above all to the inclusion of unstable and/or undemocratic states, the form of grievance has also shifted from a more or less uniform pattern of ethnocidal displacement and assimilation to a more frequent inclusion of mass killing, the entanglements of ethnic rivalries, and efforts towards ethnic cleansing.⁴

This shift can be seen, for example, in Bangladesh, Burma (Myanmar), Chad, Colombia, Sudan, and Zimbabwe.⁵

Yet these populations continue to be vulnerable to oppression and exploitation. International conventions and declarations on indigenous and minority rights have often gone unenforced, and, as a result, the rights of members of these groups have been violated with impunity by states, by international agencies, and by private companies and individuals.⁶

International Human-Rights Instruments Involving Indigenous Peoples

Until relatively recently, only a few international human-rights statements dealt specifically with indigenous peoples. For decades, the only international legal instruments that directly addressed indigenous peoples' rights were Convention No. 107 and Recommendation No. 104 of the International Labor Organization (ILO), which were passed in 1957 and went into effect in 1959. Many indigenous groups felt that they were essentially left out of the debate on the promotion of indigenous rights.⁷

The Civil Rights movements in the United States (1954–1968) and decolonization trends in the developing world in the 1960s provided important lessons for indigenous peoples, and in the 1960s and 1970s indigenous groups began calling for greater recognition of their civil and political rights as well as their social, economic, and cultural rights. Many indigenous groups worked at the local level, attempting to organize their communities, and sought assistance from non-governmental organizations such as churches and humanitarian agencies. Some groups, such as American Indians in the United States, Australian Aboriginals, and various Latin American Indian peoples, formed organizations geared toward promoting their rights and well-being.⁸ Other groups ended up in direct confrontation with the state, as was the case, for example, in Bangladesh,⁹ Brazil,¹⁰ and Indonesia.¹¹

The same period saw the establishment of organizations aimed at supporting indigenous peoples, including the International Work Group for Indigenous Affairs (IWGIA) in 1968, Survival International in 1969, and Cultural Survival in 1972.¹² These organizations helped bring attention to the plight of indigenous peoples who were being destroyed and dispossessed and whose resources were being exploited by states, private companies, and individuals.

Particularly important to the emergent international indigenous movement were the right of indigenous peoples to self-determination and their right to determine for themselves the kinds of development policies that would affect them.

Indigenous peoples therefore sought to be recognized by the ILO and the United Nations as peoples with particular characteristics and as groups whose physical and cultural survival was threatened.

One of the biggest issues with which many indigenous peoples are concerned is that of autonomy, or, as indigenous leaders put it, "self-determination."

An examination of the sociopolitical status of indigenous peoples around the world reveals that very few of them are in control of the governments of the countries where they reside and that most of them lack political power even at the regional level. A major reason for this situation is that indigenous peoples were designated by colonial governments as “wards of the state,” lacking the legal right to participate in political decision making or to control their own futures. Indigenous peoples around the world have long had to contend with institutionalized discrimination and the lack of recognition of basic civil, political, and socioeconomic rights.¹³

In 1971, the UN Sub-commission on Prevention of Discrimination and Protection of Minorities authorized a study titled “The Problem of Discrimination Against Indigenous Populations.” This study, which took years to complete, brought together data on the situations facing indigenous peoples worldwide.¹⁴ One of the outgrowths of this process in the United Nations was the establishment of the Working Group on Indigenous Populations (WGIP) in May 1982.¹⁵ The WGIP, which met annually in Geneva, Switzerland, until 2006, was charged with reviewing developments affecting the rights of indigenous peoples and with producing a set of human-rights standards relating to indigenous peoples.

In the 1980s, a decision was made to revise ILO Convention No. 107 to take diversity among indigenous peoples more directly into account and to produce a document less focused on assimilation than the existing one, the title of which was “For the Protection and Integration of Indigenous and Other Tribal and Semi-tribal Populations in Indigenous Countries.” There were disagreements among indigenous groups, including those from the global North and the global South (i.e., developing countries), over the text and emphasis of the new convention, which was eventually passed in 1989.¹⁶ A major concern of indigenous peoples in the South, such as the Mapuche of Chile, was that they were coping with repressive regimes that, they contended, had extermination as an avowed goal.¹⁷ Another complaint was that the convention did not restore to indigenous peoples full property rights over their own lands.

The WGIP, with the participation of indigenous representatives, drew up a draft UN Declaration on the Rights of Indigenous Peoples that was completed in 1993. The following year, the Draft Declaration on the Rights of Indigenous Peoples was adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities; it was then forwarded to the Commission on Human Rights (UNCHR), later reorganized by the United Nations as the Human Rights Council. The UNCHR established in 1995 an open-ended inter-sessional working group the sole purpose of which was to elaborate on the draft declaration. A major goal of the UN General Assembly’s 1993 proclamation of the International Decade of the World’s Indigenous People (1995–2004) was to promote the human rights of indigenous peoples.¹⁸ One part of this effort was support for efforts to come up with a Declaration on the Rights of Indigenous Peoples.

In 2000, the United Nations established the Permanent Forum on Indigenous Issues (PFII), which held its inaugural session in May 2002. The PFII’s aims include strengthening international cooperation aimed at solving problems facing indigenous peoples, coordinating development and human-rights efforts involving UN agencies and indigenous peoples, and serving as a focal point for discussions relating to indigenous peoples and states.¹⁹ The PFII is unique within the United Nations in that it is the only forum in which indigenous peoples sit as equals alongside government-appointed members.²⁰ An example of the PFII’s role is its involvement in the health

and well-being of indigenous peoples, coordinating efforts with the World Health Organization (WHO) and other UN agencies that are attempting to address health inequities in the Americas.²¹ The PFII has also focused attention on crucial issues such as the impacts of climate change on indigenous peoples and their habitats.

Another great achievement on the part of indigenous peoples in their ongoing pursuit of protection and recognition of their fundamental rights by the United Nations came in 2001 with the creation by the UNCHR of the mechanism of the UN Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples.

Later that year the chair of the UNCHR appointed Rodolfo Stavenhagen as Special Rapporteur for a three-year period; in 2004, the mandate of the Special Rapporteur was renewed for an additional period of three years. In 2007, after the adoption of the UN Declaration on the Rights of Indigenous Peoples, the new Human Rights Council (HRC) again renewed the Special Rapporteur's wide mandate and decided to add the task of "promoting the UN Declaration on the Rights of Indigenous Peoples and international instruments relevant to the advancement of the rights of indigenous peoples," thus establishing a clear legal framework for the different activities of the UN Special Rapporteur. James Anaya assumed the mandate from Rodolfo Stavenhagen on 1 May 2008.

Unlike the PFII and the new UN Expert Mechanism on the Rights of Indigenous Peoples, the Special Rapporteur is authorized to take complaints from indigenous individuals, groups, or communities, including requests for urgent action; to investigate them; to make visits to the countries where the complaints originate; and to make recommendations to the country violating indigenous human rights and to the various human-rights organs of the UN as to steps they should take to remedy the violations or to prevent future violations.

Debates around the Declaration

Debate surrounding the Declaration on the Rights of Indigenous Peoples ranged from disagreements over the use "indigenous people" versus "indigenous peoples" (the latter advocated by several states including Canada) to the issue of political self-determination, which a number of state governments saw as opening up the possibility of secession and, potentially, the dissolution of nation-states and the rise of intergroup conflict. Debate also focused on the issue of collective versus individual rights. Some states expressed concerns about the extent to which indigenous peoples would be granted control over land and subsurface resources such as minerals and petroleum.

A number of states, including Botswana, maintained that all peoples in the country are indigenous and that providing assistance to specific groups would be tantamount to promoting apartheid (separate development) like that practiced in South Africa until April 1994.²² Many indigenous peoples sought to ensure the right to culture, including the right to speak indigenous mother tongues in the face of opposition from governments. Indigenous peoples that are minorities in the states where they reside (or majorities, as in the cases of Guatemala and Bolivia) are all too often faced with state restrictions on cultural practices; in many instances there has been overt repression of peoples seeking to promote their own identities.

In many parts of the world "indigenouness" has taken on added political and economic significance because it is used to claim title over blocks of land and the resources on these lands, as well as development assistance or recognition from states and intergovernmental organizations.²³ There are cases in which indigenous peoples,

including small-scale isolated groups, have come into conflict with states over resources, sometimes with deadly results— as, for example, in the Amazon Basin of South America and in Southeast Asia.²⁴

Today, indigenous peoples, like many other groups, are operating in a world in which conflicts are all too common. Some of these conflicts arise out of competition for resources, while others derive from interethnic tensions or from disagreements between the governments of states and peoples within those states. Indigenous peoples may also be victims of conflicts that do not concern them directly, as was the case, for example, with the Twa of Rwanda. A sizable proportion of the refugee population in some parts of the world (e.g., in Africa and Asia) is made up of indigenous and minority peoples. The concerns of indigenous peoples today, therefore, range from genocides and discriminatory treatment to the failure of states and transnational corporations to consult with indigenous peoples or to inform them about initiatives and plans that could affect their lands and livelihoods.

Some intergovernmental institutions, such as the World Bank, have attempted to take indigenous peoples into consideration and have established policies and guidelines aimed at promoting and protecting their rights.²⁵ There are cases, however, in which the activities of intergovernmental organizations have had very negative consequences for indigenous peoples; in the case of the Chixoy Dam in Guatemala, for example, investigations have shown the World Bank's complicity in genocide.²⁶

The formal adoption of the Declaration on the Rights of Indigenous Peoples by the UN General Assembly on 13 September 2007 was seen as an important victory by indigenous peoples around the world. The declaration acknowledges the occurrence of a wide range of violations against indigenous peoples and lays out minimum standards for ensuring dignity, well-being, and physical and cultural survival.

The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, Rodolfo Stavenhagen, in his statement on the occasion of the adoption of the declaration by the General Assembly, noted that the adoption of the declaration constituted a fundamental landmark for indigenous peoples and represented their important contribution to the construction of the international human-rights system.²⁷

The process of achieving agreement on the declaration within the United Nations was not an easy one. Four states—the United States, Canada, Australia, and New Zealand—opposed the Declaration and voted against its adoption. Earlier in the process, the African Group of States had raised serious questions about the declaration's principles and implications.²⁸ Concerns raised by various states included the perceived dangers of self-determination and self-government, which some states felt would threaten their territorial integrity and confer upon indigenous peoples the right of secession. There were also concerns that indigenous peoples would use some of the declaration's provisions on land, territories, and resources to control mineral and oil exploration and to limit economic development. Article 23 of the declaration states that "indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development," something that some states maintained was inappropriate because, in their view, governments ought to be the decision-making bodies with respect to national development.

An unqualified right to free, prior, and informed consent on all matters that affect indigenous peoples, some states believed, would give indigenous groups veto power over state policies and plans and over laws passed by legislative bodies. With respect to the issues of redress and restitution, states feared that the

implementation of this provision would reopen agreements and settlements already established between indigenous peoples and states.

The concerns of the African Group of States related to a number of the forty-three articles of the Declaration on the Rights of Indigenous Peoples. It was argued, for instance, that the absence of a definition of indigenous peoples in the text would create legal problems for the implementation of the declaration. Article 3 on self-determination was opposed in part because of the possibility that ethnicity, culture, and language could easily become a rationale for groups seeking exclusivity within nation-states, whereas, in the opinion of these states, the United Nations has the responsibility to protect the integrity of nation-states.²⁹ The African Group of States argued that the recognition, observance, and enforcement of treaties and agreements are the responsibility of the state.

Often, the term “indigenous” refers to individuals and groups who are descendants of the original populations (that is, the “first nations”) of a country, but this is not, for example, how indigenous peoples in Africa see themselves.³⁰

Admittedly, particular problems do arise in defining people as indigenous. An important criterion for “indigenoussness” is the identification by people themselves of their distinct cultural identity. Most indigenous people prefer to reserve for themselves the right to determine who is and is not a member of their group. As Bernard Nietschmann puts it, “Like a nation, a people is self-defined.”³¹

In many areas, it is difficult to determine antecedence, since a variety of populations have moved into and out of local areas over time. Africa, the continent with the longest history of human occupation, contains the greatest range of human genetic and cultural diversity. As a result, there have been complex interactions between indigenous and non-indigenous groups in Africa, some of which have resulted in indigenous groups’ being marginalized socially, politically, and economically. The establishment of majority rule in South Africa in 1994 and the passage of a new South African constitution, however, have provided hope for indigenous peoples throughout Africa.

The Constitution of Cameroon stipulates that “the State shall ensure the protection of minorities and preserve the rights of indigenous populations in accordance with the law.” The term “indigenous” is not defined, yet Cameroon has created an Indigenous Peoples Development Plan, as well as a plan for indigenous and vulnerable peoples in its Poverty Reduction Strategy Paper. Indigenous peoples are also mentioned in legislation in Congo and Burundi. The African Commission on Human and Peoples’ Rights underscores this kind of approach, noting that “a strict definition of indigenous peoples is neither necessary nor desirable.”³²

Indigenous peoples in Africa are highly diverse. They range from small communities of foragers (hunters and gatherers) such as the Twa in Central Africa to sedentary agropastoralists and peri-urban factory workers in the industrial economies of southern African states.³³ The vast majority of African indigenous peoples have diversified economic systems, combining small-scale agriculture and livestock production with natural resource procurement and business activities.

Some indigenous groups in Africa do not live within individual countries but, rather, are found in several states, overlapping national borders. This is the case, for example, with the Ju’hoansi of northwestern Botswana and northeastern Namibia and the Maasai of Kenya and Tanzania. The transboundary nature of many indigenous peoples puts them in a special position *vis-à-vis* nation-states, many of

which are concerned about their sovereignty and security and are attempting to prevent movements of people and goods across their borders.

The claims of indigenous peoples in Africa and other parts of the world are relatively similar: they wish to have their human rights respected; they want ownership and control over their own land and natural resources; and they want the right to participate through their own institutions in the political process at the nation-state, regional, and international levels. All these claims raise concerns on the part of states wishing to retain for themselves the right to determine the policies they pursue and the right to protect their populations and territories. Article 9 of the declaration, which states that “indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nations concerned,” was opposed by the African Group of States because they felt that this clause could be interpreted to mean that tribal communities can choose to belong to one country while living in another.³⁴

Because many of the indigenous groups of Africa remain unrecognized in the nation-states where they reside, they are seeking to organize themselves and to lobby in defense of their human rights. In doing so, they employ a variety of innovative strategies that range from the use of the Internet, geographic information system (GIS) tools, and global positioning system (GPS) instruments to conflict-resolution and negotiation techniques. Diplomacy and bargaining are also key strategies in indigenous peoples’ interactions with other groups and state governments. Indigenous groups have also sought redress through the courts and have used the media to positive effect.³⁵

Members of indigenous groups have taken part in international forums on indigenous peoples held by academic institutions and indigenous peoples’ human-rights and advocacy organizations.³⁶ While the indigenous movement is still in its infancy in Africa in many ways, steps are being taken toward establishing Africa-wide indigenous peoples’ networks and promoting indigenous peoples’ rights at the continental and regional levels, one example being the Indigenous Peoples of Africa Coordinating Committee (IPACC). Important work has been done by the African Commission’s Working Group of Experts on Indigenous Populations/Communities; for example, their missions to various African countries have resulted in useful recommendations for improvements in policies and programs that relate to indigenous peoples.

In June 2006, the UN Human Rights Council adopted the Declaration on the Rights of Indigenous Peoples with a vote of thirty-two in favor and two against. Intense negotiations among states, indigenous groups, and support organizations in 2006–2007 eventually resulted in a compromise, and the declaration was passed by the General Assembly in September. Lobbying strategies, networking, and awareness campaigns were employed by indigenous peoples’ delegations and by regional associations and NGOs, including the ACHPR, with strong support from the IWGIA, which engaged in lobbying and helped to win the votes of the African Group of States for a version of the declaration modified to meet the demands of various governments.³⁷ Ultimately, there were 143 votes in favor of the declaration, four votes against, and eleven abstentions.

After the vote in favor of the Declaration on the Rights of Indigenous Peoples was announced, Victoria Tauli-Corpuz, chair of the PFII, and Les Malezer, chair of the Global Indigenous Peoples Caucus, were allowed to address the members of the

General Assembly. They expressed their appreciation to the UN member states that voted in favor of the declaration. As Malezer noted,

The Declaration does not represent solely the viewpoint of the United Nations, nor does it represent solely the viewpoint of the Indigenous Peoples. It is a Declaration which combines our views and interests and which sets the framework for the future. It is a tool for peace and justice, based upon mutual recognition and mutual respect.³⁸

The challenge now is to implement the provisions of the Declaration.

In her statement, Tauli-Corpuz stressed that “effective implementation of the Declaration would test the commitment of States and the whole international community to protect, respect, and fulfill indigenous peoples’ collective and individual human rights”; she concluded her statement by calling on governments and civil society at large “to rise to the historic task before us and make the UN Declaration on the Rights of Indigenous Peoples a living document for the common future of humanity.”³⁹

Conclusions

As Julian Burger notes, the Declaration on the Rights of Indigenous Peoples is a unique instrument in the UN system in that it was drafted with the participation of people who are both the victims of human-rights abuses and the potential future beneficiaries of its provisions.⁴⁰ It is a unique document, as well, in that its drafting took into account a broad array of interests and was discussed extensively at the grassroots level as well as at the regional, national, and international levels. The UN Declaration on the Rights of Indigenous Peoples outlines the standards for what indigenous peoples feel are their fundamental human rights. It differs from other UN human-rights instruments in that it addresses the rights of indigenous peoples as collectivities instead of placing the emphasis on individual rights and freedoms. As Dalee Sambo Dorough said at the conference Being Indigenous in Today’s World, held in Copenhagen on 6 October 2008, the adoption of the declaration “redefines the terms of our survival in international law.”⁴¹ While it is a declaration and not a convention, and therefore is not binding on states, the Declaration on the Rights of Indigenous Peoples has the potential to become customary international law, and, as such, will henceforth have significant implications for the ways in which states behave toward indigenous peoples and for their deliberations and decision making *vis-à-vis* indigenous concerns.

The crucial issue now, we believe, is to find ways to compel states to comply with the international human-rights standards outlined in the declaration and to ensure the long-term survival and well-being of indigenous peoples throughout the world. Ways to do this include enhancing the capacities of states, indigenous peoples, and community-based organizations to plan and implement sustainable development and conservation strategies; engaging in human-rights education; promoting constitutional reform at the national level; forming networks; and undertaking collaborative activities at the international, national, or local level. Another way to ensure that indigenous peoples are protected from genocide is to take those responsible to court and prosecute them to the fullest extent of the law, as well as to impose sanctions on states that engage in genocide.

The new Human Rights Council’s Expert Mechanism on Indigenous Peoples’ Rights, the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples, and the PFII, given their different mandates, should coordinate their efforts closely, paying particular attention to issues of genocide,

ethnocide, and massive violations of human rights. Simply promoting democratic governance and participatory decision making is not enough; we must ensure that there is transparency, accountability, and fairness, and that international human-rights standards are applied universally, not only to member states of the United Nations but to all peoples, groups, and communities.

Notes

1. David Maybury-Lewis, "Genocide against Indigenous Peoples," in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton, 43–53 (Berkeley: University of California Press, 2002); Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races 1800–1930* (Ithaca, NY: Cornell University Press, 2003); Robert K. Hitchcock and Tara M. Twedt, "Physical and Cultural Genocides of Indigenous Peoples," in *Century of Genocide: Critical Essays and Eyewitness Accounts*, ed. Samuel Totten and William S. Parsons, 413–58 (New York: Routledge, 2009).
2. Julian Burger, *Report from the Frontier: The State of the World's Indigenous Peoples* (London: Zed Press, 1987); Julian Burger, *The Gaia Atlas of First Peoples: A Future for the Indigenous World* (New York: Anchor Books, 1990); David Maybury-Lewis, *Indigenous Peoples, Ethnic Groups, and the State* (Boston: Allyn & Bacon, 1997); John Bodley, *Victims of Progress* (Mountain View, CA: Mayfield Publishing, 1999); Patrick Thornberry, *Indigenous Peoples and Human Rights* (Manchester, UK: Manchester University Press, 2002); Robyn Eversole, John-Andrew McNeish, and Alberto D. Cimadamore, eds., *Indigenous Peoples and Poverty: An International Perspective* (London: Zed Books, 2005).
3. Eyassu Gayim and Kristian Myntti, eds., *Indigenous and Tribal Peoples' Rights—1993 and After* (Rovaneimi, Finland: Laplands University Press, 1997); Russel Lawrence Barsh, "Indigenous Peoples and the UN Commission on Human Rights: A Case of the Immovable Object and the Irresistible Force," *Human Rights Quarterly* 18 (1996): 782–813; Duncan Ivison, Paul Patton, and Will Sanders, eds., *Political Theory and the Rights of Indigenous Peoples* (Cambridge: Cambridge University Press, 2000); Ronald Niezen, *The Origins of Indigenism: Human Rights and the Politics of Identity* (Berkeley: University of California Press, 2003); Joshua Castellino and Naimn Walsh, eds., *International Law and Indigenous Peoples* (Leiden: Martinus Nijhoff, 2005); S. James Anaya, *Indigenous Peoples in International Law*, 3rd ed. (Oxford: Oxford University Press, 2008).
4. Niezen, *The Origins of Indigenism*, 70.
5. Minority Rights Group [MRG], *State of the World's Minorities 2007* (London: MRG, 2007); Kathrin Wessendorf, ed., *The Indigenous World 2008* (Copenhagen: International Work Group for Indigenous Affairs [IWGIA], 2008).
6. Al Gedicks, *The New Resource Wars: Native and Environmental Struggles Against Multinational Corporations* (Boston: South End Press, 1993); Al Gedicks, *Resource Rebels: Native Challenges to Mining and Oil Corporations* (Boston: South End Press, 2001).
7. Luis Rodriguez-Pinero, *Indigenous Peoples, Postcolonialism, and International Law: The ILO Regime (1919–1989)* (Oxford: Oxford University Press, 2005).
8. Russel L. Barsh and James Youngblood Henderson, *The Road: Indian Tribes and Political Liberty* (Berkeley: University of California Press, 1980); Stephen Cornell, *The Return of the Native: American Indian Political Resurgence* (New York: Oxford University Press, 1988); Ronald M. Berndt, ed., *Aborigines and Change: Australia in the '70's* (Canberra: Australian Institute of Aboriginal Studies, 1978); Stefano Varese, *Witness to Sovereignty: Essays in the Indian Movement in Latin America* (Copenhagen: IWGIA, 2006); Nancy Grey Postero and Leon Zamosc, eds. *The Struggle for Indigenous Rights in Latin America* (Brighton, UK: Sussex Academic Press, 2006).
9. See Wolfgang Mey, *Genocide in the Chittagong Hill Tracts* (Copenhagen: IWGIA, 1984); International Work Group for Indigenous Affairs [IWGIA], *The Chittagong Hill Tracts* (Copenhagen: IWGIA, 1991); and the various Chittagong Hill Tracts reports of the Chittagong Hill Tracts Commission, published by the IWGIA.

10. Shelton Davis, *Victims of the Miracle: Development and the Indians of Brazil* (Cambridge: Cambridge University Press, 1977).
11. David Hyndman, *Ancestral Forests and the Mountain of Gold: Indigenous Peoples and Mining in Indonesia* (Boulder, CO: Westview Press, 1994).
12. Bodley, *Victims of Progress*; Jens Dahl, *IWGIA: A History* (Copenhagen: IWGIA, 2009).
13. Bradley Reed Howard, *Indigenous Peoples and the State: The Struggle for Native Rights* (DeKalb: Northern Illinois University Press, 2002).
14. Jose Martinez Cobo, *Study of the Problem of Discrimination Against Indigenous Populations. Volume V: Conclusions, Proposals, and Recommendations* (New York: United Nations, 1987).
15. Douglas Sanders, "The UN Working Group on Indigenous Populations," *Human Rights Quarterly* 11 (1989): 406–33.
16. See, e.g., Lee Swepston, "The Adoption of the Indigenous and Tribal Peoples Convention, 1989 (No. 169)," *Law and Anthropology* 5 (1990): 221–35. The text of the convention can be found in International Labour Organization [ILO], *The Indigenous and Tribal Peoples Convention No. 169 of 1989* (Geneva: ILO, 1991).
17. Statements to this effect were made at the UN Conference on Discrimination Against Indigenous Populations in the Americas, held in Geneva in 1977; International Indian Treaty Council, "The Geneva Conference," *Treaty Council News* 1, 7 (1977): 1–35.
18. *International Decade of the World's Indigenous People*, UN General Assembly Resolution 48/163, UN Doc. A/RES/48/163 (21 December 1993), <http://www.un-documents.net/a48r163.htm> (accessed 22 December 2008); see Office of the United Nations High Commissioner for Human Rights, "Indigenous Peoples" (2008), <http://www2.ohchr.org/english/issues/indigenous/> (accessed 3 January 2009).
19. Lola García-Alix, *The Permanent Forum on Indigenous Issues* (Copenhagen: IWGIA, 2003).
20. *Ibid.*, 6.
21. Niezen, *The Origins of Indigenism*, 48–49; Raul A. Montenegro and Carolyn Stephens, "Indigenous Health in Latin America and the Caribbean," *The Lancet* 367 (2006): 1854–69.
22. See Robert K. Hitchcock "‘We Are the First People’: Land, Natural Resources, and Identity in the Central Kalahari, Botswana," *Journal of Southern African Studies* 28 (2002): 797–824.
23. Alesandra Xanthaki, *Indigenous Rights and United Nations Standards: Self-Determination, Culture, and Land* (Cambridge: Cambridge University Press, 2007); Laura Westra, *Environmental Justice and the Rights of Indigenous Peoples: International and Domestic Legal Perspectives* (London: Earthscan, 2008).
24. Beatriz Huertas Castillo, *Indigenous Peoples in Isolation in the Peruvian Amazon: Their Struggle for Survival and Freedom* (Copenhagen: IWGIA, 2004); Danilo Geiger, ed., *Frontier Encounters: Indigenous Communities and Settlers in Asia and Latin America* (Copenhagen: IWGIA, 2008).
25. World Bank, *Indigenous Peoples*, World Bank Operational Directive OP 4.10 (July 2005) (Washington, DC: World Bank, 2005).
26. Jaroslava Colajacomo, "The Chixoy Dam: The Aya Achi Genocide: The Story of Forced Resettlement," in *Dams, Indigenous Peoples, and Ethnic Minorities*, ed. Marcus Colchester, 64–79 (Copenhagen: IWGIA, 1999); Barbara Rose Johnston, *Chixoy Dam Legacy Issues Study*, vol. 1: *Executive Summary Consequential Damages and Reparation: Recommendations for Remedy*; vol. 2: *Document Review and Chronology of Relevant Actions and Events*; vol. 3: *Consequential Damage Assessment of Chixoy River Basin Communities*. (Santa Cruz, CA: Center for Political Ecology, 2005), <http://www.centerforpoliticalecology.org/chixoy.html> (accessed 22 December 2008).
27. "Adoption of Declaration on Rights of Indigenous People a Historic Moment for Human Rights, United Nations Expert Says" (statement by Rodolfo Stavenhagen, Geneva, Switzerland, 14 September 2007), <http://www2.ochr.org/english/issues/indigenous/declaration.htm> (accessed 3 January 2009).

28. African Group of States, *Draft Aide Memoire: United Nations Declaration on the Rights of Indigenous People 9 November 2006* (New York: United Nations, 2006).
29. *Ibid.*, 2.
30. Independent Commission on International Humanitarian Issues, *Indigenous Peoples: A Global Quest for Justice* (London: Zed Press, 1987), 6.
31. Bernard Neitschmann, "The Fourth World: Nations versus States," in *Reordering the World: Geopolitical Perspectives on the 21st Century*, ed. George J. Demko and William B. Woods, 225–42 (Boulder, CO: Westview Press, 1994), 227.
32. African Commission on Human and Peoples' Rights [ACHPR], *Report of the African Commission's Working Group of Experts on Indigenous Populations/Communities*. (Banjul, The Gambia: ACHPR, African Union; Copenhagen: IWGIA, 2005), 86–88.
33. See Richard B. Lee and Richard Daly, eds., *The Cambridge Encyclopedia of Hunters and Gatherers* (Cambridge: Cambridge University Press, 1999), 175–229.
34. African Group of States, *Draft Aide Memoire*, 3.
35. This is the case, for example, for the Khomani San of South Africa, who were able to obtain co-management rights over the Kalahari Transfrontier Park and who received compensation for lands and assets lost in the past in an out-of-court settlement in the late 1990s.
36. For example, a conference on indigenous peoples of eastern, central, and southern Africa was held in Arusha, Tanzania, from 18 to 22 January 1999; it was organized by the International Work Group for Indigenous Affairs and the Pastoralist Indigenous Non-government Organizations (PINGOs) Forum.
37. Wessendorf, *The Indigenous World 2008*, 526–34.
38. Les Malezer, "Statement by the Chairman, Global Indigenous Caucus" (13 September 2007), <http://www.arena.org.nz/unindig6.htm> (accessed 15 January 2009).
39. "Statement of Victoria Tauli-Corpuz, Chair of the United Nations Permanent Forum on Indigenous Issues, on the Occasion of the Adoption of the United Nations Declaration on the Rights of Indigenous Peoples," 61st Session of the General Assembly, New York, NY (13 September 2002), http://www.un.org/esa/socdev/unpfii/documents/Declaration_ip_vtc.doc (accessed 15 January 2009).
40. Julian Burger, "Indigenous Peoples and the United Nations," in *The Human Rights of Indigenous Peoples*, ed. Cynthia Price Cohen, 3–16 (Ardsley, NY: Transnational Publishers, 1998), 6.
41. Minutes of the conference Being Indigenous in Today's World (Copenhagen, 6 October 2008). The conference was sponsored by the IWGIA.

Book Review

F. Todd Smith, *Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786-1859*. Lincoln: University of Nebraska Press, 2005. Pp. 320, cloth. \$59.95 US.

Reviewed by Charles A. Flowerday, *Graduate Student in Journalism and Anthropology, University of Nebraska, Lincoln*

In *Dominance to Disappearance: The Indians of Texas and the Near Southwest, 1786-1859*, F. Todd Smith does an exemplary job of documenting the origins, migrations, and deprivations—as well as the depredations—of the Indians of Texas and western Louisiana. In doing so, he does a thorough and outstanding job of meticulously amassing and narrating his voluminous compilation of detail. Smith, an associate professor of history at the University of North Texas, has written extensively on Texas Indians.¹

Dominance to Disappearance provides the first detailed history of all Texas Indians, their tribal neighbors, and the eventual (Indian) immigrants from western Louisiana, ranging from the late eighteenth century (the end of the colonial period) to the mid-nineteenth century (the run-up to the Civil War). As the title suggests, Native Americans dominated the region, holding numerical superiority, a factor that Smith says constituted a social and economic fulcrum, until halfway through the period explored. By the end of that period, they were gone. Essentially, this is the story of three-quarters of a century of refugees in time-lapse migration.

Smith divides his book into the following periods: “Dominance: The Indians of Texas and the Near Southwest to 1786”; “Tenuous Coexistence: The Indians and Spain, 1786 to 1803”; “Contested Boundaries: The Indians, Spain and the United States, 1804-1810”; “The Indians and the Breakdown of Spanish Texas, 1811 to 1822”; “Destruction: The Indians, Mexican Texas, and the American Intrusion, 1823 to 1835”; “Defeat: The Indians and the Republic of Texas, 1838 to 1845”; “Desperation: The Indians and the United States, 1846 to 1853”; and “Disappearance: The Indians and the Texas Reserves, 1854-1859.”

The volume’s epilogue begins following the tense and genocide-like pressure applied by ethnocentric Texans, which forced the withdrawal of virtually all Texas Indians to reservations in Indian Country (present-day Oklahoma). Particularly for the formerly agricultural tribes, but also for some of the former nomads, this removal marked the beginning of a fairly successful adaptation to farming and ranching livelihoods. It also marked the beginning of the adaptation that has characterized many of the tribes since: a viable cultural mix that preserves much traditional culture, and reclaims some of the rest, while adopting many aspects of Euro-American schooling and commerce. The relative resilience of most of these tribes is remarkable; and, even if most of the legacy constituted loss, there was muted good news at the end.

With the Spanish return to the area during the first part of the eighteenth century (after Southwest Indians had acquired horses), we are introduced to a period during which emigrant tribes entered the region from parts east, having been pushed aside by

Euro-American settlers, particularly after the Seven Years' (French and Indian) War, when the area to the east passed from French to English hands. During this period, the region's Indians, more settled in the east and more nomadic in the west, dominated the region and fended off most Spanish territorial (and military) aggression, as well as the many attempts at Christianization.

Spain saw that most of the province's Indians had not responded to attempts at conversion and sedentary living; so, in 1772, having won the region from the French, it instituted a new system that mirrored that used in Louisiana, dealing with the Indians solely via trade and gifts. This change offered the region's indigenous groups a respite from cultural, political, and military harassment and eventual domination by Euro-Americans—a brief interlude during which the Spanish to the west, the Americans to the east (following the Louisiana Purchase), and illegal French traders in the middle vied for their trade and friendship.

But by the 1820s, especially after Mexican independence in 1823, their fortunes were eclipsed by land-hungry Euro-Americans pressuring them on all sides. This period was characterized by a shift from Spanish to American intermediaries and eventual opposition, and from an emphasis on trade to an emphasis on driving Indians off their land and using it for real-estate speculation as settlers poured in.

Except near the end of Indian residence in Texas, and during the tenure of some unsympathetic Texas presidents (or governors), this extirpation never involved a policy of outright eradication. Many conciliatory moments occurred; peace councils were held, or treaties signed—only to be quickly broken by one side or the other. The situation was exacerbated by leaders who could never completely control those for whom they ostensibly spoke. And so the fire smoldered, like a many-sided guerilla war, for nearly seventy-five years.

In addition, the Indians, whose social organization and government were never close to unified, hurt themselves through numerous raids, "wars," and skirmishes amongst themselves. Significantly, the outsiders imposed a nation-state, or two or three, on countless tribes and bands that had never before been disposed, or needed, to join together.

Documenting the fits and starts of Indian resistance and Euro-American reprisals, punctuated by all-too-brief periods of relative calm, Smith charts the continual pressure of Euro-American settlement on Native populations. The former's relentless hunger for land drove the latter west into Texas, then north into present Oklahoma. Native populations were first caught in the cat-and-mouse game of colonial powers vying for control, sometimes worsening the situation with wars and raids amongst themselves and alliances with one and then another European power, which alienated unaligned tribes and those allied with other Euro-American groups.

In this period Indians were caught in conflicts between Spain and France; Spain and the United States; Mexico and the United States; Mexico, the United States, and the rebellious new nation of Texas; the United States and the state of Texas, which included, somehow, an autonomous Indian land policy (mostly a non-policy of no Indian lands); and between the US government and a Texas with a nearly genocidal intolerance of Indian presence, which the federal government was powerless to oppose. Often such policies were promulgated by the region's settlers themselves, rather than at the bidding of the state leadership. However, neither the people of Texas nor its legislature ever really owned up to any responsibility to, or for, the Indians.

All of this raises the question of what constitutes genocide, or ecocide, or ethnocide. Attitudes notwithstanding, apart from a mob of radical and violent ethnocentrists in

Texas near the end of Indian tenure in the region, little Euro-American behavior conformed to today's popular notions of genocide. That said, the Euro-American assault on the land base, life ways, and mental and physical health of Texas Indians did constitute a certain kind of genocide, one that includes various subcategories of the concept: more specifically, ethnocidal actions (destroying a culture to disenfranchise and destroy a people) and ecocidal actions (destroying a group's ecosystem, resources, or adaptation so as to destroy a people). In slow motion, and with occasional good intentions, it was this kind of oppression that, in this region, destroyed a number of tribes in their earlier forms (many had to consolidate with other, larger tribes) and nearly destroyed many others.

Smith deserves a great deal of credit for the tremendous service he has rendered to scholars and others by crystallizing the major demographic, economic, political, and military changes that occurred in the lives of Indians in the region studied during the seventy-three years he focuses on and in the 400 years leading up to them. His research involved consulting the Archivo General de Indias in Spain for Spanish accounts of this history; few studies before have extensively consulted so much Spanish archival material. French-language sources were also used. The use of extensive published and unpublished material lends even greater credence to Smith's study. This, then, is a work of copious detail and thorough documentation, and will be of great value to people working in any number of fields related to economic, environmental, or social history; frontier and agricultural history; economic, social, and ecological anthropology; human and economic geography; or human rights.

That said, there are so many major groups of Indians, so many tribal leaders and dissidents and so many lesser-known tribes, that keeping track of them in a narrative unbroken by subheadings or more than a handful of maps is a daunting task. At times, the narrative is too much a litany of raids and counter-raids, often stock stealing or reprisals for territorial incursions that led to greater violence, with few, if any, large battles, such that major events or processes become hard to isolate. Turning points surely existed, but here they sometimes are hard to locate. For these reasons, the book is in need of a master list that provides the names of groups and the names, lifespan, successes, and failures of individuals such as chiefs, major leaders, rebels, and vigilantes (the index lists seventy-nine tribes, 136 chiefs or headmen, and more than twice the latter number of notable Euro-Americans). Also needed are population charts for each tribe and band, showing their increase or decrease across time and space, perhaps indexed to the maps; and an annotated timeline at the beginning or end of the book that delineates significant developments and addresses their implications. This would not require or result in a "dumbing down"; rather, it would represent a "smarting up" for people who already lack time in every part of their lives. Indeed, it would be a great help to even those well versed in Native American history, social or environmental history, colonialism, and indigenous anthropology (or, for that matter, any branch of anthropology)—all of whom should find this book of interest. Any subsequent edition might take the following suggestions into account. This would make *Dominance to Disappearance* a truly outstanding resource.

While seven maps are included, that number is not quite enough for such a geographically precise and complicated history. What is needed are time-lapse diagrams with arrows showing stops and migration patterns, for Indians and Euro-Americans; ideally, these would be annotated with the following information: name of village, mission, town, camp, or agency; raiding and stock-thieving patterns; time

spent there, reason for being there, reason for leaving; numbers and groupings of Indians, and the same for settlers; major conflicts; and so on. The volume could include one diagram for each tribe (or, at least, for each major ethnic group) and each settlement (or territory) in each era. It would also have benefited from subheadings outlining the adaptations to environment and cultural modes (life ways) that evolved at each stop or movement of the groups and subgroups.

All in all, this book is recommended to readers for its detailed documentation of this little-explored area of Native American history.

Note

1. His prior works include F. Todd Smith, *The Caddo Indians: Tribes on the Convergence of Empires, 1540–1845* (College Station: Texas A&M University Press, 1995); F. Todd Smith, *The Caddos, the Wichitas, and the United States, 1846–1901* (College Station: Texas A&M University Press, 1996); and F. Todd Smith, *The Wichita Indians: Traders of Texas and the Southern Plains, 1540–1845* (College Station: Texas A&M University Press, 2000).

Book Review

Beatriz Huertas Castillo, *Indigenous Peoples in Isolation in the Peruvian Amazon: Their Struggle for Survival and Freedom*. Copenhagen: International Work Group for Indigenous Affairs, 2004. Pp. 247, paper. \$25.00 US.

Reviewed by Katie Chinn, *James E. Rogers College of Law, University of Arizona, Tucson*

In *Indigenous Peoples in Isolation in the Peruvian Amazon: Their Struggle for Survival and Freedom*, Beatriz Huertas Castillo examines the vulnerability of isolated aboriginal groups, focusing on those groups residing in the Amazonian region of Peru. As well as describing the problems facing indigenous Peruvian groups today, she offers insights into the historical events that have contributed to their position of vulnerability. Finding a balance between respecting an indigenous group's desire to remain isolated and ensuring that their needs are represented and protected is a delicate task. Castillo presents the complexities of this precarious balancing act and makes some recommendations on how it might best be handled.

Castillo outlines the problems faced by isolated aboriginal groups in today's world by using the example of those living in the Peruvian Amazon, specifically those in the department of Madre de Dios, close to the Bolivian border in southeastern Peru. She describes who these voluntarily isolated peoples are and what factors contribute to their decision to remain apart from wider society. In doing so, she provides a well-rounded overview of the history of indigenous peoples of the Peruvian Amazon, outlining issues they have dealt with such as outsiders encroaching on their land and exploiting their natural resources.

Based on the descriptions in this book, both historic and recent, the isolated indigenous peoples of the Peruvian Amazon have experienced what can be described as cultural genocide or ethnocide, the destruction of a group's culture. At the same time, they have had to cope with overt and purposeful violence aimed at destroying them or removing them from their habitats in order to facilitate "modernization," development, or resource exploitation. Violence is a common theme in the stories of these groups. Members of some isolated indigenous communities have claimed that they were "hunted like animals." Pressured by transnational forces and exposed to disease and environmental destruction, as well as governments, organizations, and companies intent on modifying their lifestyles and livelihoods, isolated Amazonian indigenous groups are some of the most threatened peoples in the world today. Current problems facing the indigenous groups of the Madre de Dios region include logging, mining, oil and gas exploration, colonization, and government plans to open up the region to tourism. There are fears that some, if not many, of the isolated indigenous peoples in the Peruvian Amazon could become extinct if efforts are not made to protect and promote their rights to life, liberty, health, and physical and mental well-being.

Ethnocide in the Peruvian Amazon also occurs when non-native religious organizations promote their views and actively seek to discourage the practice of indigenous traditions. It is important to note, however, that although ethnocidal policies are practiced widely, they have not necessarily led to cultural disintegration.

One reason that groups opt to move further into the forest and avoid contact if at all possible is to maintain their cultural, economic, and spiritual identities.

Castillo points out that isolated indigenous peoples have had to abandon their traditional areas and move to new places, in some cases to escape destructive development projects; one example is the Camasea gas project, whose pipelines have experienced leaks, fouling rivers and affecting the quality of drinking water, fish, and aquatic animals such as turtles. Children in environmentally polluted areas exhibit a variety of health problems.

Each indigenous group has experienced colonization in its own unique way, but they often share the same story of exploitation, vulnerability, and violations of their human rights. Castillo's efforts to provide context for the group of indigenous peoples living in the Madre de Dios area shed light on the reasons why indigenous groups wish to remain isolated and avoid exposure to the complexities of modern society.

Members of isolated indigenous groups have moved out of areas where there are environmental problems, expanding numbers of outsiders, and rising disease rates. The impacts of these migrations include tensions and conflicts between host populations and newcomers. As recently as June 2008, a small group of isolated Makuxi Indians was attacked by gunmen hired by a local businessman in Roraima, Brazil. In 2000, a massacre of a dozen Tagaeris, who total less than 300 in the Ecuadorean Amazon, was carried out by other Indians at the behest of a logging company seeking to exploit resources in their area. The effects of these varied processes on isolated indigenous peoples include depopulation, social and economic collapse, misery, and, in some cases, rising suicide rates. A major problem, according to Castillo and to spokespersons for organizations working to protect isolated indigenous peoples, is that government policies with respect to groups that choose to remain isolated are vague at best.

Castillo also examines the efforts of indigenous organizations to represent and protect those groups residing in the Amazonian region of Peru, one example being FENAMAD (Federacion Nativa del Rio Madre de Dios y Afluentes, meaning "the native federation of the Madre de Dios River and its tributaries"). In addition, she discusses the diverse impacts of outsiders—including missionaries, anthropologists, hunters, loggers, oil companies, miners, fishermen, and gatherers of wild edible and medicinal plants—on the region.

Specifically, Castillo delves into the rich and complex history of the aboriginal peoples of Madre de Dios, beginning with the rubber boom of the 1850s–1920s, during which their lands were destroyed, they were exposed to disease epidemics in which large numbers died, and many were left in positions of bonded labor, dependent on "rubber barons." Since then, the indigenous peoples of southeastern Peru have had to cope with the intrusions of the above-mentioned outsiders.

Today, some three-quarters of the Peruvian Amazon—approximately 123 million acres—has been allocated by the government to oil and gas exploration. Logging and mining operations dot the landscape, and there are plans to put large roads in the area. Not surprisingly, local people react negatively to the incursions of outsiders, and in some cases violence results, with casualties on both sides. The types of violence have been wide-ranging, including but not limited to clashes between outsiders and indigenous groups in which members of indigenous communities have died; retaliation by rubber barons, loggers, miners, and others when members of indigenous groups leave their employ; rapes of indigenous women; disappearances of members of indigenous groups; and booby-trapping of trade goods left in the forests for isolated

indigenous peoples. Members of isolated indigenous groups have also been captured, held in detention, and mistreated. While large-scale massacres of indigenous groups are rarer now than they used to be, they have sometimes occurred, as, for example, in the case of a group of Brazilian Yanomami who were killed by *garimperos* (gold miners) in 1993. Conflicts between members of national Indian organizations such as the National Indian Foundation of Brazil (FUNAI) resulted in a decision by FUNAI to change its policy of seeking direct contact with voluntarily isolated indigenous communities, opting instead to leave them alone.

In an effort to end conflicts and reduce impacts on isolated indigenous peoples, Castillo offers some proposals on ways to handle the various issues, ranging from the establishment of protected natural areas (PNAs) and indigenous reserves to rules about how contacts should take place. She also suggests ways to handle contacts once they have occurred and outlines some useful proposals involving emergency health plans, land zoning, and contingency plans.

Castillo notes that national Peruvian indigenous organizations such as AIDSESEP (Asociación Interétnica de Desarrollo de la Selva Peruana, meaning “inter-ethnic association for the development of the Peruvian jungle”) have played important roles in addressing the issue of isolated indigenous peoples. AIDSESEP’s National Assembly created a National Program for Indigenous Peoples in Isolation and Initial Contact at its Nineteenth Congress in December 2002. AIDSESEP, FENAMAD, and other organizations have pressed the Peruvian government to create territorial reserves for indigenous peoples who prefer to remain isolated. They have also sought to persuade the government to establish state policies on the rights of isolated indigenous groups. Castillo emphasizes, however, that there are legal loopholes in the national legislation on land titling and a lack of clarity with respect to institutional responsibilities and mechanisms for protecting small-scale indigenous groups from outside intrusion.

Interestingly, in the late 1990s oil companies such as Mobil came up with policies on risk assessment and social behavior, drawing on their experiences with isolated indigenous peoples. The government of Peru has also considered developing policies that protect isolated indigenous peoples, though these have yet to be implemented in any serious way. From the perspective of some isolated indigenous peoples, the Peruvian government and other institutions, including some (though not all) faith-based organizations, are pursuing policies aimed at cultural modification, settlement, and economic and environmental transformation that would ultimately undermine the cultures of indigenous peoples. It is for this reason that at least some of the indigenous groups in the Peruvian Amazon prefer to avoid contact with outsiders.

Castillo has much to offer in her descriptions of historical events and of efforts by indigenous organizations in Peru to create protected territories for isolated groups. She treats in detail the situations of a number of different indigenous groups, including Murunahua, Mashco Piro, Isconahua, and Harakmbut. When it comes to offering concrete proposals for change *vis-à-vis* such efforts, however, she becomes very idealistic. She describes the years of turmoil involved in creating a territorial reserve against the wishes of the logging companies, yet her proposals do not take into account the needed shift in ideology. Her suggestions involve making contingency plans for interacting with isolated groups in the event of contact, preventing outside agents from interfering with isolated groups, and creating territories strictly for the use of such groups. Although all these measures are necessary to the survival of the vulnerable groups, they would be expensive endeavors. In the absence of an ideological shift

whereby the government begins to feel responsible for isolated indigenous groups, some sort of incentive would be necessary to entice the Peruvian government into investing large sums in Castillo's proposals.

Representing the needs of a group of people who have chosen the survival strategy of non-contact is difficult. This is especially true when at least some politicians and government agencies would prefer to follow a policy of purposeful contact and assimilation, something that some indigenous peoples in the Madre de Dios region and other parts of Peru would like to avoid. Castillo's approach, which involves studying the histories of isolated groups along with the issues they currently face, is a useful one. Castillo raises important questions for genocide scholars and those interested in indigenous peoples' rights and development. In the words of genocide scholar Leo Kuper,

The varied processes associated with this diversity of annihilatory contexts offer different possibilities for preventive action. The destruction of hunting and gathering groups tends to be the least accessible for monitoring and preventive action. They maintain few, if any, relations with other groups, and their annihilation has little significance for the wider society. Their habitats are usually remote areas, removed from contact and visibility, and their victimizers are generally invading groups of settlers or development agencies.

When governments intervene on behalf of the victims, their intervention tends to be half-hearted or inept, offering little protection against the undermining of the culture and the ultimate destruction of the group. The outside world generally reacts with indifference to the fate of these groups, save where there are broader and more threatening implications, as in the ecological destruction consequent upon the deforestation of the Amazon basin.¹

Castillo's recommended strategies attempt to address these kinds of concerns, bringing together ideas, perspectives, and policies that draw on the viewpoints of indigenous peoples; the state; non-governmental organizations, including environmental, indigenous-rights, and community-based organizations; and the private sector. Her proposals, if subscribed to fully, would go a long way toward resolving the complex issues facing those contemporary indigenous peoples who choose to remain isolated, not only in the Peruvian Amazon but in other parts of the world as well.

Note

1. Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981), 158.

Book Review

African Rights, *Facing Genocide: The Nuba of Sudan*. London: African Rights, 1995. Pp. 252, paper. US\$14.95.

Reviewed by Samuel Totten, *University of Arkansas, Fayetteville*

It is unusual to review a book that is more than two or three years old, but *Facing Genocide: The Nuba of Sudan* is, unfortunately, timely in its own way. Despite the significant differences between the attacks by the government of Sudan (GoS) against the Nuba in South Kordofan from 1985 through the 1990s and those against black Africans in Darfur in the early 2000s, there are many stunning similarities. That said, whereas international attention has focused on the ongoing crisis in Darfur, the genocidal action in the Nuba Mountains was largely ignored—not least because the GoS systematically and calculatingly sealed off the Nuba Mountains from the outside world for some six years.

Facing Genocide: The Nuba of Sudan constitutes the first detailed study of the genocidal activities of the GoS in the Nuba Mountains—a study that the authors assert is “the first exposure of the crimes being committed there by the Sudan Government: all-out assault on the rural Nuba” (v). The investigation carried out by African Rights produced clear and abundant evidence that the GoS was intent on wiping out Nuba society and culture.

Facing Genocide is composed of the following parts: “Summary” which (includes a section titled “Components of Genocide in the Nuba Mountains”); “The Nuba in Sudan: A People Pushed to the Margins”; “War in the Nuba Mountains”; “The Nuba Today: Genocide by Attrition”; “Attack on Christianity; Attack on Islam”; “The SPLA Record”; and “Conclusions.” The book provides a solid overview of the history of the war in the Nuba Mountains and, in doing so, offers a cogent analysis of the causes of the war; the actions of the GoS, including its scorched-earth policy, which is similar in many ways to its later actions in Darfur; the actions and reactions of the Nuba; and the ramifications of the war.

The civil war in the Nuba Mountains, which began during the summer of 1985, resulted from two related events. First, the Sudan People’s Liberation Army (SPLA) carried out a raid on a cattle camp of Baggara Arab nomads, located near the north–south “internal boundary.” In response, the Sudanese government hired the Baggara as a militia to help fight the SPLA and to punish any civilians believed to be “sympathetic” to the SPLA. The authors assert that,

while the SPLA was not present in force [in the Nuba Mountains] until 1989, militia attacks became routine and an army crackdown became intense... The first stage of the war was marked by militia raids, to loot cattle, kill and occasionally to burn villages. In areas where SPLA units penetrated, the army also undertook mass reprisals, always targeted at villages and civilians... The war intensified with the arrival of the SPLA ... in 1989. It quickly overran large areas of the Nuba Mountains and unleashed a ferocious response from the militia and army. Between 1989 and 1991 scores of villages were burned and thousands of villagers killed in joint army and militia assaults. (7)

It is important to understand—and the authors do an excellent job of emphasizing this point—that “the Nuba” do not constitute a monolithic group. In fact, the Nuba comprise more than fifty tribal groups that reside in the Nuba Mountains. It is thought that the Nuba may “represent the remnants of indigenous populations that once lived far more widely across Sudan” (15). Furthermore, as the authors point out, “the term ‘Nuba’ refers to two very different sets of connotations” (5). First, for the Nuba people themselves, the term “refers to the myriad cultures and traditions of the more than fifty different tribal groups in the Nuba Mountains” (5). Second, “for the dominant class in Sudan, and in particular the ruling National Islamic Front, ‘Nuba’ refers to second class citizens—‘primitive’ black people, servants and labourers” (5). If this sounds familiar to those conversant with the current crisis in Darfur, it is for good reason; in fact, most, if not all, of those living in the so-called peripheries of Sudan (that is, outside the riverine valley where the elites reside and rule) are considered second-class citizens, or worse—that is, they are perceived by the powers that be as lesser beings, inferior culturally, educationally, and in just about every other way. In this respect, the Nuba were perceived and treated in much the same way as the black Africans of Darfur are treated today. To put it another way, both the Nuba and the black Africans of Darfur, along with the “Southerners of Sudan, are the victims of a racism that pervades life in Northern Sudan” (5).

Like any case of genocide, the genocide of the Nuba is complicated. Among the many factors at work in this case were an extremist Islamic agenda; systemic racism; ongoing discrimination against the Nuba in the realms of the economy, education, health, and political representation; and a struggle over land and natural resources.

In contrast to Darfur, where the vast majority of the people—perpetrators and victims alike—are Muslim, the Nuba Mountains were, and are, home to both Christians and Muslims. Tellingly, both groups were targeted for attack. Even before the war in the Nuba Mountains began, Christians began to be attacked by GoS security forces, largely as a result of “a polarized political context, with Islamic extremism in the ascendant” (281). Churches were desecrated or burned down; Christians were harassed, vilified, beaten, tortured, and even killed by GoS troops and their proxies. Muslims in the area were told that the Christians were godless and were out to destroy Sudan.

When Muslims in the Nuba Mountains did not support the government’s actions against the Christians and refused to take part in the desecration and destruction of the churches, they too were targeted, and their places of worship were attacked. In addition, those Muslims who did not adhere to the more extremist version of Islam were also targeted as infidels. Furthermore,

despite the fact that the SPLA forces in the Nuba Mountains have been very largely led by Moslems, successive governments have portrayed the guerrillas as fighting against Islam. In order to do so they have withdrawn the legitimacy of Islam in the SPLA held areas, in effect declaring all Moslems who are not with them to be infidels, and thus the legitimate target for a *Jihad*. (288)

Part and parcel of the attacks on the Nuba was a systematic effort to wipe out both the educated classes and the leadership of the Nuba. The authors report that “hundreds of chiefs, teachers merchants, civil servants, priests, lawyers, health workers—in fact anyone with an education who might be a spokesman for the people—have been killed” (2).

Once the government troops and militias had looted and destroyed Nuba villages, the perpetrators abducted the people and forced them into so-called peace camps. In this way, the government depopulated the rural areas, controlled the actions and movement of civilians, deprived the Sudanese Liberation Movement of potential assistance, and undertook an effort to alter the Nuba way of life in fundamental ways. The “peace camps” were also places of great abuse, where victims were beaten, raped, and deprived of food. The authors record that

the innocuously named “peace camps” are concentration camps in the true sense of the word. They are where the rural population is forcibly concentrated so they can be controlled and their political and cultural identity can be changed. Peace camps are the location of mass and systematic rape of women. They are where children are separated from their parents and “educated” to become extremist Moslems in the mold of the ruling Nationalist Islamic Front, in a process of forced acculturation. (3)

Perhaps the most telling indication that the GoS intended to commit genocide in the Nuba Mountains is this statement by Khalid Abdel Karim Saleh, former head of security in the Office of the Governor of Kordofan, quoted on page 137:

The ongoing order given to the troops is to kill anything that is alive, that is to say to kill anybody, to destroy the area, to implement a scorched earth policy, to destroy everything, to burn the area, so that nothing can exist there.

There is clear evidence that the government was largely successful in its mission: not only as a result of the large number of villages its troops utterly destroyed but the famine they created by destroying crops and stealing and burning foodstuffs stored by the people for the year to come; the indiscriminate and sporadic killing of civilians; the forced conversions; the abduction of children and their re-education and enculturation to a different way of thinking and way of life; and the mass rapes of women and girls. With respect to the latter, the authors cogently argue that

rape destroys the very basis of the community. It breaks the fundamental bond of the family, the relationship between husband and wife, and breaks down the trust, confidence and sense of identity not just of the woman who has been raped, but the family and community. When women bear children as a result of rape, they do not have a known, legitimate patrilineage—and so they lack an acceptable social identity. (222)

An especially strong and valuable aspect of this book is the inclusion of scores of excerpts from first-person testimony by victims. These passages, interspersed throughout the book, address every facet of the war against the Nuba, the genocidal actions of the GoS, and the profound ramifications for Nuba society and culture.

Numerous and significant messages for genocide scholars and anti-genocide activists are inherent in the case of the Nuba. First, once a regime has a taste of genocide and gets away with it, it is likely to be prepared to carry it out again. In other words, impunity for major violations of human rights (whether crimes against humanity or genocide) must not continue unabated. Second, when a nation closes off an area (as the Khmer Rouge did between 1975 and 1979 while undertaking the genocide of their own people, as the GoS did while carrying out its genocide by attrition against the Nuba, and as, to a certain and significant extent, the GoS has operated during its genocidal attacks on the black Africans of Darfur), there cannot be a much clearer early warning signal that something grossly wrong is taking place within that area. Third, there is a need for some sort of international convention and law dealing

with regimes that seal off parts of their countries. Granted, this is much easier said than done, as it impinges directly on state sovereignty; but it also brings to the fore the concept of the Responsibility to Protect, and what this concept means in *reality* rather than in theory—particularly for the people on the ground who are destined to be victimized by such a sealing off.

Book Review

Don Cheadle and John Prendergast, *Not on Our Watch: The Mission to End Genocide in Darfur and Beyond*. New York: Hyperion Books, 2007. Pp. 252, paper. \$14.95 US.

Reviewed by Samuel Totten, *University of Arkansas, Fayetteville, and Centre for Conflict Management, National University of Rwanda, Butare*

Not on Our Watch: The Mission to End Genocide in Darfur and Beyond is a call to activism; it is not a scholarly work, and it does not present itself as such. What it does best is provide a solid overview of the anti-genocide activist movement that has been created as a result of the ongoing crisis in Darfur, Sudan. What it does not do, though it tries, is to offer any solid answers as to how genocide can be stopped. This is not surprising, given that the first author is a Hollywood actor (Don Cheadle starred in the feature film *Hotel Rwanda*). That said, a book of greater substance could have been expected from the second author, John Prendergast, a long-time associate of the highly regarded International Crisis Group and a former official in the Clinton Administration (1992–2000). But both authors are obviously concerned and passionate about the ongoing crisis in Darfur and are intent on doing their utmost to rally citizens to apply pressure on the United States and the international community to act whenever genocide's ugly face appears on the horizon.

The book's main title—*Not on Our Watch*—can be interpreted in at least four different ways. First, it is an assertion that the authors and many of the activists they write about (for that matter, anyone involved in the anti-genocide movement) will not remain silent when a genocide-like situation occurs. Second, it is a clarion call to citizens across the globe to join the current movement to bring an end to the crisis in Darfur. Third, it is a call to all people, no matter where they reside, to join the larger anti-genocide effort—an effort to end genocide once and for all.

Fourth, it is a dig at US President George W. Bush, who purportedly wrote—as he was about to take office, or early in his presidency—the words “Not on my watch” in the margins of a report about how the Clinton administration totally and callously ignored the 1994 Rwandan Genocide, allowing between 500,000 and 1 million people to be murdered by Hutu extremists. It is a dig at the fact that while the Bush administration declared, on 9 September 2004, that genocide had been perpetrated—and possibly continued—in Darfur, it simply referred the matter to the United Nations, and has subsequently done little more than watch as the Darfur crisis continues to this day (early 2009).

The authors correctly assert that “throughout American history, social movements have helped shape our government's policy on a variety of issues” (13), but what they do not seem to appreciate (or do not want to admit, as it would interfere with their argument and their agenda) is that such social movements dealt with single self-contained national issues such as the emancipation of women, the Civil Rights movement, the anti-Vietnam War movement. Some, such as the anti-nuclear movement, had an international focus, but one has to question just how much good the anti-nuclear movement of the 1980s did, given the nuclear arsenals that exist

around the world today: both the number of weapons in these arsenals and the number of nations belonging to the so-called nuclear club are slowly but inexorably growing.

The international anti-apartheid movement, on the other hand, was successful; but it took many, many years to finally break the spine of apartheid South Africa. The problem with approaching genocide from this perspective is at least twofold. First, genocide has the maddening tendency to pop up here, there, and everywhere, under different guises, in different circumstances, driven by vastly different antecedents, and undertaken by radically different actors. In other words, it is not the type of stationary phenomenon that apartheid was, being located solely in South Africa and thus easily zeroed in on because it was in one place and was largely the responsibility of one group that could be dealt with in a sustained fashion without Activists having to, time and again, try to figure out the causes, actions, and major actors involved. Second, by the time the international community even begins to assess the seriousness of the crimes being committed by an alleged perpetrator of genocide, hundreds of thousands, if not millions, may already have died. The point is genocide is radically different from most of the issues that successful social movements have focused on; and, in light of this, it is a phenomenon that, seemingly, going to take radically new approaches to bring to its knees. Thus far, what most scholars and activists have suggested is not radical at all (not in any sense of the word, including that of “getting at the roots” of the problem) and thus, not surprisingly, has not been particularly effective in coming up with solid ways to overcome, for example, *realpolitik* or the lack of political will on the part of those with the power to prevent or halt genocide. Ample proof of this, at least as far as Darfur is concerned, is that the Darfur crisis has only grown more complicated, and thus more intractable, over the past six years.

Written in a breezy style aimed at a general audience, *Not on Our Watch* comprises a preface (“On Our Watch”), nine chapters, a conclusion, and an appendix. The titles of the nine chapters provide a good overview of the focus of the book:

1. Challenges and Choices
2. Two Paths Out of Apathy
3. Sudan’s Backdrop to Genocide
4. From the Front Lines of Darfur
5. Citizens v. Government: Knowing What We Are Up Against
6. Activist Beginnings and Success Stories
7. The Upstanders
8. Strategies for Effective Change
9. Stop Mass Atrocities Now: An Agenda for Change

Despite the book’s limitations (which are addressed below), numerous aspects of it are interesting and informative. First, it is positive that, in certain places at least, the authors pull no punches with respect to the hesitancy of most presidential administrations in the United States (and, for that matter, other governments in the international community) to intervene in genocide. Activists and citizens need to be well aware of this tendency if they ever hope to develop an effective means of combating genocide. This is particularly true for those who believe that simply applying pressure on a US president is sufficient to bring a genocide to a close. For example, the authors assert that

The U.S. has . . . claimed that it is loath to interfere in the affairs of a sovereign state, a fair-weather policy at best, when no matter the possible implications and political intricacies the West does choose to intervene when a boon can be derived. (33)

Second, chapters three and four provide a quick and dirty overview of the background of the genocide in Darfur. As presented, the historical information is reader friendly and easy to understand. It is important for activists to be conversant with key issues of the crisis they are addressing, and these chapters will provide many with insights that they may not previously have had. Third, the book is packed with information about what activists have done thus far to try to address the Darfur crisis, keep it in the news, and bring it to the attention of an ever-increasing number of citizens.

In chapter five (“Citizens v. Government: Knowing What We Are Up Against”), Prendergast and Cheadle assert that,

given the excuses used over the past three and a half years, the truth appears to be that combating genocide and other mass atrocities is not considered a national security issue by most elected officials. The United States government does not want to burn its leverage on confronting genocide. It would rather save it for issues like Iraq, Iran, as well as keep friendly relations with its counterterrorism pals in Khartoum. The only antidote to this searing truth—the only way the United States will take the kind of leadership necessary to end the horrors—is for there to be a political cost for inaction, the voting booth. We need to make the temperature a little hotter, a little more uncomfortable for those politicians who would look away. (97–98)

Hitting the politicians where it hurts is a fine idea, and certainly organizations such as STAND, the student-led division of the Genocide Intervention Network, are beginning to figure out ways of turning up the temperature on politicians. But Darfur never really became the heated issue that STAND and others hoped it would during the 2008 US presidential race. It was, of course, greatly overshadowed by the current wars in Afghanistan and Iraq, the ongoing search for Osama Bin Laden, the color of Barack Obama’s skin, the “Palin factor,” and the difficult economic situation. In fact, Darfur was, for the most part, only perfunctorily touched on by the leading presidential candidates. With no intention of being flip, one has to ask, Where’s the heat?

Ultimately, for this reviewer, this book was more irritating than motivating. For example, in the first chapter, the authors state that

we have identified the Three Ps of ending genocide and other crimes against humanity: Protect the People, Punish the Perpetrators, and Promote the Peace. . . . If the government of the world’s sole superpower, the United States, motivated by the will of its citizens, takes the lead globally in doing these three things, crimes against humanity can come to an end. (10)

Is it really likely that crimes against humanity (here it appears the authors are subsuming most human-rights violations, including genocide, under the rubric of “crimes against humanity”) will one day come to an end? Are the authors serious? Apparently so. Again, one expects more from Prendergast, who is known as a wily and experienced human-rights activist.

Such rhetoric is not helpful. Platitudes go only so far—not far at all, in fact, in terms of making real progress in the world of international politics—but *Not on Our Watch* is rife with platitudes. Granted, the book was written for a general audience, and thus is perhaps bound to present a somewhat simplified version of reality, but still!

Continuing with their argument that the US government can ostensibly be the savior of millions across the globe, Cheadle and Prendergast assert that

the U.S. Government can take a leading role in stopping atrocities, in most cases without putting U.S. forces on the ground in large numbers. However, the only means by which U.S. policy can change, and thus the only way mass atrocity crimes can end, is if U.S. citizens raise their voices loud enough to get the attention of the White House and force our government to change its policy. (14–15)

Many who have actively confronted US policy *vis-à-vis* Darfur over the past four years are bound to question the validity of such an assertion. Or, they are bound to ask, Just how loud must our voices be? This would be a legitimate question since it is estimated that well over a million letters have been sent to the White House over the past four years urging the Bush administration to help put an end to the Darfur crisis. Just how many more letters are needed? Will 2 million letters have the impact that a million did not? Do the rallies have to be louder, more frequent, more vociferous? For the most part, the authors simply urge activists and concerned citizens not to give up the fight, to stay strong, to forge ahead, to keep their voices loud and persistent. More concrete suggestions that are truly likely to be efficacious are needed here, but, unfortunately, they are not forthcoming.

At one point—after listing and briefly discussing the “Top Ten Current U.S. Excuses for Inaction” (which, in and of themselves, are interesting and worthy of serious consideration by activists), the authors tell readers, “Just a few more degrees [to go]. Just a few thousand more letters. It is frankly, that simple” (98). If only that were true. If it were, genocide scholars, activists, and others alarmed by genocide would have the answer to preventing and halting genocide. But it is not true; and here, again, Cheadle and Prendergast are being not a little disingenuous.

At another point, they state that

the U.S. government usually does not respond to cases of mass atrocities—particularly African—because of the ... Four Horsemen Enabling the Apocalypse: ignorance, indifference, policy inertia, and apathy. (89)

Although they touch on the thorny issue of political will, they do not truly address how the lack of it can be overcome—if, in fact, they believe that it can be overcome. Cheadle and Prendergast allude to *realpolitik* early in the book but the fact that they leave it off the aforementioned list is baffling. Possibly they perceive *realpolitik* as policy inertia, but it is hardly that; in fact, *realpolitik* is an active agent within the world of politics. Or perhaps they felt compelled to choose four factors in order to use the metaphor of the original Four Horsemen of the Apocalypse. The upshot is that they largely fail to address the overpowering reality of *realpolitik*, its ubiquitous presence in the world of geopolitics, and its adverse impact on efforts to address such issues as the prevention of and effective intervention in genocide.

Cheadle and Prendergast also make one assertion after another that sound good in theory but conveniently overlook the role of fear in driving certain agendas. For example, they assert that in order to win peace in Sudan, we must first win an ideological battle at home: “We must show that combating crimes against humanity is as important as combating terrorism” (12–13). Many officials in the US government, and many US citizens, greatly fear the prospect of terrorism, but most do not fear genocide—neither its perpetration thousands of miles from their country, nor that it ever will become a reality in their world, on their soil. So to suggest that there is a real chance of genocide’s gaining the same traction as the fear of terrorism within the borders of the United States is wishful thinking.

Not on Our Watch also includes some howlers. This one is from Prendergast:

Early on, I had been a bit incredulous as to the real possibilities of citizen action in moving governments to act. Then, as I saw student and religious groups and others really responding and mobilizing to these different crises [e.g., world hunger, starvation, and now the crisis in Darfur] and as I started to see policy change [what changes he saw, he does not say], I began to believe in the power of ordinary people to make a difference. Perhaps it is too much to hope, but if these students and the thousands of other new activists on behalf of the defenseless have their way, the first genocide of the twenty-first century might also be the last, or at least the last one that doesn't provoke an appropriately strong response. (47)

The last genocide? Surely he is jesting. And just what is “an appropriately strong response”? The authors speak of organizing, writing and sending letters, and attending rallies, but just what effect have such activities had thus far? Unfortunately, not much!

In the case of Darfur, there is a distinct possibility that the window of opportunity for halting what was genocide has passed—that is, it is certainly possible that, at this point, the crisis may be morphing from what certainly was a genocide into what may now be more a case of civil war and internecine fighting among an increasing number of groups. If that is, in fact, true, then a totally new set of actions is called for. That said, until that “if” becomes an indisputable fact, anti-genocide groups must forge ahead with their attempts to halt what may continue to be a genocide. The question that remains, though, is this: Will their actions truly be effective, or are they, to paraphrase Shakespeare, going to end up engaging in a lot of sound and fury, signifying nothing?

Cheadle and Prendergast play rather fast and loose with certain facts. For example, they write, “In the fall of 2004, after his visit to Sudan, Secretary Powell officially invoked the term ‘genocide’” (5). Not quite. Powell officially invoked the term only after he had sent an investigatory team (the US Atrocities Documentation Team, or ADT) to the Chad/Sudan border to interview refugees from Darfur and then carefully studied, debated, and weighed the analysis (conducted by an outside agency as well as by State Department researchers) of the data collected by the team.

On a different note, the authors pile one superlative atop another in describing the their friend, and their hero, Paul Rusesabagina, the Rwandan played by Cheadle in *Hotel Rwanda*. According to the myth portrayed in the film, Rusesabagina, with great altruism, saved more than 1,000 people from certain death during the 1994 genocide. Over the years, both those Tutsi who survived as a result of being housed at the Hotel Mille Collines in Kigali and various Rwandan journalists and scholars, among others, have decried the bald-faced lies depicted in the film and have revealed Rusesabagina as little more than an opportunist. They have also accused him of denying the genocide after the fact. In speeches at various venues Rusesabagina has reportedly played the “double genocide” card in order to malign the current Rwandan government, arguing that a second genocide was perpetrated by the Rwandan Patriotic Front (RPF) as they fought the extremist Hutus and *génocidaires*. (There is no doubt that some RPF troops did, in fact, carry out massacres against suspected *génocidaires*, but to call such acts a genocide seems rather far-fetched, to say the least).

Treating Rusesabagina as the hero and altruist he wishes he were but wasn't (and isn't), and as the sole savior of thousands fleeing genocide in 1994, Cheadle and Prendergast fall into the trap of blind hero worship. Concomitantly, they buy into a

myth created largely by Rusesabagina himself and thus end up believing a tangle of lies and passing them on to thousands of unsuspecting readers. Essentially, the authors are continuing to do Rusesabagina's dirty work, if inadvertently, by falsely portraying him as the epitome of decency, when in fact he was anything but that (some in Rwanda claim he even forced Tutsis to pay him for water—for drinking, washing, and cooking—taken from the hotel pool).

Adding insult to injury, they are supporting a man who charges in the neighborhood of \$25,000 per appearance to speak on campuses around the United States—talks during which he spreads his lies while building his reputation as a “hero” and, in the process, effectively enriches himself by capitalizing on the genocide. The point is that Rusesabagina hardly seems like the sort of person who should be held up as a model of caring, decency, and altruism in the face of genocide.

It is important to note that the crisis in Darfur is now well into its sixth year, with no end in sight. Each year that genocide is allowed to continue unabated means an ever-increasing death toll—which makes the anti-genocide movement very different from other movements that attempt to ameliorate other injustices (as terrible as they may be). Because of this stark fact, there must be urgency in addressing genocide. To believe that one has four, five, six, seven, or more years to end a genocide is, in many ways, to blind oneself to the fact that genocide equals death—often in enormous numbers—and that genocides are often carried out within a relatively short period. A patient, step-by-step approach that involves beating the bushes to raise concern within a single nation or around the globe may (and no doubt often does) play into the hands of the perpetrators. Indeed, it gives perpetrators all the time they may want (or need) to accomplish their deadly goals.

At the very least, what activists can and should learn from history is that close to 6 million Jews were wiped out in less than eight years; that Pol Pot and his lackeys killed more than a million people in roughly four years; and, of course, that extremist Hutus largely accomplished their deadly task of murdering between 500,000 and 1 million people in an astonishingly short 100 days. Time is on the side of the killers, not the victims. This is an incontrovertible fact that all those who wish to see genocide prevented need to understand clearly—and then to act upon.

Ultimately, *Not on Our Watch* is bound to be perceived by the general public and by genocide scholars with two vastly different sets of eyes. The general public may find it interesting and informative, possibly even inspiring. Genocide scholars are likely to find it naïve, full of bluster and self-congratulatory comments and stories. But even they may find a kernel or nugget here or there that is worth considering as they continue to think about preventing genocide.

Contributors

Katherine Ellinghaus holds a five-year Monash Fellowship in the School of Historical Studies at Monash University. She has a PhD in history from the University of Melbourne and was an Australian Research Council Postdoctoral Fellow at the University of Melbourne from 2002 to 2006. Ellinghaus is the author of *Taking Assimilation to Heart: Marriages of White Women and Indigenous Men in the United States and Australia, 1887–1937* (University of Nebraska Press, 2006) and *Blood Will Tell: Native Americans of Mixed Descent and Assimilation Policy, 1880s–1940s* (in preparation). She has published articles in *Pacific Historical Review*, *Frontiers*, *Aboriginal History*, and the *Journal of Australian Studies*. Her current project explores indigenous economic self-sufficiency in Australian and US assimilation policies in the late nineteenth and early twentieth centuries.

Lola García-Alix is Director of the International Work Group for Indigenous Affairs (IWGIA), a position she has held since 2007. She was born in Spain and is a sociologist. She joined IWGIA in 1990 and served for many years as the Human Rights Coordinator. She was heavily involved in the international processes leading to the drafting and passage of the Declaration on the Rights of Indigenous Peoples. She has written a number of articles for IWGIA's quarterly journal, *Indigenous Affairs*, and for *Indigenous World*, IWGIA's annual publication. She is the author of *The Permanent Forum on Indigenous Issues*, an IWGIA handbook (IWGIA, 2003).

Robert J. Gordon is a long-time Namibianist who is Professor of Anthropology at the University of Vermont. He has also done research in Papua New Guinea, South Africa, and Lesotho. His most recent publications include co-editing *Tarzan was an Ecotourist and Other Tales in the Anthropology of Adventure* with Luis Vivanco (Berghahn, 2006) and *Ordering Africa: Anthropology, European Imperialism and the Politics of Knowledge* with Helen Tilley (Manchester University Press, 2008).

Robert K. Hitchcock is Professor and Chair of the Department of Anthropology at Michigan State University in East Lansing, Michigan, USA. His work focuses on genocide, human rights, and development among indigenous peoples. He is the co-author (with Megan Biesele) of *The Ju/'hoansi San of Nyae Nyae since Independence: Development, Democracy, and Indigenous Voices in Namibia* (Berghahn, 2009) and a co-editor of *Hunters and Gatherers in the Modern World: Conflict, Resistance, and Self-Determination* (Berghahn, 2000); *Endangered Peoples of Africa and the Middle East: Struggles to Survive and Thrive* (Greenwood, 2002); *Indigenous Peoples' Rights in Southern Africa* (International Work Group for Indigenous Affairs, 2004); and *Updating the San: Myth and Reality of an African People in the 21st Century* (National Museum of Ethnology, Osaka, Japan, 2006). Currently he is working on the monitoring of the human rights and development of San peoples; assessing the social, economic, and environmental impacts of dams and refugee movements in southern Africa; and examining policies affecting refugees from Africa, the Middle East, and Asia who have resettled in the United States.

Brenden W. Rensink is a PhD candidate in the Department of History at the University of Nebraska—Lincoln, focusing on the field of Native American genocide studies and its relation to the broader fields of genocide studies and the Holocaust.

He is the author, most recently, of “Nebraska and Kansas Territories in American Legal Culture: Territorial Statutory Context” in *The Nebraska-Kansas Act of 1854*, edited by John R. Wunder and Joann M. Ross (University of Nebraska Press, 2008).

Diana Vinding is Vice-Chair of the Board of the International Work Group for Indigenous Affairs (IWGIA). She holds a BA in political science from the University of Paris and an MA in anthropology from the University of Copenhagen, and has been working on development projects and programs for the past three decades. Vinding has worked as a tutor in the Department of International Development Studies at Roskilde University Centre; as a program coordinator for Ibis, a Danish development non-government organization; and as an independent consultant. She has also held various positions with IWGIA: as well as serving as regional program coordinator for Africa and Latin America, she was responsible for IWGIA’s activities in the Pacific. She was coordinating editor of *The Indigenous World* (2001–2005) and editor of *Indigenous Women: The Right to a Voice* (IWGIA, 1998); *Indigenous Peoples and the Millennium Development Goals* (IWGIA, 2006); and *Handbook on Combating Child Labour among Indigenous and Tribal Peoples* (IWGIA, 2007). She was co-editor (with Robert Hitchcock) of *Indigenous Peoples’ Rights in Southern Africa* (IWGIA, 2004). Currently she is working on projects for the International Labour Office and the Permanent Forum for Indigenous Issues of the United Nations.

Andrew Woolford is Associate Professor of Sociology at the University of Manitoba. His research interests include genocide studies, conflict resolution, and Aboriginal politics. He is co-author (with R.S. Ratner) of *Informal Reckonings: Conflict Resolution in Mediation, Restorative Justice and Reparations* (Routledge-Cavendish, 2008) and *Between Justice and Certainty: Treaty Making in British Columbia* (UBC Press, 2005). Dr. Woolford has published articles on Canadian Aboriginal peoples, genocide, and conflict resolution in journals such as *Law & Society Review*, *Critical Criminology*, *Canadian Journal of Sociology*, *Journal of Human Rights*, and *Social Justice*. He is currently conducting comparative research on post-genocide reparations policies, as well as participating in an ethnographic study of everyday violence and social regulation in urban Winnipeg.