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# Editor's Introduction

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The editors of *Genocide Studies and Prevention* are pleased to offer this general issue for volume 3, number 3. The next year will bring us to volume 4, our fourth year of publication. *GSP* has, we believe, offered some unique and interesting articles on the traditional topics of genocide studies, and we think we have published some new and innovative material. This issue continues that trend.

The first article, "Rape as Cultural Control: Consequences of Sexual Violence against Women during Genocide" by Allison Ruby Reid-Cunningham, is one of the first scholarly articles on rape during genocide to appear in a genocide journal. That this is a salient and important contemporary concern is evident in continuing revelations of the use of rape as a weapon of intimidation both in the Darfur region of Sudan and in the Democratic Republic of Congo (DRC). Responding to this type of situation, Reid-Cunningham argues that "rape is used as a tactic of war and genocide because of its physical and psychosocial consequence on individuals, families, and communities." She examines the cases of Bosnia-Herzegovina, Rwanda, Darfur, and the DRC and notes that the impact of rape spreads to the entire community. In particular, "forced impregnation . . . represents a symbolic conquest of the woman by the rapist and, by extension, of the raped woman's community, family, and culture."

This article is interesting and important because it points out how rape is a "regulation of power through sexual means," as well as "an instrument to inflict damage through sexual means." In this sense, it is an integral part of genocide. Reid-Cunningham fits her analysis into a theoretical framework and explicates the complicated relationship between rape and genocide. Her exceptional analysis moves genocide studies much farther along the path toward understanding how crimes against women are a major part of crimes against humanity. It is also our hope that this article will help to focus attention on this important and perennially relevant topic.

The second article in this issue highlights another important and often ignored aspect of genocide. Through his analysis of "Churchill in Munich," Robert Melson asks whether a "catastrophe averted is likely to be viewed as a catastrophe." As Melson argues, "politicians hesitate to act to prevent catastrophe in general, and genocide in particular, because if they act decisively and yet fail to prevent a humanitarian catastrophe they can be blamed for failure, while if they succeed at prevention they are unlikely to be rewarded for their success." To illustrate this idea, Melson poses this question: If Winston Churchill instead of Neville Chamberlain had gone to meet Adolf Hitler in Munich, and if he had succeeded in averting World War II, would he have been accused of bringing the world to the brink of war? Melson calls this the "the paradox of genocide prevention." As he notes,

the trouble is that no generation seems to know how to learn from the past and avoid the catastrophes of the future. In the context of uncertainty, ambiguity, and unintended consequences that is the future, political leaders do not wish to incur the costs of prevention. These costs may be too high, endangering their political survival, while the political benefits may be too low or even nonexistent.

While Melson's essay raises important and interesting questions about genocide prevention, it does not directly address the problem of proving a negative. That is, how

can one ever know what was prevented, and how does one know what might have occurred? Such speculation is, of course, at the heart of the modern debate over genocide prevention.

The third article in this issue, “Theorizing Destruction: Reflections on the State of comparative Genocide Theory” by Maureen Hiebert, is a needed review of some of the recent literature in what Hiebert refers to as the “young discipline that seeks to understand an ‘old scourge.’” Hiebert’s focus is on the “comparative analysis of multiple cases of genocide” and, in particular, on “comparative genocide theory.”

Hiebert believes, in fact, that the focus on definitions of genocide leaves “comparative genocide studies under-theorized relative to other disciplines in the social science and humanities.” She progresses through the different approaches, summarizing and analyzing each. Her thorough examination is too detailed for this brief introduction; her conclusion is that while “comparative genocide theory has flourished over the last twenty years,” we now need to “concentrate on how we theorize, specifically how we create comparative theories and how we test those theories using the comparative method.” Overall, she points out, genocide scholars must find a way to “bridge the gap between abstract theorizing . . . and concrete policy making.”

The piece that follows constitutes a major shift in attention. In “Why are we learning this? Does Studying the Holocaust Encourage Better Citizenship Values?” Henry Maitles examines the “relationship between learning about the Holocaust and the development of positive values.” Maitles’ research was designed to find out whether learning about the Holocaust affected students’ attitudes on contemporary issues such as racism and discrimination. After testing a cohort of about 100 students (aged 11 and 12) who studied the Holocaust and comparing them with peers who did not, he found that the group who studied the Holocaust “maintained more positive values than they had before their lessons on the Holocaust and were more positive than their peers.”

Again shifting topics, the fifth article, by Wibke Timmerman, examines the impact of hate speech as it relates to genocide. In “Counteracting Hate Speech as a Way of Preventing Genocidal Violence,” Timmermann argues that hate speech precedes and is part of ethnic violence and genocide. Her basic argument that “vicious, systematic, and state-organized hate propaganda should be criminalized under international law” is based on several justifications for “proscribing hate speech,” including the protection of human dignity and of the equality rights of victims of such speech; the need to “protect public peace”; and the danger that hate speech may create a “climate of hate and violence directed against a specific group.”

Although Timmermann maintains that this approach respects “the important right to freedom of speech,” and attempts to elaborate that argument, her discussion does not sufficiently counter the fact that legal systems that protect free speech within their constitutions, in particular the United States, would have a difficult time justifying the approach she advocates. Her argument that hate speech prepares populations for crimes planned by the country’s leadership is not universal, since hate speech of many different forms may be found in most societies, the majority of which have not committed genocide. Therefore, while this article opens an important discussion, it does not definitively answer the important questions posed by the author or by those interested in the prevention of genocide and the preservation of free speech. That discussion continues, and we hope it will produce more articles to be submitted to *GSP*.

The final article in this volume is our second Research Note. We publish Research Notes when the submission is not sufficiently developed to be included as a full-length article but contains important material on a topic currently being researched by the author. Research Notes highlight ongoing research and address topics about which little is known.

In the present case, “The Greek Relief Committee: America’s Response to the Greek Genocide” by Nikolaos Hlamides examines the role of an aid organization based in New York City that worked from 1917 through 1921 to administer aid to the Ottoman Greek population “in response to the genocide of the Greeks in the Ottoman Empire.” Hlamides highlights a relatively ignored and largely unknown chapter in the genocides of the twentieth century.

As we submit this last issue of volume 3 and plan for volume 4, we trust that you have found an array of interesting and innovative material in *Genocide Studies and Prevention*. As far as we are aware, we were the first journal to publish an article on rape in genocide; the first to call for a change in international law to add an entire new category of crimes, as called for by David Scheffer (“atrocities crimes”); the first to publish a symposium on international law and genocide that revolved around this proposal; and the first to publish a special issue on the aftermath of genocide—in addition to the many other accomplishments that characterize *GSP*’s three short years of publication. We trust that you will renew your membership in the International Association of Genocide Studies to continue to receive *Genocide Studies and Prevention* as perhaps the best means to stay up to date on the latest research in the field and to help support the continued publication of the journal. We, the editors, want to thank you for your continued support as readers, contributors, and reviewers. With that in mind, we are proud to offer *GSP* 3:3 to our readers.

*Herb Hirsch*  
*GSP Co-editor*

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# Rape as a Weapon of Genocide

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*Sexual violence against women during war and genocide is a pressing problem. Rape is used as a tactic of war and genocide because of its physical and psychosocial consequences for individuals, families, and communities. The physical and emotional sequelae of individual assaults are magnified when rape is committed on a mass scale, as in Bosnia-Herzegovina (1992–1996), Rwanda (1994), and Darfur, Sudan (2003–present). The victimization of raped women affects the community through the collective responses of survivors and their families, friends, and neighbors. Forced intercourse and impregnation represent a symbolic conquest of the woman by the rapist. This conquest becomes generalized to the whole population as survivors, witnesses, families, and communities internalize rape as an assault on their collective consciousness.*

*Keywords: rape, genocide, violence against women, sexual violence*

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Sexual violence against women is abhorrently prevalent in the modern world, and the incidence of rape increases during active conflicts. Within this context, sexual violence may be defined as sexual activity that manifests aggression or causes physical or psychological damage. Rape is a particular type of sexual violence: a penetrative sexual assault. Penetration may occur using an object or a human body part, and it is not limited to vaginal copulation (oral and anal penetration may also be categorized as rape). Men or women can be raped; men or women can be rapists. This analysis focuses on sexual violence and rape against women and girls during armed conflict and genocide.

Within the scope of this article, the term “mass rape” refers to the military strategy of widespread, systematic sexual violence and rape perpetrated intentionally against civilians. Although rape and sexual violence may be perpetrated against any member of the population, including men and children, discussion in this article is limited to the impact of sexual violence against women and girls. This focus on female rape survivors allows the space needed to present a particular set of problems unique to rape of women and girls, such as reproductive control through forced pregnancy. In this analysis, living women who have been raped are referred to as *survivors*, while those who died are referred to as *victims*.

Rape has characterized every contemporary and historical war: “rape, pillage, and burn” is a familiar phrase in the modern and ancient vernacular.<sup>1</sup> Common terminology used to discuss sexuality, rape, and war belies the cultural connections between the concept of sexual violence against women and the concept of war. Symbolic conquests are made in the bedroom and the boardroom, while on the battlefield brutal military invasions may be described as rapes.<sup>2</sup> The rules or norms of practice during wartime vary across time and place, but the soldiers’ prerogative to rape conquered women has traditionally been an accepted rule of war. *To the victor go the spoils* can mean that the victor has “the right to exert violence against women . . . during campaigns of conquest or in the immediate post-war period.”<sup>3</sup>

Aside from the privilege offered to conquering soldiers, it is often assumed that rape occurring in times of war is attributable to the wild abandon experienced by men in the midst of societal collapse. While it is undoubtedly true that some men rape during war or ethnic conflict for non-strategic reasons, including the general breakdown of societal norms for appropriate behavior, rape is intentionally used to pursue military, territorial, social, and political gains during war. Sexual violence is increasingly employed as a tactic in violent conflict because of its destructive effects on individuals, families, and communities.<sup>4</sup>

Feminists and other scholars assert that the act of rape regulates power through sexual means. The rapist's sexuality is not an end in itself but merely an instrument to inflict damage through sexual means: rapists speak of the experience as an aggressive act of dominance, associated with power, rather than as a particularly sexual act. Because of this dynamic, rape and other forms of sexual violence may be used to regulate power relations between genders, classes, or groups. Sexual mutilation and torture during armed conflict plays a role in regulating social norms and behavior. Sexual violence and rape are powerful social weapons that have been used by government agents and other social movements in the perpetration of genocide and territorial war. The sexual nature of the violence increases its impact because of the cultural and social context in which the rape occurs.

## **Rape and Genocide**

Sexual violence is often a cornerstone of genocidal campaigns because of its devastating effects on women, families, and communities. Genocide is defined by the United Nations as "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group."<sup>5</sup> These acts may include killing, causing serious bodily or mental harm, deliberately inflicting conditions of life calculated to bring about the group's physical destruction, imposing measures intended to prevent births, or forcibly removing children from the group. Rape is a forced sexual penetration that can cause death, lead to serious bodily and mental harm, bring about the physical destruction of the group, and impede births. Thus rape can be considered an act of genocide, and it has been recognized as such by international criminal courts. Patricia Sellers, legal advisor for gender-related crimes at the International Criminal Tribunal for the Former Yugoslavia (ICTY) has stated, "now we can say rape is a crime, a crime against humanity, or a war crime, a constituent part of genocide."<sup>6</sup> These landmark prosecutions paved the way for future perpetrators of genocidal rape to be held accountable for their actions.

The recent UN Security Council resolution on "Women and Peace and Security" (Resolution 1820) draws on the precedents set by previous ad hoc tribunals, statutes, and resolutions on the protection of women from sexual violence during and after armed conflict. This resolution, which was unanimously signed, draws attention to the fact that women and girls are "particularly targeted by the use of sexual violence, including as a tactic of war to humiliate, dominate, instill fear in, disperse and/or forcibly relocate civilian members of a community or ethnic group."<sup>7</sup> It categorically condemns "in the strongest terms all sexual violence committed against civilians in armed conflicts, in particular women and children," and refers to previous documents, such as the Rome Statute of the International Criminal Court, that echo this condemnation.<sup>8</sup>

In addition to addressing the obvious consequences for individual women and girls who are raped, the resolution calls attention to the important and often overlooked fact



that sexual violence against civilian populations “can significantly effect situations of armed conflict and may impede the restoration of international peace and security.”<sup>9</sup> Because ending sexual violence against women and girls contributes to “the maintenance of international peace and security,” the resolution contains a demand for the “immediate and complete cessation by all parties to armed conflict of all acts of sexual violence against civilians with immediate effect.”<sup>10</sup>

Security Council Resolution 1820 clarifies in no uncertain terms that rape and other forms of sexual violence “can constitute a war crime, a crime against humanity, or a constitutive act with respect to genocide.”<sup>11</sup> Sexual violence and mass rape in particular are used as a strategy of genocide because they can bring about physical destruction of the group through the desecration of individuals. Mass rape prevents births within the target group through damage to the reproductive capacities or the social fitness of women; in-group births may be prevented through forced impregnation. Children born of rape are seen by the mother’s community as a soiling the group’s bloodlines, while the perpetrators may consider the woman and the child to have been “ethnically cleansed” through the assault.<sup>12</sup> Many communities believe that the survivor has been penetrated and thus tainted by “the enemy”: a child born of rape is generally considered an enemy or a pariah in the community.

Rape and sexual violence may be particularly destructive when they occur within the context of ethnic cleansing or genocide, and it is necessary to attend to factors that amplify the significance ascribed to these acts. Rape can be a strategy of war, ethnic cleansing, and genocide because it reduces the civilian population through a variety of practical means while instilling fear, submission, compliance, and flight from areas of contested territory. During the Rwandan Genocide, there appear to have been “no specific orders for rape”; however, “innuendo, jokes, and propaganda were interpreted as intended” and provided a license for Hutu men to rape Tutsi women.<sup>13</sup> The word *kubohoza* (“to liberate”) was used to refer to rape; this word was also heavily associated with the political rhetoric of the extremist Hutu Power movement, indicating the relationship between rape and the social control of Hutus over Tutsis during the Rwandan Genocide.

Médecins Sans Frontières (Doctors Without Borders) describes rape as a “weapon used to destabilize or even break a particular ethnic, national, or religious group or to ‘ethnically cleanse’ a whole society.”<sup>14</sup> Survivors, family members, and witnesses tend to avoid traumatic reminders such as the location of the rape: brutal and public rapes remove the desire to return to the areas where the traumatic events took place for large numbers of people at once.<sup>15</sup> When rapes are committed in a widespread and systematic fashion, these assaults on individual women come to represent an assault on the community.<sup>16</sup>

In the context of ethnic cleansing and genocide, the trauma of rape may be intentionally maximized by the perpetrator(s) to cause damage or death and to send a message. Physical abuse or torture, repeated assaults or gang rapes over a period of days or weeks, forced pregnancy and childbirth, the combination of rape with the murder or torture of the survivor’s loved ones, public humiliation of the survivor and her family, and verbal abuse of the survivor and her community contribute to the devastation.<sup>17</sup> Mass rapes are combined with organized slaughter, looting, burning, pillaging, and starvation for exponential impact.

Rape has always been committed during the wars of known history, and it continues to be a pressing problem in modern genocides as its use becomes more widespread and systematic.<sup>18</sup> But women are more than just the spoils of war or the

passive victims of genocide: civilian women are the material that war is waged with, and women may be used in a variety of strategic ways. Many more civilians than soldiers perish in modern wars, and women are “tactical targets of particular significance” because of their role within the family and social structure.<sup>19</sup> Women are singled out as principal targets for the most effective destruction of a culture because of the centrality of their social roles in the family and community.

In military conflicts, physical and sexual abuse of women is part of male communication: displays of machismo are enacted through violence against women who are associated with the target males. The rape of women carries a man-to-man message, showing that the targeted men are not able to protect their women.<sup>20</sup> This male communication is especially salient in cultures that consider women to be the property or the social responsibility of their husbands or fathers. Men may interpret the sexual assault of “their” women as a direct attack on their manhood and their own integrity. In this way, “women are used as political pawns, as symbols of the potency of the men to whom they belong.”<sup>21</sup>

“Memories of wartime atrocities, like all memories, are local; they are embedded in the psyche of individual survivors and witnesses and, through the process of retelling and memorialization, they are deposited in the collective memory of the community.”<sup>22</sup> Rape survivors and the children born of rape evoke these memories for the community, and the community’s desire to avoid or exclude survivors may be partially an attempt to shield itself from the reminder of the cultural defeat and the internalization of the assault of its members as an assault on the community. The experiences of individual women are magnified and become applicable to the whole population through these processes of collective memory, deterioration of family and social structures, and the internalization of the assault against the community by its members.

## **The Scope of the Problem**

It is a challenge to obtain an accurate census of any kind during armed conflict or genocide, and collecting data about sexual violence is fraught with difficulties even under “normal” circumstances. Thus, we do not know exactly how many women are at risk for wartime rape; however, estimates reveal alarming trends for women’s health and mental health in the context of global violence. In contemporary wars and genocides, mass rape is used as a strategy to leave vast numbers of severely traumatized survivors in their wake.

Sexual violence and rape occurred during World War I and were prevalent during World War II. The Nazis are reported to have branded some women with the inscription “Whore for Hitler’s troops,” and it was common for persecuted women to be raped or sexually assaulted in concentration camps and elsewhere.<sup>23</sup> The Tokyo Tribunal stated that the Japanese Army raped between 20,000 and 80,000 women during the “Rape of Nanking” in 1937 and enslaved 100,000 to 200,000 “comfort women” who were forcibly imprisoned and raped to serve soldiers’ sexual needs during the war.<sup>24</sup> Soviet soldiers reportedly raped more than 2 million German women during the final stages of World War II, and hospital statistics indicate that between 95,000 and 130,000 women were raped in Berlin alone. Other modern conflicts have featured mass rape, but it is difficult to obtain credible statistics documenting these atrocities. One well-documented crisis of mass rape occurred in 1971 in Bangladesh, where it is reported that 200,000 women were raped during conflicts that erupted that year.<sup>25</sup>

An estimated 25,000 to 50,000 women were systematically raped during the Balkan Wars of the 1990s; it has been reported that up to 20,000 of these women were



forcibly impregnated and that more than 5,000 “bad memory babies” were abandoned on hillsides or killed in the aftermath.<sup>26</sup> The 1994 Rwandan Genocide left an estimated 250,000 to 500,000 rape survivors in a single summer; more than 2,500 infants were born the following spring and abandoned. This continues to be a pressing issue, as mass rape and genocide have recently been reported in the Darfur region of the Sudan and in the Democratic Republic of the Congo (DRC). Reputable organizations such as Human Rights Watch, Amnesty International, and UNICEF have been describing the dire situation for women in these conflicts for several years, yet both conflicts continue to claim women’s lives.<sup>27</sup>

Rape has been recognized as a war crime, as a crime against humanity, and as an act of genocide because of its use in conflicts including the collapse of the former Yugoslavia (1991–1999), the Rwandan Genocide (1994), and the current situations in Darfur, Sudan (2003–present), and the DRC (1996–present). These cases are highlighted here because they are well-documented, contemporary ethnic conflicts with a particularly sexualized method of perpetration. In all cases, perpetrators used mass rape, forced impregnation, and sexual torture as strategies of cultural control over ethnically different populations.

## **Rape during Genocide and Armed Conflict**

Rape does not have constant functions over time and in all societies, because sexual violence is highly contextualized by individual, situational, social, and cultural factors. It is important to contextualize the meaning of rape in terms of these social and cultural realities, as well as in terms of the individual and situational factors that mediate the function of sexual violence. Most feminist discourse on rape has focused on macro-system factors such as patriarchy and misogyny, but it is important to investigate, describe, and discuss the impact of other factors. The social systems and structures that form the framework of society influence all aspects of human behavior: factors such as poverty, low socioeconomic status, unemployment, and isolation of women and families have been linked to increased prevalence of sexual violence against women.<sup>28</sup> A nested, ecological model conceptualizes rape as a multifaceted phenomenon grounded in the interplay among personal, situational, and sociocultural elements.<sup>29</sup>

Underpinning every community or group is a broad set of cultural values and beliefs that “permeate and inform the other three layers of the social ecology,” operating through their influence on the other levels.<sup>30</sup> A cultural ethic of solving problems with violence predisposes communities to high levels of violence against women, and particularly of sexual assault. The context and history of war can provide a cultural framework in which the primary strategy used to resolve conflicts is violent or aggressive behavior, and civilian women become targets for sexual violence in accordance with this cultural principle of violent problem solving. Active genocide can be considered a period during which the cultural value of violent problem solving is most strongly enacted and reinforced.

Sexual violence on the scale of mass rape could not be explained without some accounting for the anger and hate directed against the women who are targeted for these attacks. Theorists have asserted that the rape of women by men is made possible by the undercurrent of anger, aggression, and hostility toward women that is part of the cultural landscape. Rigid gender roles have been linked to a high incidence of rape in a culture or community; similarly, low levels of rape are related to a lack of strongly defined gender roles. A sense of male entitlement or ownership of women is another

predictor of high levels of violence against women. Culturally ingrained norms regarding male dominance over women allow men to rape without social consequences. In cultures that generally approve of physical punishment for women (in many societies, it is perfectly acceptable for a man to hit a woman for trespasses ranging from forgetting a meal to committing adultery), the prevalence of rape and sexual assault is correspondingly elevated.

Wartime rape has been strongly linked to constructions of masculinity offered to soldiers and combatants. Social constructions of masculinity are essential to any discussion of sexual violence against women, and constructions of masculinity during wartime are particularly salient. Military service functions as a rite of passage for many young men, through which they attain an adult male status and identity. A military sociologist cited by Ruth Seifert describes how the values associated with the ideal of sexual virility in the exclusively masculine surroundings of the army become primary for the soldier's conceptions of himself, as well as for his social status.<sup>31</sup>

The social context also provides soldiers with norms that maintain perceived masculine status by the other soldiers. These social values and ideals define the identity of soldiers, and create inner tensions because the soldier is constantly confronted with threats to masculinity (such as emotionality, empathy, horror, fear) and must preserve the construction of masculinity in the face of these "non-masculine" experiences. These cultural conceptions of masculinity as sexually aggressive may increase the likelihood of violence against women because of the normalizing of male dominance and aggression, and the desire to be accepted by other sexually aggressive males. It has been shown that males with sexually aggressive peers are more likely to report having raped or sexually coerced a woman.<sup>32</sup>

Sexual violence includes attributes associated with hyper-masculinity (strength, power, forcefulness, domination, and toughness), so the act of rape may be considered a behavior that supports and validates this conception of masculinity. In some social groups, particularly in the context of war and ethnic conflict, rape can also function as a ritualized validation of a soldier's male status and identity. The hyper-masculinized version of appropriate behavior for men links power and sexuality with violence; these linkages can have dangerous consequences for women, who may be the targets of "masculine" displays of sexual violence and domination. Relating masculinity to dominance or toughness (which are usually important constructions of a soldier's masculinity) is associated with cultures in which peacetime rape is prevalent. It stands to reason that this value of hyper-masculinity could become exaggerated during an active conflict and could increase rates of sexual violence against women. Social pressure may function to spur on men's hyper-masculinized acts of sexual violence in an attempt to prove their manhood or to obtain the group's esteem. Analysis of gang rapes provides further corroboration of the role of peer pressure and social norms of masculinity in the etiology of rape. The main purpose of gang rape appears to be proving one's masculinity to the group through the display of sexual violence.<sup>33</sup>

Attachment to other male peers who encourage abuse or violence against women is a predictive factor for males who abuse women sexually, physically, and psychologically. In this way, the macro-system value of male dominance and the situational factor of peer pressure (among peers who have all been exposed to the same violent cultural construction of manhood) have a combined influence on individual men's choices about whether or not to participate in sexual violence. This provides a strong rationale for the concept that men rape during war because of peer pressure or social

norms relating to violence against women, and sexual violence in particular is a way to demonstrate masculine power to the group.

Acknowledging the influence of situational factors or personal history in no way exculpates the perpetrators of violence, nor does it reduce the salience of macro-level factors such as cultural notions of masculinity and male dominance over women. A comprehensive analysis of sexual violence must recognize the primacy of culturally constructed messages about masculinity/femininity and gender/power roles while also accounting for social, situational, and individual factors. Those who have experienced abuse, witnessed violence, and experienced previous trauma during childhood are both more likely to perpetrate sexual violence and more likely to be victims of sexual violence. Individual factors such as upbringing, family of origin, genetics, and previous experiences have been linked to levels of resilience and of post-traumatic stress.

### **Effects of Rape**

The simplest and most direct way in which rape exerts control over communities is through its impact on population demographics: mass rape directly decreases population because many women are raped and beaten to death. It is common for a woman to lose consciousness and die during or shortly after rape. Survivors abandoned in varying levels of consciousness and distress may die of exposure, dehydration, or starvation or from animal attacks. Many are beaten to death or shot after being sexually assaulted; some victims even beg their abusers to kill them.<sup>34</sup> Many survivors of genocidal rape commit suicide following their ordeal; those who become pregnant often die in an attempt to abort the fetus. It is also common in some cultures for a woman to be killed by her own family or community after experiencing rape, because of the shame the assault brings on the family and the community.

Many cultures consider rape worse than death, because the survivor lives through the experience, causing further trauma and suffering to the individual. Many societies consider a woman to be destroyed after a rape has occurred, so women are not encouraged to heal or to consider that their lives can continue after such an assault. Rape is used during genocide because it accomplishes two goals at once: the woman is effectively “killed,” or loses the will to live, yet goes on living among her people as a constant reminder of their downfall.<sup>35</sup>

### **Infection and Illness**

Infections and illnesses such as HIV, hepatitis, and syphilis are common in survivors of wartime sexual assault. Survivors are also more likely to experience acute and chronic health problems such as diabetes, asthma, and arthritis. Somatic complaints, especially unexplained abdominal pain, are common among survivors of sexual assault.<sup>36</sup> Sexually transmitted diseases take on a particular salience during ethnic conflict and genocide. Transmission of HIV through mass rape may be used as a strategy of population reduction, and unintentional spreading of HIV is also facilitated by mass rape. The virus may be transmitted at elevated levels when violent sexual attacks involving heightened contact with blood and other bodily fluids occur on a large scale. In Rwanda, an estimated 70 to 90% of rape survivors have contracted HIV/AIDS. Given that more than 500,000 women were raped, the health crisis created by this epidemic is staggering. Advocacy groups argue that the 1994 genocide never ended: it is still claiming victims today.

## Injuries

Sexual violence can have numerous medical consequences, including internal bleeding, fistulas, incontinence, and life-threatening injuries. Survivors' health and reproductive capacity may be damaged by physical injuries received during rape, including torn vaginal walls that result in chronic fecal or urinary incontinence through the vaginal canal. In all the contexts discussed here, extreme forms of genital mutilation were a common feature of rape; their purpose was to cause pain and suffering as well as to create permanent sexual scarring that would make the women unacceptable as wives in their own communities. Breasts were often cut or severed (this practice was particularly prevalent in Rwanda), and many women were gutted after their assault. These sexualized scars made it impossible for survivors to hide the fact that they had been raped. Some of these women survived, but there is little opportunity for proper medical treatment or reconstruction. In areas where sanitation is questionable, such injuries increase survivors' vulnerability to infections. These physical consequences of rape and sexual torture are painful, embarrassing, and stigmatizing. Often survivors' future reproductive capacity is affected by violent physical injuries received during their rape, which has significant consequences for the community's ability to repopulate.

## Pregnancy

Children of rape and the mothers who bear them are stigmatized and socially punished within their own communities. The children are rejected because they are viewed as the "enemy," thanks to their paternity and the circumstances of their conception. Women and their communities reject babies born of rape because they represent the humiliation of the mother and of the culture itself. Sometimes communities will re-accept a raped woman if she aborts, abandons, or destroys her baby.

An estimated 5,000 infants were abandoned or killed in the aftermath of genocidal rape in the Balkans.<sup>37</sup> An estimated 2,500 "bad memory babies" were born following the 1994 Rwandan Genocide, and many were abandoned.<sup>38</sup> Many pregnant survivors seek abortions, but obtaining an abortion is difficult in times of war and in conservative, religious countries. Rape resulting in pregnancy during war exposes women to potentially unsafe abortions and to traumatic, complicated childbirths in areas without adequate medical care.<sup>39</sup>

Pregnancy may be an unintended consequence of rape, but forced impregnation may also be used as a strategy of cultural control. The intention of forced pregnancy is "to alienate women's reproductive as well as productive rights [through] rape to impregnate, making women bear children for the 'enemy' community" and making them unfit or unable to bear children of their own ethnicity.<sup>40</sup> Symbolically, forced pregnancy represents the conquest of the woman's body by "enemy sperm."<sup>41</sup> Impregnated women cannot help delivering the raping culture's message of conquest, as they cannot help delivering the children of rape, and they are condemned for both.

Forced pregnancy was a central strategy of the Serb forces during the genocide in Bosnia-Herzegovina (1991–1995), with detention camps established for the purpose of sexually assaulting women. Bosnian rape survivors frequently reported Serbian rapists "triumphantly jeering after reaching orgasm that the woman was now carrying 'Serb seed' and would produce a 'Serb baby.'"<sup>42</sup> Pregnant Muslims were freed from rape camps with the announcement, "You're going to have a Serb baby" . . . Buses filled with women in the sixth, seventh, or later month of pregnancy [were] sent back over enemy lines, usually with cynical inscriptions on the vehicles regarding the children about to

be born.”<sup>43</sup> These forcibly impregnated women were living symbols of the conquest: beaten and raped, barely alive, their abdomens swollen with so-called Serb babies, they stumbled home only to be discarded, shunned, or killed.

Rape with intent to impregnate is a strategy used by the Janjaweed and military officers perpetrating mass rape in Darfur. Sudanese children’s ethnicity is derived solely from their fathers; it is believed that an Arab father produces an Arab baby. This symbolic and cultural information becomes a weapon of genocide when applied in this manner. As one aid worker in Darfur has stated, “Everyone knows how the father carries the lineage in the culture. They want more Arab babies to take the land.”<sup>44</sup> One survivor reported that the Janjaweed said to her, “Black girl, you are too dark. You are like a dog. We want to make a light baby . . . You get out of this area and leave the child when it’s made.”<sup>45</sup>

### Psychosocial Problems

Sexual assault can affect long-term physical, psychological, and relational health, and further inquiry will continue to elucidate the relationships between resilience, vulnerability, and contextual factors in the development of the traumatic response. Mass rape causes psychological and social problems for women and their families, but it is difficult to assess the true level of devastation left in the wake of these brutal campaigns. Assessment or intervention services may not be available to women in war zones, refugee camps, or internally displaced persons camps.

Mass rape survivors have been exposed to “interactive traumatic stressors” such as detention in rape camps, forced pregnancy, death of loved ones, threats to survival, torture, war-related illnesses or injuries, “loss of home and community,” “stresses of migration and dislocation, cultural shock, lack of familiar support systems, and fear of deportation.”<sup>46</sup> The survivor’s sense of structure and safety may be shattered by the compound traumas she has experienced. Rapes may be combined with physical abuse and torture, starvation, verbal abuse, and other forms of domination and humiliation in order to maximize the trauma to the survivor. Weapons such as guns, axes, and whips have commonly been used to intimidate and threaten women in Darfur, while machetes and AK-47s were wielded in Rwanda.<sup>47</sup>

The survivor’s psychological response may be influenced by the context and level of brutality of the assault. Rapists often use dehumanizing epithets featuring racialized or gendered slurs directed at the raped woman and her community. In Darfur, “slave” and “black slave” are common ways the perpetrators refer to African women from the Fur, Masalit, and Zaghawa ethnic groups; in Bosnia-Herzegovina, Muslims women were commonly called “Turks” and Croats were called “Ustasha whores.”<sup>48</sup> This form of ethnically oriented verbal abuse increases the suffering of the raped woman and is considered a message to others of her group who may be forced to witness the assault.

The degree to which survivors’ mental health is affected by the trauma of sexual assault varies by severity, type, frequency, and degree of physical injury and perceived threat to life, as well as varying based on whether the survivor received medical or mental-health intervention. The biological outcome of rape may influence the severity of psychological symptoms: rape without impregnation, rape resulting in pregnancy, and pregnancy followed by abortion or by childbirth result in differing levels of emotional trauma for survivors. Pregnancy followed by childbirth is associated with the most severe levels of distress.<sup>49</sup>

Increasingly severe levels of impairment may develop from the combination of sexual assault and a “lifetime history of multiple traumas.”<sup>50</sup> The intersections of



gender, class, ethnicity, and previous victimization history, combined with exposure to a “pervasive toxic culture” that condones violence against women, may increase the traumatic response.<sup>51</sup> Individual and contextual factors such as genetics, resilience, and social support may mediate the development of psychological problems following exposure to trauma.

Dissociation, psychotic symptoms, sexual dysfunction, and self-harming behaviors are commonly reported by survivors. Sexual abuse has been associated with the development of borderline personality disorder or complex PTSD. Elevated levels of substance abuse, depression, eating disorders, and anxiety have been noted.<sup>52</sup> Survivors are also likely to experience other types of psychosocial distress, including isolation; difficulty relating to others; low self-esteem or self-worth; and feelings of objectification, guilt, and self-blame.

### Post-traumatic Stress

The diagnosis of post-traumatic stress disorder (PTSD) was adopted in 1980 to describe the condition of Vietnam veterans who reported great psychosocial distress long after the traumatic events causing distress had ceased. The most essential feature of post-traumatic stress is exposure to a traumatic event in which the “person experienced, witnessed, or was confronted with an event or events that involved actual or threatened death or serious injury, or a threat to the physical integrity of self or others.”<sup>53</sup> This traumatic stressor is generally outside the range of typical human experiences.<sup>54</sup> Although the sequelae of sexual assault are influenced by the social and cultural context in which the assault occurs, one of the persistent characteristics of rape survivors is the development of these re-experiencing, avoidant, and arousal responses to post-traumatic reminders of the event.

Survivors of sexual assault constitute the largest group of people currently diagnosed with PTSD, and rape is among the most salient PTSD risk factors.<sup>55</sup> The American Psychiatric Association notes that “survivors of rape, military combat and captivity, and ethnically or politically motivated internment and genocide” have been found to have the highest rates of post-traumatic stress disorder.<sup>56</sup> People who endure repeated, prolonged trauma or imprisonment are particularly vulnerable to the development of intrusive symptoms that may linger for decades after the experiences, as has been demonstrated among groups of Korean War prisoners and survivors of Nazi concentration camps.<sup>57</sup>

Witnesses to rape and torture may also develop post-traumatic symptoms or PTSD, particularly if they have a relationship with the survivor/victim or the perpetrator. The terrorizing effects of rape are often exploited when perpetrators force family members or others to witness acts of sexual violence and torture.<sup>58</sup> A person diagnosed with PTSD may have “witnessed or been confronted by a traumatic event,” without directly experiencing a threat to him- or herself.<sup>59</sup>

Public rape was regularly used in Bosnia-Herzegovina as an act of community intimidation, because “the psychiatric consequences in [witnesses] can be very pronounced, sometimes even greater than in primary victims” of rape.<sup>60</sup> Rape committed in front of the survivor’s immediate family results in severe trauma for both survivor and witnesses; public violence and practices of sexual mutilation exert extreme social pressure on local populations. Family and community members may have varying responses to witnessing rape, and they often reject rape survivors and children born of rape because of their power to remind witnesses of the collective trauma.



## Traumatic Reminders Causing Flight

One of the hallmark features of PTSD is the sufferer's tendency to avoid reminders of the traumatic event, including places, people, and things that are associated with the trauma. Survivors and witnesses of rape have a tendency to avoid the location where the rape occurred. The perpetrators of these rapes use the common knowledge that people tend to avoid places where terrible things have happened to them to encourage flight from areas of contested territory. In this way, rape can be used "as an instrument of forced exile" to drive the population from certain areas.<sup>61</sup> Perpetrators of wartime rape may deliberately maximize the level of trauma to survivors and witnesses in order to disperse the civilian population.

Rape causes survivors, witnesses, and other community or family members to leave their homelands. Bosnian women were raped in public in order to "spread fear and induce the flight" of non-Serb inhabitants of contested lands: it was common for the Serb-controlled Yugoslav National Army (JNA) to enter a village and rape every girl and woman in succession, from the youngest child to the oldest grandmother.<sup>62</sup> Survivors and witnesses do not wish to return to the scene of the crime, so public displays of sexual violence initiate mass exodus from contested territory. After the genocides in Bosnia and Rwanda, some perpetrators have continued to brutalize their past victims, and many survivors are simply too afraid to return to their homes because of what they experienced or witnessed there. Others have relocated to the areas where the crimes occurred, and a large number report frequent traumatic reminders.<sup>63</sup>

Public rapes are common in Darfur, with family members or the wider community witnessing the rape and torture. Anyone who intervenes may be beaten, stabbed, or killed. The rape survivor may feel betrayed by the witnesses who failed to protect her; those who witnessed and did not defend the raped woman may feel shame, which they may express as aversion, anger, or even hatred toward the survivor. Exposing the community and family to the rape of women magnifies the intensity and complexity of the traumatic response while exponentially increasing the number of survivors who may be psychosocially affected by these events.

## Social Problems Associated with Post-traumatic Stress

Survivors of sexual assault often experience social problems, which may be related to the psychological trauma of rape. Some of the symptoms of PTSD have an impact on the survivor's ability to relate socially. Among the symptoms listed as criteria for a PTSD diagnosis are "feelings of detachment or estrangement from others," "markedly diminished interest or participation in significant activities," "restricted affect," "a sense of foreshortened future," "irritability or outbursts of anger," and "hypervigilance."<sup>64</sup>

Survivors may experience dramatic mood swings or changes in personality because of the profound sense of loss and grief that they experience; these changes can be very upsetting for family members and friends, who may withdraw from the survivor in the aftermath of these difficult mood swings or negative encounters. Sometimes the survivor's family members, friends, or neighbors do not comprehend the magnitude of the assault's impact on the survivor. This lack of understanding or awareness of the traumatic response on the part of friends and family can make survivors feel isolated and misunderstood. Because of the impact of these symptoms on their social functioning and the reactions of others to their changed behaviors, survivors with

PTSD may have difficulty in reestablishing relationships, and particularly intimate relationships, after the violence.

Sexual assault is associated with “increased difficulties across several domains of interpersonal functioning.”<sup>65</sup> Survivors tend to report smaller support networks, more social isolation, and less emotional support than other women. Survivors often report difficulty establishing and maintaining trusting relationships after the rape, and this difficulty with trust may manifest itself in social isolation or self-harming behaviors.

Within the realm of romantic and sexual relationships, this lack of trust can be particularly problematic. Clinicians have reported that female survivors of male-perpetrated rape may identify all males with torturers and rapists.<sup>66</sup> Sexuality may be perceived as a threatening reminder of a brutal victimization, and the survivor may be unwilling or unable to have sex with her husband or partner. One survivor, whose perspective echoes those of many others, reported that “for me there’s no such thing as sex anymore; that’s all in my past.”<sup>67</sup>

PTSD symptoms may decrease or eliminate interest and participation in sex, which can cause difficulties in intimate relationships. Sexual trauma, in particular, may lead to an aversion to sexuality in both survivors and witnesses of rape. Because aversion to sexuality is not a desired characteristic for wives in most cultures, this may place survivors at risk for rejection by current or prospective spouses. Decreased interest and participation in sex also reduces the likelihood that a woman will give birth to children within her community.

Mass rapes may be designed to maximize trauma to survivors, witnesses, and the targeted community as a whole. Sexual violence perpetrated in public or on a large scale is “intended to disable an enemy by destroying the bonds of family and society” through the perpetration of trauma and stigma.<sup>68</sup> Through these social means, the psychosocial consequences of rape can have practical and long-term effects on the community and its members.

## **Consequences for the Community**

During genocide and ethnic conflict, women become “prime targets because of their cultural position and their importance in the family structure.”<sup>69</sup> The trauma of rape may prevent the survivor from assimilating back into her previous roles in her family or society, which changes the community on the micro, meso, and macro levels. “Women hold communities together, and attacking them contributes to the defeat and disintegration [of the community] in a number of ways”—including the collapse of basic societal structures, beginning with the family unit.<sup>70</sup>

## **The Stigma of Rape**

Sexual violence is considered shameful in many cultures, and survivors are often shunned or punished for being raped. A woman’s sexual virtue is highly valued by the community as a marker of the purity and prestige of her family. When a woman is raped, the cultural meaning behind that experience indicates that she has been “spoiled,” which reflects poorly upon her and on her family. As one survivor said, “After rape, you don’t have value in the community.”<sup>71</sup>

To avoid the stigma associated with rape, survivors may attempt to conceal their assault from others. Three adolescent survivors in Darfur reported attempting to conceal their rapes by telling neighbors about the Janjaweed attack without mentioning the sexual assaults. Assumptions and gossip spread. It was clear that

neighbors knew the girls had been raped, because they changed their treatment of the girls. One of the survivors told a journalist that when people discover a woman has been raped, “They scorn you. They laugh at you . . . They look at you as if you are strange, as if they haven’t seen you before.”<sup>72</sup>

The perpetrators of genocidal rape use their knowledge of the social consequences of sexual assault to maximize damage to the target population. Rapes are conducted in such a way that they are difficult for survivors to conceal—for example, publicly, in broad daylight. Women who become visibly pregnant after rape have no chance to hide what happened to them, and this is one of the intentions of forced pregnancy: to compel the woman to suffer the stigma her community deems appropriate for a rape survivor.

Survivors and children of rape remind their families and communities of their collective defeat, which can be both demoralizing and terrifying. The family or community may cast the woman or child out, abuse them further, or even kill them—causing deeper emotional damage to all involved and tearing at the fabric that holds families and the community together. Perpetrators of mass rape maximize population-reducing effects over time by taking advantage of the social stigma of rape. The consequences of this stigma against rape survivors effectively render a generation of women unlikely to bear children within their own community.

In many cultures, particularly those espousing a patriarchal value system, survivors of rape are not considered acceptable wives. Survivors may be cast out if they are married at the time of the assault, especially if their injuries affect their reproductive capacity. Care of the children and the household is the sole responsibility of women in these cultures, and injured or traumatized women are considered less valuable as wives. One survivor from Darfur described how excited she had been about her engagement until she was raped; her fiancé then said he would not marry her, because she was “disgraced and spoilt. . . . It is the wors[t] thing.”<sup>73</sup>

The stigma of rape is a crushing burden because of the associated social and economic disadvantages. Unmarried women do not have the financial and physical protection that married women do in Darfur, Rwanda, the DRC, and Bosnia-Herzegovina, as well as in many other areas; this vulnerability is exacerbated by active conflict and genocide. In Darfur, because of the widespread sexual assaults of young women and girls, families worry that they cannot protect their young women’s sexual virtue, upon which their basic safety depends. As a result, parents attempt to marry off their daughters early in order to preserve the family honor. The “bride price” in the IDP camps has decreased to the point that families will marry their daughters to anyone who can scrape together minimal compensation for the family. This exposes young women and girls to potentially abusive spouses, early sexual intercourse (with their husbands), and early marriages with few choices. Since marriage is technically no protection against rape, the early marriage of daughters may not ultimately protect the family’s honor if those daughters are raped after marriage and subsequently abandoned by their husbands, which is common.

Mass rape during genocide draws upon existing gender dynamics and cultural factors to increase the damaging effects of the assault. In patriarchal cultures, women are considered “symbols of the potency of the men to whom they belong.”<sup>74</sup> The act of rape robs the husband of his control over his wife’s sexuality during the rape, but it also robs him of the ability to sexually enjoy his wife afterward, because she may be injured, traumatized, or pregnant. In this way, the male “is emasculated (and therefore dehumanized, rendered powerless) by being denied sole access to

his woman.”<sup>75</sup> This has been described as “the final symbolic expression of the humiliation of the male opponent.”<sup>76</sup>

During the Bosnian genocide, Serb forces made use of cultural information about women’s roles to maximize the impact of the psychosocial trauma of rape. It was known that a Bosnian husband would divorce his wife if she was raped, and that an unmarried woman who was raped would not be considered eligible for marriage. Regardless of the women’s utter lack of complicity in their sexual victimization, “wartime rape victims’ husbands held their wives responsible for the deed or ended their relationships because of the rape”: a Muslim physician in Bosnia reported that “if a man has even the slightest suspicion that his wife may have cooperated voluntarily, the marriage is over.”<sup>77</sup> These social rejections of rape survivors have long-term reductive effects on population.

### Deterioration of Family and Societal Structures

Sexual violence is perpetrated against women during ethnic conflict because women “keep the civilian population functioning” through their roles as mothers, wives, and caretakers.<sup>78</sup> The suffering inflicted may cause permanent psychological symptoms or have social consequences that affect women’s ability to relate, work, or care for their children. Because large numbers of individual women experience the deterioration of the familial structures in their lives, the social structures of the community crumble as more and more individual women become traumatized. Thus the collapse of community structures begins with individual and familial collapse.

In these ways, rape leads directly to the destruction of family and community structures that is the ultimate goal of territorial war. Survivors of rape broadcast a message of defeat to their families and communities, which can both demoralize and terrify them. Family members may cast the survivor out or abuse her further, causing deeper emotional trauma and tearing at the fabric that holds the family and the community together.

During war and ethnic conflict, rape acquires a deeper meaning: rapes committed in war may be intended to destroy the raped woman’s culture or community. The deconstruction of culture—and not necessarily the defeat of an army—can be considered one of the primary goals of rape warfare. Individual rapes translate into an assault on the community through the social emphasis placed on women’s sexual virtue: the shame of the rape humiliates all those associated with the survivor. Combatants who rape during war often explicitly link their acts of sexual violence to this broader social degradation through their words and actions.

When a woman is raped in the context of war, ethnic conflict, or genocide, the symbolic message to the woman’s community is one of territorial conquest. The culture has been symbolically “penetrated” by the enemy, and this is demonstrated through the physical penetration of its individual female representatives. The humiliation of a culture through the systematic violation of women is the primary goal of mass rape during ethnic conflict.

The female body functions as a symbolic representation of the community: sexual violence inflicted on women damages the “physical and personal integrity of the group.”<sup>79</sup> The “rape of the women in a community can be regarded as a rape of the body of that community,” and this symbolic assault is very much an intended consequence of genocidal rape.<sup>80</sup> It has been argued that men rape during war and genocide “because the acquisition of the female body means a piece of territory conquered” in symbolic terms: forced sexual penetration (especially when combined with ejaculation and

insemination) represents conquest of the woman by the rapist and, by symbolic extension, dominance of the raping culture over the raped culture.<sup>81</sup>

Mass rape furthers the goals of genocide because this kind of violence can destroy a group “in whole or in part.”<sup>82</sup> Acts of mass rape are “deliberately calculated” to bring about destruction and death, to impede in-group births, to undermine family structures, and to severely traumatize the target population. Rape causes serious bodily harm, often permanently disabling survivors or destroying their reproductive capacities. The recent UN Security Council Resolution on “Women and Peace and Security” explicitly links sexual violence to the goals of armed conflict and genocide and publicly acknowledges of the role of rape in war.

Mass rape exists in the modern world: women and girls are being raped, tortured, and killed today in Darfur, in the DRC, and elsewhere. Because we are aware that people are suffering and dying, we must respond quickly and forcefully to protect their human rights. It is imperative that we, as genocide scholars and as human beings, work to protect these women from further harm and help to restore their lives, their human rights, and their dignity.

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  75. Cahill, *Rethinking Rape*, 18–19.
  76. Seifert, "War and Rape," 59.
  77. Stiglmayer, "Rapes in Bosnia-Herzegovina," 91.
  78. Copelon, "Surfacing Gender," 207. See also Amnesty International, *Darfur*; MacDonald, "Hate Rape."
  79. Seifert, "War and Rape," 63.
  80. Ibid., 64.
  81. Stiglmayer, "Rapes in Bosnia-Herzegovina," 84.
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# Churchill in Munich: The Paradox of Genocide Prevention

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*A catastrophe averted is likely not to be viewed as a catastrophe. A predicted event that fails to materialize is a non-event, something that did not happen, and politicians who expend wealth and lives on something that fails to happen cannot expect to reap the rewards of their decisions. Quite to the contrary, politicians who spend lives and treasure to prevent catastrophes such as genocide are likely to be vilified and punished for their efforts: to the extent that their actions succeed in averting a catastrophe, there is no proof of their success, only of the costs of their efforts. This last point is especially intriguing, and it goes to the heart of the paradox of genocide prevention.*

*Consider the famous case of Winston S. Churchill. Had he, instead of Neville Chamberlain, been Britain's prime minister in the 1930s, and thus gone to Munich to meet Adolf Hitler in 1938, there is a good chance that World War II would have been averted and the Holocaust prevented. The irony is that had Churchill been successful in preventing war and genocide, the British public would not know about his triumph, because there would be no evidence for it. All the public would be sure of was that Churchill had brought the world to the brink of war, and he would be blamed for that. The further irony is that, had Churchill succeeded in preventing the war, he might have gone down in history as an erratic warmonger rather than as the greatest war leader of the Western world.*

*Keywords: genocide prevention, Holocaust, World War II, paradox of genocide prevention*

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## I. Introduction

After World War II and the Holocaust, politicians in democratic societies professed their commitment to the prevention of genocide; despite their claim of “never again,” however, they have seldom acted on their promises. Their excuse has often been that they do not know enough about a particular situation, or that there is not enough support for concerted action to prevent genocide. When war and genocide loomed in Rwanda in 1993–1994, and concerted action could have prevented catastrophe, few wanted to take the risk of prevention or intervention.<sup>1</sup> As Samantha Power suggests, politicians do not want to expend lives and wealth on a venture that will involve great risk and very little political profit.<sup>2</sup> Hence, despite appearances, the lack of intervention to prevent genocide is not a recurring failure of policy—it is policy. It is a successful policy of non-intervention. Following this line of thought, I argue here that politicians hesitate to prevent catastrophe in general, and genocide in particular, because if they act decisively and yet fail to prevent a humanitarian catastrophe they can be blamed for the failure, whereas if they succeed at prevention they are likely not to be rewarded for their success. On the contrary, in fact, they are likely to be politically punished for prevention that succeeds. The last point is especially intriguing

and goes to the heart of what I call “the paradox of catastrophe and genocide prevention.”

A catastrophe averted is likely not to be seen as a catastrophe. A predicted event that fails to materialize is a non-event, something that did not happen, and politicians who have expended wealth and lives on something that failed to happen cannot be expected to reap the rewards of their decisions. On the contrary, politicians who risk lives and wealth to avert catastrophes such as genocide run the risk of being vilified and punished for their efforts: To the extent that their actions succeed in averting a catastrophe, there will be no evidence of their success—only of the costs of their efforts. This essay uses counterfactual—“what if”—arguments to explore some of the structural obstacles to the prevention of genocide.<sup>3</sup>

Consider the famous case of Winston S. Churchill. Churchill believed that had he, instead of Neville Chamberlain, been prime minister of Britain in the 1930s, and if he had stood up to Adolf Hitler during the Rhineland crisis of 1936 or gone to Munich not to mollify but to warn Hitler in 1938, there is a good chance that World War II would have been averted and the Holocaust prevented. Unlike Chamberlain, Churchill would never have sold out Czechoslovakia, and he could have rallied France and the Soviet Union against the Nazis. Indeed, even as late as the Munich crisis, as he notes in *The Gathering Storm*, Churchill believed that had the Allies been united, the German military might have staged a coup against Hitler, and thus prevented the war.<sup>4</sup> Moreover, since most historians now believe that the Holocaust was a direct by-product of the radicalization of Nazi policies during the war, it follows that averting the latter would have prevented the former.<sup>5</sup>

Of course, even his was a counterfactual speculation—a “what if?” proposition—and the great Churchill might have been proven wrong. Counterfactual constructions lend themselves to many different possibilities. Had Churchill gone to Munich, he might not have been able to prevent the war, and if war had started in 1938, the result might have been the triumph of the Germans and the Nazi occupation of Britain. Indeed, that is the speculation of Andrew Roberts and Niall Ferguson, two well-regarded British historians.<sup>6</sup> If they are right, the timing of the war and the Holocaust might have been different but the catastrophe would not have been averted.

In this essay I assume that Churchill and not his doubters had it right: that had he been prime minister in the 1930s, he would have averted war and genocide by containing and deterring the Germans through an alliance of Britain, France, and the Soviet Union. What Churchill did not take into account, however, is the likelihood that he would have paid a price at the polls in the next election for threatening war or precipitating war—unlike Chamberlain, who claimed that he had “brought peace in our time.” Pacifist, anti-Communist, and even some pro-German sentiment ran strong in Britain in the 1930s. The likelihood is that Churchill would now be remembered not as one of the greatest leaders of the Western world but as an adventurer and warmonger, a very different Churchill from the one we know and praise today. That would have been the paradox of Churchill’s prevention of World War II, and thereby of the Holocaust.

In *The Gathering Storm*, the first volume of his memoir of World War II, Churchill recalls that when President Roosevelt asked for suggestions about what the war should be called, he unhesitatingly replied, “the Unnecessary war.” Churchill then goes on,

There never was a war more easy to stop than that which has just wrecked what was left of the world from the previous struggle . . . It is my earnest hope that pondering

upon the past may give guidance in days to come, enable a new generation to repair some of the errors of former years, and thus govern, in accordance with the needs of the glory of man.<sup>7</sup>

The trouble is that no generation seems to know how to learn from the past and avoid the catastrophes of the future. In the context of uncertainty, ambiguity, and unintended consequences that is the future, political leaders do not wish to incur the costs of prevention. These costs may be too high, endangering their political survival, while the political benefits may be too low or even non-existent.

In what follows I briefly sketch the path to war and genocide and Churchill's warnings along the way, from Hitler's rise to power through German rearmament, the Rhineland crisis, the *Anschluss* of Austria, and the Munich Agreement to the start of World War II. I conclude by suggesting—thereby illustrating the paradox of prevention—that had he been successful in preventing the war, Churchill would likely have been repudiated at the polls for his efforts.

## II. Hitler's Rise to Power

In the late 1920s and early 1930s, the Great Depression, the rise of the Communist Party of Great Britain, and fear of Communism led many upper-class Tories to feel sympathy for Fascism and for the rise of Nazism in Germany, which they viewed as a bulwark against Bolshevism.<sup>8</sup> Meanwhile, the Labour and Liberal parties, reflecting public opinion, were thoroughly pacifist, even as the Nazis began their climb to power. This was also the period when the United States, having rejected membership in the League of Nations despite the support of President Woodrow Wilson, had taken a politically isolationist turn under the subsequent administrations of Warren Harding, Calvin Coolidge, Herbert Hoover, and Franklin Delano Roosevelt. But the leaders of other democracies were also pacifist or were disengaged from foreign affairs, leaving the diplomats to draw up such largely meaningless international covenants as the Treaty of Locarno (1 December 1925), which guaranteed German–French and German–Belgian borders and provided for arbitration in international crises, and the Kellogg–Briand Pact (27 August 1928) outlawing war, which was signed by fifteen nations including Britain, France, and Germany.

In the election of 14 September 1930, the Nazis won 107 of 577 seats in the Reichstag. This was the beginning of their breakthrough to power by legal means, and from then on in Hitler played a major role in German politics. In the 30 July 1932 elections the Nazis won 230 seats and became the largest single party in the Reichstag. On 17 October 1932, months before Hitler came to power, Churchill was already warning in the *Daily Mail* about German rearmament: “Do not let his Majesty's Government believe . . . that all Germany is asking for is equal status . . . They are asking for weapons.”<sup>9</sup> But the country was not yet ready to listen to him; nor was it yet disgusted by Nazi anti-Semitism, as he already was by 1932.<sup>10</sup>

On 30 January 1933, Hitler became Chancellor of Germany. Ten days later, on 9 February, the Oxford Union voted 275 to 153 for the following resolution: “This House will in no circumstances fight for King and Country.”<sup>11</sup> In the *London Times* of 18 February, Churchill called this expression of student opinion an “abject, squalid, shameless avowal . . . a very disquieting and disgusting symptom.” Citing young Nazis in Germany and *fascisti* in Italy, he said, “One can almost feel the curl of contempt upon the lips of the manhood of all these peoples when they read this message sent out by Oxford University in the name of young England.”<sup>12</sup> British elite public opinion had not yet taken the measure of Nazism, but Churchill had.



### **III. Churchill's Views on the Looming Crisis in British Rearmament**

The military and diplomatic crisis with Germany in the 1930s involved Germany's cancellation of key provisions of the Versailles treaties, accelerated rearmament, expansionism, and irredentism culminating in war. Meanwhile, in 1934 anti-war and anti-rearmament candidates swept by-elections in Britain. Alarmed, Churchill warned Parliament that unilateral disarmament would be madness, but Stanley Baldwin, then prime minister, adjusted government principles and strategy to the country's pacifist mood. On 4 March 1935, His Majesty's Government (HMG) announced increases in appropriation for the air force that Churchill thought were too little too late. In addition, the Labour Party moved to censure the government for even recommending such increases, viewing them as unnecessary and provocative. On 16 March 1935, Hitler announced that all German youths were subject to conscription, in violation of the Versailles treaties. He gambled that neither the British nor the French would challenge him, and he was right. Meanwhile, the League of Nations condemned German rearmament but rejected all motions calling for sanctions.<sup>13</sup> On 19 March 1935, HMG announced that, given the new appropriations, British air power would be superior to that of Germany. Citing his own sources, Churchill strenuously disagreed and warned of Britain's vulnerability: "At the end of the year, when we were to have had a 50 percent superiority over Germany, they will be at least three and four times as strong as we."<sup>14</sup>

It was in this context of accelerated German rearmament that, on 12 March 1935, Churchill addressed the Conservative Backbench Foreign Affairs Committee of the House of Commons. In this address he formulated his opposition to the rise of Nazi Germany in terms of traditional British interests, which historically were to oppose the emergence of a powerful threat on the continent by leading an alliance of lesser powers against the challenger. In effect, he outlined his strategic vision for a world challenged by an aggressive Germany rising in the heart of Europe:

For four hundred years the foreign policy of England had been to oppose the strongest, most aggressive, most dominating Power on the Continent, and particularly to prevent the Low Countries falling into the hands of such a Power . . . Faced by Philip II of Spain, against Louis XIV under William III and Marlborough, against Napoleon, against William II of Germany, it would have been easy and must have been very tempting to join with the stronger and share the fruits of his conquest. However, we always took the harder course, joined with the less strong Powers, made a combination among them, and thus defeated and frustrated the Continental military tyrant whoever he was, whatever nation he led . . . All our thoughts rest in that tradition today. I know of nothing which has occurred to alter or weaken the justice, wisdom, valour, and prudence upon which our ancestors acted. . . .

The question, therefore, arises which is today the power in Europe which is the strongest, and which seeks in a dangerous and oppressive sense to dominate . . . [Germany] is arming in a manner which has never been seen in [her] history. She is led by a handful of triumphant desperadoes . . . Very soon they will have to choose, on the one hand, between economic and financial collapse or internal upheaval, and, on the other, a war which could have no other object, and which if successful, can have no other result than a Germanised Europe under Nazi control. Therefore, it seems to me that all the old conditions present themselves again, and that our national salvation depends upon our gathering once again all the forces of Europe to contain and restrain, and if necessary to frustrate, German domination.<sup>15</sup>

On 25 March 1935, Hitler announced that Germany had reached parity with Britain in the air. The Baldwin government remained unresponsive.



#### **IV. Rhineland, 1936**

On 7 March 1936 the Rhineland was reoccupied by Germany, in violation of the Treaty of Versailles. It was then, Churchill believed, that, had he been prime minister, he might have halted the march toward war. By Munich, in his view, it was probably too late. On 26 March 1936, in the House of Commons, he noted that

in spite of the seriousness which I attach to this reoccupation of the Rhineland, I must say that it seems to me the smallest part of the whole problem. What is the real problem, the real peril? It is not the reoccupation of the Rhineland, but this enormous process of the rearmament of Germany. There is the peril . . . I confess that I have been occupied with this idea of the great wheels revolving and the great hammers descending day and night in Germany, making the whole industry of that country an arsenal, making the whole of that gifted and valiant population into one great disciplined war machine . . . There is what is bringing the war.<sup>16</sup>

He went on to ask, rhetorically, “How are we going to stop this war which seems to be moving towards us in so many ways?”<sup>17</sup>

His answer, one to which he turned again and again, was to strengthen Britain’s alliance with France and to create a system of collective security, including the Soviet Union, under the League of Nations.<sup>18</sup> Churchill sought to prevent the looming war by what has come to be known in today’s parlance as deterrence and containment. He did not seek war with Germany; he sought to prevent war, but in vain.

#### **V. *Anschluss*, 1938**

To counter Hitler’s pressure on Austria to join the German Reich, Prime Minister Kurt Schuschnigg of Austria called for a plebiscite. On 11 March 1938, Lord Halifax, who had replaced Anthony Eden as foreign secretary, cabled Schuschnigg to warn him that Britain would not come to his aid should the Germans strike. The same day, Italy announced that it would not aid in preserving Austria’s independence. Schuschnigg then resigned, and on 13 March German troops marched into Austria. The next day, thousands of Jews and purported enemies of the Nazi regime were sent to concentration camps. Many were killed.

Neville Chamberlain came to the House of Commons on 14 March and promised to accelerate British rearmament. Churchill responded that unless actions followed words, a strategy of collective security to stop the Nazis would be too late:

The gravity of the events of the 11th of March cannot be exaggerated. Europe is confronted with a programme of aggression, nicely calculated and timed, unfolding stage by stage, and there is only one choice open . . . either to submit, like Austria, or else take effective measures while time remains.<sup>19</sup>

In the same speech he went on to warn about Czechoslovakia, which, after the *Anschluss*, was surrounded by Germany on three sides. “No doubt,” he noted ironically,

they are only a small democratic State, no doubt they have an army only two or three times as large as ours, no doubt they have a munitions supply only three times as great as that of Italy, but still they are a virile people; they have their treaty rights, they have a line of fortresses, and they have strongly manifested a will to live freely.<sup>20</sup>

Churchill was outraged by the *Anschluss* and the looming threat to Czechoslovakia, not only because it fortified the Nazis and weakened Britain but

because it undermined the world order created after World War I, which was best expressed by the League of Nations:

I affirm that the Government should express in the strongest terms our adherence to the Covenant of the League of Nations and our resolve to procure by international action the reign of law in Europe ... There must be a moral basis for British rearmament and British foreign policy. We must have that basis if we are to unite and inspire our people ... and if we are to stir the English-speaking people throughout the world.<sup>21</sup>

Churchill argued not for war against Germany but for collective security in the context of the League of Nations, for a “grand alliance” that might deter Nazi aggression and become the best guarantor of peace in Europe. This grand alliance would be led by Britain and France and would include the smaller European states.

If that were sustained, as it would be by the moral sense of the world; and if it were done in 1938—and believe me, it may be the last chance there will be for doing it—then I say that you might even now arrest this approaching war.<sup>22</sup>

On 18 March 1938, a week after the German incorporation of Austria, the Cabinet met to consider the implications of the *Anschluss* and its threat to Czechoslovakia. Minister for the Coordination of Defence Sir Thomas Inskip saw no reason why Britain “should take any steps to maintain such a unit [Czechoslovakia] in being.”<sup>23</sup> Commenting on the French declaration guaranteeing the independence of Czechoslovakia, the prime minister wondered “whether it would not be possible to make some arrangement which would prove more acceptable to Germany.”<sup>24</sup>

In a speech to the Commons on 24 March 1938, Churchill urged stronger links to France and warned about the future of Czechoslovakia:

Czechoslovakia will be forced to make continuous surrenders, far beyond the bounds of what any impartial tribunal would consider just or right, until finally her sovereignty, her independence, her integrity, have been destroyed.<sup>25</sup>

Churchill understood that Britain’s reaction to the *Anschluss* was a prologue to the greater tragedy that was to befall Czechoslovakia in the near future. Six months later, Munich proved him right.

## **VI. Munich, 1938**

On 2–3 September 1938, Germany declared full mobilization, and Hitler warned that Sudeten Germans needed protection from their Czech rulers. On 2 September, Ivan Maisky, the Soviet ambassador to Britain, drove to see Churchill at his home in Chartwell. There Maisky told Churchill that the Soviet government wished to invoke Article II of the Covenant of the League of Nations, under which all powers, including Britain, France, and the Soviet Union, were obliged to consult to prevent an impending war. He wanted to explore a joint resolution and a course of action defending Czechoslovakia against an imminent German attack. On the following day Churchill sent Lord Halifax an account of this conversation, but the foreign secretary did not think that Article II “would be helpful.” HMG did not wish to become allied with Russia against Germany.<sup>26</sup> On 7 September 1938, the *London Times*, which enthusiastically supported Chamberlain’s policies of appeasement, editorialized in favor of separating the Sudetenland from Czechoslovakia. On 9 September, while German troops massed on the Czech frontier, Chamberlain decided to seek negotiations with Hitler, while excluding the Czechs.

Unaware of Chamberlain's decision of 9 September, Churchill went to Downing Street to rally the prime minister and the foreign secretary against the German aggression. Sir Samuel Hoare, who had once been foreign secretary and was at the time home secretary, recalled that "he had come to demand an immediate ultimatum to Hitler. He was convinced it was our last chance of stopping a landslide."<sup>27</sup> That night Churchill also called Lord Halifax, not knowing that the foreign secretary had already backed the PM and had warned the French that Great Britain would not support France in case of war with Germany. While Churchill had advocated for a tripartite alliance against Hitler, consisting of Britain, France, and the Soviet Union, Lord Halifax's aim was to sever all British ties from such a pact.<sup>28</sup> On 11 September, Churchill returned to urge the prime minister and his foreign secretary to warn Germany "that if she set foot in Czechoslovakia we should at once be at war with her."<sup>29</sup> This course of action was far from what Chamberlain and Lord Halifax had in mind.

On 15 September, Chamberlain flew to Berchtesgaden for the first of three meetings. There he assured Hitler that he was not opposed to the Sudetenland's joining Germany and would support a plebiscite of its German-speaking inhabitants. On 21 September, the British and French pressured President Edvard Beneš to agree to the transfer of the Sudetenland to Germany. They made it clear that they would not support Czechoslovakia should Germany invade. By then France was divided, and, like Britain, intent on a policy of appeasement.

On 22 September, Chamberlain flew to Bad Godesberg to assure Hitler that the British and French had decided to support a plebiscite in Sudetenland and were ready for the transfer of this territory to Germany should the vote favor it. Seeing that he had Chamberlain on the run, Hitler demanded the immediate transfer of the Sudetenland to Germany. On the second day of the meeting, Chamberlain caved in. He agreed that there would be no plebiscite where the Germans constituted a majority, and he acceded to the transfer of all Czech fortifications and war materiel to the Germans.

Addressing the Commons on 28 September 1938, Neville Chamberlain expressed his reluctance to help avert the destruction of Czechoslovakia by the Nazis: "How horrible, fantastic, incredible it is that we should be digging trenches and trying on gas masks here because of a quarrel in a faraway country between people of whom we know nothing."<sup>30</sup>

On 29 September, Chamberlain flew to Munich at Hitler's invitation to attend a four-power conference consisting of Germany, Britain, France, and Italy. Twelve hours later they agreed that the German occupation of the German-speaking areas of the Sudetenland would begin on the next day. The Czech delegation, though present in Munich, was not party to the discussions. What happened in Munich in 1938 constituted a major political and military victory for the Nazis. They would take over the Škoda Works, one of Europe's major armament-producing installations, and the democracies' military strength would be reduced by thirty divisions. These were resources and weapons that would be trained on Britain and her allies in less than a year.

Three days after Munich, in answer to some pointed criticism in the Commons from Duff Cooper and other anti-appeasers, Chamberlain said,

Ever since I assumed my present office my main purpose has been to work for the pacification of Europe, for the removal of those suspicions and those animosities which have so long poisoned the air. The path which leads to appeasement is long and bristles with obstacles. The question of Czechoslovakia is the latest and perhaps the most

dangerous. Now that we have got past it, I feel that it may be possible to make further progress along the road to sanity.<sup>31</sup>

Speaking in the Commons on 5 October 1938, Churchill had a very different take on what had happened in Munich:

I shall begin by saying what everybody would like to ignore or forget but which must nevertheless be said, namely, that we have sustained a total and unmitigated defeat, and that France has suffered even more than we have . . .

All is over. Silent, mournful, abandoned, broken, Czechoslovakia recedes into the darkness. She has suffered in every respect by her association with the Western democracies and with the League of Nations, of which she was always an obedient servant...

I venture to think that in future the Czechoslovak state cannot be maintained as independent entity. You will find that in a period of time which may be measured in years, but may be measured only by months, Czechoslovakia will be engulfed by the Nazi regime.

But we cannot consider the abandonment and ruin of Czechoslovakia in the light only of what happened last month. It is the most grievous consequence which we have yet experienced of what we have done and what we have left undone in the last five years—five years of futile good intention, five years of eager search for the line of least resistance, five years of uninterrupted retreat of British power, five years of neglect of our air defences. Those are the features which I stand here to declare and which marked an improvident stewardship for which Great Britain and France have dearly to pay . . .

We are in the presence of a disaster of the first magnitude which has befallen Great Britain and France. Do not let us blind ourselves to that. It must now be accepted that all the countries of Central and Eastern Europe will make the best terms they can with the triumphant Nazi power . . .

You will see, day after day, week after week, entire alienation of those regions. Many of those countries, in fear of the Nazi Power, have already got politicians, Ministers, Governments, who were pro-German, but there was always an enormous popular movement in Poland, Rumania, Bulgaria, and Yugoslavia which looked to the Western democracies and loathed the idea of having the arbitrary rule of the totalitarian system thrust upon them, and hoped that a stand would be made. All that has gone by the board. We are talking of countries which are a long way off and of which, as the Prime Minister might say, we know nothing...

And do not suppose that this is the end. This is only the beginning of the reckoning. This is only the first sip, the first foretaste of a bitter cup which will be proffered to us year by year unless by a supreme recovery of moral health and martial vigour, we arise again and take our stand for freedom as in the olden time.<sup>32</sup>

German forces marched into Prague on 15 March 1939. Bohemia and Moravia were declared protectorates in which ethnic Germans became German citizens and Czechs were defined as protectorate nationals. On 27 April Britain declared general conscription, and Germany declared the nullification of its 1935 naval pact with Britain. On 23 August the signing of the Molotov–Ribbentrop Pact, scheduled to last for ten years, laid out the partition of Poland between Germany and the Soviet Union. On 1 September 1939, Germany invaded Poland; on 3 September, Britain and France declared war on Germany. On 10 May 1940, Germany invaded Belgium, Luxembourg,

and the Netherlands. On the same day, Neville Chamberlain resigned and Winston Churchill became prime minister.

## **VII. Conclusion**

Churchill believed that had he been prime minister of Britain during the Rhineland crisis in 1936 or in Munich in 1938, war might have been averted even at this late date. Most historians, like Christopher Browning, suggest that World War II, and especially the invasion of the Soviet Union in 1941, set the stage for the Holocaust.<sup>33</sup> Hence it is reasonable to infer that had the war been averted, the Holocaust would also have been prevented.

Indeed, even had war broken out in 1938, though it might very well have provided a context for countless atrocities against Jews and others, the Holocaust as we know it likely would not have occurred. The Munich crisis preceded the euthanasia program, which began in 1939, and the use of Zyklon B in 1941; it preceded the death camps at Auschwitz, Belzec, Chelmno, Majdanek, Sobibor, and Treblinka; it preceded the McDonald White Paper of 17 May 1939 and the closing off of Palestine as an escape route for Jews. Despite the Nazis' intention to destroy the Jews, the initial conditions of 22 June 1941—the incredible early victories and the enthusiasm of the moment when everything seemed possible, including genocide—would not have occurred, and the Final Solution would have remained an ideological vision rather than the very real catastrophe that we know.

However, had Churchill been able to avert World War II and the Holocaust, it is unlikely that he would have been credited with preventing these two catastrophes. Herein lies the irony, or the paradox, of prevention: because these events would have been prevented, no one would have known their cost. The only thing Britons would have known was the dangerous course that Churchill had navigated in Munich and the risk he had run of provoking another world war. Before the war, although many admired him, others saw him as an imperialist and as a dangerous adventurer who lacked political judgment. Such views plagued him and undermined him politically, beginning with the debacle of Gallipoli in 1915, for which he was wrongly accused of having had sole responsibility, and continuing through his political blunders of the 1930s, which included opposing Dominion status for India and supporting Edward VIII through his abdication.<sup>34</sup> Standing up to Hitler in Munich, even if successful, might have been viewed as a dangerous and foolish adventure that could have precipitated war. Indeed, Churchill and his party might have gone down to defeat after preventing both World War II and the Holocaust.

The lesson of Churchill and World War II is not that leaders who threaten the international order must always be resisted by force, never appeased or mollified. Some situations do call for caution, diplomacy, and even appeasement. I suspect that most Americans today would have preferred that the United States not pursue a preventive war against Iraq; President Dwight David Eisenhower's refusal to attack the Soviet Union in 1956, during the Hungarian revolution, to avoid a nuclear exchange and his warning to the United States about getting bogged down in a land war in Asia seem wise in retrospect. Indeed, Churchill, himself did not advocate war with Germany. On the contrary, his strategy was to create a powerful coalition of states, including Britain, France, and the Soviet Union, with the aim of deterring German expansion and preventing the war and the destruction that he believed would follow.



What were Churchill's own thoughts on the matter of prevention? Despite his hope that future generations might learn from experience, a hope he expressed to Roosevelt when he called World War II the "unnecessary war," Churchill was pessimistic about the ability of leaders to foretell the future and thus prevent looming catastrophes. As early as 25 March 1935, speaking to the House of Commons about German rearmament, he warned about the "unteachability of mankind":

When the situation was manageable it was neglected, and now that it is thoroughly out of hand, we apply too late the remedies which then might have effected a cure. There is nothing new in the story. It is as old as the sibylline books. It falls into that long dismal catalogue of the fruitlessness of experience and the confirmed unteachability of mankind. Want of foresight, unwillingness to act when action would be simple and effective, lack of clear thinking, confusion of counsel until the emergency comes, until self-preservation strikes its jarring gong—these are the features which constitute the endless repetition of history.<sup>35</sup>

To Churchill's pessimistic assessment of the "unteachability of mankind" I have tried to add the "paradox of prevention" as an obstacle to action. Even when leaders can be persuaded that they may be able to prevent genocide, the paradox suggests that they will not be rewarded for their efforts, and, knowing this, they will hesitate to act. However, this analysis may be too narrow and too closely tied to a cost/benefit model of decision making. Sometimes leaders do rise to the occasion, and, despite the costs to their political fortunes, they do attempt to prevent war and genocide. Churchill himself is a prime example. His political situation in the 1930s would have improved markedly had he gone along with the Baldwin/Chamberlain strategy of appeasement. But he acted out of moral considerations, mainly for the benefit of Britain and the Empire. What we need for our time are leaders and populations with the will and the broad moral vision to transcend narrow self and national interest, who are willing to act in order to prevent the mass murder of people, whoever they are wherever they may live.<sup>36</sup> That vision should include even those "who live in another country," as Chamberlain remarked, and "of whom we know nothing."

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## Notes

1. Even after the Rwandan genocide began in April 1994, neither the United States nor Belgium nor any other Western power, nor the United Nations, acted to prevent the destruction of the Tutsi minority. France later intervened (through Opération Turquoise) not to save Tutsi lives but to protect the Hutu power structure and prevent the Rwandan Patriotic Front (RPF) from seizing power. Samantha Power, "A Problem from Hell": *America and the Problem of Genocide* (New York: Basic Books, 2002), 329–90. Events in Rwanda may have shocked the Clinton administration, with consequences for the later US-led intervention in Kosovo. See also Peter Ronayne, *Never Again? The United States and Punishment of Genocide Since the Holocaust* (New York: Rowman & Littlefield, 2001). The intervention of Australia and other countries to suppress the violence in East Timor may be an anomaly. See Alan Ryan, "The Strong Lead-Nation Model in an Ad Hoc Coalition of the Willing: Operation Stabilise in East Timor," *International Peace Keeping* 1 (2002): 23–44; James Cotton, "Against the Grain: The East Timor Intervention," *Survival*



- 43 (2001): 127–42. For an overview and extensive bibliography on the subject of prevention see Samuel Totten, *The Prevention and Intervention of Genocide* (London: Routledge, 2006).
2. Power, *A Problem from Hell*, 508.
  3. Counterfactual examples like the ones proposed here rest on a theory of history that views events as partially guided by human choices and not predetermined by social forces. As Isaiah Berlin has noted, “[All] discussions of historians about whether a given policy could or could not have been prevented . . . are intelligible only on the assumption of the reality of human choices. If determinism were a valid theory of human behavior, these distinctions would be as inappropriate as the attribution of moral responsibility to the planetary system or the tissues of a living cell.” Isaiah Berlin, *Theories of History*, ed. Patrick Gardiner (Glencoe, NY: The Free Press, 1963), 321. See also Niall Ferguson, ed., *Virtual History* (New York: Basic Books, 1999).
  4. Winston S. Churchill, *The Gathering Storm*, vol. 1 of *The Second World War* (Cambridge, MA: Riverside Press, 1948; reprint, New York: Mariner Books, 1976), 279–82.
  5. The link between World War II, particularly the invasion of the Soviet Union in 1941, and the Holocaust is made by a number of historians, most notably Christopher Browning, who writes that “Nazi racial policy was radicalized at points in time that coincided with the peaks of German military success, as the euphoria of victory emboldened and tempted an elated Hitler to dare ever more drastic policies. With the ‘war of destruction’ in the Soviet Union underway and the imminent prospect of all Europe at his disposal, the last inhibitions fell away.” Christopher Browning, *The Origins of the Final Solution* (Lincoln: University of Nebraska Press, 2004), 427. See also Ian Kershaw, *Hitler, 1936–1945: Nemesis* (New York: W.W. Norton, 2000), 459; Doris L. Bergen, *War and Genocide: A Concise History of the Holocaust* (New York: Rowman & Littlefield, 2003), 149. For earlier controversies about the origins of the Holocaust see Robert Melson, *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (Chicago: University of Chicago Press, 1992), 5–10; Michael Marrus, *The Holocaust and History* (Hanover, NH: University Press of New England, 1987), 31–54.
  6. Andrew Roberts and Niall Ferguson, “Hitler’s England: What If Germany Had Invaded Britain in May 1940?” in *Virtual History*, ed. Niall Ferguson, 281–320 (New York: Basic Books, 1999).
  7. Churchill, *The Gathering Storm*, xiv.
  8. William Manchester, *The Last Lion: Alone, 1932–1940* (New York: Delta Books, 1988), 51.
  9. *Ibid.*, 67.
  10. In the summer of 1932 Churchill visited Munich to research the Duke of Marlborough, his great ancestor. He stayed at the Regina Hotel. It was on this visit that he almost met Hitler. Ernst “Putzi” Hanfstaengel—a Nazi sympathizer and admirer of Hitler, and a Harvard graduate whose mother was American—tried to arrange a meeting between Churchill and the Führer. Churchill thwarted Putzi’s plans when he asked him about Hitler’s anti-Semitism: “Why is your chief so violent about the Jews . . . what is the sense of being against a man simply because of his birth? How can any man help how he is born? Tell your boss for me that antisemitism may be a good starter, but it is a bad stayer.” The next day Putzi informed Churchill that Hitler had other plans. Manchester, *Alone*, 66–67.
  11. *Ibid.*, 46.
  12. *Ibid.*, 68; *London Times*, 18 February 1933.
  13. Manchester, *Alone*, 135.
  14. *Ibid.*, 136.
  15. Winston S. Churchill (grandson), ed., *Never Give In: The Best of Winston Churchill’s Speeches* (New York: Hyperion, 2003), 125–28.
  16. *Ibid.*, 130, 131.
  17. *Ibid.*, 130–33.
  18. *Ibid.*, 130–33.

19. Ibid., 159–60; see also Martin Gilbert, *Churchill: A Life* (New York: Henry Holt, 1991), 589.
20. Churchill, *Never Give In*, 161; Gilbert, *Churchill*, 589.
21. Churchill, *Never Give In*, 162–63; Gilbert, *Churchill*, 590.
22. Churchill, *Never Give In*, 163.
23. Gilbert, *Churchill*, 591.
24. Ibid.
25. Ibid., 592.
26. Ibid., 594.
27. Ibid., 595.
28. Ibid.
29. Ibid.
30. Manchester, *Alone*, 345; *London Times*, 28 September 1938.
31. Gilbert, *Churchill*, 598.
32. Churchill, *Never Give In*, 172 (“... even more than we have”), 175 (“... an obedient servant”), 176 (“... engulfed by the Nazi regime”), 176 (“... France have dearly to pay”), 178 (“... triumphant Nazi power”), 182 (“... as in olden time”).
33. Browning, *Origins of the Final Solution*, 427; Kershaw, *Hitler, 1936–1945*, 459; Bergen, *War and Genocide*, 149; Melson, *Revolution and Genocide*, 5–10; Marrus, *Holocaust and History*, 31–54.
34. On Gallipoli see Gilbert, *Churchill*, 367; Alan Moorehead, *Gallipoli* (New York: Harper & Brothers, 1956), 349–62; William Manchester, *The Last Lion: Visions of Glory, 1874–1932* (New York: Delta Books, 1983), 524–49.
35. Manchester, *Alone*, 137.
36. See Herbert Hirsch, *Anti-Genocide: Building an American Movement to Prevent Genocide* (Westport, CT: Praeger, 2002); David A. Hamburg, *No More Killing Fields: Preventing Deadly Conflict* (New York: Rowman & Littlefield, 2002).

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# Theorizing Destruction: Reflections on the State of Comparative Genocide Theory

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*This article reviews the current state of comparative genocide theorizing, focusing on theories that attempt to account for the causes of genocide and the processes of genocidal killing. The literature is divided into three broad categories, based on the relative weight given to (a) individual or group agency, (b) structural factors, or (c) processes of identity construction in accounting for the origins and unfolding of genocidal destruction. The discussion of agency-oriented approaches focuses on theories that suggest that genocide is driven, in terms of decision making and perpetration, by elite decision makers, front-line perpetrators, and societal behavior. The literature on structural approaches is broken down into theories that stress the importance of culture, institutional organizations, societal cleavages, structural crises, regime type, modernity, and ideology. The final section reviews the literature on processes of collective identity construction. The article suggests throughout and in conclusion that although comparative genocide theorizing has come a long way in proposing a number of different explanations for the onset of genocide and the nature of genocidal processes, more work needs to be done with respect to the precise operationalization and testing of theories according to more rigorous comparative methodological practices.*

*Keywords: comparative genocide, genocide theory, genocide studies, Holocaust and genocide, mass killing*

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## Introduction

Comparative genocide studies is a young discipline that seeks to understand an “old scourge.” As the post-Holocaust plea “never again” consistently went ignored in the latter half of the twentieth century, scholars in the social sciences and humanities began to examine the origins and processes of what is arguably the worst form of collective human behavior and to try to answer the vexing question of why human beings do such terrible things to each other “again and again.” Much of what we now call “genocide studies” began with single case studies of individual genocides, but in the 1980s a small group of scholars began to engage in the comparative analysis of multiple cases of genocide, in the hope of uncovering the underlying logic of this terrible crime. Given the very real human suffering attached to the subject, comparative genocide studies has evolved not only into an academic discipline concerned with understanding and explaining past genocides but also into a goal-oriented research project aimed at preventing the perpetration of genocidal violence in the present and future.

This article focuses on the current state of comparative genocide theory,<sup>1</sup> specifically the creation of theories intended to account for the causes of genocide

and the processes of genocidal destruction. It does not cover the considerable body of literature concerning the definition of the concept of genocide and what cases of mass atrocities ought to be considered as such. The state of the genocide literature in this respect has been well rehearsed elsewhere and, therefore, need not be further rehearsed here. More importantly, however, the issue of definition is omitted from the current discussion because the fixation among genocide scholars on how to define genocide has diverted needed attention away from the creation and testing of theories. Of course, defining core concepts is a central and necessary part of the theorizing process, but it is not a substitute for theory or theorizing itself. The obsession with definitional debates has arguably left comparative genocides studies undertheorized relative to other disciplines in the social sciences and humanities.<sup>2</sup>

What this article does do is attempt to categorize and critically evaluate the most prominent theoretical approaches used to explain the origins and processes of genocide. The list of approaches and authors considered is, admittedly, far from exhaustive. Reviewing the theoretical literature on genocide is somewhat difficult, given the interdisciplinary nature of the field and the lack of a unified theoretical or methodological approach, an agreed-upon set of cases, or a preferred level or unit of analysis.<sup>3</sup> The lack of theoretical and methodological coherence in the field is not necessarily a problem, however. Genocide is not only a horrible phenomenon, it is also an exceedingly complex one that occurs across a wide variety of times and places and involves different kinds of collective actors (perpetrators, victims, bystanders, collaborators, rescuers, etc.) and a number of different variables, structures, and processes that do not fit neatly into simple, generalizable explanatory models. The heterogeneity of theoretical and disciplinary approaches we find in genocide studies may be entirely appropriate for a discipline that studies one of the most convoluted and seemingly unfathomable forms of human activity. The failure of past grand theories in the social sciences to predict many of the seismic changes of the past century should also serve as a cautionary tale to comparative genocide scholars.

The review that follows does not divide the literature into disciplinary approaches, in order to allow us to consider the evolution of theorizing in the field as a whole. Instead, for the sake of clarity, the literature is categorized according to the relative weight given to individual or group agency, structural factors, or processes of identity construction in accounting for the origins and unfolding of genocidal destruction. This approach allows us to concentrate on what individual authors and approaches suggest is the initial source of the complex web of events, individual and collective actions, and processes that produces genocide. Admittedly, this way of categorizing the literature imposes on it a somewhat artificial structure, since many approaches either imply or explicitly state a reciprocal or mutually constitutive relationship between human agency, structure, and process. Nonetheless, the initial discussion of agency-oriented approaches focuses on theories that suggest that genocide is driven, in terms of decision making or perpetration, by elite perpetrators, frontline perpetrators, or societal behavior. Next, structural approaches are considered; in this section the literature is divided according to whether the theories espouse stress the importance of culture, institutional organizations, societal cleavages, structural crises, regime type, modernity, or ideology. The final set of approaches considers processes of collective identity construction, namely the conception of the victim group as the “other,” as sub-human, and as a threat.

## Theories of Genocide

### Agency-Oriented Approaches

#### *Elites*

One way in which scholars have tried to explain genocide is to look at the role played by elite decision makers. For some authors who use this approach, analysis focuses on the role played by specific individual leaders, from Hitler to Stalin to Pol Pot and others, in the genocidal process. Here the argument is that the most senior decision makers, for reasons of personal psychology, life and leadership experience, or ideological beliefs, make the decision to exterminate whole groups of people, which makes these individual leaders the ultimate source of genocidal policies. Some works, such as Gerald Fleming's *Hitler and the Final Solution*,<sup>4</sup> were written explicitly to counter the claims of genocide deniers and minimizers that specific elites, in this case Hitler, did not sanction the killing, were lied to about it by their subordinates who were really to blame, or simply were not aware of what was happening to the victims. Other works are not specifically about a genocide at all but, rather, are biographical histories that shed light on several aspects of an individual leader's life, public and private, including his role in committing genocide.<sup>5</sup> As largely ideographic (i.e., single-case-study) historical works, these explanations tell us in great detail the role played by specific historical figures in the initiation and perpetration of genocide, but they also raise a more general comparative question: Are genocides primarily the result of the actions of individual leaders? Would the Holocaust have happened without Hitler, or the "killing fields" without Pol Pot? Is there a not-so-great-man theory of genocide? The answer to this question is that we simply do not know. Although senior political elites are central to the genocidal decision-making process, we cannot turn back the clock and factor out individual leaders from the equation to see whether a given genocide would have happened without them. As a basis for comparison, it is counterproductive to extrapolate from single case studies of individual leaders the idea that these leaders are the only significant actors in the genocidal process. The role of individual elites in a particular genocide may be highly idiosyncratic and, therefore, not comparable to those of other elites in other cases.

Leaving the influence of specific historical figures aside but maintaining the focus on elite agency, recent works by Benjamin Valentino and Manus Midlarsky, for example, have adopted a *strategic actor* model to account for the conditions under which elite actors make the decision to commit genocide.<sup>6</sup> Valentino sees genocide, or what he calls "mass killing," as a barbaric, immoral, and seemingly illogical act but one that is the product of a rational choice made by elites to achieve specific policy goals. For Valentino, genocide is not an end in itself but a strategic means to achieve an end. In the pursuit of radical policy goals, perpetrator elites commit genocidal violence against a target group in order to force its members to do something they would otherwise not do but which is required for the realization of specific policy goals. The decision to commit genocide is made only when elites have concluded that other, less violent forms of repression or concessions to the target group for achieving their ends have failed or are impractical.<sup>7</sup>

Similarly, Daniel Chirot and Clark McCauley argue that, for elite perpetrators, mass murder is the "cheapest" way to overcome resistance to policies favored by the perpetrators or simply to dispose of groups that are perceived to be "in the way" of the realization of desired policies. Chirot and McCauley suggest that indigenous populations are most often the targets of genocide based on these kinds of strategic



calculations because their presence on a given piece of territory is “troublesome,” decreasing the strategic and/or economic value of that territory. When elite perpetrators calculate that the population “cannot be controlled or dispersed,” genocide becomes the policy option.<sup>8</sup> In the *Killing Trap*, Midlarsky also links the strategic choice to commit genocide to policy failure, but he suggests that genocide is a response to external, particularly territorial, losses. For Midlarsky, genocide is motivated by elite decision makers’ desire for “loss compensation.”

Whether one accepts a strategic actor explanation (particularly of the Valentino variety) as a useful basis for explanation and comparison hinges in part on one’s position concerning the status of genocide as a means to an end or as an end in itself. Scholars who see genocide as a policy goal in and of itself will be at odds with the foundational premises of this approach, but those who take the opposite view may find it useful for understanding how and under what circumstances political elites make the policy choice to exterminate groups of people. As a broadly comparative theory of genocide in general, however, a strictly elite decision-making model leaves out the crucial role played by societal actors in the total process of destruction. If it takes a village to raise a child, it takes the state *and* society to perpetrate a genocide.

### *Frontline killers*

In taking up the actors missing from elite-centered approaches, other genocide scholars who adopt an agency-centered approach have attempted to explain the behavior of the state and societal actors who actually carry out the order to commit genocide. Here the focus is still on explaining how human agency drives the genocidal process, not in terms of why the decision is made to pursue genocidal policies but in terms of how ordinary people can follow the brutal orders of their political and military superiors and slaughter their fellow human beings in great numbers.

Early attempts at this kind of explanation by psychologists and social psychologists assumed that the low-level perpetrators of genocide and other atrocities were outside the psychological norm because their actions were so beyond the pale of “normal” human experience. Theodor Adorno and his colleagues, for example, tried to identify among Nazi perpetrators a specific “authoritarian personality” that allowed these individuals to carry out genocidal policies.<sup>9</sup> But research into individual and group responses to authority and organizational structures, including the infamous Zimbardo prison experiments at Stanford University, as well as later social psychological research based in part on these experiments and on other research, has determined that genocidal killing is perpetrated by quite ordinary people. One of the first scholars to make this profoundly disturbing observation, historian Christopher Browning, demonstrates in *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* that the low-level perpetrators in this specific case were neither psychologically extraordinary nor highly ideological or fanatical believers in Nazi racial policies. Recent works by Chirot and McCauley, James Waller, and Alex Alvarez confirm Browning’s observations through their respective explorations of the role of normal human psychology under extreme conditions and within particular military/security and bureaucratic organizational contexts.<sup>10</sup>

Chirot and McCauley’s work concentrates on the central role of psychological needs, goals, and emotions in motivating not only elites but, more importantly, ordinary people to become killers. “Political killing,” as Chirot and McCauley call it, is motivated by four often mutually reinforcing motivations. The first motivation, convenience, is in fact a strategic motivation that involves the same strategic

calculation made by elites, as noted above, to simply “get rid of” groups that are in the way. The remaining three—revenge, “simple” fear (including fear of retribution by the victim group and fear of extermination), and fear of pollution—are psychological motivations that elites may feel but which they also manipulate in society at large.<sup>11</sup> The “psychological foundations” for ordinary people’s actual participation in mass killing lie in the confluence of a separate set of human emotions (again, often manipulated by elites), appeals to a “sense of duty,” and the routinization of killing, training, “and good organization”<sup>12</sup> that foster obedience and provide incentives that “undermine personal responsibility.”<sup>13</sup> Chirot and McCauley cite some very basic human emotions in their explanation, including fear, anger, love, hate, shame, and humiliation, although they suggest that fear is the “key emotion for understanding genocide.”<sup>14</sup> The authors also include in their explanation the human tendency toward what they call “essentializing others” and “double essentializing,” described as a “battle of good and evil, of two incompatible essences in which love of the good [one’s own group] means necessarily hate for the threatening out-group.”<sup>15</sup>

What Waller calls his “four-pronged” process model of “extraordinary human evil” concentrates on the psychological and organizational contextual foundations of individual and collective behavior. Underpinning human behavior (extraordinarily evil or otherwise) is the first prong, our “ancestral shadow” that shapes our responses to authority (ethnocentrism, xenophobia, and the desire for social dominance) and is held in common by all human beings across time and space. The second prong identifies three forces that “mold the identity” of frontline killers: cultural belief systems that determine how one evaluates “controlling influences on one’s life,” “moral disengagement of the perpetrator from [the] victim” (facilitated by the use of moral justifications, euphemism, and “exonerating comparisons”), and individual rational self-interest. The third prong concentrates on the “immediate social context of the culture of cruelty” and how this influences the way individuals “think, feel, and behave.” Here Waller cites three central factors: the role of professional socialization into military and security organizations, the binding factors of the group that “reinforce commitment to the group and its activities,” and the “merger of role and person,” that is, how “evil-doing organizations change the people within them.” Finally, Waller’s fourth prong, to be considered later, deals with the construction of the collective identity of the victim group, a process that leads to the “social death” of the victims.<sup>16</sup>

Drawing on criminological approaches to explaining youth delinquency, Alvarez disputes the idea that humans are naturally aggressive and prone to violence. For Alvarez, the real question is not “Why do they kill?” but “How do ordinary people overcome internalized norms against violence and become the executioners of genocidal regimes?” Alvarez argues that, like delinquent youths, low-level perpetrators defer, repress, or neglect personal beliefs and feelings<sup>17</sup> so that their actions are reframed as acceptable to themselves and others through several “neutralization” techniques. These techniques include “denial of responsibility,” in which the perpetrator claims that he or she was following orders or was otherwise coerced into killing and, therefore, does not bear responsibility for killing; “denial of injury” through the use of euphemistic language that cognitively sanitizes killing and brutality as “special treatment,” “purification,” “cleansing,” and the like; “denial of [the] victim” such that killing becomes an act of self-defense against a threatening enemy and not the wanton destruction of innocent and defenseless men, women, and children; “condemning the condemners,” whereby the perpetrator attempts to

neutralize external criticism by arguing that similar acts have been perpetrated throughout history, even by the critics themselves; “appeals to higher loyalties” that characterize genocidal killing as a distasteful but necessary activity carried out not for personal gain, or based on personal motives, but for the greater good of the nation, race, or revolution; and “denial of humanity” through the dehumanization of the victim group and the deliberate creation of conditions of life that turn the victims into little more than animals, thus confirming the perpetrator’s conception of the victims as subhuman.<sup>18</sup>

The great strength of Waller’s analysis is his careful attention to the results of individual and social psychological research, which he uses to great effect to debunk any notion that, at least with respect to adult perpetrators, genocidal killers are psychologically abnormal or that their actions can be explained by the effects of indoctrination (i.e., “brainwashing”) or socialization (e.g., Daniel Goldhagen’s notion of a particularistic “eliminationist” anti-Semitism in Germany). Waller, Chirot and McCauley, and Alvarez<sup>19</sup> also all effectively spell out the complex interrelationship between human agency based on psychological characteristics and emotions, on the one hand, and the influence of organizational structures, particularly military and bureaucratic organizations, on the other. Although human psychology is key to Waller’s and Chirot and McCauley’s explanations and remains ontologically prior, these authors, particularly Waller, carefully demonstrate that institutional structures shape and reshape, sometimes permanently, human behavior under extreme conditions. Where Waller’s argument is less convincing is in his insistence that there is a hard-and-fast human nature shared by all human beings, regardless of culture, historical experiences, and the like. The evidence he presents to substantiate this point involves a high degree of inference from rather sketchy theories of early human development. The inferences he draws from these theories may not be warranted, since theories on their own do not constitute evidence. Moreover, Waller’s references to experimental research on human subjects seems to confirm his main theses, but the research to which he refers involves, as far as the reader can tell, adult subjects only. With the advent of the Khmer Rouge in Cambodia, the Interahamwe in Rwanda, and the use of child soldiers in a large number of atrocity-laden conflicts in parts of Africa and Asia, the perpetrators of what Waller calls “extraordinary human evil” are now often children and teenagers. Such young, vulnerable, and likely impressionable killers may in fact be motivated to kill by indoctrination, abuse, and alcohol and drug use inflicted on them by their adult masters. Further research is required to determine whether Waller’s conclusions about adults hold for child perpetrators as well or whether the behavior of child perpetrators is explained by other exogenous factors.

Like Waller’s, Chirot and McCauley’s model is rich in variables and, to a greater extent than Waller, these authors include references to a wide variety of cases of genocide to substantiate their claims. Leaving aside criticisms that could be leveled based on Chirot and McCauley’s and Waller’s use of broad dependent variables such as “political killing” and “extraordinary human evil” instead of the narrower variable of genocide, Chirot and McCauley’s reliance on such a large number of independent and intervening variables and their use of mostly emotive variables makes comparative testing of their claims somewhat problematic. Since we are dealing with human emotions such as anger, hate, love, and revenge, it is not clear how one is to go about operationalizing these emotions into variables that can actually be measured and compared across cases, in stable comparisons by which the researcher can be confident

that he or she is measuring and comparing the same thing. How does one measure human emotions, particularly in historical cases? The authors do not give us much methodological guidance, and their very general and often brief references to historical case studies similarly does not show us in a convincing way how emotions of the kind they believe are significant can accurately be gleaned from historical sources. Survey- and interview-based research into perpetrator behavior in more recent cases of genocide may be a preferable way to tap the variables the authors find important, but, again, this kind of research would have to include an extended discussion of how the survey was constructed in order to accurately measure the existence and the precise effect of the emotional variable(s) under investigation.

Further, because emotions like anger, hate, fear, and revenge are commonly held by ordinary people and are often manipulated for instrumental reasons by political and other elites, under all sorts of circumstances and for all sorts of different reasons, one can question whether the explanation of political killing offered by Chirot and McCauley might also just as effectively explain other phenomena, such as terrorism, civil war, or ethnic conflict. To develop a comparative theory of genocide, we need to highlight the variables that lead specifically to genocide and not to other dependent variables.

### **Society**

Agency-centered approaches also focus on a third collective actor in genocide—society, namely the role ordinary people play as bystanders who, through their acquiescence or tacit consent, allow genocide to happen. Early attempts to explain societal behavior argued that societies that have gone on to experience genocide are psychologically predisposed toward the victimization of specific marginal groups. Such predispositions are said to be linked to aspects of early childhood development such as authoritarian parenting or to commonly held psychological characteristics in what some analysts have labeled “national character.”<sup>20</sup> Rejecting the assertion that certain societies have the same psychological make-up or are socialized into exactly the same cognitive orientation toward a specific victim group, Ervin Staub compares different societies in which genocide has occurred and suggests that many members of societies that experience genocide become psychologically distressed as a result of severe crises and are therefore willing to accept the victimization of marginal groups. These same societies also have a history of antipathetic relationships with what are perceived to be marginal groups. Once crises take hold, members of the society project their own frustrations and hardships onto these groups. Crises are perceived by ordinary people as events that create “winners” and “losers”; marginal groups are identified as the “winners,” while the members of the majority group see themselves as the “losers” who are suffering at the hands of a distrusted minority. As crises deepen, and as the state begins to use repression and violence against the victim group, the wider society gradually becomes psychologically disposed to accept the victimization of the group and, in the case of some individuals, ripe for recruitment into the genocidal process as low-level killers.<sup>21</sup>

By employing an explicitly comparative approach, Staub avoids the central problem of the Goldhagen study: the labeling of specific societies and specific groups of people as “natural born killers,” so to speak. Staub is more interested in the general conditions under which ordinary people are willing to accept the perpetration of genocidal violence against members of their own society and in the social psychological orientation toward the victim group that is required for a population to become

bystanders to genocide. But, like that of Chirot and McCauley, Staub's work lacks explicitly stated methodological guidelines that would leave the reader confident that his research, which—again like Chirot and McCauley's—is quite general in many cases, is based on the operationalization and comparison of equivalent variables and sound inferences.

In sum, agency-oriented approaches, mostly focused on psychology, offered by scholars in recent years give us a foundation upon which we can try to understand and explain elite, individual, and societal behavior in genocide. But they cannot account for what the structural explanations give us—the macro cultural, social, economic, political, security, and ideational contexts that also shape genocidal policies and behaviors.

## Structural Approaches

### *Culture*

Culture can be seen as a necessary but not sufficient condition to explain genocide. Cited by some scholars as an important background condition, culture is regarded, depending on the author, as either a macro- or a micro-level variable. While culture is an important variable, its use in explaining genocide is fraught with difficulties, both because culture is hard to define and measure and because of the problem of over-generalization, particularly at the macro level when the culture variable concerns the culture of a whole society. Nonetheless, the idea of trying to find which long-standing beliefs, norms, attitudes, and practices underpin genocide continues to be an attractive, if partial, approach in the literature.

At the macro level, perhaps the most ambitious and controversial use of the culture variable is that of Daniel Goldhagen in *Hitler's Willing Executioners*. In this book Goldhagen attributes the Nazi genocide of European Jews to the thorough cultural indoctrination of Germans into what he calls "eliminationist anti-Semitism."<sup>22</sup> Goldhagen's thesis is a study in what can go wrong in an overly simplistic culture-based argument, namely the uncritical assertion, backed by insufficient or distorted evidence, that all Germans were socialized or indoctrinated into exactly the same form of anti-Semitism and that the eliminationist anti-Semitism of Germany was unique to that country and its people. Goldhagen's analysis has been widely criticized on a number of grounds, not the least of which is his tendency to essentialize the identity of the perpetrators.

A much more effective use of culture is Alex Hinton's examination of the importance of local cultural influences on how low-level perpetrators in Cambodia were able to turn with such brutality against not only the country's ethnic minorities but other Khmers from the cities and inward against suspect cadres within the Khmer Rouge itself.<sup>23</sup> Hinton shows that the Khmer Rouge leadership was able to skillfully employ culturally salient language and appeal to cultural practices to motivate ordinary Khmers to commit genocidal violence. He argues, for example, that one enduring cultural practice called *kum*—a long-standing grudge as a result of real injury or a public loss of face—has often led historically to the meting out of *karsangsoek*, or "disproportionate revenge."<sup>24</sup> Hinton suggests that the cultural model of disproportionate revenge is a "form of knowledge which most Cambodians have internalized and may be inclined to enact in given circumstances"—usually in the aftermath of individual or collective injury or loss of face. The "cultural knowledge" of disproportionate revenge "constitutes a crucial site upon which genocidal regimes



can work,” with perpetrator elites “us[ing] these highly salient cultural models to motivate individuals to commit violent atrocities.”<sup>25</sup>

The importance of local culture and genocidal violence has also been noted by Christopher C. Taylor in his examination of mass participation in the Rwandan Genocide. For Taylor, the perpetrators in Rwanda conceptualized the victim group, and the threat they were believed to pose to the Hutu majority, along culturally specific lines that referred to commonly held beliefs in the deleterious effects of “obstructions” in the body that interrupted the proper “flow” of bodily fluids. The Tutsis were characterized, according to Taylor, as “sacrificial victims” in a “mass ritual purification, a ritual intended to purge the nation of obstructing beings.” This conceptualization of the threat posed by the victim group was “imagined through a Rwandan ontology that situates the body politic in analogical relations to the individual human body.”<sup>26</sup> These culturally specific reference points not only motivated the killing but informed the manner in which the killing was manifested in the Rwandan case, which included dumping victims (dead or alive) into latrines or rivers.

From a historical perspective, Omer Bartov also calls for a detailed examination of local contexts so that we can understand “much of the reality of genocide” that occurs at the local level, including “the interaction between friends and neighbors” and “encounters with reception of forces [tasked with committing the genocide] arriving from outside the community.” Bartov continues that “the conduct of the community is often crucial to the success or failure of state-organized genocide in a given area.”<sup>27</sup> Jan Gross’s study of the destruction of almost the entire Jewish community in the Polish village of Jedwabne by their non-Jewish neighbors on a single day of bloodletting in 1941 is a leading example of this kind of micro-level history.<sup>28</sup>

Although Hinton’s, Taylor’s, and Gross’s studies are ideographic examinations of the role of culture, appeals to culturally significant language and practices, and local historical contexts in three specific cases, we need not rule out the search for cultural or local comparisons across cases. Such comparisons can be made at the societal or the local level, provided that attention is paid to establishing with sufficient evidence the relationship between cultural beliefs and practices, on the one hand, and genocidal behavior, on the other, both within and across cases, and that equivalent (not identical) beliefs and practices can be found in other cases upon which we can base reliable comparisons.

One way to further develop comparative cultural approaches at the macro level is to focus on the role of political culture specifically as a precursor to genocide. Two dimensions of the pre-genocide political culture lay the ideational foundation for later genocidal policies: beliefs and attitudes concerning membership in the political community and elite political cultural perceptions of the meaning of conflicts in society and the state’s response to conflict. The first, purely attitudinal, dimension taps how members of the dominant society and political elites conceptualize membership in the political community. Societies that have historically maintained a restrictive conception of who constitutes “genuine” or “authentic” membership, even in the face of formal legal recognition of membership, may be more likely (though by no means certain) to commit genocide against “inauthentic” marginalized members who are later redefined as completely alien and a serious threat to the survival of the community. The second dimension shifts the analysis toward an examination of historical elite conceptualizations of real and perceived conflicts, either within society or within the state, as zero-sum struggles that cannot be solved through

dialogue or compromise but only through the exercise of state power, possibly including the use of force.

In sum, although cultural explanations of this or any other kind fill in part of the genocidal puzzle, they cannot, on their own, explain why genocide happens. Values, beliefs, norms, and practices at the macro and micro levels can, under the right conditions (see the discussion of crisis below), set the stage for genocide and, once the killing begins, shape the course and character of the genocidal process at the state, societal, and local levels.

### *Divided societies*

Another structural approach found in the literature suggests that societies riven by ethnic, religious, socioeconomic, or other cleavages are particularly vulnerable to genocide. One of the first comparative genocide scholars, Leo Kuper, took the prior existence of what he labeled “plural societies” as the “structural base for genocide.”<sup>29</sup> As a necessary condition, but one that does not make genocide inevitable, Kuper argued that plural societies in which cleavages are particularly “persistent and pervasive” are more likely to experience genocide, especially when political or economic inequality is “superimposed” on ethnic, religious, racial, or socioeconomic “differentiation.” This kind of social structure, in turn, “aggregate[s] the population into distinctive sections, thereby facilitating crimes against collectivities. The divisions being so pervasive, and relatively consistent in so many spheres, issues of conflict may move rapidly from one sector to another, until almost the entire society is polarized.”<sup>30</sup> Applying a similar argument to the Armenian Genocide, Richard Hovannisian argues that the existence of a plural society “with clearly defined racial, religious, and cultural differences” in Ottoman Turkey was one of the preconditions for the genocide of 1915.<sup>31</sup> Kuper cautions, however, that simply because a society is characterized by moderate or even extreme pluralism, it does not follow that it will automatically fall victim to genocidal violence. Genocide is unlikely if a plural society does not experience “the subjective reactions and opportunities to sustain a destructive conflict” that mark genocidal violence.<sup>32</sup>

Hinton argues that societies that go on to experience genocide are marked by severe “social divisions” that arise because of “segregation and differential legal, sociocultural, political, educational, and economic opportunities afforded to social groups.”<sup>33</sup> Helen Fein also notes that societies that are marked by “ethnic stratification” are more likely to be predisposed to ethnic, racial, or religiously based genocides<sup>34</sup> but that political revolutionary or anti-revolutionary genocides, such as those in Cambodia or in Indonesia during Suharto’s attack on the Indonesian Communist Party in 1965, are the product of other factors (legitimacy problems, moral exclusion, blaming the victim, “tolerance” of an international patron for a regime’s genocidal policies, social unrest due to economic conditions, and the onset of war).<sup>35</sup>

Critics of the “divided society” approach contend that large-*N*, mostly quantitative empirical evidence shows that not all plural societies go genocidal and that some societies that do experience genocide, such as Cambodia’s, are not characterized by deep ethnic, religious, or socioeconomic cleavages.<sup>36</sup> While the first observation is accurate, scholars who cite societal cleavages as an important variable do not argue that such cleavages directly cause genocide, or that they do so alone. Rather, such divisions create the potential for genocidal violence, but only in concert with other intervening variables such as severe destabilizing crises or radical eliminationist ideologies espoused by equally radical genocidal elites.

No matter what the source of societal cleavages, the important contribution of this approach is the recognition that divided societies are fragmented societies in which there is a relative lack of solidarity, trust, and, sometimes, tolerance between groups.<sup>37</sup> Just as political scientist Robert Putnam feared for the health of American democracy because Americans were “bowling alone,” genocidal societies are often (but not always) societies whose members tend to “bowl with their own kind.” Genocidal elites skillfully play on and exploit these divisions, while groups within society are unable or unwilling to rally together to resist such entreaties and to protect targeted members of their own community.

### *Crises, revolution, and war*

The fact that serious political, economic, or security crises have frequently preceded genocide, at least in the modern era, has not been lost on many genocide scholars. While it is recognized in the literature that most societies that endure destabilizing crises of one kind or another do not go on to perpetrate genocide, there is a strong sense among some genocide scholars that there is a connection between crises, revolutionary upheavals, warfare, and genocide.

In her pioneering work *Accounting for Genocide*, Helen Fein lists reduction of a state’s “rank” as a consequence of defeat in war or of internal strife as one of several “predisposing conditions” that can propel a state toward a “crisis of national identity” in which elites become more likely to “adopt a new political formula to justify the nation’s domination and/or expansion” as well as “idealizing the singular rights of the dominant group.”<sup>38</sup> For Fein, crises, and elite responses to them, do not directly cause genocide; rather, crises are part of a longer process that can, under certain circumstances, culminate in genocide. In his analysis of elite responses to crises, Midlarsky argues that political elites make the strategic decision to commit genocide in the face of a loss of territory and other external security crises as a form of “loss compensation.”<sup>39</sup> Approaching the effects of crises in a more general way, Florence Mazian identifies in another early work in the field the role of “internal strife” as a “social condition” that may contribute to the “value added process” that results in genocide, since internal strife—including “real or threatened deprivations,” various economic shocks, real or imagined or anticipated frustration, and what Mazian calls “normative upheavals” such as rapid social and institutional change or modernization—can “heighten social cleavages such as ethnic, political, class, and religious divisions.”<sup>40</sup> With respect to ordinary members of society, Staub suggests that crises create psychologically “difficult life conditions” that induce feelings of distress and frustration, which are then projected onto a marginalized group, particularly any such group that has recently enjoyed a greater degree of socioeconomic success.<sup>41</sup> For Hinton, crises create a “hot” and “volatile” context in which genocidal processes are more likely to be “set off.” Socioeconomic, political, and security upheavals produce “anxiety, hunger, a loss of meaning, the break-down of existing social mechanisms,” and often presage a “struggle for power.”<sup>42</sup> Barbara Harff’s large multi-case quantitative analysis of genocides and politicides since 1955 confirms that political upheaval and a prior history of genocide or politicide are strongly predictive of similar atrocities.<sup>43</sup>

Conceptualizing crises as opportunities that are seized by elite actors, Chirot and McCauley suggest that crises create the conditions under which genocide and mass killing are more likely to occur. A crisis is a disruptive event during which moral inhibitions against killing are loosened, especially when political elites manipulate

the crisis. As such, crises give rise to “the potential for mass killing” that can quickly reach “genocidal proportions.”<sup>44</sup> In this argument, elite responses to crises are largely instrumental, in that crises are opportunities that elites grab to mobilize support for their own destructive policies. Another crisis-as-opportunity argument suggests that crises allow radical political elites both to come to power and to implement previously developed genocidal policies against a target group. In this case crises are what Sidney Tarrow calls, in another context, a “political opportunity structure.”<sup>45</sup> Lucy Dawidowicz’s “intentionalist” thesis that Hitler’s Nazis developed their plan to exterminate European Jewry during the turbulent interwar years before their rise to power, used the upheavals of that period to come to power, and initiated a continent-wide war to realize their pre-existing genocidal policies stands as a prime example of a political opportunity approach.<sup>46</sup>

We can see, then, that authors who link crises to genocide do not generally suggest that destabilizing crises necessarily lead to genocide. Rather, crises are conceptualized as an intervening variable, as a precursor that acts as a trigger for genocide. What is important about crises is not so much the specific nature of the crises themselves but how they are perceived by ordinary people and elites: Why did they happen, who is to blame, and, most importantly, how can the state and society be protected from similar events in the future? To borrow Alexander Wendt’s phrase about anarchy in the international system, crisis is what elites and society “make of it.”<sup>47</sup> What elites and society “make” of crises rests, at least to some degree, on prevailing cleavages, attitudes, beliefs, and practices. In genocidal situations, crises are interpreted as illustrating an ongoing struggle between the political community, on the one hand, and a specific group, on the other. This group is seen to be responsible for the current situation and to benefit from it. Taken together, crises and elite (and popular) reactions to them serve to animate the more virulent anti-group features of the pre-genocide political cultural norms, attitudes, and practices, turning what were hitherto relatively benign manifestations of exclusionary beliefs and authoritarian political practices into an extremist construction of the identity, interests, and potential actions of the target group. This reconstruction of the victim group culminates in the formation and implementation of genocidal policies designed to bring about the physical or biological destruction of the target group.

Opportunities for genocide can also arise in the form of revolutions. While noting the central importance of revolutionary ideology (see below) and political myth in explaining genocide, Robert Melson also argues that a key structural condition for the revolutionary recasting of society and the “total domestic genocides” that resulted in Ottoman Turkey, Bolshevik Russia, Nazi Germany, and Khmer Rouge Cambodia was the collapse of the old regimes and their fragile successors—the collapse not only of the state’s political institutions but also of its legitimacy. Key crises for Melson are military defeat and domestic political and economic upheavals.<sup>48</sup>

In a more recent book, however, Edward Kissi notes that not all revolutions give way to genocide and that while revolution turned genocidal in Cambodia, it did not in socialist revolutionary Ethiopia. In Kissi’s view, revolutions turn genocidal only under very specific conditions: when the targets of mass political killing are fragmented and atomized to such an extent that they cannot defend themselves against an aggressive state; when the state is able to successfully dominate society; and when the state targets for liquidation ethnic, religious, socioeconomic, and inactive or already defeated political groups, not political groups that genuinely and actively resist a revolutionary regime. In Ethiopia, which Kissi believes experienced “politicide”

(as defined by Barbara Harff) and not genocide, revolution gave way to severe repression, political violence, and terror directed at the many armed opposition groups (but not at ethnic or religious groups) and their supporters.<sup>49</sup>

Wars, as other scholars have argued, can also act as a structural condition that can lead to, and facilitate, the perpetration of genocidal violence. Eric Markusen and David Kopf, for example, have argued that while total war and genocide are not identical phenomena, they nonetheless share a number of characteristics. Total wars and genocides are pursued by political elites to protect national security, are underpinned by ideologies that dehumanize the targets of violence, are bureaucratically organized, and are perpetrated with sophisticated technologies that kill large numbers of people easily and efficiently in a manner that insulates the killers from the suffering of their victims.<sup>50</sup> Aside from these commonalities, Markusen and Kopf also suggest that war, as a form of extreme security crisis, creates social and psychological conditions “conducive to the outbreak of genocide and genocidal killing.” By exposing societies to severe crises and threats to national survival, wars

create the potential for pre-existing inter-group tensions in a culturally or racially diverse society to flare into violence directed by the majority against members of a minority group. The threat of disruption is not only blamed on the external enemy but can also be directed at members of a minority group within the society.<sup>51</sup>

Further, war can give governments the tools to commit genocide and to cover its tracks. Markusen and Kopf thus note that governments engaged in total war “tend to become more centralized, secret, and powerful” and tend to use dehumanizing propaganda to vilify their enemies. “The result can be diminished popular awareness of, and resistance to, ruthless governmental actions against both external and internal enemies.”<sup>52</sup> Governments at war also have at their disposal combat-ready soldiers in the field who can be diverted to perpetrate genocide. Meanwhile, the conditions of war leave victim groups isolated and vulnerable and perpetrators and bystanders psychologically desensitized to violence as a result of their exposure to the violence of war.<sup>53</sup> Similarly, Scott Straus argues that in Rwanda the renewed civil war in 1994 helped drive the genocide because the war was constructed by the perpetrators as a security crisis in which violence had to be used to overcome a threat; all Tutsis were constructed as “enemies” along with the Rwandan Patriotic Front. The civil war also created a circumstance of uncertainty and insecurity within which mass violence was legitimized and “specialists in violence” such as soldiers, gendarmes, and militias could be mobilized for genocidal killing.<sup>54</sup>

Omer Bartov, focusing on the construction of the meaning of war, notes that defeat in war can lead not only to the search for, and punishment of, internal “enemies” responsible for the catastrophe but also to the conceptualization of combat in modern industrialized total war as a necessary and glorious form of destruction in which the “destruction of others” is believed to bring about one’s own “resurrection.”<sup>55</sup> In the German case, “the Great War’s new fields of glory were the breeding ground of fascism and Nazism, of human degradation and extermination, and from them sprang the storm troops of dictatorships and the demagogues of racial purity and exclusion.”<sup>56</sup> When war came again on a much wider and more horrific scale, German soldiers

expressed pride and satisfaction in finally being able to destroy their enemies, be they soldiers, prisoners, civilians, or provoking the greatest glee, Jewish men, women, and children. It was at this point that massacre and glory became synonymous.<sup>57</sup>



For scholars like Markusen and Kopf, Kuper, and, more recently, Martin Shaw, war not only sets the stage, and acts as a cover, for genocide but can devolve into genocidal violence. Genocide, for Shaw, is in fact a distinctive form of war against civilians and is intertwined with other forms of war, particularly what he calls “degenerate war.” Degenerate war involves “the deliberate and systematic extension of war against an organized armed enemy [what Shaw identifies as legitimate or “real war”] to war against a largely unarmed civilian population”<sup>58</sup> in conflicts such as guerrilla wars, counter-insurgencies, or wars that involve the aerial bombardment of civilian populations. Although Shaw defines genocide as “the destruction by an organized armed force of a large unarmed civilian group (or groups)” in which civilians are regarded as enemies “in themselves” and not “through their relationship to an armed enemy,” genocide, because of its “definition of civilian groups as enemies to be destroyed,” utilizes the logic of war and is, therefore, an extension of degenerate war. Genocides are often perpetrated, Shaw notes, within the context of military (war) and political (revolutionary and counter-revolutionary) struggles and are frequently ended by war.<sup>59</sup> War, and the preparation for it, can also help, in Shaw’s view, to turn the corner from degenerate and other forms of war to genocide. Perpetrator states are often militarized states that have experienced war in the recent past and consequently have in place the military and paramilitary institutions and a militaristic ideology that legitimizes the use of military force against defined enemies.<sup>60</sup> Because Shaw sees genocide as a form of war, he claims that genocides, wars, and revolutions are all forms of conflict defined by two commonly held characteristics: that “opposing sides aim to destroy each other’s power” and that each side is “prepared to engage in mass killing of the enemy in order to achieve their goal.”<sup>61</sup> Like war, genocide is a form of conflict in which the perpetrator aims to “destroy” the “social power” (economic, cultural, and political power) of a group and their ability to fight back.<sup>62</sup> While the conflict usually begins as an unequal struggle in which the victim group (a term Shaw conspicuously does not use) is initially unarmed, it evolves into a more balanced confrontation once the victims begin to resist and find more powerful domestic or international allies. Shaw offers the fact that wars fought by internal forces (e.g., the Rwandan Patriotic Front) or by external forces (e.g., the Allies in World War II) frequently end genocide as evidence of this position.

As the literature shows, revolution and war are the extremist contexts within which modern genocides are often perpetrated. But it would be a mistake to equate or conflate genocide with either. Both revolutions and wars occur without going genocidal; some genocides occur *after* a war is over (e.g., in Cambodia) or do not occur during warfare at all (e.g., the Stalinist purges of the 1930s—assuming, of course, that one classifies the latter as genocide). Shaw’s contention that genocide is a form of war because “opposing sides aim to destroy each other’s power” and each side is “prepared to engage in mass killing of the enemy in order to achieve their goal”<sup>63</sup> conflates genocide with something it clearly is not: a contest between two opposing forces that possess the intention to defeat each other in a struggle over something concrete (economic, political, and cultural sources of “social power” as Shaw puts it) fought by two opponents with actually existing offensive and defensive power capabilities.

Part of the problem with Shaw’s thesis is the confusion over the status of the perpetrators’ and victims’ intentions. The UN Convention on the Prevention and Punishment of the Crime of Genocide and many genocide scholars argue that genocide is defined by the “intent to destroy, in whole or in part” the victim group “as such.”<sup>64</sup> This is an intention that is held only by the perpetrators, not the victims, which is

precisely why the two main collective actors in genocide are referred to not as “combatants” but as “victims” and “perpetrators.” Physical and/or biological destruction of the members of the victim group is the policy goal of genocidal regimes, not simply the stripping of the group of its power capabilities, which could be accomplished by all sorts of other policies that fall short of genocide. On the other side of the ledger, confronting a regime as an opposing force bent on depriving the state of its power capabilities, possibly through resort to “mass killing,” was not the intention of the Ottoman Armenians, European Jews, the various victims of the Khmer Rouge, or Rwandan Tutsis (save members of the Rwandan Patriotic Front).

As for the use and deployment of force by the victim group, the victims of genocide are victims of this particular crime precisely because of their helplessness and the lack of real (as opposed to perceived) threat and opposition they pose to the perpetrators. In her definition of genocide, Helen Fein tells us that genocide is a

sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly, through interdiction of the biological and social reproduction of group members, sustained *regardless of the surrender or lack of threat offered by the victim*.<sup>65</sup>

For Frank Chalk and Kurt Jonassohn, genocide is a “form of *one-sided mass killing* in which a state or other authority intends to destroy a group”;<sup>66</sup> Israel Charny, in what he calls his “generic” definition of genocide, similarly notes that genocide is characterized by the

mass killing of substantial numbers of human beings, *when not in the course of military action* against the military forces of an avowed enemy, under conditions of the *essential defenselessness and helplessness of the victims*.<sup>67</sup>

Whether we argue that genocide and war are distinct phenomena or that genocide is in fact a form of warfare, we must recognize that the victims of genocide are just that: victims who do not pose a real threat to their tormentors, who are not combatants in an equal or even an unequal contest with a state or other authority, and who do not possess actually existing power capabilities that they can deploy to defend themselves and fight their enemies. The fact that small numbers of victims may actively resist their destruction, sometimes through force of arms, neither transforms these people into regular combatants nor turns the attempted destruction of their own group by a predatory state into a two-sided conflict.

### *Regime type*

Other structural explanations focus on how the structure of political regimes determines the adoption (or not) of genocidal policies. One of the earliest comparative explanations of genocide, offered by Irving Horowitz, argues that genocide is inherent to totalitarian political systems. Because totalitarian regimes attempt to exert total political, economic, and social control over all aspects of life and over all members of society, such regimes inexorably end up liquidating whole groups of people who are deemed to be outside of, or hostile to, the totalitarian order.<sup>68</sup> Similarly, for Hannah Arendt (although her work predates Horowitz and does not deal explicitly with genocide but with totalitarianism) the fullest expression of totalitarianism—that practiced by the Nazi and Stalinist regimes—was the exercise of “total domination” in the death camps, in which “everything,” including the extermination of superfluous peoples, became possible.<sup>69</sup>

The main weakness of the totalitarian regime thesis is that it is overly deterministic. As we will see below, although the ideologies that animate what have been labeled totalitarian regimes<sup>70</sup>—namely, Communist regimes and Nazi Germany—were radical and highly exclusionary, not all totalitarian regimes have perpetrated genocide against segments of their own population. Pol Pot's Democratic Kampuchea certainly did so, but other so-called totalitarian regimes, such as unified socialist Vietnam, did not single out whole groups of people for destruction, although the first decade of Communist rule after Vietnam's unification in 1975 was marked by repression and serious human-rights abuses against elements of the former regime. Given the different experiences of totalitarian regimes in the twentieth century with respect to the perpetration, or not, of genocide, we cannot definitively argue that the structures and processes of totalitarianism invariably result in the genocidal killing of specific groups.

Looking at the opposite side of the political spectrum, Rudolph Rummel links regime type to genocide and other forms of mass violence by suggesting that while democratic regimes are liable to inflict violent death on citizens of other states through combat operations, bombings, or isolated atrocities, they are very unlikely to target their own citizens for mass repression or killing. Based on a detailed statistical examination of deaths caused by governments, Rummel argues, according to what he calls the "power principle," that

the more power a government has, the more it can act arbitrarily according to the whims and desires of the elite, and the more it will make war on others and murder its foreign and domestic subjects. The more constrained the power of governments, the less it will aggress on others.<sup>71</sup>

Taking Rummel's analysis further, Harff's statistical analysis shows that failed authoritarian states are three and a half times more likely to lead to genocide or politicide than state failure in democratic regimes.<sup>72</sup>

As Rummel's empirical investigation tells us, regime type, at least for twentieth-century genocides, is related to whether a regime is more or less likely to commit genocide. Non-democratic regimes have a higher incidence of committing atrocities, including genocide, against their own people, than democratic regimes, which in the past century have not perpetrated genocides against their own people. But because there is also a large number of authoritarian regimes, historical and current, that have not perpetrated genocide, Rummel's study tells us only that there is a correlation between authoritarian regimes and genocidal policies, not that there is a causal connection between the two phenomena. The most we can say, then, is that non-democratic states are more likely than democracies to commit genocide. This is so not simply because a state is authoritarian but because states that go on to commit genocide historically have used authoritarian methods, such as repression and sometimes violence, to manage domestic conflicts and confront real and perceived enemies. Elites' strategy of habitually using confrontational or violent methods of conflict management is underpinned by a long-standing elite political culture that frames conflicts as zero-sum struggles in which the state must win or be completely defeated.<sup>73</sup> This history of authoritarian practices and perceptions, in turn, creates an ideational and experiential context that sets the stage, during genocide, for the targets of destruction to be perceived as a mortal threat by elites. Following historical and political cultural precedent, the victims are dealt with not through concessions or lesser forms of repression but through violent processes of extermination intended to secure the survival of the state and the majority society.

*Modernity, the modern state, and modern exclusionary ideologies*

The final group of structural arguments links the onset of genocide to broad processes of modernization, particularly the rise of the modern bureaucratized nation-state, as well as to the creation of radical exclusionary nationalist, racist, or revolutionary ideologies. The former argument suggests that it is the material structure of the modern nation-state that facilitates genocide, while the latter argument concentrates on ideology as an ideational structure that produces genocidal behavior.

Zygmunt Bauman argues in his analysis of the structural foundations of the Holocaust that the increased division and specialization of bureaucratic functions within the modern nation-state and society allows the thousands of people involved in genocidal programs to remove themselves conceptually from any moral responsibility for their small and specialized part in the extermination process.<sup>74</sup> Thus the killing of whole groups of innocent human beings has become conceptually, psychologically, and morally unproblematic in the modern age.

Influenced by modern conceptions of inferior and superior races or exploited and exploiting classes, coupled with a proclivity for powerful, centralized, bureaucratic states to conceive of grand projects of social engineering and their capacity to implement such policies, modern states have the potential to become genocidal “gardener states,” according to Bauman. For the gardener state, genocide is not a policy of destruction but a grand project of construction. Recalling Arendt’s totalitarian everything-is-possible thesis, Bauman argues that the gardener state seeks to construct new social, economic, demographic, or political orders as a landscaper plants and tends a garden. Just as gardens inevitably grow weeds that do not belong in a meticulously designed garden, so new racial, national, or revolutionary systems contain human beings who do not belong in the new order. As weeds are pulled by a gardener to maintain the intended design and composition of the garden, groups of human beings who do not belong to the new order must be exterminated by the gardener state.<sup>75</sup>

Although Bauman offers a compelling metaphor congruent with the spirit of many radical ideologies and genocidal elites’ desire to construct completely new societies, his analysis does not tell us why the pulling of human weeds—that is, the removal of certain groups who do not belong to the new order—necessarily involves physical extermination. Simply understanding a group as misfits who upset the composition of the new order cannot explain why genocide becomes a policy option for some elites, rather than apartheid-like segregation and repression, internal deportation, or expulsion. The latter policies accomplish exactly what Bauman suggests the gardener state wants to do: the removal of groups of people who are thought to deviate in some way from the rest of the newly constructed order. His metaphor is not irrelevant, but it is too benign. We must remember why gardeners get rid of the weeds in their gardens. It is not just because weeds do not look right, or were not in the flat of flowers the gardener planted; it is because, if left unchecked, they will choke off and kill the garden. That is why gardeners do not just pull off the tops of weeds, or replant them somewhere else, but instead are careful to thoroughly dig weeds out by their roots or use herbicide to ensure that the weeds can never grow again.

Alvarez also focuses on the role of the state and state institutions as the principal perpetrators of genocide, but without explicitly linking this role to the consequences of modernity itself. For Alvarez, genocide is a form of “state criminality” that is underpinned by two “constructs of belief,” sovereignty and nationalism.<sup>76</sup> Because sovereignty rests on the principle of non-interference by states in the domestic affairs

of other states, and because there is no higher authority in the international system above and beyond the state, states encounter few, if any, restrictions on their domestic policies and are unlikely to be faced with intervention by other states.<sup>77</sup> Nationalism, meanwhile, is the ideological mechanism that “assures loyalty to and belief in the state.”<sup>78</sup> Alvarez acknowledges that nationalism exists in a variety of forms and that it is the most extreme forms of ethnic nationalism, particularly in multiethnic states, that fuel state-sponsored genocide. Citing Michael Ignatieff, he contends that ethnic nationalism “exacerbates perceived differences among people, and transforms divisions into all-important definitions of identity.”<sup>79</sup> Alvarez’s account of why states perpetrate genocide extends beyond these two foundational conceptions, however, to include the connection between genocide and war (in a manner similar to that discussed above) and the law, which he identifies as a “set of resources” that the state mobilizes and uses as a tool to translate its power into genocidal policies.<sup>80</sup> Expanding on Bauman’s analysis, Alvarez also discusses in detail the role of state institutions, both military/security and civilian bureaucratic, in the perpetration of genocide. For Alvarez, state institutions are perpetrators of genocide, because their role is to implement specific genocidal policies. Once genocide begins, the members of these institutions engage in criminal activity (i.e., genocide) not as individuals but as members of what have essentially become criminal organizations. Members of military, paramilitary, and state security organizations perpetrate genocidal killing because “their training is geared toward providing recruits with the technical skills of violence and socializing them into a value system that supports fierceness, aggression, and solidarity with their comrades.”<sup>81</sup> Civilian state bureaucracies, with their emphasis on technical efficiency, depersonalization, and the strict application of rules and procedures, produce desk killers who faithfully apply the “rules” of genocide to unseen depersonalized “units” without having to think about or witness the very real consequences of their small, often specialized, but entirely lethal actions.<sup>82</sup>

Bauman’s and Alvarez’s insights into bureaucratic specialization and the moral distancing of perpetrators from the genocidal process do help explain how it was that large numbers of public and private employees, managers, and administrators in Nazi Germany could continue to play their own small but deadly parts in keeping the machinery of destruction in motion, unmolested by moral qualms about the program’s outcome. This kind of argument, however, cannot explain other genocides, such as those in Cambodia and Rwanda, where the killing was not bureaucratized but instead involved face-to-face public killing, albeit directed by the state,<sup>83</sup> sometimes by ordinary people who were not members of a state security organization. Nor can the modern bureaucratic state thesis explain why political elites decide to perpetrate genocide in the first place, only how it was that a modern Western state like Nazi Germany, with desks full of killers like Adolf Eichmann, had the capacity to execute genocidal policies.

Other genocide scholars suggest that the main product of modernity that has produced the genocides of the twentieth century and beyond is not the modern state itself but modern revolutionary ideologies that are inherently genocidal.<sup>84</sup> These ideologies rest, Eric Weitz argues, on modern conceptions of the world as naturally divided into races and nations, or on Marxist notions of class conflict between exploiting and exploited classes,<sup>85</sup> or, as Hinton contends, on a more general turn toward an “emphasis on the individual, empiricism, secularism, rationality, progress,” and the potential of science. For Hinton, the latter can produce genocidal processes of social engineering in which “human societies, like nature, could be mastered,



reconstructed, and improved.”<sup>86</sup> In modern societies, our innate capacity to identify differences between peoples becomes “reified” in a world in which modern nation-states “covet homogeneity.” Modernity also gives rise to the crafting of hierarchical scientific typologies that identify groups as inherently inferior or superior, to the use of science as the “legitimizing rationale for slavery, exploitation, and ultimately genocide,” and to conceptions of progress that are used as a standard against which peoples are judged or can be manipulated or even exterminated “to achieve [a] desired end.”<sup>87</sup>

In his account of twentieth-century genocides, Weitz concentrates specifically on the evolution of, and appropriation into, radical eliminationist ideologies of a number of specifically modern concepts. Influenced by Johann Gottlieb Fichte’s and Johann Gottfried von Herder’s conception of nations as primordial entities with a common language, culture, and history, nationalism by the nineteenth century, according to Weitz, morphed into a racialized understanding of nationhood as an ethnic and racial community and not simply a locus of political rights.<sup>88</sup> Primordial and exclusionary understandings of race and nation gained particular prominence in Germany and elsewhere on the European continent by the latter half of the nineteenth century. Weitz further argues that the rise of race thinking and ethnic nationalism coincided with the rapid expansion of European imperialism and the resulting exposure of increasing numbers of Westerners to indigenous and other peoples who were physiologically and culturally different from themselves. These encounters only seemed to confirm the idea that some races, namely white Europeans, were superior to others, namely Africans, Asians, and the indigenous peoples of the Americas already colonized by European settlers in previous centuries.<sup>89</sup> The felling of Western colonists by tropical diseases and the simultaneous rise in support for eugenics and the “theory” of social Darwinism (the struggle for the survival of the fittest races) culminated in a conception of society as

analogous to the body and race as a biological organism, whose health needed constant attention, whose vitality was continually in danger of being sapped by killer bacteria borne by the weaker members and by those of completely alien races.<sup>90</sup>

When added to the dehumanization of the enemy during World War I, all of these ideational factors produced, according to Weitz in the case of the Holocaust, the idea that the Jewish “disease” in Germany weakened the German “body” and should be removed through radical eugenicist measures in order to preserve the racial purity of Aryans.<sup>91</sup> Similar revolutionary ideas that societies are divided based on the ownership of the means of production into classes, and the inevitability of class conflict, inspired genocidal revolutionary movements and regimes that identified certain classes as exploiters and counter-revolutionaries who did not fit into the new revolutionary system and, therefore, had to be eliminated in genocidal purges in states such as the Stalinist Soviet Union and Democratic Kampuchea.

Ideological explanations are not always tied to modernity or the ideologically driven creation of radically new societies, however. Ben Kiernan’s treatment of ideology suggests that while certain elements such as race thinking and the homogenization of populations on newly acquired or desired territories are modernist parts of the radical ideologies that underpin genocide, other elements of genocidal ideology are fundamentally anti-modern. For Kiernan, many genocidal regimes conceptualize the peasantry as the most “authentic” members of the political community, while cosmopolitan urban areas and their populations are considered to be “contaminated with foreign and decadent elements.”<sup>92</sup> The goal for these genocidal

elites is to recreate a glorious rural past through the genocidal destruction of peoples who are supposedly contaminating the pure peasantry and the countryside.

Ideology-based explanations point to the importance of ideas in the genocidal process as well as to the propensity for genocidal elites to categorize groups in society and to conceptualize their victims as alien and hostile to new or old revolutionary systems that must be purified of all deviant behavior, thought, or unworthy or inferior human beings. More than other explanations of genocide, the ideology approach also picks up the central role of threat perception, namely that genocidal elites come to see their victims not just as inferiors or misfits but as dangerous “enemies within.” But, as with the modern state approach, the ideology variable cannot on its own account for why genocide, and not some other policy of repression or violence, occurs. Weitz, for example, lays out in great detail the conceptual origins of Nazi and radical Communist thought, but then, when it comes to the case studies of individual genocides, does not really account for why genocide was perpetrated against some groups and not others. In the case of the Holocaust, Weitz ties the Nazis’ racist, social Darwinist ideology to the T4 eugenics program that targeted physically and mentally ill patients in Germany; the harsh treatment meted out against Poles, who were slated to become a vast pool of slave labor for the Nazis in the new German East during and after the war; and the Jews, who from the summer of 1941 onward were the objects of total extermination. Thus, in his analysis, the same ideology explains three different policy outcomes.

### Process Explanations: Identity Construction

While the approaches discussed thus far do at times refer to the processes by which genocide comes to be perpetrated, theories that concentrate on identity construction as the main explanatory variable are much more explicitly process-oriented approaches. When discussing the identity construction of the victim group by the perpetrators of genocide, the literature tends to group a number of different constructions under one generic label, such as “dehumanization” or “demonization.” If we look carefully we can, in fact, identify three distinct yet interrelated processes of identity construction that scholars suggest lead to genocide: conceptions of the victims as an “alien” other; as sub- or non-humans; and as threatening “enemies within.”

#### *Victims as other*

From a social psychological perspective, Chirot and McCauley argue that human beings have the capacity to “single out for genocide any kind of self-reproducing social category.”<sup>93</sup> Humans categorize other human groups as “others” because we naturally divide the world into in-groups and out-groups characterized by their own distinct “essences.” These essences, either one’s own or another’s, are regarded as “an unchanging quality that makes a group what it is.”<sup>94</sup> For the authors, this dynamic of essentializing the identity of the other as different or foreign is a necessary part of the process of identity construction that leads to genocide, but it is not a sufficient condition on its own. Developing a similar social psychological approach, Waller notes the innate capacity of humans to divide the world into “us” and “them,” which, under the right contextual and institutional conditions, helps lead to what he calls the “social death” of the victim, whereby the victim group is psychologically removed from the wider society. One of the features (along with dehumanization and blaming the victim) of the social death of the victims is the persistence of “us-them thinking.”<sup>95</sup> Waller also cites moderate, rather than radical or ideologically driven, feelings of antipathy toward

the victim group and a “lack of emotional connection” with the victims as part of a dynamic that, in genocide, neutralizes popular aversion to authoritarian politics in general and the genocidal destruction of other groups in particular.<sup>96</sup>

In a frequently cited reference, Fein argues that one of the key preconditions for genocidal destruction is the removal of the victim group from the “sanctified universe of obligation.” Referring specifically to the Armenians and Jews, Fein continues that the universe of obligations from which these groups were excluded was traditionally constituted by “that circle of people with reciprocal obligations to protect each other whose bonds arose from their relationship to a deity.” The historical exclusion of the Armenians and Jews based on religious criteria set the precedent for the later secular conception of these groups as “strangers.”<sup>97</sup> Fein’s sociological analysis is significant because it points to two important dynamics. First, the exclusion of groups from society and their definition as aliens is not ahistorical but, rather, flows from already existing exclusionary practices and beliefs in society, although the exact content of these practices and beliefs may change over time. Second, the emphasis on reciprocity goes beyond inquiring into the tendency of human beings to see other human groups as simply different and imbeds the meaning of that conception of difference in a wider social context in which those who are deemed to belong are extended rights and mutual support while, as Herbert Hirsch and Roger W. Smith point out,<sup>98</sup> those who are not are stripped of any protection, formal or informal, that membership in the community provides against a predatory state. The definition of the victim group as outsider, therefore, allows us to understand why bystanders wash their hands of a group to whom they believe they owe nothing and why perpetrators come to believe they can pursue their genocidal policies unopposed.

Taking the analysis further, Hirsch and Smith argue that defining the out-group through the use of myths not only marks one group off as different from other groups and apart from the wider society but also involves the dehumanization of the members of the group and culminates in calls for concrete action to bring about the group’s extermination.<sup>99</sup> For Waller, defining the victim group as other produces the “moral disengagement” of bystanders and perpetrators from the victims. This process entails an “active but gradual process of detachment” from the victims that exceeds mere moral indifference or invisibility and instead leads to the conceptual placing of the victim group “outside the boundary in which moral values, rules, and considerations of fairness apply.”<sup>100</sup> As in Fein’s analysis, this conception of the victim group leaves it cut off from society and thus vulnerable to all manner of abuses.

### *Victims as sub- or non-human*

Categorizing groups into “us” and “them,” or even into the more normative “us” versus “foreigner” or “stranger,” is insufficient in and of itself to account for genocide. To understand why the physical destruction of the group becomes necessary from the perspective of the perpetrators, scholars who focus on identity construction look further, to conceptions of the victim groups as non-human. Once the victims are so conceived, the perpetrators can do anything to them, because the victims are seen to stand not only outside a particular political, national, ethnic, or racial community but outside of humanity itself.

In his pioneering work on the psychology of genocide, Israel Charny defines dehumanization as the act of redefining the victims of genocide as “not being part of the human species.”<sup>101</sup> For Chirot and McCauley, the perceptions of the different “essences” that mark off groups from one another can further give rise to more

malevolent conceptions of the victim group as “not quite human.” Conceptualized as non-human, the victims can thus be “used, abused, and eliminated as if they were another species of animal.”<sup>102</sup> In his “eight stages of genocide” early-warning taxonomy, Gregory Stanton identifies dehumanization as integral to the genocidal process because the conception of the victim group as non human not only “denies the humanity of the other group” but also performs the crucial function of overcoming “the normal human revulsion against murder.”<sup>103</sup> As for which groups are most likely to be the target of dehumanization, Waller argues that the dehumanization of victim groups is most easily projected onto people belonging to different racial, ethnic, religious, or even political groups who are “regarded as inferior or threatening.”<sup>104</sup> Chalk and Jonassohn similarly contend that genocide cannot happen to people who are regarded by their tormentors as equal to themselves or as fully human. The tendency to see out-groups as non-human is most apparent when “the differences between the people and some other society [are] particularly large.” The tragic consequence of conceptualizing particular groups as “less than fully human,” as “pagans, savages, or even animals,” is the consequent understanding that the “values and the standards of the people” are not applicable to the out-group.<sup>105</sup>

The dehumanization of the victim group is likewise a necessary step in the genocidal process, for Waller, because it facilitates the “moral disengagement” of the perpetrator from the victim. This process involves not just indifference to the plight of the victims but “an active [...] gradual, process of detachment by which some individuals or groups are placed outside the boundary in which moral values, rules, and considerations of fairness apply.”<sup>106</sup> Charny similarly argues that dehumanization “aims at a redefinition of the other person as not deserving the protection due members of our species. Hence, anything and everything that is destructive of the other person, even killing, does not violate nature’s design.” Charny considers dehumanization to be both the “ideological justification” for genocidal killing and its ultimate “rationale.”<sup>107</sup> With respect to the perpetration of violence against the victims, Herbert Kelman contends that dehumanization is one of the processes by which the “usual moral inhibitions against violence become weakened,” which, in turn, creates a context in which moral principles are believed to no longer apply to the victim,<sup>108</sup> thus facilitating smooth and guilt-free killing.

### *Victims as threat*

Finally, the identity construction literature focuses on perpetrators’ conceptions of the victim group as a source of danger or threat that the perpetrators believe they must counter through the physical destruction of the victims. For strategic choice theorists like Valentino, the victims of genocide are conceptualized as a threat because they are seen to stand in the way of the realization of radical policy goals. For scholars who focus on identity construction specifically, perceptions of the threat believed to be posed by the victim group are said to be manifested in fear of the victim group, including fear of death in general and fear of lethal contamination and extermination in particular.

Charny argues that genocidal killing is an extreme but logical product of an all-too-human process of projecting onto others that which we fear most. In genocide, the overwhelming fear of death itself is projected by the perpetrators onto the victims. The perpetrator thus kills his or her victims because “he believes he is justified in sparing himself death” by causing the death of others.<sup>109</sup> Sharpening Charney’s rather general explanation, Chirof and McCauley suggest that genocidal killers are motivated

by specific fears that grow out of a more general fear of death. For these authors, fear of “pollution” is the “most extreme reason” for genocidal and mass killing and for other policies such as deportation. Here the victim group is seen to represent a “mortal danger” that must be removed from society in some way. This fear of pollution stems historically from concerns with religious purity, and in the twentieth century from concerns with racial and class purity.<sup>110</sup>

Perceptions of threat can also, according to Chirot and McCauley, produce other powerful emotions such as hatred of the victim group. Because the victim group is seen to be possessed of a “bad essence” (see above), that essence produces a hatred of the victim group grounded in a conception of the group as so “fundamentally flawed” that it “cannot be fixed.”<sup>111</sup> As noted earlier, Chirot and McCauley point to a dynamic they call “double essentializing,” in which a “battle” ensues between “good and evil,” between the “two incompatible essences” of the perpetrators and the victims, in which the love for members of the in-group necessarily engenders hate for the threatening out-group. For Chirot and McCauley, the double essentializing dynamic is at the heart of the most extreme genocides.<sup>112</sup>

The conception of victims as threat is amplified by the perception of the victims as a powerful force bent on the extermination of the perpetrators, the state, society, the nation, the race, or a new revolutionary order. Given what is perceived to be the very real possibility of one’s own extermination at the hands of the victim group, the latter must be exterminated first. Psychologist Robert Jay Lifton, for example, concludes his study of Nazi doctors at Auschwitz by suggesting that “[w]here the threat is so absolute and so ultimate [...] genocide becomes not only appropriate but an urgent necessity.”<sup>113</sup> Lifton continues,

thus perceived as an absolute threat to the continuous life of one’s own people, the victim group is seen as the bearer of death and therefore the embodiment of evil. More than merely non-human or heathen, it is dangerously anti-man and anti-God. Its disease takes the form of infecting others with death taint and deadly weakness. [...] Only genocide, total elimination of the disease will protect one from that weakness.

The victim group “threatens one’s own people with extinction so one must absolutely extinguish [them] first.”<sup>114</sup> Chirot and McCauley argue that genocidal killers are motivated by the short-term fear that “failure to enforce vengeance will ultimately allow the enemy to regain strength and inflict further punishment” and by long-term fears of collective extermination at the hands of the victim group.<sup>115</sup>

The literature on identity construction contributes to our overall understanding of why and how genocide happens by demonstrating that perceptions of the victim group matter. Elites and ordinary people base their actions toward the victim group on how they perceive the identity of the victim group, because the interests and actions (past, present, and future) of the victim group are believed to rest on the group’s collective identity. The existing literature, while promising, needs to be developed further to flesh out the exact relationship between collective identity construction, on the one hand, and the initiation and acceptance of genocidal policies, on the other. As it is, how exactly perceptions of the victim group lead to genocide, and not some other form of repression and violence, is treated in a rather general way. One possible avenue of inquiry is to explore the proposition that the relationship between collective identity construction, interests, and actions is a linear one whereby perpetrators believe that the identity of the victim group determines the group’s interests, which, in turn, determines its actions. This perceived relationship between identity, interests, and actions could be what links perceptions of difference,



non-humanness, and threat to the initiation, implementation, and acceptance of genocidal policies.

The identity construction literature also needs to consider more carefully how the identities of the victim group are constructed in the first place and how this construction can change over time. The works of Fein and of Hirsch and Smith serve as a starting point for exploring how the historic relationship between groups and perceptions of the nature of that relationship, particularly exclusionary attitudes toward the eventual victims of genocide, underpin later, more malevolent constructions of the victims as foreigners, enemies, threats, and subhuman vermin. We must also search for the triggers that turn generalized long-standing anti-group feelings, attitudes, and practices into the specific kinds of identity construction that are linked to genocide. Crises and the rise to power of highly ideological radical political elites are likely candidates for the transformation of the eventual victims of genocide from marginal insiders seen in a negative light to pernicious, threatening “enemies within” requiring extermination.

Finally, the literature sometimes appears to conflate what are in fact different but interrelated conceptions of the victim group. This conflation obscures our understanding of the specific functions that each of these conceptions plays in the genocidal process. Although this review groups the literature into three categories of identity construction (victims as outsiders, victims as non-humans, and victims as threat), genocidal scholars have a tendency to refer to disparate conceptions simultaneously, in an undifferentiated list of labels, as if they were all one and the same. Hirsch and Smith, for example, begin their stimulating analysis of language, myth, and genocide by suggesting that the first function of exclusionary language and myths is “defining the out-group.” The label “defining the out-group” would seem to suggest a specific conception of the victim group as outsiders or foreigners, but the section begins with language that defines the victims not just as other or foreign but as “vermin, infidels, traitors, heretics, enemies of the people,” all of which are said to loosen inhibitions against mass killing.<sup>116</sup> Chalk and Jonassohn likewise argue that one of the key precursors to genocide is the perception that the victim group is not equal to, and fundamentally different from, the wider community. The conceptions of the victim group in the authors’ analysis subsequently include references to the victims as “less than fully human” (“pagans, savages, and even animals”), “worthless, outside the web of mutual obligations, a threat to the people, immoral sinners, and/or sub/human.”<sup>117</sup> If we look at Hirsch and Smith and Chalk and Jonassohn’s lists of conceptions of the victim group, we find that some of the conceptions are rather different from others. Some of them conceptualize the victims as outsider (“infidels,” “heretics,” “outside the web of mutual obligations”), some as sub- or non-human (“vermin,” “less than fully human,” “pagans,” “savages,” “animals,” “worthless,” “sub-human”), and some as threats (“enemies of the people,” “a threat to the people”).

Drawing distinctions among different perceptions of the victim group rather than treating them as different names for the same perception is important if, as suggested earlier, we argue that perceptions of identity determine perceptions of interests and future actions. Victims who are defined by the perpetrator group as outsiders or foreigners are seen to have fundamental interests that do not fit with those of the wider community. Victims who are defined as subhuman or as animals are seen to be so base as to be completely expendable. Victims who are conceptualized as threats are seen as powerful forces, as mortally imperiling the survival of the entire political community. It is this latter conception of the victim group that motivates genocide,

not the dehumanization of the victims or seeing the victims as outsiders and foreigners. The last two conceptions are a necessary part of the genocidal process because they facilitate killing and because they separate the victims from the rest of society, respectively. But neither of these conceptions serves as the motivator for genocide, because they are too benign: non-humans are so low as to be nothing and, therefore, cannot constitute an overwhelming threat; groups conceived of as only outsiders or foreigners are believed to be non-members of the community and, therefore, are not owed rights or obligations, but this conception on its own does not threaten the community and does not require a genocidal response. Only the “mortal threat” conception of the victim group leads elites to initiate, and society to accept, genocidal policies, because only this conception requires elites and society to act to protect themselves from a threat whose continued existence is perceived to portend their own destruction if it is not first neutralized through genocidal policies.

## **The Way Forward**

Comparative genocide theorizing has flourished over the last twenty years. Scholars from a variety of disciplines have produced theories to explain the genocidal behavior of elite and societal actors and have identified the big and small structures and processes that lead to genocide. What we need to do now is concentrate on how we theorize, specifically how we create comparative theories and how we test those theories using the comparative method.

As the review above has shown, many genocide scholars have already begun to generate theories in which the exact variables at play in the genocidal process are spelled out in great detail. We must continue this trend, and we must think very carefully, as we theorize, not just about the variables we think are associated with genocide but about precisely what the relationship is between the variables we think are important and under what conditions these variables produce genocidal policies or behavior. In doing so, we should clearly state whether we are making deterministic claims (A, B, and C cause D) or whether we are making probabilistic claims (D is more likely to occur when A, B, and C occur under a specific set of circumstances). Once the relevant variables and the relationship between them are identified, we should further indicate precisely what empirical indicators we will use to illustrate each variable and to measure the effect of each variable. Here we need to demonstrate what evidence in each case will be used as a measure of a given variable and why we think that evidence is comparable to evidence measuring the same variable in other cases. If we do this, scholars and readers can be more confident that the evidence cited really does measure the variables under investigation and that we are making valid and stable comparisons across cases, rather than telling general narratives in support of theoretical claims.

Methodological discussions, to date, have tended to revolve for the most part around which cases we can compare based on a specific definition and which cases we cannot compare because they do not constitute genocide. This is always an important, albeit divisive, part of the comparative process and needs to continue. Beyond this, however, we need to begin to evaluate the comparison of cases based on other, more strictly comparative methodological criteria. Scholars need to explicitly consider the relative merits and limitations of ideographic (single-case-study) versus nomothetic (multiple-case-study) theorizing and comparisons. Ideographic studies can still be comparative, so long as the theories they generate and test can be generalized, at least to a certain degree, to explain similar cases. Nomothetic comparisons, of which we are

seeing more and more, should contemplate the relative advantages and disadvantages of intensive comparisons (a small number of cases and a large number of variables) versus extensive comparisons (a large number of cases and a small number of variables). The former approach currently represents most genocide case comparisons. These sorts of comparisons allow for the “thick” description and analysis of a small number of cases using theories that include a number of variables designed to explain the vast complexity of the cases; this approach, however, is limited in terms of generalizability. The latter approach, adopted by Barbara Harff, for example, eschews “thick” description in favor of relatively parsimonious theories of genocide and politicide tested against a very large number of cases in order to construct and test much more general theories of genocide and politicide. Whichever approach scholars use, we need to justify why we have taken the approach we have and why we think it contributes to our knowledge of genocide.

Finally, when we choose our cases, we should state whether we are engaging in what Adam Przeworski and Henry Teune call “most similar systems” or “most different systems” comparisons.<sup>118</sup> As Przeworski and Teune tell us, *most similar* comparisons are the most effective and reliable comparisons, because they control for a wide number of variables, allowing the researcher to test the effect of variation in only a small number of variables. *Most different* comparisons, on the other hand, are comparisons in which there is a number of differences across each case but where a few key variables are the same. This kind of comparison also tests how much variation across cases of genocide a theory can explain. Like ideographic versus nomothetic comparisons, most similar and most different comparisons have their pros and cons. It is up to genocide scholars to decide which approach is most appropriate and, again, to justify why a most-similar or most-different approach is amenable to each scholar’s research question, theoretical approach, and available evidence. Manus Midlarsky’s *The Killing Trap* (a nomothetic study) and Scott Straus’s *The Order of Genocide* (an ideographic study) are leading examples of the ways in which genocidal scholars in the social sciences should be thinking through comparative theoretical and methodological issues and problems when creating and testing comparative theories.

Sound theory, methodology, and research in comparative genocide studies are of value as an academic enterprise, but they should also be an important foundation for the formulation of effective strategies for genocide prevention and reconciliation after genocide. As a goal-oriented project, genocide studies must find a way to bridge the gap between abstract theorizing, on the one hand, and concrete policy making and implementation, on the other. Although our theories may tell us that factors such as human social psychology, societal fragmentation, various forms of crises, radical exclusionary ideologies, and conceptions of collective identity lead to genocide, how to turn this knowledge into concrete workable policies in real life and real time is not entirely obvious. Generalizability, while a desirable goal for comparative research, is not necessarily the goal with respect to crafting policies for prevention and, when required, intervention. Grand schemes to remake societies at greater risk of genocidal violence will be futile if they are one-size-fits-all policies or if they envision massive and sustained intervention in the domestic affairs of sovereign states by other states, intergovernmental organizations, or non-governmental organizations. No matter how passionate genocide scholars are about finding ways to prevent genocide, prescriptions for prevention that fail to take into account the realities of sovereignty, the cold hard realpolitik of international relations, and the real economic costs (not to mention the question of who will pay those costs) are not worth the effort. Genocide scholars,

activists, and policy makers may also have to confront the very real possibility that regimes bent on waging “final solutions” against their perceived enemies may not be swayed by what the outside world thinks or does.

Similarly, strategies for fostering reconciliation in societies that have experienced genocide must avoid totalizing approaches that fail to recognize the particularities of individual cases. Approaches to reconciliation must, of course, take into account what we know in general about group dynamics in genocidal situations in order to move beyond them, but our prescriptions must first and foremost focus on culturally and situationally specific conditions and the concrete reality of individual and group dynamics on the ground. We must also take a good hard look at what reconciliation strategies have and have not worked, why they have or have not worked, where they have been successful and not, who has benefited and who has not. As in the case of prevention, crafting strategies for reconciliation is not the exclusive purview of genocide scholars. Prevention and reconciliation are collaborative projects that, by necessity, involve policy makers, activists, professionals, survivors, victims’ families and communities, and the perpetrators or would-be perpetrators.

In sum, comparative genocide theory has come a long way in a short time. As in all disciplines and subjects in the social sciences and humanities, there is more work to do. But we should never forget that comparative genocide studies is far more than the scholarly pursuit of theory, testing, and generalization. We must remember the harsh reality of what it is we are really trying to do: to discover, bit by bit, why humanity continues to perpetrate this terrible crime, and why it is that innocent men, women, and children, simply because they continue to exist, fall victim to this “old scourge.”

## Notes

1. For a review essay on the state of comparative genocide research see Scott Straus, “Second Generation Comparative Research on Genocide,” *World Politics* 59 (2007): 476–501.
2. This article also leaves aside discussions of typologies in the literature, again because they have been discussed elsewhere, but also because typologies are primarily an exercise in categorization. While typologies do hold some important explanatory power, they are, like definitions of concepts, a foundation upon which theories are constructed, not theories in and of themselves.
3. This characterization of comparative genocide studies is based on David Laitin’s similar observation on the current state of comparative politics: David D. Laitin, “Toward a Political Science Discipline: Authority Patterns Revisited,” *Comparative Political Studies* 13 (1998): 423–43.
4. Gerald Fleming, *Hitler and the Final Solution* (Berkeley: University of California Press, 1982).
5. See, e.g., David P. Chandler, *Brother Number One: A Political Biography of Pol Pot*, rev. ed. (Boulder, CO: Westview Press, 1999); Ian Kershaw, *Hitler 1936–1945: Nemesis* (London: Allen Lane/ Penguin, 2000).
6. Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the 20th Century* (Ithaca, NY: Cornell University Press, 2004); Manus I. Midlarsky, *The Killing Trap: Genocide in the Twentieth Century* (Cambridge: Cambridge University Press, 2005).
7. Valentino, *Final Solutions*, 4, 72–73.
8. Daniel Chirot and Clark McCauley, *Why Not Kill Them All?: The Logic and Prevention of Mass Murder* (Princeton, NJ: Princeton University Press, 2006), 20, 2.
9. Theodor W. Adorno, Else Frenkel, and Daniel J. Levinsons, *The Authoritarian Personality: Studies in Prejudice*, abridged ed. (New York: W.W. Norton, 1993).

10. Chirot and McCauley, *Why Not Kill Them All?*; James Waller, *Becoming Evil: How Ordinary People Commit Genocide and Mass Murder* (Oxford: Oxford University Press, 2002); Alex Alvarez, *Governments, Citizens, and Genocide: A Comparative and Interdisciplinary Approach* (Bloomington: Indiana University Press, 2001).
11. Chirot and McCauley, *Why Not Kill Them All?*, 20–44.
12. *Ibid.*, 52.
13. *Ibid.*, 90.
14. *Ibid.*, 61.
15. *Ibid.*, 86.
16. Waller, *Becoming Evil*, 19–20.
17. Alvarez, *Governments, Citizens, and Genocide*, 110.
18. *Ibid.*, 114–28.
19. Because Alvarez takes a structural rather than an agency-centered approach with respect to institutions, the review of his analysis of the modern state and state institutions as principal perpetrators of genocide is covered below, in the section on structural theories.
20. See Adorno et al., *The Authoritarian Personality*.
21. See, e.g., Ervin Staub, *The Roots of Evil: The Psychological and Cultural Origins of Genocide and Other Forms of Group Violence* (Cambridge: Cambridge University Press, 1989).
22. Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Vintage Books, 1997).
23. Alexander Laban Hinton, *Why Did They Kill? Cambodia in the Shadow of Genocide* (Berkeley: University of California Press, 2005).
24. Alexander Laban Hinton, "A Head for an Eye: Revenge in the Cambodian Genocide," *American Ethnologist* 25 (1998): 352–77, 353.
25. *Ibid.*, 353.
26. Christopher C. Taylor, "The Cultural Face of Terror in the Rwandan Genocide of 1994," in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton, 137–78 (Berkeley: University of California Press, 2002), 139.
27. Omer Bartov, "Seeking the Roots of Modern Genocide: On the Macro and Microhistory of Mass Murder," in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan, 75–96 (Cambridge: Cambridge University Press, 2003), 85.
28. Jan Tomasz Gross, *Neighbors: The Destruction of the Jewish Community in Jedwabne, Poland*, (Princeton, NJ: Princeton University Press, 2001).
29. Leo Kuper, *Genocide* (New Haven: Yale University Press, 1981), 57.
30. *Ibid.*, 58.
31. Richard G. Hovannisian, "Etiology and Sequelae of the Armenian Genocide," in *Genocide: Conceptual and Historical Dimensions*, ed. George J. Andreopoulos, 111–40 (Philadelphia: University of Pennsylvania Press, 1994), 112.
32. Kuper, *Genocide*, 59.
33. Alexander Laban Hinton, "The Dark Side of Modernity: Toward an Anthropology of Genocide," in *Annihilating Difference: The Anthropology of Genocide*, ed. Alexander Laban Hinton, 1–42 (Berkeley: University of California Press, 2002), 29.
34. Helen Fein, "Accounting for Genocide after 1945: Theories and Some Findings," *International Journal on Group Rights* 1 (1993): 88–92.
35. Helen Fein, "Revolutionary and Anti-revolutionary Genocides: A Comparison of State Murders in Democratic Kampuchea, 1975 to 1979, and in Indonesia, 1965 to 1966," *Comparative Studies in Society and History* 35 (1993): 796–823.
36. See, e.g., Valentino, *Final Solutions*, 16–22. Valentino cites large-scale quantitative studies including James D. Fearson and David D. Laitin, "Ethnicity, Insurgency and Civil War," *American Political Science Review* 97 (2003): 75–90; Matthew Krain, "State Sponsored Mass Murder: The Onset and Severity of Genocides and Politicides," *Journal of Conflict Resolution* 41 (1997): 331–60; Barbara Harff, "No Lessons Learned from the Holocaust?"



- Assessing Risks of Genocide and Political Mass Murder Since 1955,” *American Political Science Review* 97 (2003): 67–68. While these kinds of studies are useful, they attempt to control for, and, therefore, factor out as much as possible, the effect of contextual factors. They are also much more vulnerable to coding errors because of the sheer number of cases and the lack of specific expertise by the researcher(s) in most of the cases in the comparison.
37. This argument is the inverse of Robert Putnam’s thesis that democratic institutions work best in an environment of “civic engagement” characterized by a high degree of solidarity, trust, and tolerance between groups in society and a rich associational life that cuts across communal cleavages. Robert D. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press, 1993), 167–76.
  38. Helen Fein, *Accounting for Genocide: National Responses and Jewish Victimization During the Holocaust* (Chicago: University of Chicago Press, 1979), 9.
  39. Midlarsky, *The Killing Trap*, 103–7.
  40. Florence Mazian, *Why Genocide: The Armenian and Jewish Experiences in Perspective* (Ames: Iowa University Press, 1990), 145, 21–42, 145–56.
  41. Staub, *The Roots of Evil*, 107–10.
  42. Hinton, “The Dark Side of Modernity,” 29.
  43. Harff, “No Lessons Learned,” 66.
  44. Chirot and McCauley, *Why Not Kill Them All?*, 94.
  45. Tarrow developed this concept to account for the rise and timing of social movements. Sidney Tarrow, *Power in Movement: Social Movement, Collective Action, and Politics* (Cambridge: Cambridge University Press, 1994).
  46. Lucy S. Dawidowicz, *The War Against the Jews: 1933–1945* (New York: Bantam Books, 1975).
  47. Alexander Wendt, “Anarchy Is What States Make of It: The Social Construction of Power Politics,” *International Organization* 46 (1992): 391–425.
  48. Robert F. Melson, *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (Chicago: University of Chicago Press, 1992), 260, 267.
  49. Edward Kissi, *Revolution and Genocide in Ethiopia and Cambodia* (Lanham, MD: Lexington Books, 2006), 79–120.
  50. Eric Markusen, “Genocide and Total War: A Preliminary Comparison,” in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, ed. Isidor Wallimann and Michael N. Dobkowski, 97–123 (Syracuse, NY: Syracuse University Press, 1987); Eric Markusen and David Kopf, *The Holocaust and Strategic Bombing: Genocide and Total War in the Twentieth Century* (Boulder, CO: Westview Press, 1995), 55–92.
  51. Markusen and Kopf, *The Holocaust and Strategic Bombing*, 64.
  52. *Ibid.*
  53. *Ibid.*, 65.
  54. Scott Straus, *The Order of Genocide: Race, Power, and War in Rwanda* (Ithaca, NY: Cornell University Press, 2006), 7.
  55. Omer Bartov, *Mirrors of Destruction: War, Genocide, and Modern Identity* (Oxford: Oxford University Press, 2000), 18.
  56. *Ibid.*, 12.
  57. *Ibid.*, 29.
  58. Martin Shaw, *War and Genocide: Organized Killing in Modern Society* (Cambridge: Polity Press, 2003), 5.
  59. *Ibid.*, 27.
  60. *Ibid.*, 44–45.
  61. *Ibid.*, 28.
  62. *Ibid.*, 46.
  63. *Ibid.*, 28.
  64. *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](http://www.unhchr.ch/html/menu3/b/p_genoci.htm) (accessed 18 September 2008), art. 2.

65. Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993), x (emphasis added).
66. Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide: Analyses and Case Studies* (New Haven: Yale, 1990), 23 (emphasis added).
67. Israel W. Charny, "Toward a Generic Definition of Genocide," in *Genocide: Conceptual and Historical Dimensions*, ed. George J. Andreopoulos, 64–94 (Philadelphia: University of Pennsylvania Press, 1994), 75 (emphasis added).
68. Irving Horowitz, *Taking Lives: Genocide and State Power*, 4th ed. (New Brunswick, NJ: Transaction Publishers, 1997).
69. Hannah Arendt, *Origins of Totalitarianism* (New York: Harcourt Brace, 1979), 437–59.
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72. Harff, "No Lessons Learned," 66.
73. In one of his early works, Robert Putnam refers to these kinds of elites as "conflict-oriented politicians" for whom conflict is highly salient. They are likely to be "fragmented and paralyzed, for their cognitive lenses magnify conflicting interests and minimize mutual interest." The interpersonal orientation of these elites is riven by "personal and partisan antagonism," a "culture of conspiracy, mutual suspicion and cynicism." Robert Putnam, *The Comparative Study of Political Elites* (Englewood Cliffs, NJ: Prentice Hall, 1976), 86.
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77. *Ibid.*, 59.
78. *Ibid.*
79. *Ibid.*, 63.
80. *Ibid.*, 71–78.
81. *Ibid.*, 93, 94–97.
82. *Ibid.*, 97–100.
83. See, e.g., Straus, *The Order of Genocide*.
84. Chalk and Jonassohn, *The History and Sociology of Genocide*, 37–40; Helen Fein, "Revolution and Anti-Revolutionary Genocides: A Comparison of State Murders in Democratic Kampuchea, 1975–1979 and in Indonesia, 1965–1966," *Comparative Studies in Society and History* 35 (1993): 796–823; Peter du Preez, *Genocide: The Psychology of Mass Murder* (London: Boyars/Bowerdean, 1994), 28–47.
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92. Ben Kiernan, "Twentieth Century Genocides: Underlying Ideological Themes from Armenia to East Timor," *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan, 29–52 (Cambridge: Cambridge University Press, 2003), 29, 33, 40–45. Also see Ben Kiernan, *Blood and Soil: A World History of Genocide and Extermination from Sparta to Darfur* (New Haven, CT: Yale University Press, 2007).
93. Chirot and McCauley, *Why Not Kill Them All?*, 82.
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95. Waller, *Becoming Evil*, 19–20.

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97. Fein, *Accounting for Genocide*, 4–5.
98. Herbert Hirsch and Roger W. Smith, “The Language of Extermination in Genocide,” in *Genocide: A Critical Bibliographic Review*, vol. 2, ed. Israel W. Charny, 386–403 (London: Mansell Publishing, 1991), 387.
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100. Waller, *Becoming Evil*, 186.
101. Israel W. Charny, *How Can We Commit the Unthinkable? Genocide: The Human Cancer* (Boulder, CO: Westview Press, 1982), 207.
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107. Charny, *How Can We Commit the Unthinkable?*, 206–7.
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109. Charny, *How Can We Commit the Unthinkable?*, 186, 192.
110. Chirot and McCauley, *Why Not Kill Them All?*, 36–42.
111. Ibid., 72–73.
112. Ibid., 86.
113. Robert Jay Lifton, *The Nazi Doctors: Medical Killing and the Psychology of Genocide* (New York: Basic Books, 1986), 477.
114. Ibid., 479.
115. Chirot and McCauley, *Why Not Kill Them All?*, 31–32.
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118. Adam Przeworski and Henry Teune, *The Logic of Comparative Social Inquiry* (New York: Wiley, 1970), 31–46.

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# “Why are we learning this?”: Does Studying the Holocaust Encourage Better Citizenship Values?

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*The relationship between learning about the Holocaust and the development of positive values may seem common sense, but in reality there is a complex level of development and understanding. The research reported here, which was sponsored by the Scottish government, was designed to ascertain whether learning about the Holocaust has an impact on young people’s general citizenship values and attitudes; does learning about the Holocaust allow them to extrapolate from the events of the Holocaust to present-day issues, such as racism and discrimination? The study followed a cohort of approximately 100 pupils (aged 11–12) who had studied the Holocaust and compared their values one year later both to their earlier attitudes and to those of their peers who had not studied the Holocaust. As we might expect, the results were not always as predicted, particularly when it came to the pupils’ understanding of anti-Semitism or genocide; in general, however, the study’s core group maintained more positive values than they had before their lessons on the Holocaust and showed more positive values than their peers who had not studied the Holocaust.*

*Keywords: Holocaust, values, citizenship*

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## Introduction

Education alone cannot be a panacea for racism in general and anti-Semitism in particular. Nonetheless, there has been some evidence in Britain that learning about the Holocaust can have a positive impact on the outlook of young people.<sup>1</sup> The Holocaust has been taught piecemeal in Scottish primary and secondary schools for many years, depending on the individual initiative of the teacher, but the introduction of Holocaust Memorial Day in 2001 has made such teaching more mainstream and easier. In curricular terms, this was because the announcement of UK Holocaust Memorial Day was accompanied by the commissioning of curricular materials for teaching Holocaust history to primary pupils aged ten to eleven years,<sup>2</sup> as well as a separate resource for secondary schools,<sup>3</sup> which were later distributed to every primary school in Scotland in preparation for the first commemorative event. Both sets of resources make links with contemporary manifestations of racism, prejudice, and discrimination. The Scottish Executive has continued to fund curricular materials on the Holocaust.<sup>4</sup>

The content of these curricular resources shares a strong focus on the areas of knowledge and understanding relevant to the development of active and responsible citizenship. Currently a national priority, “Values and Citizenship” involves teaching pupils “duties and responsibilities of citizenship in democratic society” and “respect for self and one another.”<sup>5</sup> Further, the Education for Citizenship proposal,<sup>6</sup> implemented from August 2003, has added impetus to the development of teaching about the Holocaust in schools. As in England and Wales, the proposal is for education for

citizenship to be an entitlement for all pupils at all stages. In Scotland, however, because of the cross-curricular scope of the 5–14 proposals (which cover the primary years and the first two years of the secondary curriculum), the existence of Modern Studies in the secondary schools, the development of Social Subjects in Environmental Studies in the primary schools, and the incorporation of “responsible citizenship” in the Curriculum for Excellence proposals,<sup>7</sup> citizenship is not a separate subject but is taught in a cross-curricular approach. Despite some fears that the responsibility of all can become the responsibility of none, the suggestion is that many subjects will have input into education for citizenship.

In this citizenship agenda, the Holocaust is mentioned only as an example of the kinds of teaching content that could be employed, and the desire to develop positive attitudes toward other cultures, faiths, and ethnic groups means that a study of the worst genocide in history can be an important part of a child’s development. Teaching about the Holocaust provides a suitable context for attainment in many key areas specified in proposals for Education for Citizenship in Scotland, including human rights and the need for mutual respect, tolerance, and understanding of a diverse and multicultural Scotland.

As a result of these curricular developments, government and local authority support, and research into Holocaust teaching, Scottish teachers in the upper primary and lower secondary stages now have more opportunities to teach the Holocaust and greater access to Holocaust teaching resources than before. Further, an additional 20% “flexibility time” allows schools to enhance the time spent on a curricular area for which they consider the minimum time insufficient and which has been prioritized for development by the school and the local authority.

However, we must remain aware that while education policy may stress positive values such as understanding, empathy, and tolerance, there can be a countervailing impact from other policy areas, such as economic and housing policies, the holding of terrorist suspects, and scaremongering (e.g., about numbers of refugees), that can produce effects opposite to the aims of the education policy agenda.

These countervailing issues have meant that despite increased education in the area, there are some worrying signs of increases in anti-Semitism, particularly in Europe:<sup>8</sup> the Community Security Trust reporting that 2006 saw the highest-ever total of 594 reported incidents in Britain, of which sixteen were reported in Scotland. Further, there are some disturbing changes in the pattern of anti-Semitic activities, in that there have been large increases in number of violent assaults and in damages and desecration to property.<sup>9</sup> It is important not to overstate the level of these activities, which do not reach the level of racism faced by some other ethnic minorities. While there are some worrying cases of continued neo-Nazi violence in these reports, there is debate over a new form of anti-Semitism in which hostile acts against Jewish targets are related to events in the Middle East.

### **School-Based Holocaust Education**

In responding to pedagogical issues such as Jean Piaget’s theories of children’s intellectual and moral development, which suggest that children are unable to abstract and satisfactorily understand this kind of topic, Geoffrey Short and Carol Ann Reed cite a number of Piaget’s critics who have influenced teachers to raise their expectations of children’s abilities.<sup>10</sup> The contribution of Holocaust education in the primary school includes developing pupils’ understanding of justice, stereotyping, and discrimination,<sup>11</sup> as well as providing opportunities for developing positive values of



empathy, awareness of antiracism, and an understanding that the individual can make a difference.

A contrasting viewpoint is conveyed by Samuel Totten, on the grounds that the Holocaust is inappropriate and too complex for this age group to study, and by Lionel Kochan, who objects to its teaching to the “immature and unsophisticated,” claiming that such teaching can have deleterious consequences for pupils.<sup>12</sup> The former viewpoint is challenged by Cowan and Maitles in their case study of the response to Holocaust Memorial Day of an educational authority in which Holocaust teaching was already the norm for the upper primary classes (ages 10–12 years) and which provided a variety of appropriate curriculum materials and staff development.<sup>13</sup> The latter viewpoint is challenged by the study reported here, together with its phase 1 study, which suggested that teaching the Holocaust has a positive short-term impact on pupils’ values and attitudes.<sup>14</sup> In this article, which presents some of the findings from three surveys, we suggest that evidence exists that further supports the teaching of the Holocaust to upper primary pupils.

Previous research in secondary schools<sup>15</sup> provides evidence that Holocaust education can make a significant contribution to citizenship by developing pupils’ awareness of human-rights issues and genocides and the concepts of stereotyping and scapegoating, as well as their general political literacy, including the exercise of power in local, national, and global contexts. Ronnie Landau asserts that Holocaust teaching, “perhaps more effectively than any other subject, has the power to sensitise [pupils] to the dangers of indifference, intolerance, racism and the dehumanisation of others.”<sup>16</sup> Short asserts that one of the lessons the Holocaust teaches pupils is that their own attitudes are, “to some extent, culturally determined” and that its teaching should encourage pupils to examine whether any harmful stereotypes may emanate from an aspect of their culture.<sup>17</sup>

Holocaust education is part of the English National Curriculum at Key Stage 3 (S1/2 Scottish equivalent age group, or 12–14 years of age), and there are currently debates as to its effectiveness. In particular, Lucy Russell suggests that history teachers are inconsistent in their methodologies, as some teach the Holocaust as history while others focus on the social and moral perspectives without applying historical inquiry.<sup>18</sup> In Scotland, as we have pointed out, although there are plenty of opportunities in the curriculum for teaching about the Holocaust, too often “Holocaust teaching ... depends on individual school policy, and/or interested teachers” who integrate it into modes of the curriculum.<sup>19</sup> Although the Holocaust is not specifically included in the Scottish curriculum, the 5–14 National Guidelines, or the new Curriculum for Excellence, there is plenty of scope and flexibility within this curriculum for teaching it. Traditional curricular areas are Religious and Moral Education, Environmental Studies, and Personal and Social Development.

A further concern relates to raising controversial issues in schools in the first place. In primary schools there is a perceived lack of specialist subject knowledge on the part of teachers.<sup>20</sup> Paradoxically, a 2001 study of political consciousness in twenty-eight European countries found that in many countries more specialized secondary teachers are similarly afraid to tackle controversial issues because, almost by definition, the discussion becomes multidisciplinary, and they are uncomfortable in that zone.<sup>21</sup> However, in analyzing how high school students understood the place of classroom discussion, Carole Hahn found that students in the Netherlands did not try to persuade each other, even when discussing highly controversial issues that they felt strongly about, whereas in German and US public schools and in English private

schools there was strong argument and persuasion. Interestingly, Hahn found that there was virtually no discussion on political issues in the state sector in England, even in social science classes, where she gathered that “the primary purpose was to prepare for examinations.”<sup>22</sup> There are other general issues involved, affecting both school sectors, that militate against the discussion of controversial issues. First, teachers worry about their skill in handling open-ended discussions that they may not be able to control or direct. For example, it was reported that one school’s history department “avoided selecting the Holocaust as a topic for GCSE coursework for fear of confronting anti-Semitic sentiment and Holocaust denial among some Muslim pupils.”<sup>23</sup> Second, there are structural constraints in schools, from the lack of tradition in discussion to the physical layout of classrooms. Third, there are worries about what parents might think about controversial discussions, and the fears expressed by some politicians and parents, and in the mass media, that such discussions will influence pupils one way or another. Discussions around sectarian issues are particularly problematic in Scotland because there exist strong religious and cultural identifications with both communities in Northern Ireland.

Alan Smith raises a further question: Can a concept of citizenship “based on equal rights and a shared sense of belonging . . . moderate, transcend or displace identity politics and concepts of nationality?”<sup>24</sup> And, as if this were not problematic enough, there is the point of limitations to compromise and consensus. Learning in this area suggests to pupils that there is not always a compromise available, no matter how hard we try, and it is this inability that leads to the kind of violent scenes we see on our TV screens and, sometimes, on our streets. This is a valuable lesson, and one that can be extrapolated to other conflicts (such as the war in Iraq) across the world. The role of the teacher becomes crucial here. As has been suggested elsewhere, the teacher needs to be confident enough and have the honesty and confidence to suggest to pupils that he or she is not just an independent observer but has a particular point of view, which also can and should be challenged.<sup>25</sup> While this is an area of continuing discussion and debate in Britain, Terry Wrigley points out that in Germany, teachers are encouraged to allow discussion around controversial issues, to present a wide range of views, and to be open about their own standpoint while allowing for all views to be challenged.<sup>26</sup> In the very slim curriculum guidelines in Denmark, teachers are encouraged not to “overplan,” so that, in discussions with their pupils, issues deemed relevant for discussion can be included. Indeed, it is crucial, according to Elizabeth Ashton and Brenda Watson, that teachers understand their proactive role, where necessary; otherwise, backward ideas can dominate the discussion.<sup>27</sup> Further, teachers must gently point out that the issues being discussed have not yet been resolved and are open-ended in terms of outcome. Pupils have little problem with this and are less dogmatic than adults when it comes to changing attitudes and political understanding.

## **Methodology**

To investigate the value of Holocaust education, the author devised a longitudinal strategy that examined whether there are “immediate” and “lasting” effects on the attitudes and dispositions of pupils that result from Holocaust teaching; further, the values of this cohort were compared to their peers who did not have the opportunity to study the Holocaust in primary school. The results provide empirical evidence of the contribution of Holocaust education in developing positive attitudes relating to citizenship.

This small-scale study involved some 100 pupils in Primary 7 (aged 11–12 years) and a total of 238 pupils in Secondary 1 (aged 12–13 years). In order to avoid aspects of familiarity, to move beyond the multicultural milieus where studies on this topic have most often been conducted, and to explore issues such as attitudes toward Gypsy Travellers and Jews, a small rural local authority some 30 miles from Glasgow was chosen for the study. The school sample was chosen in collaboration with the local authority, which identified two primary schools in the area that taught the Holocaust as part of the World War II topic in Primary 7. School A has only one class per year; School B, a larger school, has three classes in Primary 7. Both primaries are non-denominational, have socioeconomically mixed catchment areas, are predominantly white, and have no Jewish pupils; pupils at both schools go on to attend the same secondary school. Class sizes were similar in both schools.

In consultation with the schools and the local authority, a survey was devised that aimed to ascertain changes in some of the values and attitudes outlined as central in national documentation on citizenship.<sup>28</sup> The survey was administered before and immediately after the lessons on the Holocaust, in November 2004 and March 2005, to investigate the immediate effect of Holocaust education on pupils' values and attitudes (Surveys 1 and 2).

Ten months after Survey 2, we followed this cohort into the secondary school and issued Survey 3 to compare pupils' attitudes with earlier findings. This survey was also administered to Secondary 1 pupils who had not previously studied the Holocaust, in order to compare their attitudes with those of the core group. The timing of Survey 3 fitted in with teachers' forward planning of Holocaust teaching and meant that the impact of the media coverage leading up to the national Holocaust Memorial Day could not influence the findings. It is worth noting that the number of anti-Semitic incidents reported in the United Kingdom during this period rose from 375 (2004) to 532 (2005).<sup>29</sup>

Elsewhere we summarize the results of the first stage of our findings as follows:

It is important not to take too much from the first stage of this study. There is evidence that pupils' knowledge and values/attitudes improved (excepting pupils' attitudes towards English people) after their learning about the Holocaust. At the very least, numbers of pupils who put "don't know" for survey 1 came off the fence in survey 2 and came down in favour of tolerance and understanding. Yet, surprisingly few (only 28.3% overall) knew (or thought they knew) what anti-Semitism was. Analysis of the ways in which teachers in our schools put the Holocaust in the citizenship context is likely to contribute to an understanding of this. For example, did teachers teach the Holocaust as a specific topic linked to genocide or as an example of racism per se? In terms of our general aims, the first stage suggests that there are some significant immediate benefits of learning the Holocaust; the longer lasting effects are yet to be ascertained and will be done so following our third survey.<sup>30</sup>

It is to this final point that we now turn. We obtained findings based on many more questions than are reported here; our principal interest at this stage of the study was to find out, first, whether the general improvements in knowledge and positive values and attitudes of the pupils after their learning about the Holocaust were maintained in the first year of secondary education; and, second, whether these pupils' understanding of the Holocaust and positive attitudes in aspects of citizenship were similar to or different from those of their peers who did not have an opportunity to study the Holocaust during primary school.

## Findings and Discussion

In terms of their own self-understanding, as Figure 1 shows, the core sample (those pupils who learned about the Holocaust in Primary 7) maintained their perception of their knowledge of the Holocaust and that it was substantially higher than that of others (their peers from primary schools that did not teach about the Holocaust). The fact that 61.9% of these other pupils knew about the Holocaust shows that there are opportunities—through the media, through other lessons, via Holocaust Memorial Day activities, or through parental comment—for young people to find out about this topic; but the fact that nearly 40% did not recognize the term or know anything about it means that Holocaust education clearly has a major role to play.

A similar trend can be found in terms of perceived understanding of anti-Semitism. Only 3.5% of other pupils could define this term, whereas the proportion of the core sample who could do so stayed at approximately 22%. Yet, although the core sample had a stronger understanding of this concept, perhaps the most significant factor is that there is such low awareness of the term overall. To investigate this question further, the author interviewed the teachers concerned. The teacher at School A developed lessons on the Holocaust without using this term; rather, she talked about “racism towards Jews.” Similarly, Short’s study of secondary students found that teachers were not including the critical role of anti-Semitism in their teaching of the origins of the Holocaust.<sup>31</sup> While the teachers claimed that pupils understood what anti-Semitism was, despite not knowing the term, it is perhaps incumbent upon teachers to mention the terminology more clearly, so that pupils who come across media headlines relating to anti-Semitism will know what the story is about and relate it to their learning.

Similarly, there was very low awareness of the meaning of genocide on the part of other pupils, and, indeed, only 29% of pupils in the core group considered that they understood the meaning of this term. The findings suggest that teaching the Holocaust is a contributory factor to pupils’ understanding of genocide, but only if the lessons

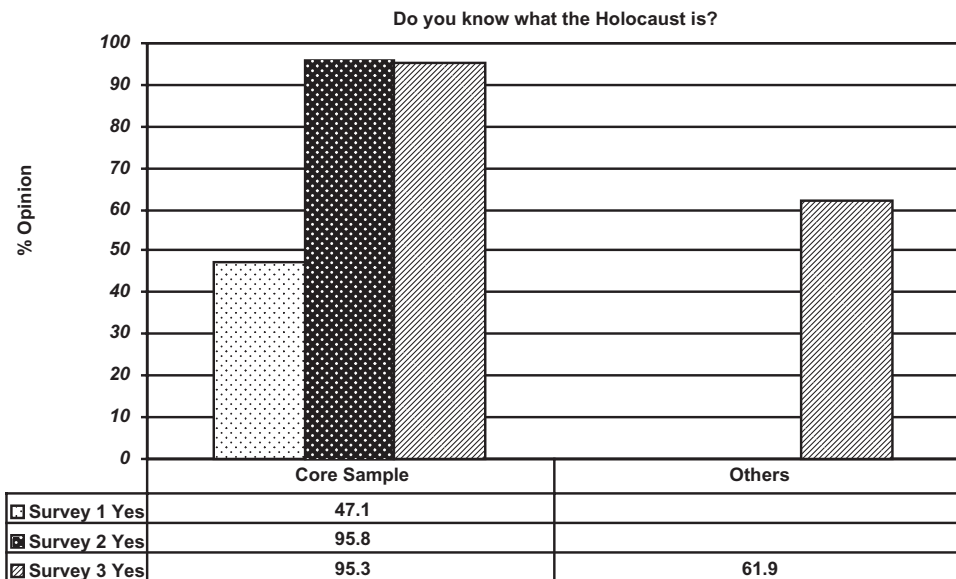


Figure 1. Pupils’ perceived knowledge of the Holocaust

make the links clear. Interview data show that School B included a great deal of content on the contemporary nature of the Holocaust, making relevant links with human-rights issues, introducing more recent genocides (in Bosnia, Rwanda, and Darfur), and discussing the current situation of refugees and asylum seekers in Scotland, while School A had only touched upon these contemporary links in a vague way.

These results have implications for the link between learning about the Holocaust as a historical event and contemporary issues relating to anti-Semitism and genocide. In particular, if one rationale for teaching the Holocaust in schools is to enable pupils to better understand contemporary genocide,<sup>32</sup> the choice of teaching methodology and making explicit links become crucial.

Although there was a high level of agreement about not making racist comments, there was a more variable response to the statement “I think there are too many . . . in Scotland” (see Figure 2). As Figure 2 shows, pupils’ attitudes more or less remained where they had been after their lessons on the Holocaust; nonetheless, a much larger number of pupils claimed they were unsure. Interestingly, attitudes toward refugees held up better than the other variables, although this was the category that showed the most negative attitudes overall. The issue of refugees is a current one that was discussed both within and outside the classroom; it is unlikely that the other groups of people mentioned in the survey would have aroused similar interest.

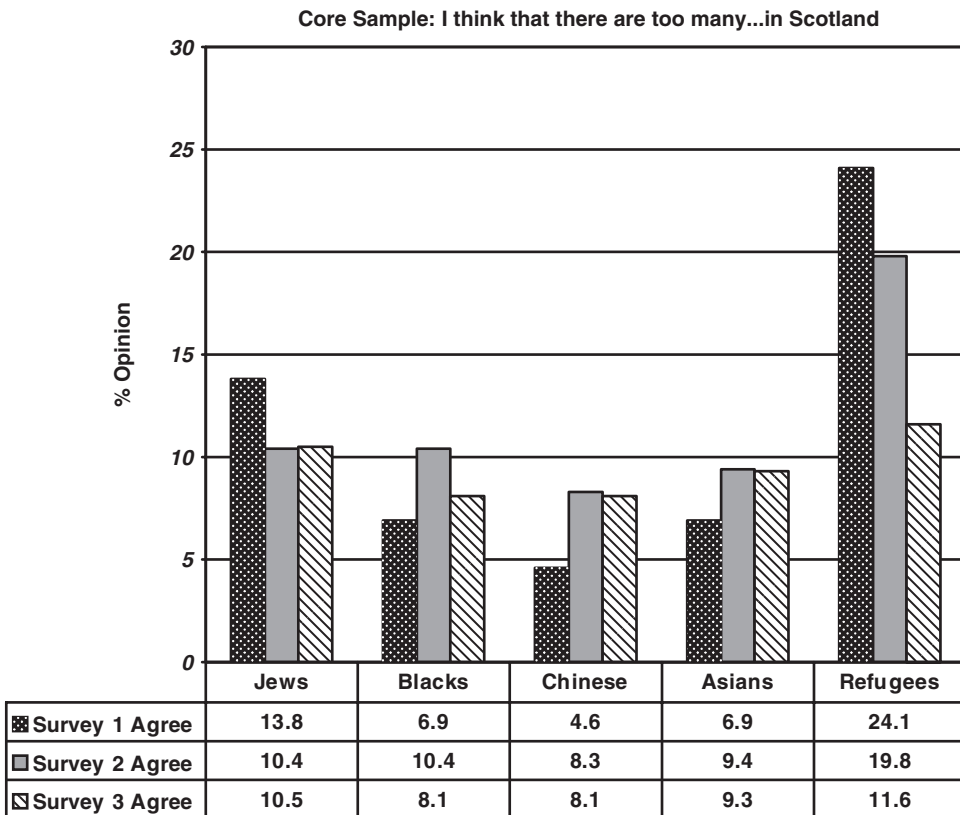


Figure 2. Opinions within the core group on the numbers of minority groups in Scotland



Given that more than 95% pupils now consider that they know what the Holocaust is (see Figure 1), and that there are only about 5,000 Jews in Scotland, pupils' attitude toward Jews is rather puzzling: pupils' new knowledge appears to have had no long-term positive effect on their attitudes in this area. One possible explanation may lie in pupils' understanding of anti-Semitism. It may also be that anti-Semitism is perceived as something that happened in history and not as an issue relevant to contemporary Scottish society. It is also possible that pupils do not perceive Jews as an oppressed minority group in today's society. What we do know is that there was little discussion of the contemporary nature of anti-Semitism.

Another explanation may be found in Short's implication that successful Holocaust teaching is dependent on pupils' perceptions of Jews and Judaism and of the relationship between Judaism and Christianity.<sup>33</sup> Data obtained from interviews show that School A had introduced Judaism in Primary 3 and studied another aspect of it in Primary 7, albeit after their teaching of the Holocaust; Primary 7 students at School B had studied Judaism the previous year. This suggests that pupils' perceptions of Jews, Judaism, and the Judeo-Christian relationship will have begun to form, but these perceptions were not examined in the present research.

Finally, it is feasible that the results may relate to the perceived differences between prejudice and discrimination; the pupils may have felt that there are "too many" minorities in Scotland but also believed that there should not be any abuse toward them.

One of the most contentious areas from the first stage of the survey was the voting potential of the sample and, in particular, the group's attitudes toward English people. While it is possible that pupils may have considered the Scottish Parliament an institution for Scottish people, irrespective of their ethnicity, we have previously concluded that

The research uncovered some anti-English feeling—the only area that significantly declined in the course of the two questionnaires. This requires further investigation and has two significant implications for teachers. Firstly, it raises a serious question as to whether anti-English feeling is endemic in Scottish culture. When the class teachers were notified of these results they were concerned and committed to acting upon this by including it in their education for citizenship programme. Secondly, if teaching the Holocaust and anti-racism suggests that the only victims are persecuted peoples [e.g.,] Jews, Gypsies, Tutsis, there can be a danger of ignoring prejudice against other peoples, [e.g.,] English people, Italians.<sup>34</sup>

A comparison of the three surveys (see Figure 3) show that the improvements found after learning about the Holocaust were generally maintained (e.g., attitudes toward voting for a Catholic versus a Protestant) or continued to improve (e.g., attitudes toward voting for a woman versus a man). An exception is pupils' attitudes to black people; although attitudes in this category were better in Survey 3 than in Survey 1, they had fallen back significantly from the position found in Survey 2. Interestingly, attitudes toward English people improved most of all, although, with 52.3% agreeing and 36% disagreeing that they would be as likely to vote for an English candidate as for a Scottish one, they were still significantly poorer than in any other category.

Comparing the core group to their peers in terms of voting preference, we found that in every category our core sample was more tolerant. This suggests that their Holocaust learning had an impact here.

Finally, Figure 4 compares our core sample with their peers in terms of the statement "I think racism has nothing to do with me." Survey 3 found a significant

difference between the two groups: the core group had a more positive attitude in their answers to this question, suggesting that these pupils have a greater understanding of collective responsibility for racism than their peers who did not learn about the Holocaust.

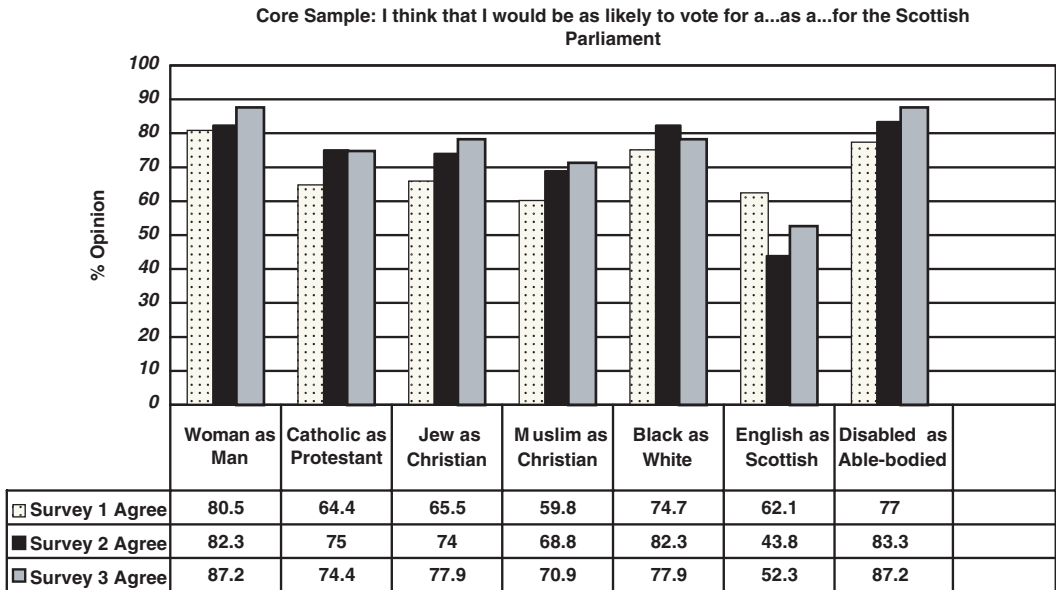


Figure 3. Voting attitudes

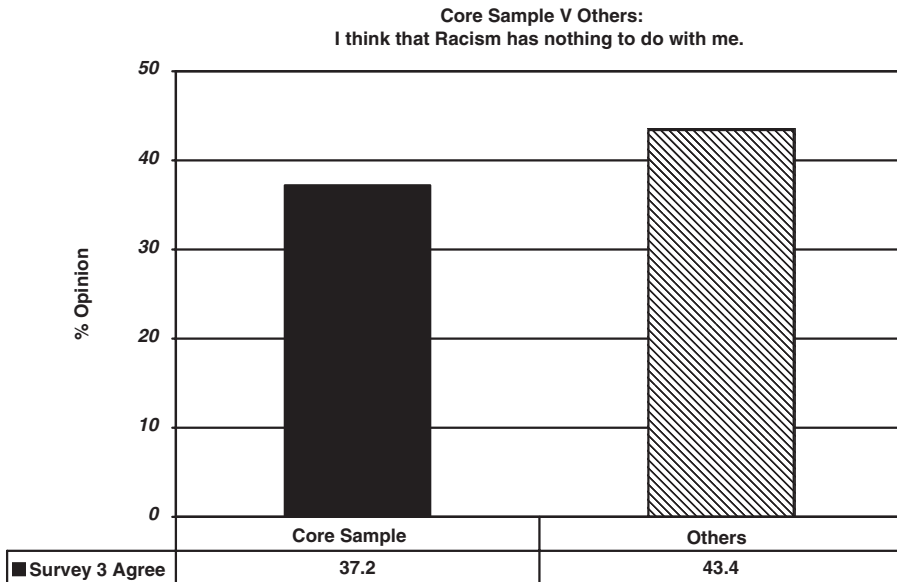


Figure 4. Comparison of core group and others on the statement “Racism has nothing to do with me”

## Conclusions

As in much research examining values and opinions, the results are not particularly clear-cut. In some areas, there does seem, less than one year on, to be a welcome maintenance of the positive dispositions ascertained in the immediate aftermath of the lessons on the Holocaust. Yet this effect remains uneven: our core group still had much tolerance for and sympathy toward minorities, but had “fallen back” in their opinion of the numbers of minorities in Scotland (perhaps reflecting a general increase in intolerance in British society). In most categories, however, attitudes were still better than they had been before the lessons on the Holocaust. There is still a worrying hostility toward English people, and this is something that needs to be watched and combated, although it may be that these pupils have a quite sophisticated understanding of the differences between oppressed and oppressors and that English people do not fit into the category of “oppressed.” Another possibility, however, is that the idea of English people in the Scottish Parliament needed more explanation for these students. With hindsight—and for a future project—it might have been useful to ask about, for example, Polish or French candidates for the Scottish Parliament in this type of question.

When we compared our core group with their peers who had not had the opportunity to study the Holocaust, we found evidence, as outlined above, that the core group had stronger positive values, were more tolerant, and were more disposed to active citizenship because of their understanding of individual responsibility for racism.

This study suggests that learning about the Holocaust can have both an immediate and a lasting impact on pupils’ values; that is, that studying the Holocaust teaches citizenship targets that are central to the development of well-rounded young people. It is worth making the case to teachers that at some stage in their education—perhaps as young as is deemed feasible—pupils should have the opportunity to undertake structured learning experiences about the Holocaust, generalized to reflect the various forms that racism can take in society and linking the Holocaust to other genocides. While the main focus of the research was not directly related to the training of teachers, there are clear implications for both initial teacher education and continuing professional development.

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# Counteracting Hate Speech as a Way of Preventing Genocidal Violence

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*Hate speech regularly, if not inevitably, precedes and accompanies ethnic conflicts, and particularly genocidal violence. Without such incitement to hatred and the exacerbation of xenophobic, anti-Semitic, or racist tendencies, no genocide would be possible and persecutory campaigns would rarely meet with a sympathetic response in the general public.*

*In order to successfully prevent genocidal crimes and violence, therefore, it is indispensable to effectively address the problem of systematic incitement to hatred. While less virulent forms of hate speech may be adequately addressed by human-rights law obligations on governments to prohibit such acts, vicious, systematic, and state-organized hate propaganda should be criminalized under international law. Before discussing how hate speech can be treated as an international crime, this article assesses the most important justifications for proscribing hate speech, including the need to protect the human dignity and equality rights of the victims of such speech as well as the need to protect the public peace and the dangers of hate speech in that it may contribute to the creation of a climate of hatred and violence directed against a specific group. The article supports treating systematic incitement to hatred as a form of persecution, an approach recently upheld by the Appeals Chamber of the International Criminal Tribunal for Rwanda. Such an approach most adequately reflects the nature of hate speech and the motivations underlying its criminalization, while also respecting the important right to freedom of speech.*

*Keywords: hate speech, persecution, genocide, freedom of speech, human dignity*

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## **Introduction: The Role of Hate Propaganda in Preparing the Ground for Genocides and Mass Violence**

Hate speech is an integral part of any state-organized persecution and serves to psychologically prepare the population of a state for certain crimes planned by its leaders. It has therefore been recognized—particularly in the years since the Rwandan Genocide—that the presence of hate propaganda may indicate an impending genocide or, at least, impending violence and conflict.

Thus, the United Nations Committee on the Elimination of Racial Discrimination (CERD) has issued a decision on the subject of early-warning procedures, in this case elaborating a “special set of indicators related to genocide” that would allow the committee “to detect and prevent at the earliest possible stage developments in racial discrimination that may lead to violent conflict and genocide.”<sup>1</sup> The committee explained that the list of indicators would allow it to evaluate the presence of “factors known to be important components of situations leading to conflict and genocide.”<sup>2</sup> Two of the indicators mentioned are of particular relevance: first, the “[s]ystematic and widespread use and acceptance of speech or propaganda promoting hatred and/or

inciting violence against minority groups, particularly in the media,” and, second, “[g]rave statements by political leaders/prominent people that express support for affirmation of superiority of a race or an ethnic group, dehumanization and demonization of minorities, or condone or justify violence against a minority.”<sup>3</sup>

It is well documented that major genocides of the twentieth century, such as the Holocaust and the Rwandan Genocide of 1994,<sup>4</sup> were preceded and prepared by extensive hate propaganda, a major technique of which was the dehumanization of the intended victims. In Germany, hate speech played a major role in the creation of a persecutory climate that, together with other persecutory measures, prepared the ground for the Shoah, as the District Court of Jerusalem acknowledged in the *Eichmann* case when it stated that “[o]ut of this soil of hatred for the Jews grew the actions of the Accused.”<sup>5</sup> Hitler was well aware of the powers of propaganda and, together with Joseph Goebbels, the “master manipulator of crowds,”<sup>6</sup> exploited it to the fullest. Goebbels himself recognized the influence of the radio, without which he believed it would be impossible for the Nazis to seize and hold onto total power; he described the radio as the “first and most influential intermediary between [...] movement and nation, between idea and man,”<sup>7</sup> and claimed that “films constitute one of the most modern and scientific means of influencing the masses.”<sup>8</sup> He was proved right when, after seeing the propaganda film *Jud Süß*, which, while not directly calling for the murder of Jews, was nonetheless intended to prepare the German public for exactly that,<sup>9</sup> some people were so frantic that they left the Berlin cinemas “screaming curses at the Jews: ‘Drive the Jews from the Kurfürstendamm! Kick the last Jews out of Germany!’”<sup>10</sup>

Fifty years later, in Rwanda, symbolic language was used to stigmatize and dehumanize the Tutsi “by attributing to [them] a set of characteristic labels, each one more horrific than the next: cockroach, feudal lord, snake, subversive, enemy.”<sup>11</sup> This rejection of the Tutsi minority from the Rwandan community was achieved, moreover, by depicting them as “une race irrémédiablement dominatrice et comploteuse dont la force de nuisance transcende les frontières, au détriment de Hutu voués au rôle de victimes.”<sup>12</sup> These characterizations created a climate of fear in which the Hutu were convinced of the need to take pre-emptive action in order to defend themselves.<sup>13</sup>

The specific danger of hate speech lies in the fact that, by dehumanizing and denigrating the victim group, it begins a “continuum of destruction.”<sup>14</sup> This is achieved mainly by separating and excluding the victims from the community of humankind or the “human commonwealth.” The victims are treated as an “out-group,” and hate speech thus builds an insurmountable wall between the victim group and those remaining in the “in-group,” rendering sentiments of empathy or identification with the victims impossible.<sup>15</sup> Metaphors comparing the victimized group to insects or disease-carrying animals regularly accompany the dehumanization: in Rwanda, the Tutsi were called *inyenzi*, or cockroaches.<sup>16</sup> This contributes to the creation of the climate of violence, as Jonathan Glover explains: “[s]uch images and metaphors create a psychological aura or tone which [...] may be at least as important as explicit beliefs which can be criticized as untrue.”<sup>17</sup> Similarly, David Kretzmer argues that such hostile beliefs are a “necessary condition” for racist acts.<sup>18</sup> The capacity of human beings to convince themselves that others (the members of the victimized group) are not fellow human beings but subhumans or animals has also been noted by biologists and sociologists. Irenäus Eibl-Eibesfeldt regards the ability of humans to demonize their fellow human beings as their most dangerous characteristic, because only this can turn them into merciless killers.<sup>19</sup>

The dangers of vicious and systematic incitement to racial, ethnic, or religious hatred are thus readily perceived, and the need to restrict such incitement or to penalize it in one form or another is widely recognized. The best manner in which to do so and the precise constituent elements of the act are contested, however, and in certain countries, notably the United States, the debate is over whether and in what form it may be restricted at all. This article focuses on assessing the circumstances in which hate speech can be considered a crime in international law. An analysis of the philosophical debate surrounding the justifiability of criminalizing hate speech assists in adequately circumscribing and defining its components and its status under international law. First, however, a brief overview of the status of hate speech in human-rights law is provided, since this is where the international debate over hate speech has generally centered in the past.

### **Human-Rights Law Prohibitions and Freedom of Speech**

Human-rights treaties and declarations place states under an obligation to prevent and prohibit hate speech. Article 7 of the Universal Declaration of Human Rights, for example, guarantees the right not to be discriminated against and states that “All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”<sup>20</sup> Article 20(2) of the International Covenant on Civil and Political Rights (ICCPR) specifically proscribes “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.”<sup>21</sup> The ICCPR has been widely ratified; as of 18 April 2008, there are 161 states parties,<sup>22</sup> only seven of whom have entered reservations with respect to art. 20(2).<sup>23</sup>

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)<sup>24</sup> contains the most extensive and elaborate prohibition of hate speech, albeit limited to racial grounds.<sup>25</sup> It is significant that 173 states are currently parties to this convention,<sup>26</sup> and are thus bound by its provisions.<sup>27</sup> Article 4 enjoins states parties to

condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination.

Specifically, states parties must *criminalize* “all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin.”<sup>28</sup> In requiring states to declare incitement to hatred punishable by law—that is, to impose individual criminal responsibility for such acts—it goes much further than art. 20 of the ICCPR, which only obligates states to *prohibit* such acts.

Prohibiting or otherwise restricting hate speech plainly conflicts with the important right to freedom of speech. Generally, this right “include[s] freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of [one’s] choice.”<sup>29</sup> Its purpose effectively is to protect an individual’s freedom to communicate in public. “Communication” encompasses “any act of symbolic expression undertaken with the intention that it be understood to be that by the public or part of the public.”<sup>30</sup> In essence, it is “a right actively to participate in and contribute to the public culture.”<sup>31</sup>

Freedom of speech is an extremely important right. Natural rights theory as developed by John Locke, for example, takes as its premise that the human being in a state of nature is fundamentally free to act, and voluntarily gives up a certain part of that freedom when entering into a social contract with other human beings. Consequently, society is justified in restraining people's only actions insofar as they injure others.<sup>32</sup> John Stuart Mill believed that freedom of speech was a necessary instrument in the pursuit of the truth.<sup>33</sup> Similarly, Justice Oliver Wendell Holmes argued in *Abrams v. United States* that "the best test of truth is the power of the thought to get itself accepted in the competition of the market."<sup>34</sup> Various other arguments have been advanced in favor of freedom of speech;<sup>35</sup> one that appears particularly relevant in the present context is based on the fact that the language used to describe the discriminating speech will necessarily be vague, which means that it may easily be abused.<sup>36</sup> Consequently, there are important reasons for prohibiting or criminalizing only the worst kinds of hate speech, in clearly defined circumstances.

It should be noted, first of all, that certain restrictions on this right have generally been accepted in domestic jurisdictions, as well as in the jurisprudence of international courts and adjudicatory bodies such as the UN Human Rights Committee. Even the United States, traditionally the most outspoken supporter of the right to freedom of expression, recognizes that limitations are necessary in certain cases, albeit only where there is an imminent danger of harm.

The European Court of Human Rights has developed an elaborate test designed to ascertain whether or not a restriction of the right to free speech is justified. Firstly, the interference with the right must be "prescribed by law": it must have an adequate basis in domestic law, which means that it must be "adequately accessible" and "formulated with sufficient precision."<sup>37</sup> Second, the interference must pursue a legitimate aim, that is, it must be in the interests of national security, public safety, or any other of the listed goals. Third, the restriction is subject to a proportionality test: it must be "necessary in a democratic society," which has been interpreted to imply that it must correspond to a "pressing social need" and that it must be "proportionate to the legitimate aim pursued."<sup>38</sup> With respect to this balancing exercise, states are accorded a certain margin of appreciation, which may vary; generally, it is likely to be broad where a case presents a controversial political, economic, or social issue (e.g., the control of obscene publications).<sup>39</sup>

The European Commission on Human Rights has held, in accordance with art. 10 of the European Convention on Human Rights, that freedom of speech can legitimately be restricted for the purposes of protecting the rights of others. Thus, in *X v. Germany*, the commission found that while § 130 of the German Criminal Code, which prohibits an individual from displaying pamphlets describing the Holocaust as a lie, involved an interference with the right to freedom of expression, it was founded on the legitimate purpose of protecting the rights of others, as it was designed to prevent a "defamatory attack" directed against the Jewish people, individually and as a group.<sup>40</sup>

The rights most likely to be infringed by hate speech are equality rights,<sup>41</sup> such as the right to be free from discrimination,<sup>42</sup> as well as the right to respect for human dignity. Hate speech denies the members of the victimized group the right to participate as members of equal worth in the social life of the community of the state; they are viewed as less worthy, as subhuman, and are thereby excluded.<sup>43</sup> It discriminates against them<sup>44</sup> and humiliates them, thus violating their human dignity, a value whose importance is expressly recognized in the Preamble to the Universal Declaration of Human Rights: "recognition of the inherent dignity and of the

equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.” In the case of hate speech, therefore, a balancing exercise must be undertaken, weighing the speaker’s interest in being able to express his opinions freely against the victim’s interest in preserving his or her human dignity and not being discriminated against.<sup>45</sup>

## **The Need to Criminalize Violent and Systematic Hate Speech**

While states’ obligation to prohibit hate speech is thus laid down in international human-rights conventions, *under certain circumstances*, the dangers of incitement to hatred and the extent of the responsibility of those who plan and engage in such speech acts for the ensuing massacres are such that mere human-rights obligations do not suffice. In certain situations, such obligations are inadequate in terms of preventing genocides and other ethnically based violence as well as in bringing to justice those who are properly seen as the true instigators and originators of such crimes. Such circumstances exist where hate speech is systematically and strategically deployed by the state or by the leadership of a state-like organization as part of a planned process of persecution directed against a particular group that is discriminated against on the basis of its members’ religion, race, or ethnicity.

This article argues in favor of an approach involving the criminalization of *systematic* hate speech that is part of a concerted policy of persecution organized by a state or by a state-like organization. Such an approach respects the important rationales underlying the right to free speech; moreover, such an approach takes account of the two most important rationales for limiting hate speech, which are particularly pregnant in the case of the systematic incitement to hatred at issue here: the need to prevent the grave violation of human dignity that such speech entails, and the need to avert the risk of harm.

In the United States, a danger of imminent physical harm has generally been seen as the only justification for restricting freedom of speech in cases of hate speech. In the famous 1919 Supreme Court case *Schenck v. United States*, Justice Holmes formulated what came to be known as the “clear and present danger test”: “The question in each case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that Congress has a right to prevent.”<sup>46</sup>

Subsequently, in *Brandenburg v. Ohio*, the Supreme Court fine-tuned this theory by explaining that mere advocacy of violence and crime is not protected where it is “directed to inciting or producing imminent lawless action and is likely to incite or produce such action.”<sup>47</sup> Clearly, then, in US jurisprudence, the only justification for restricting hate speech lies in its inherent danger; where such danger of “imminent lawless action” is not present, US courts do not regard a restriction of the speech in question as justified.<sup>48</sup>

In Germany, the public peace has also been regarded as a fundamental value, which incitement to hatred is likely to infringe, and has thus provided a justification for criminalizing hate speech in that country. The justification for limiting hate speech because of its likelihood to disturb the public peace corresponds, to a certain extent, to the American concern with “clear and present danger,” in that it is concerned with the potential consequences of hate speech. The dangerousness of hate speech lies in its tendency to create a particular culture or climate—a “specific pattern of popular assumptions and beliefs stigmatizing specific groups as inferior and harmful.”<sup>49</sup>



In Germany and internationally, the need to protect human dignity has been considered another particularly important reason for criminalizing hate speech. Thus, in several reports, the Committee on the Elimination of Racial Discrimination has evoked the “fundamental principle of respect for human dignity” when reminding states parties of their obligations under the CERD, stressing that this principle “requires all States to combat dissemination of racial hatred and incitement to racial hatred.”<sup>50</sup>

In Germany, human dignity is specifically mentioned in one of the provisions criminalizing incitement to hatred: § 130(2) of the German *Strafgesetzbuch* (StGB), or Criminal Code, criminalizes incitement to hatred directed against parts of the population or against a national, racial, religious, or ethnic group by means of public writings or through the media, as well as attacks on the human dignity of others by insulting, treating with scorn, or libeling parts of the population or a predetermined group through the same means of communication. Additionally, § 130(1) makes it a crime to incite hatred against parts of the population or invite others to commit violent or arbitrary acts against them,<sup>51</sup> or to attack their human dignity by insulting, maliciously heaping scorn on, or libeling them,<sup>52</sup> if this is done in a way that is likely to disturb the public peace. Thus, the values that are to be protected by § 130 are the public peace, on the one hand, and human dignity, on the other.

The concept of human dignity is of central importance within the framework of the German constitution (*Grundgesetz*) in that human dignity represents the fundamental principle on which the system of basic rights is founded. It is guaranteed in the first article of the *Grundgesetz*, which declares that an individual’s dignity is inviolable. The German Constitutional Court has held that human dignity cannot be lost through undignified behavior.<sup>53</sup> Moreover, human dignity is not measured against an individual’s capacity to act in a self-determined way, nor against his or her capacity to reason, but instead is determined by humanness as such, that is, by the “*menschlichen Sein angelegten potentiellen Fähigkeiten*.”<sup>54</sup>

Under German law, the definition of an attack against an individual’s human dignity requires that the people under attack be denied their right to live as persons of equal worth in the community of the state and that they be treated as beings who are less worthy. The attack must thus be directed against the core of their personality, which constitutes their human dignity, and not merely against particular personality traits.<sup>55</sup> Courts have interpreted this requirement differently. While the Frankfurt District Court (*Oberlandesgericht*) found in a 1995 case that an attack on human dignity should primarily be interpreted as a denial of the right to life in a biological sense, that is, the right to exist as a human being as such,<sup>56</sup> the Bavarian District Court rejected this interpretation, arguing that it is sufficient that the perpetrators deny the victims their social right to live as people of equal worth in the community.<sup>57</sup> It appears that the latter interpretation has been preferred in the literature.<sup>58</sup>

In order to more fully understand the idea of human dignity and its significance in the context of hate speech, it is useful to draw on the theories of the philosopher Avishai Margalit, who has defined dignity as “the expression of the feeling of respect persons feel toward themselves as human beings.”<sup>59</sup> Margalit submits that human beings deserve respect because of their capacity for “radical freedom,” that is, the ability to “reevaluat[e] one’s life at any given moment, as well as the ability to change one’s life from this moment on.”<sup>60</sup> Even the worst criminals are conceivably able to re-evaluate their lives and decide to live in an honorable manner in the future. As Margalit explains, “respecting humans means never giving up on anyone, since all

people are capable of living dramatically differently from the way they have lived so far.”<sup>61</sup> By contrast, humiliating human beings consists in treating or seeing them as “nonhuman” or “subhuman.”<sup>62</sup> Hate speech does exactly this; often it goes even further and engages in demonization. All these forms of humiliation involve the rejection of an individual or a group from the “human commonwealth.”<sup>63</sup> Such a rejection includes the idea of loss of control; that is, humiliation represents “the deliberate infliction of utter loss of freedom and control over one’s vital interests.”<sup>64</sup> Humiliating acts “show the victims that they lack even the most minuscule degree of control over their fate—that they are helpless and subject to the good will (or rather, the bad will) of their tormentors.”<sup>65</sup> Hate speech, especially when it is part of a concerted state policy of persecution that also includes a range of other discriminatory measures, has precisely this effect: it excludes the victim group from the “human commonwealth” by means of stigmatization and, through its influence on the addressees who are incited to hatred against the victim group, demonstrates to the latter their utter helplessness and lack of control. As with other forms of humiliation, there is “a constant threat of living a life unworthy of a human being.”<sup>66</sup> This threat is increased exponentially and becomes imminent when it is the state itself or a similarly powerful organization that engages in hate propaganda in a systematic manner as part of a general policy to persecute the victim group.

The idea of humiliation as excluding an individual from the “human commonwealth” is linked with the denial of his or her human rights, which, as we have seen, is also an effect of hate speech. Human rights are those rights that an individual possesses merely by virtue of being human, and their denial therefore expresses an attitude that regards the victim as less than human and consequently conveys his or her rejection from the human community.<sup>67</sup>

An exploration of the thought processes and emotions of those who have committed hate crimes and been actively involved in mass atrocities reveals how the stigmatization of the victims and their exclusion from the human community enabled the perpetrators to engage in these acts while simultaneously remaining convinced that these acts were necessary and, in fact, corresponded to what the prevailing morality required of them.<sup>68</sup> As Harald Welzer writes, many German concentration-camp officials believed themselves to be decent, upright, and morally correct agents who, while sending human beings to the gas chambers with no psychological or moral qualms (either then or later), were nonetheless upset and showed indignation when it was suggested to them years afterwards that, in their dealings with particular individuals, they had failed to act with moral integrity.<sup>69</sup> For example, to demonstrate how he had remained a decent and compassionate man, Franz Stangl, the commander of the Treblinka camp, recounted how he granted a camp inmate’s request for a more humane death for his father, who had been designated for the gas chamber, thus easing the father’s (inevitable) death.<sup>70</sup> The reason for this paradox lay, to a large extent, in the fact that they believed themselves to be doing what was necessary, as well as in the conviction that they were acting against an “out-group” created through prior stigmatization,<sup>71</sup> which, in turn, was achieved primarily by means of hate propaganda. This conditioning of the minds of the perpetrators, which meant that the majority of them would not suffer feelings of guilt or other psychological problems, whereas those victims who survived were plagued by traumata and feelings of guilt (often for having survived while so many others perished) for years afterwards,<sup>72</sup> can easily be recognized as extremely dangerous. As Welzer argues, the fact that the perpetrators of genocides and crimes against humanity are socio-psychologically

normal people is more terrifying than the idea that they might have had any socialization deficits, that they were sadistic, brutalized, or the like: “*Es war viel schlimmer: Sie haben einfach etwas getan, von dem sie glaubten, dass es von ihnen erwartet wurde.*”<sup>73</sup> In the case of Nazi Germany, the perpetrators’ minds had been thoroughly conditioned by the prevailing Nazi morality, without which the genocide would not have been feasible.<sup>74</sup>

With these considerations in mind, we now turn to the question of whether hate speech can, under certain circumstances, also be considered an international crime, rather than merely being prohibited under international human-rights law. Antonio Cassese has defined the purpose of allocating an act the status of an international crime as the protection of “values considered important by the whole international community and consequently binding all States and individuals.”<sup>75</sup> As there is therefore a “universal interest in repressing these crimes,” they are *prima facie* subject to universal jurisdiction.<sup>76</sup> An argument can therefore be made that were hate speech considered an international crime, it could be prevented and stigmatized more effectively. It is submitted, however, that only the worst kind of hate speech ought to be considered an international crime, for various reasons. First, this is necessary in order to protect the important right to freedom of speech from excessive infringement. Second, because international crimes are the worst kinds of crimes, including mass killings and atrocities such as genocide and crimes against humanity, anything but the worst and most dangerous hate speech would not be comparable in gravity with the other international crimes, and consequently would not deserve to be placed in the same category. Lastly, it makes sense to deal with hate propaganda of a lesser degree through prohibition rather than criminalization, as this arguably allows for more effective prevention. This is because the burden of proof is much higher in the case of crimes than in the case of civil law prohibitions; while the prosecutor’s burden in a criminal case is to prove his or her case beyond reasonable doubt, the burden of proof in a civil law case is the balance of probabilities.

## Hate Speech as the Crime against Humanity of Persecution

### The Elements of Persecution

The most adequate and sound approach to the criminalization of systematic hate speech is to treat it as the crime against humanity of persecution. In *Kunarac*, the Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia (ICTY) outlined the different *chapeau* elements of crimes against humanity.<sup>77</sup> First, there must be an attack, which has been said to encompass “any mistreatment of the civilian population.”<sup>78</sup> Second, the accused’s acts must be part of the attack; this does not mean that they must be committed in the midst of the attack but, rather, requires that they not be isolated acts.<sup>79</sup> Third, the attack must be directed against a civilian population. It need not be directed against the entire population, but it must be directed against a population rather than “a limited and randomly selected number of individuals.”<sup>80</sup> The population must be the primary object, not an incidental target.<sup>81</sup> Fourth, the attack must be widespread or systematic. While “widespread” alludes to the “large-scale nature of the attack and the number of victims,” “systematic” denotes the “organised nature of the acts of violence and the improbability of their random occurrence.”<sup>82</sup> Fifth, the perpetrator’s acts must form part of a pattern of widespread or systematic crimes directed against the civilian population, and the perpetrator must know that his or her acts fit into such a pattern. The perpetrator must possess the

intent to commit the underlying offense and know that, or be reckless as to whether, his or her acts form part of the attack.<sup>83</sup>

The crime of persecution has been recognized as a crime against humanity since the Statute of the International Military Tribunal at Nuremberg. In *Kordić and Čerkez*, the ICTY Appeals Chamber summarized the elements of this crime, explaining that persecution consists of any act or omission that discriminates in fact, denies or infringes upon a fundamental right laid down in either treaty or customary law, and is carried out deliberately with the intention to discriminate on a listed ground.<sup>84</sup> The listed grounds in the Statutes of the ICTY and the International Criminal Tribunal for Rwanda (ICTR) are political, racial, and religious grounds,<sup>85</sup> while the Statute of the International Criminal Court adds “national, ethnic, cultural, gender [...] or other grounds that are universally recognized as impermissible under international law.”<sup>86</sup> Furthermore, the acts must be of a gravity equal to that of other crimes against humanity. They can reach such a level of gravity if their effects are similar.<sup>87</sup> Therefore, acts of persecution must be evaluated “in their context by looking at their cumulative effect.”<sup>88</sup> The protected interest in the case of persecution has been held to lie in all “elementary and inalienable rights of man.”<sup>89</sup> This is implicit in the definition of “persecution” laid down in the Rome Statute, which describes it as “the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity.”<sup>90</sup>

The *Tadić* Trial Chamber found that persecution included a large variety of acts that could, *inter alia*, be physical, economic, or judicial, so long as they infringed upon an individual’s right to equal enjoyment of his or her fundamental rights.<sup>91</sup>

## Hate Speech as Persecution

International tribunals have recognized that hate speech can, if certain conditions are fulfilled, constitute the crime against humanity of persecution. In fact, this treatment of vicious hate propaganda goes back to the Nuremberg trials. The Nuremberg Tribunal convicted Julius Streicher, founder and editor of the anti-Semitic propagandist newspaper *Der Stürmer*, holding that his

incitement to murder and extermination at a time when Jews in the East were being killed under the most horrible conditions clearly constitutes persecution on political and racial grounds [...] and constitutes a Crime against Humanity.<sup>92</sup>

Of course, in that case, it was incitement to *crimes*—“murder and extermination”—that was considered to constitute persecution, whereas the present argument is that incitement to *hatred* should be regarded as persecution.

Similarly, the ICTR found in *Ruggiu* that the accused had committed acts of persecution, namely

direct and public radio broadcasts all aimed at singling out and attacking the Tutsi ethnic group and Belgians on discriminatory grounds, by depriving them of the fundamental rights to life, liberty and basic humanity enjoyed by members of wider society. The deprivation of these rights can be said to have as its aim the death and removal of those persons from the society in which they live alongside the perpetrators, or eventually even from humanity itself.<sup>93</sup>

Ruggiu was convicted of both persecution and direct and public incitement to genocide for the same acts. What is particularly important about the cited paragraph is that the tribunal recognized the particular evil of hate speech, which lies not only in the danger

that it may lead to further crimes but in the fact that it severely violates the victims' human dignity by rejecting them from the society in which they live and, eventually, even from the "human commonwealth" itself.

The United States Military Tribunal in the *Ministries Case*, in its judgment convicting Otto Dietrich, a Nazi propagandist who held the post of Reich press chief from 1937 and state secretary of the Ministry of Public Enlightenment and Propaganda under Joseph Goebbels from 1938 to 1945, appeared to go farther. It convicted Dietrich of crimes against humanity, holding that he implemented such crimes and participated in them through his anti-Semitic press and periodical directives.<sup>94</sup>

The case of Hans Fritzsche, one of the accused before the Nuremberg Tribunal, is particularly interesting. Fritzsche, a senior official in the Ministry of Popular Enlightenment and Propaganda and head of the ministry's Radio Division, had been charged with crimes against humanity for having "incited and encouraged the commission of War Crimes by deliberately falsifying news to arouse in the German People those passions which led them to the commission of atrocities."<sup>95</sup> The tribunal acquitted him, explaining, *inter alia*, that it was "not prepared to hold that [his broadcasts] were intended to incite the German people to commit atrocities on conquered peoples."<sup>96</sup> Subsequently, however, a German court convicted Fritzsche and sentenced him to nine years' forced labor.<sup>97</sup> The conviction was upheld by the court of appeals, which found that although Fritzsche had not directly called for the persecution or extermination of the Jewish people, he had nonetheless contributed in a significant way to the creation of an atmosphere among the German people that favored such persecution and extermination.<sup>98</sup> The German court thus recognized that Fritzsche's hate speech was an integral part and, indeed, a supporting pillar of the Nazis' system of persecution.

The Draft Convention for the Prevention and Punishment of Genocide prepared by the UN Secretariat in 1947 also included an article criminalizing "[a]ll forms of public propaganda tending by their systematic and hateful character to provoke genocide, or tending to make it appear as a necessary, legitimate or excusable act."<sup>99</sup> Hate propaganda was considered punishable where it was "charged with hatred" and "systematic, that is to say, repeated methodically," as well as public.<sup>100</sup> Comments made by delegates during the Sixteenth Meeting of the *Ad Hoc* Committee, which had been established by the Economic and Social Council (ECOSOC) to prepare a draft genocide convention taking into consideration, *inter alia*, the Secretariat's draft convention, confirm this view.<sup>101</sup> In arguing in favor of the criminalization of such propaganda, delegates appear to have been motivated by the need to prevent *widespread* and *systematic* propaganda of the kind employed by Nazi Germany.<sup>102</sup> These characteristics of propaganda closely correspond to the *chapeau* requirement of crimes against humanity that the acts committed be part of a "widespread or systematic attack," the public nature of hate propaganda rendering it likely to be widespread.

During the subsequent debates in the Sixth Committee of the General Assembly, remarks by the Polish delegate arguing in favor of the incitement provision indicate that he viewed such incitement as a form of persecution:

[H]ow could protection against incitement to genocide be denied to certain groups, particularly in view of the fact that the groups to be protected by the convention were for the most part extremely weak and helpless to defend themselves against their *persecutors*?<sup>103</sup>



Various other representatives also insisted on the dangers of propaganda and the need to penalize it.<sup>104</sup> Nonetheless, the Soviet amendment was decisively rejected,<sup>105</sup> and the Convention on the Prevention and Punishment of the Crime of Genocide as finally adopted did not contain a provision criminalizing hate propaganda.

That hate propaganda can amount to persecution was explicitly recognized in the *Jud Süß Case*, which in 1949 came before the Oberster Gerichtshof für die Britische Zone, the predecessor of the German Supreme Court. The accused was a well-known film director who had frequently been given special tasks by the Goebbels as minister for propaganda.<sup>106</sup> He was, moreover, the co-author and director of the film *Jud Süß*, and in that capacity was charged with having committed a crime against humanity. The Court characterized the film as a “*judenfeindlicher Hetzfilm*,” that is, an anti-Semitic film the purpose of which was to stir up hatred.<sup>107</sup> It held that one of the hallmarks of the crime against humanity of persecution is that any particular act constituting persecution is an integral part of the general persecution.<sup>108</sup> It was sufficient that the film aggravated the persecution of Jewish people in Germany for it to be seen as having caused their mistreatment. It therefore amounted to persecution as a crime against humanity. The damage or harm of the film lay in the fact that, first, it further denigrated the Jewish people in the opinion of the public, thereby fundamentally infringing their human rights; and, second, it incited others to commit their own acts of persecution or, at least, to acquiesce in persecutory acts.<sup>109</sup> Moreover, it was clear that the act of the accused—that is, the production of the film—consciously created one of the means of persecution that the Nazi regime made systematic use of.<sup>110</sup> According to the Court, the “*Mitursächlichkeit des Films für die Judenverfolgung durch hetzerische Beeinflussung der öffentlichen Meinung im judenfeindlichen Sinne als einer wichtigen Grundlage der Verfolgung und Schädigung der Juden*”<sup>111</sup> was clear.<sup>112</sup> The Oberste Gerichtshof recognized and emphasized that it was the general persecution, involving massive and relentless state-organized propaganda, as well as the repression of the opinions of those who thought differently, that was successful and, indeed, necessary to effect the conditioning of the Germans, to turn them against their Jewish fellow citizens, and to prevent any empathetic identification with the victims’ fate.<sup>113</sup> The Court thus underlined the crucial role of hate speech in making possible the persecutory measures that followed. Indeed, hate speech is indispensable for the realization of other persecutory acts: this is why hate speech must accompany other persecutory acts and is usually accompanied by other persecutory acts.

More than fifty years later, in 2003, the ICTR confirmed in *Nahimana et al.* that incitement to hatred can be a form of persecution.<sup>114</sup> The three accused in that case all held leading positions in the Rwandan media before and during the genocide of 1994. Ferdinand Nahimana and Jean-Bosco Barayagwiza were co-founders of the notorious Radio-Télévision Libre des Mille Collines (RTLM), and Barayagwiza was also a founding member of the Coalition pour la Défense de la République (CDR) party, while Hassan Ngeze, a journalist, was the founder and editor-in-chief of the newspaper *Kangura* and also a founding member of the CDR party. The ICTR Trial Chamber found that “hate speech targeting a population on the basis of ethnicity, or other discriminatory grounds,” reaches the same level of gravity as the other acts that constitute crimes against humanity, and therefore amounts to persecution.<sup>115</sup> The Trial Chamber specifically pointed out that hate speech “destroys the dignity of those in the group under attack” and emphasized that it can cause “irreversible harm.”<sup>116</sup> It distinguished hate speech as persecution from incitement, explaining that

persecution “is defined also in terms of impact,” and “is not a provocation to cause harm,” but “is itself the harm.”<sup>117</sup> This definition corresponds to that expounded above, that hate speech as such is harmful, in that it represents an attack on someone’s dignity and humiliates the victims, and that its evil therefore does not depend on its potential to spark off acts of physical violence. The Trial Chamber explained further that the writings of *Kangura* and the broadcasts of RTLM “condition[ed] the Hutu population and creat[ed] a climate of harm,” thereby giving birth to “the conditions for extermination and genocide in Rwanda.”<sup>118</sup> Moreover, it held that “persecution is broader than direct and public incitement, including advocacy of ethnic hatred in other forms.”<sup>119</sup> Here the Trial Chamber thus went a step further than it did in *Ruggiu*, where it found that incitement to genocide constituted persecution. As an example of hate speech amounting to persecution, the judgment mentions the *Kangura* article “A Cockroach Cannot Give Birth to a Butterfly,”<sup>120</sup> which reads in part:

A cockroach gives birth to another cockroach. [...] A Tutsi is someone who has a sweet tongue but whose wickedness is indescribable. A Tutsi is someone whose desire for revenge is insatiable; someone who is unpredictable, someone who laughs whereas he is suffering. In our language, a Tutsi is called cockroach because he takes advantage of the night to achieve his objectives. The word *Inyenzi* is a reminder of the redoubtable snake whose venom is extremely poisonous.<sup>121</sup>

The Trial Chamber’s findings were recently largely upheld by the ICTR Appeals Chamber, which found that hate speech directed against a group and inspired by discriminatory motives—whether on the basis of ethnicity or any other basis—violates the right to respect for the human dignity of the members of the group and thus constitutes discrimination in fact.<sup>122</sup> The Appeals Chamber opined that it is not necessary to decide whether hate speech that does not incite violence against members of an ethnic group is *in itself* of a gravity equivalent to that of other crimes against humanity.<sup>123</sup> It emphasized that each underlying act of persecution need not be of a gravity equal to that of other crimes against humanity, because the underlying persecutory acts can be considered *together*; the *cumulative effect* of all the underlying persecutory acts must to be of equal gravity as the other crimes against humanity.<sup>124</sup> Furthermore, the *context* in which the underlying acts were committed is “particularly important” in determining their gravity.<sup>125</sup> The Appeals Chamber thus correctly and significantly stressed the importance of context and the need to consider all persecutory and discriminatory acts in their entirety and to look at their cumulative effect. It found that the hate speech disseminated in Rwanda after 6 April 1994 was accompanied by calls for genocide of the Tutsi ethnic group and that all the incitement to hatred took place in the context of an extensive campaign of persecution directed against the Tutsi population, which was also characterized by acts of violence and destruction of property.<sup>126</sup> Considered in this context, the hate speech was of a gravity equal to that of other crimes against humanity.

The Supreme Court of Canada has also held that hate speech can amount to the crime against humanity of persecution. In *Mugesera v. Canada*,<sup>127</sup> the Supreme Court had to decide whether to reinstate a deportation order against an active member of a radical Hutu party who in 1993 had successfully applied for permanent residence in Canada. The deportation order had been issued under s. 27 of the Immigration Act on the basis of a speech Mugesera had given in Rwanda in 1992, and with which, Canada’s minister of citizenship and immigration had decided, he had incited murder, genocide, and hatred, thereby committing a crime against humanity. Section 27 of the Immigration Act provides for the removal after admission of a permanent resident who

“is a member of an inadmissible class described in paragraph 19(1)”,<sup>128</sup> Section 19(1)(j) of the same act provides that no one is to be granted admission with regard to whom there are “reasonable grounds to believe” that he or she has “committed an act or omission outside Canada that constituted a war crime or a crime against humanity within the meaning of subsection 7(3.76) of the *Criminal Code* and that, if it had been committed in Canada, would have constituted an offence against the laws of Canada.” The Court held that the deportation order had been valid and should be reinstated.<sup>129</sup>

Defining the elements of the crime of incitement to hatred, laid down in s. 319 of the *Criminal Code* of Canada, the Supreme Court held that “wilful promotion of hatred” required that the accused “[have] had as a conscious purpose the promotion of hatred against the identifiable group, or [that] he or she foresaw that the promotion of hatred against that group was certain to result and nevertheless communicated the statements.”<sup>130</sup> Moreover, the speaker had to “desire that the message stir up hatred,” even though it need not be proven that the statements actually resulted in the stirring up of hatred.<sup>131</sup> With respect to the *actus reus*, the Court found that “hatred” refers to “emotion of an intense and extreme nature that is clearly associated with vilification and detestation,”<sup>132</sup> while “promoting” is equivalent to “actively support[ing] or instigat[ing]” and requires “[m]ore than mere encouragement.”<sup>133</sup> In order to determine whether or not Mugesera’s statement expressed hatred, the Court considered “the understanding of a reasonable person in the context,”<sup>134</sup> that is, “the speech’s audience and [...] its social and historical context.”<sup>135</sup> The Court then turned to consider the elements of crimes against humanity.<sup>136</sup>

Finally, the Court turned to the question of whether incitement of hatred could amount to a crime against humanity, and specifically persecution. Finding that “the criminal act of persecution is the gross or blatant denial of a fundamental right on discriminatory grounds,”<sup>137</sup> the Court discussed ICTR and ICTY case law, finding that the ICTR’s holding in *Ruggiu* suggests that “hate speech always denies fundamental rights” and that “[t]he equality and the life, liberty and security of the person of target-group members cannot but be affected.”<sup>138</sup> The Court reasoned that in certain cases, such denial of fundamental rights may be of a gravity equal to that of the other acts enumerated as crimes against humanity.<sup>139</sup> Applying this reasoning to the particular case at hand, the Court concluded,

A speech such as Mr. Mugesera’s, which actively encouraged ethnic hatred, murder and extermination and which created in its audience a sense of imminent threat and the need to act violently against an ethnic minority and against political opponents, bears the hallmarks of a gross or blatant act of discrimination equivalent in severity to the other underlying acts [...]. The criminal act requirement for persecution is therefore met.<sup>140</sup>

Having found that at the time of Mugesera’s speech a systematic attack directed against Tutsi and moderate Hutu was taking place in Rwanda, that the speech was directed against those groups, and that “[a] persecutory speech which encourages hatred and violence against a targeted group furthers an attack against that group,” the Court held that the speech “not only objectively furthered the attack, but also fit into a pattern of abuse prevailing at that time,” and consequently was part of “a systematic attack directed against a civilian population that was occurring in Rwanda at the time.”<sup>141</sup>

In denying the human rights of the target group—particularly the right to be free from discrimination and the right to respect for one’s human dignity—hate speech is particularly suited to be regarded as the crime against humanity of persecution,

provided that it is systematic and is steered by the government or a similarly powerful organization. Hate propaganda supports and furthers a climate in which the commission of violent acts against the victim community is regarded as acceptable and even necessary, thus encouraging any widespread or systematic attack directed against the victim group.

This conclusion is reinforced by the considerations developed above with respect to freedom of speech concerns, where it was submitted that only the most aggravated and truly dangerous hate speech should be regarded as a crime under international law. There are valid reasons for allowing hate speech up to a certain level of gravity. It could be argued, for example, that those who engage in hate speech largely end up discrediting themselves if they are allowed to do so in public. However, whether or not this is the case depends to a considerable extent on the surrounding circumstances and the context in which the hate speech is uttered, that is, the overall state and the generally accepted particular morality prevalent in the society in question, as well as on the identity of the speaker. Where the underlying morality generally accepted by the majority of a society is characterized by tolerance, civic courage, and philanthropy, then any racist or xenophobic speech will of course be broadly received with expressions of disgust and disbelief and will not be taken seriously; in such a case, publicly disseminated hate speech will indeed discredit those who engage in it.<sup>142</sup> On the other hand, where a society is out of balance and characterized by a particular morality marked by homophobia, racism, or ethnic or religious hatred and antagonism, hate speech is particularly dangerous, and the humiliation of members of the victim group, as well as the injury to their dignity, is particularly grave. Their vulnerability, in such a situation, is immense. Such a moral climate is generally the product of systematic persecution covering all areas of social and private life, directed against a specific group and organized by the leadership of the state or by a similar state-like organization. In order to prevent such systematic persecution, as well as worse victimization, of specific groups—up to and including genocide—it is necessary to criminalize hate propaganda organized by a state or by a similarly powerful non-state actor, in a systematic manner, as part of a concerted system of persecution involving a large variety of exclusionary measures. Aside from incitement to hatred, these include, *inter alia*, discriminatory legislation, forcible expulsion, deprivation of citizenship, and prohibition of intermarriage between members of the persecuted group and the rest of the population.

In *Nahimana*, as indicated above, the ICTR Appeals Chamber conclusively upheld the Trial Chamber's most important findings on this point, confirming that hate speech constitutes the denial of certain fundamental rights. The Appeals Chamber has explicitly recognized that hate speech involves the denial of the right to respect for the human dignity of the group under attack and constitutes discrimination in fact. It has found that where hate speech occurs together with other underlying persecutory acts, such as destruction of property and violence, and where, as a whole, their effect is equally grave as other crimes against humanity, a conviction for persecution on the basis of hate speech is appropriate.

In a number of cases, moreover, both the Trial Chamber and the Appeals Chamber of the ICTY have explicitly found that persecution consists not only of acts of physical violence but also, for instance, of such acts as destruction of property and enactment of discriminatory laws.<sup>143</sup> Importantly, the persecutory measures imposed and executed by such criminal regimes typically also involve a concerted attack on the right to freedom of speech. This fact was explicitly recognized by the Oberster Gerichtshof für

die Britische Zone, the same German court that convicted the director of the film *Jud Süß*. The Court found that the violent repression of political speech and attacks against members of a particular political party, in this case members of the Social Democratic Party, which opposed Hitler—effectively, acts of persecution directed against *members of a political group*—denied their most basic and natural human rights and amounted to crimes against humanity.<sup>144</sup> The post–World War II jurisprudence therefore recognizes the central role that suppression of freedom of opinion and expression played in the Nazi system of terror and persecution. The denial of the right to express opinions hostile to the Nazi regime was intrinsic to the persecution, which in itself, of course, represented the expulsion of undesirable “others” from German society. Similarly, the Court found in the *Case against L. et al.* that a dishonorable pillorying or exhibition of victims was dehumanizing and amounted to a crime against humanity.<sup>145</sup> The accused, members of the Sturmabteilung (SA) or “Brownshirts,” forced a member of the Social Democratic Party and a Jewish member of the community to take part in an SA procession, during which they forced their victims to wear plates around their necks bearing dishonorable inscriptions (including the word “*Schieber*”—“grafter” or “profiteer”) and to be driven around in a pig-cart.<sup>146</sup> These actions were part of a systematic persecution of Jewish people that had found its general expression in a boycott of Jewish stores in April 1933.<sup>147</sup> It was typical of this persecution, which was executed through a system of lawlessness, arbitrariness, and violence, that the victims had no recourse to effective legal protection and were helpless to prevent what was in store for them.<sup>148</sup> One of the purposes of the system was to disseminate fear and terror, thereby suppressing all indications of resistance against National Socialism wherever they arose, as well as to render impossible any freedom of expression and thus to uphold the pretense of unified approval on the part of the German people.<sup>149</sup> Here the Court’s judgment underscores the fact that suppression of freedom of opinion is typically also part of a system of persecution—this is important, and it indicates where the real dangers of illegitimate restrictions of freedom of expression lie. It also reveals the vital importance of freedom of expression. Illegitimate limitations of freedom of expression can themselves involve a violation of human dignity.

Systematic, persecutory hate speech is clearly harmful, as it is an inherent part of the persecutory policy, supporting, justifying, and furthering any other persecutory measures that the regime in question may be pursuing *vis-à-vis* the victim group. It is intrinsically harmful because it serves to further degrade and humiliate individuals who are subject to various other acts of exclusion and dehumanization, including laws depriving them of their citizenship and denying them access to various professions; expropriation of their property; and forced expulsion or being compelled them to live in ghettos, separate from other members of the wider community—all of which measures suggest to them that they are less valuable than the rest of the community and that the community needs to be protected from their harmful influence. Moreover, the primary underlying purpose of the right to freedom of speech is to protect the individual against repression by the state. In the type of case that the approach advocated here purports to address, it is the state or a state-like organization which itself engages in incitement to hatred.

Nor is such hate speech in any way conducive to discovery of the truth. In the cases envisaged here, the marketplace of ideas has been destroyed by the state itself—freedom of expression is suppressed at the same time that hatred against the persecuted group is being stirred up. Furthermore, because only the most vicious and



organized hate speech would be criminalized, the danger that such criminalization could lead to abuse as a result of vague language or a too broad interpretation is very slim indeed.

## Conclusion

History shows that hate speech typically precedes public incitement to violence and specific criminal acts, including genocide. All are part of and support an organized system of persecution that includes a variety of measures. The instigation of and specific calls for criminal acts, such as genocide, is not likely to be successful unless a climate of violence has first been created by means of hate speech.

Such a climate is achieved primarily through the demonization and dehumanization of opponents, which invariably involves a violation of their human dignity through a process of humiliation equivalent to the victim group's expulsion from the human community. Vicious and systematic state-orchestrated hate speech and propaganda must be criminalized, both because they violate human dignity, which in turn is closely connected with an infringement of the victim group's right to life, equality, and non-discrimination, and because of the inherent danger grounded in hate speech's crucial position on the "continuum of destruction." Hate speech is an integral and crucial part of any persecutory process; it plays its part through the psychological conditioning of the perpetrators.

I have argued here that criminalization of incitement to hatred is best achieved by treating it as the crime against humanity of persecution. Dealing with it in such a way would also answer concerns about freedom of speech, because incitement to hatred would amount to persecution only if the other requirements of crimes against humanity are fulfilled—in particular, that the words in question be part of a "widespread or systematic attack." Hate speech that is less grave and that does not occur in the context of a widespread or systematic attack cannot be considered to amount to persecution and can therefore be dealt with only by means of a prohibition under international human-rights law.

## Notes

1. Committee on the Elimination of Racial Discrimination [CERD], "Decision on Follow Up to the Declaration on Prevention of Genocide: Indicators of Patterns of Systematic and Massive Racial Discrimination," UN Doc. CERD/C/67/Misc.8 (19 August 2005), 1. See also *Report of the Committee on the Elimination of Racial Discrimination*, Supplement No. 18, UN Doc. A/54/18 (29 September 1999), para. 18(a).
2. CERD, "Decision to Follow Up."
3. *Ibid.*, 2.
4. It is less clear what influence hate speech had on the preparation and execution of the Armenian Genocide, but it appears that it played a less important role in that event than in the preparation of either the Holocaust or the Rwandan Genocide.
5. *Israel (A.G.) v. Eichmann*, 36 I.L.R. 18, para. 231 (District Court of Jerusalem, 1961).
6. R.E. Herzstein, *The War That Hitler Won: The Most Infamous Propaganda Campaign in History* (London: Hamish Hamilton, 1979), 59.
7. *Ibid.*, 176.
8. *Ibid.*, 272.
9. *Ibid.*, 310.
10. *Ibid.*, 426.
11. Jean Mukimbiri, "The Seven Stages of the Rwandan Genocide," *Journal of International Criminal Justice* 3 (2005): 823–36, 829.

12. “An irremediably domineering and plotting race whose harmful force transcends the borders, to the detriment of the Hutu condemned to the role of victims.” Jean-Pierre Chrétien, *Rwanda: les médias du génocide*, 2nd ed. (Paris: Éditions Karthala, 2002), 34. Unless otherwise noted, all translations are my own.
13. *Prosecutor v. Nahimana et al.*, Judgment and sentence, ICTR-99-52-T (3 December 2003), para. 179 [Nahimana Trial Judgment].
14. Ervin Staub, *The Roots of Evil: The Origins of Genocide and Other Group Violence* (Cambridge: Cambridge University Press, 1989), 95.
15. *Ibid.*, 120.
16. *Nahimana Trial Judgment*, para. 358.
17. Jonathan Glover, *Humanity: A Moral History of the Twentieth Century* (London: Pimlico, 2001), 339.
18. David Kretzmer, “Freedom of Speech and Racism,” *Cardozo Law Review* 8 (1987): 445–513, 463. See also M. Cherif Bassiouni, *Introduction to International Criminal Law* (Ardsley, NY: Transnational Publishers, 2003), 727–28.
19. Irenäus Eibl-Eibesfeldt, *Grundriß der vergleichenden Verhaltensforschung*, 8th ed. (Vierkirchen-Pasenbach: BuchVertrieb Blank, 2004), 775.
20. *Universal Declaration of Human Rights*, UN General Assembly Resolution 217, UN Doc. A/810 (10 December 1948).
21. *International Covenant on Civil and Political Rights*, 16 December 1966, 999 U.N.T.S. 171, 6 I.L.M. 368, [http://www.unhchr.ch/html/menu3/b/a\\_ccpr.htm](http://www.unhchr.ch/html/menu3/b/a_ccpr.htm) (accessed 16 September 2008). The ICCPR entered into force on 23 March 1976.
22. See the list at <http://www.ohchr.org/english/countries/ratification/4.htm> (accessed 7 May 2008).
23. These are Australia, Belgium, Luxembourg, Malta, New Zealand, the United Kingdom, and the United States. See [http://www.ohchr.org/english/countries/ratification/4\\_1.htm](http://www.ohchr.org/english/countries/ratification/4_1.htm) (accessed 7 May 2008).
24. *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, 660 U.N.T.S. 195, [http://www.unhchr.ch/html/menu3/b/d\\_icerd.htm](http://www.unhchr.ch/html/menu3/b/d_icerd.htm) (accessed 16 September 2008). The convention entered into force on 4 January 1969.
25. See Mylène Bidault, “La Discrimination raciale comme infraction internationale dans la Convention des Nations Unies de 1965,” in *Droit international pénal*, ed. Hervé Ascencio, Emmanuel Decaux, and Alain Pellet, 361–?? (Paris: Éditions A. Pedone, 2000), 361.
26. As of 21 April 2008: see <http://www.ohchr.org/english/countries/ratification/2.htm> (accessed 7 May 2008).
27. It is important to note, of course, that several states have made reservations to various articles of the convention and hence are not bound by the obligations contained in those articles. With respect to art. 4—the provision that will be discussed here—reservations limiting the scope or application of art. 4 in one form or another have been entered by the following fourteen countries: Australia, Austria, Bahamas, Belgium, Fiji, France, Ireland, Italy, Japan, Monaco, Switzerland, Tonga, United Kingdom, and United States.
28. ICERD, art. 4(a).
29. ICCPR, art. 19.
30. Joseph Raz, “Free Expression and Personal Identification,” *Oxford Journal of Legal Studies* 11 (1991): 303–24, 303.
31. *Ibid.*, 304.
32. See David S. Bogen, “The Origins of Freedom of Speech and Press,” *Maryland Law Review* 42 (1983): 429–65, 450–51.
33. J.S. Mill, “Of the Liberty of Thought and Discussion,” in *On Liberty and The Subjection of Women*, 22–63 (London: Penguin Classics, 2006), 23. See also Kretzmer, “Freedom of Speech and Racism,” 468.
34. *Abrams v. United States*, 250 U.S. 616, 630 (1919).
35. See, e.g., Bogen, “Origins of Freedom,” 467–92; Frederick Schauer, “The First Amendment as Ideology,” *William and Mary Law Review* 33 (1992): 853–69; George Anastaplo,

- “Freedom of Speech and the Silence of the Law,” review of Frederick Schauer, *Free Speech: A Philosophical Inquiry*, *Texas Law Review* 64 (1985): 443; Ronald Dworkin, *Freedom’s Law: The Moral Reading of the American Constitution* (Oxford: Oxford University Press, 1996), 195–213.
36. See Kretzmer, “Freedom of Speech and Racism,” 488–89.
  37. *Sunday Times v. U.K.* (1979–80). 2 E.H.R.R. 245, Ser. A, No. 30, para. 49.
  38. *Silver v. U.K.* (1983), 5 E.H.R.R. 347, Ser. A, No. 61, para. 97(c); see Susannah C. Vance, “The Permissibility of Incitement to Religious Hatred Offenses Under European Convention Principles,” *Transnational Law and Contemporary Problems* 14 (2004): 201–52, 208–9.
  39. *Handyside v. U.K.* (1976), 1 E.H.R.R. 737, Ser. A, No. 24, para. 57.
  40. *X v. Federal Republic of Germany* (1982), 29 Eur. Comm. H.R.D.R. 194, 198.
  41. See Robert C. Post, “Racist Speech, Democracy, and the First Amendment,” *William and Mary Law Review* 32 (1991): 267–327, 272.
  42. Kevin Boyle, “Hate Speech—the United States Versus the Rest of the World?” *Maine Law Review* 53 (2001): 487–502, 490.
  43. See Friedrich Kubler, “How Much Freedom for Racist Speech?: Transnational Aspects of a Conflict of Human Rights,” *Hofstra Law Review* 27 (1998): 335–76, 363.
  44. On states’ obligation to eradicate all forms of racial discrimination in this context, see Stephanie Farrior, “Molding the Matrix: The Historical and Theoretical Foundations of International Law Concerning Hate Speech,” *Berkeley Journal of International Law* 14 (1996): 1–98, 6–21.
  45. See Ronald Dworkin, *Taking Rights Seriously* (London: Duckworth, 1977), 193.
  46. *Schenck v. United States*, 249 U.S. 47, 52 (1919).
  47. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969). See also *R.A.V. v. St. Paul (City of)*, 505 U.S. 377 (1992).
  48. See John P. Cronan, “The Next Challenge for the First Amendment: The Framework for an Internet Incitement Standard,” *Catholic University Law Review* 51 (2002): 425–66, 429–41; Alan. Stephens, “First Amendment Guaranty of Freedom of Speech or Press as Defense to Liability Stemming from Speech Allegedly Causing Bodily Injury,” *American Law Reports Annotated*, *Federal* 94 (1989), 26; Michele Munn, “The Effects of Free Speech: Mass Communication Theory and the Criminal Punishment of Speech,” *American Journal of Criminal Law* 21 (1994): 433–83.
  49. Kubler, “How Much Freedom,” 368.
  50. *Report of the Committee on the Elimination of Racial Discrimination*, Supplement No. 18, UN Doc. A/58/18 (1 November 2003), para. 407; *Report of the Committee on the Elimination of Racial Discrimination*, UN Doc. A/59/18 (2004), para. 245.
  51. *Strafgesetzbuch*, § 130(1)(1).
  52. *Ibid.*, § 130(1)(2).
  53. BVerfGE 87, 209 (228).
  54. “The potential abilities that are grounded in human nature.” BVerfGE 39, 1 (41). See also G. Foerstner, *Kollektivbeleidigung, Volksverhetzung und “lex Tucholsky”: Eine Untersuchung zu Äußerungsdelikten und Meinungsfreiheit* (Berlin: Arno Spitz, 2002), 165.
  55. BGH NJW 1994, 1421. See also Foerstner, *Kollektivbeleidigung*, 184–85.
  56. OLG Frankfurt, NJW 1995, 143, 144.
  57. BayObLG, NJW 1995, 145, 146.
  58. Foerstner, *Kollektivbeleidigung*, 189–91.
  59. Avishai Margalit, *The Decent Society*, trans. Naomi Goldblum (Cambridge, MA: Harvard University Press, 1996), 51.
  60. *Ibid.*, 70. See also Jean-Paul Sartre, *L’Être et le néant* (Paris: Gallimard, 1976).
  61. Margalit, *The Decent Society*, 71.
  62. *Ibid.*, 89, 104.
  63. *Ibid.*, 90.
  64. *Ibid.*, 115.

65. *Ibid.*, 116.
66. *Ibid.*, 122.
67. Furthermore, the injury to an individual's dignity inflicts psychological harm on him or her, which expresses itself in "low self-esteem, seclusion and alienation." Miriam Gur-Arye, "Can Freedom of Expression Survive Social Trauma: The Israeli Experience," *Duke Journal of Comparative and International Law* 13 (2003): 155–202, 185. Studies on the psychological harm caused by hate speech, moreover, have found the following reactions among victims: "self-hatred, humiliation, isolation, impairment of the capacity to form close interracial relationships, and adverse effects on relationships within a given group." Kretzmer, "Freedom of Speech and Racism," 466. See also Post, "Racist Speech," 273–74. Moreover, as Margalit submits, humiliation leaves psychological scars that "heal with greater difficulty than the physical scars of someone who has suffered only physical pain." Margalit, *The Decent Society*, 87.
68. Harald Welzer, *Täter: Wie aus ganz normalen Menschen Massenmörder werden* (Frankfurt am Main: S. Fischer Verlag, 2005), 29–32.
69. *Ibid.*, 27.
70. *Ibid.*, 28–29.
71. *Ibid.*, 33–34.
72. *Ibid.*, 13.
73. "It was much worse: they simply did what they believed was expected of them." *Ibid.*, 39.
74. *Ibid.*, 40.
75. Antonio Cassese, *International Criminal Law* (Oxford: Oxford University Press, 2003), 23.
76. *Ibid.*
77. *Prosecutor v. Kunarac*, Judgment, ICTY-96-23 (12 June 2002), para. 85.
78. *Ibid.*, para. 86.
79. *Ibid.*, para. 100.
80. *Ibid.*, para. 90.
81. *Ibid.*, para. 91.
82. *Ibid.*, para. 94.
83. *Ibid.*, para. 102.
84. *Prosecutor v. Kordić and Čerkez*, Judgment, ICTY-95-14/2-A (17 December 2004), para. 101 [*Kordić Appeals Judgment*]. See also *Prosecutor v. Kupreskić*, Judgment, ICTY-95-16-T (14 January 2000), para. 621 [*Kupreskić Trial Judgment*].
85. *ICTR Statute*, <http://www.un.org/ict/statute.html> (accessed 17 September 2008), art. 3(h); *ICTY Statute*, <http://www.un.org/icty/legaldoc-e/index.htm> (accessed 17 September 2008), art. 5(h).
86. *Rome Statute of the International Criminal Court*, U.N. Doc. A/CONF.183/9 (17 July 1998), art. 7(1)(h). See also G. Witschel and W. Rückert, "Article 7(1)(h)—Crime against Humanity of Persecution," in *The International Criminal Court: Elements of Crimes and Rules of Procedure and Evidence*, ed. Roy S. Lee, 94–97 (Ardsey, NY: Transnational Publishers, 2001); M. Cherif Bassiouni, *Crimes against Humanity in International Criminal Law*, 2nd ed. (The Hague: Kluwer Law International, 1999), 327.
87. *Kordić Appeals Judgment*, para. 102.
88. Guénaél Mettraux, *International Crimes and the Ad Hoc Tribunals* (Oxford: Oxford University Press, 2005), 184; *Kupreskić Trial Judgment*, para. 622; *Prosecutor v. Vasiljević*, Judgment, ICTY-98-32-T (29 November 2002), para. 247; *Prosecutor v. Stakić*, Judgment, ICTY-97-24-T (31 July 2003), para. 736; *Prosecutor v. Nikolić*, Sentencing Judgment, ICTY-94-2-S (18 December 2003), para. 110.
89. *Prosecutor v. Blaškić*, Judgment, ICTY-95-14-T (3 March 2000), para. 220.
90. *Rome Statute*, art. 7(2)(g).
91. *Prosecutor v. Tadić*, Opinion and Judgment, ICTY-94-1-T (7 May 1997), para. 710.
92. *France et al. v. Göring et al.*, (1946) 22 I.M.T. 502.
93. *Prosecutor v. Ruggiu*, Judgment and Sentence, ICTR-97-32-I (1 June 2000), para. 22.
94. *Ministries Case*, 14 T.W.C. 314, 576.

95. *France et al. v. Göring et al.* 526.
96. *Ibid.*
97. *Hans Fritzsche Judgment*, Aktenzeichen I/2398, Spruchkammer I, Stadtkreis Nürnberg (31 January 1947), Staatsarchiv München, SpKa Karton 475.
98. *Hans Fritzsche Appeals Judgment*, Ber.-Reg.-Nr. BKI/695, Berufungskammer I, Nürnberg-Fürth (30 September 1947), Staatsarchiv München, SpKa Karton 475, 10.
99. *Draft Convention for the Prevention and Punishment of Genocide*, UN Doc. E/447 (26 June 1947), 7 (art. 3).
100. *Ibid.*, 33.
101. *Ad Hoc Committee*, Summary Records of the 16th Meeting (April 22, 1948), UN Doc. E/AC.25/SR.16 (29 April 1948), 8 (Mr. Rudzinski).
102. *Ibid.*
103. Eighty-Fifth Meeting, UN Doc. A/C.6/SR.85 (27 October 1948), 226 (Mr. Lachs) [emphasis added].
104. Yugoslavia: Sixty-Third Meeting, UN Doc. A/C.6/SR.63 (30 September 1948), 9 (Mr. Bartos); Poland: Sixty-Fourth Meeting, UN Doc. A/C.6/SR.64 (1 October 1948), 19–20 (Mr. Lachs); Czechoslovakia: Sixty-Sixth Meeting, UN Doc. A/C.6/SR.66 (4 October 1948), 30 (Mr. Prochazka); USSR: Sixty-Seventh Meeting, UN Doc. A/C.6/SR.67 (5 October 1948), 39 (Mr. Morozov), and Eighty-Sixth Meeting, UN Doc. A/C.6/SR.86 (28 October 1948), 245 (Mr. Morozov); Venezuela: Eighty-Fourth Meeting, UN Doc. A/C.6/SR.84 (26 October 1948), 208 (Mr. Pérez Perozo); Greece: Eighty-Sixth Meeting, UN Doc. A/C.6/SR.86 (28 October 1948), 245 (Mr. Spiropoulos); France: *ibid.*, 246 (Mr. Chaumont); Haiti: *ibid.*, 247 (Mr. Demesmin).
105. The first part of the amendment, penalizing propaganda “aimed at inciting racial, national or religious enmities or hatreds,” was rejected by twenty-eight votes to eleven, with four abstentions; the second part, criminalizing propaganda “aimed at provoking the commission of acts of genocide,” was rejected by thirty votes to eight, with six abstentions. Eighty-Seventh Meeting, UN Doc. A/C.6/SR.87 (29 October 1948), 253.
106. Strafsenat, Judgment of 12 December 1949 against H., StS 365/49, *Entscheidungen des Obersten Gerichtshofes für die Britische Zone in Strafsachen*, vol. 2 (Berlin: Walter de Gruyter, 1950), 291.
107. *Ibid.*, 293.
108. *Ibid.*, 296.
109. *Ibid.*
110. *Ibid.*, 297.
111. “The film’s shared responsibility for the persecution of the Jews through influencing the public opinion, in an inciting manner, marked by hostility towards the Jews, as an important foundation for the persecution and harming of the Jews.”
112. Strafsenat, Judgment of 12 December 1949 against H., 300.
113. *Ibid.*, 299.
114. See Catharine A. MacKinnon, “Prosecutor v. Nahimana, Barayagwiza & Ngeze,” *American Journal of International Law* 98 (2004): 325–30, 328. See also *Prosecutor v. Bagosora et al.*, Decision on Motions for Judgement of Acquittal, ICTR-98-41-T (2 February 2005), para. 32.
115. *Nahimana Trial Judgment*, para. 1072.
116. *Ibid.*
117. *Ibid.*, para. 1073.
118. *Ibid.*
119. *Ibid.*, para. 1078.
120. *Ibid.*
121. *Ibid.*, para. 179.
122. *Nahimana et al. v. Prosecutor*, Judgment, ICTR-99-52-A (28 November 2007), para. 986.
123. *Ibid.*, para. 987.



124. Ibid.
125. Ibid.
126. Ibid., para. 988.
127. *Mugesera v. Canada (Minister of Citizenship and Immigration)*, 2005 SCC 40. For commentary see Joseph Rikhof, “Hate Speech and International Criminal Law: The *Mugesera* Decision by the Supreme Court of Canada,” *Journal of International Criminal Justice* 3 (2005): 1121–33.
128. *Immigration Act*, R.S.C. 1985, c. I-2, s. 27(1)(a).
129. The Supreme Court thereby overturned a unanimous decision by the Federal Court of Appeal, 2003 FCA 325, dismissing an appeal by the minister of citizenship and immigration of the Appeal Division of the Immigration and Refugee Board’s holding that there was no basis for allegations that Mugesera was guilty of crimes against humanity or of misrepresentation in his immigration application and allowing Mugesera’s appeal against the Appeal Division’s holding that the allegations against him in respect of incitement to murder, genocide, and hatred were justified. The Federal Court of Appeal found, *inter alia*, that Mugesera’s speech did not meet the requirements of a crime against humanity, as there was “no evidence that the speech was part of a widespread or systematic attack.” According to the court, there was “nothing in the record to indicate that the massacres which had taken place up to then were co-ordinated and for a common purpose,” nor was there “evidence in the record that Mr. Mugesera’s speech was part of any strategy whatever,” and that “the Minister ha[d] not established that Mr. Mugesera was prompted by ethnic considerations.” Ibid., para. 58.
130. *Mugesera*, para. 104.
131. Ibid.
132. Ibid., para. 101, citing *R. v. Keegstra* (1990), 3 S.C.R. 697, 777.
133. *Mugesera*, para. 101, referring to *Keegstra*, *ibid.*
134. *Mugesera*, para. 103, referring to *Canadian Jewish Congress v. North Shore Free Press Ltd.* (1997), 30 C.H.R.R. D/5 (B.C. H.R.T.), para. 247.
135. *Mugesera*, para. 103.
136. The Court’s analysis essentially corresponds to the analysis above, that is, a prohibited act must have been committed, which was part of a widespread or systematic attack “directed against any civilian population or any identifiable group of persons;” and the accused knew of the attack and knew that or was reckless as to whether his act comprised part of the attack. Ibid., para. 119.
137. Ibid., para. 145.
138. Ibid., para. 147.
139. Ibid.
140. Ibid., para. 148.
141. Ibid., para. 169.
142. It is of course true that even in a generally tolerant society there will almost inevitably be certain individuals or groups who engage in racist or xenophobic speech, and there will also be individuals or groups who are susceptible to and will be influenced by such speech. The argument here is based on the *general* outlook of the *majority*—or, in any case, *a considerable proportion*—of a society’s members. Thus, compare Germany today with Germany in the 1930s, marked as it was by a persecution of Jewish citizens that extended to all areas of public and private life: e.g., Saul Friedländer, *The Years of Persecution: Nazi Germany and the Jews 1933–1939* (London: Orion Books, 2007).
143. See, e.g., *Prosecutor v. Blagojević and Jokić*, Judgment, ICTY-02-60-T (17 January 2005), paras. 593–94; *Kordić Appeals Judgment*, para. 108; *Tadić Trial Judgment*, para. 710; *Prosecutor v. Simić*, Judgment, ICTY-95-9-T (17 October 2003), para. 58.
144. Strafsenat, Judgment of 8 January 1949 against G., StS 109/48, *Entscheidungen des Obersten Gerichtshofes für die Britische Zone in Strafsachen*, vol. 1 (Berlin: Walter de Gruyter, 1948), 249.

145. Strafsenat, Judgment of 14 December 1948 against L. et al., StS 37/48, *Entscheidungen des Obersten Gerichtshofes für die Britische Zone in Strafsachen*, Vol. 1 (Berlin: Walter de Gruyter, 1948), 229–34.
146. *Ibid.*, 229–30.
147. *Ibid.*, 230.
148. *Ibid.*
149. *Ibid.*

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# The Greek Relief Committee: America's Response to the Greek Genocide (A Research Note)

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*In studies of the various relief efforts launched in response to the fate of Ottoman Christian minorities in the early twentieth century, much attention is given to the American Committee for Armenian and Syrian Relief and, in particular, to its successors under different names, especially the Near East Relief. The role of other American-based aid organizations has been largely overlooked. This paper serves as an introduction to the Greek Relief Committee, a New York City-based organization that worked alongside other relief organizations from 1917 until 1921, administering aid to the Ottoman Greek population.*

*Keywords: relief organization, Greek Genocide, American philanthropy*

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The Relief Committee for Greeks of Asia Minor, or Greek Relief Committee (GRC), was an American relief organization formed during World War I in response to the genocide of Greeks in the Ottoman Empire. Its principal aim was to alleviate the suffering of the Ottoman Greek minority. From 1917 until July 1921, this New York-based organization functioned alongside the American Committee for Armenian and Syrian Relief (ACASR)—which in 1918 was renamed the American Committee for Relief in the Near East (ACRNE) and eventually adopted the name Near East Relief (NER)—in distributing aid to the Greek and other Christian minorities of Ottoman Turkey. The GRC, “organized for non-political and purely humanitarian purposes,” had offices at 1 Madison Avenue as well as at 1115 Broadway in New York.<sup>1</sup>

The GRC assisted Ottoman Greeks in Thrace and Asia Minor through centers of relief established at various points.<sup>2</sup> Foreign consuls, missionaries, and relief workers were the distributors of relief on the ground.<sup>3</sup> The committee used the same channels as the ACASR, which remained open in spite of the war.<sup>4</sup> Similarly, the committee assisted refugees from Turkey in Greece and the islands through the American Legation at Athens and the American Consulate at Salonika, in cooperation with the various Greek organizations there.<sup>5</sup>

Until October 1917, the GRC had “been working quietly under difficult circumstances without much publicity.”<sup>6</sup> The committee’s chairman was Frank Watterson Jackson (1874–1955), an attorney and former American consul at Patras, Greece. It was only in a 17 October 1917 statement that Jackson brought the fate of the Ottoman Greeks to America’s attention:<sup>7</sup>

The story of the Greek deportation is not yet generally known... There were some two or three million Greeks in Asia Minor at the outbreak of the war in 1914, subject to Turkish rule. According to the latest reliable and authoritative accounts some seven to eight hundred thousand have been deported, mainly from the coast regions into the interior of Asia Minor... Along with the Armenians most of the Greeks of the Marmora regions and Thrace have been deported on the pretext that they gave

information to the enemy. Along the Aegean coast Aivalik stands out as the worst sufferer. According to one report some 70,000 Greeks have been deported towards Konia and beyond. At least 7,000 have been slaughtered. The Greek Bishop of Aivalik committed suicide in despair. The latest account from Trebizond shows the towns along the Black [S]ea are being emptied of their Greek population. From Lyndon S. Crawford, missionary of the American Board [of Commissioners for Foreign Missions] at Trebizond, we have a letter dated July 24, 1917, in which he says the following order came from Turkish army headquarters at Sheishehie [Suşehri]: "By 12/25 July let no Greek man over 16 and under 50 be found in Ordou. Send all such on into the interior. As for the families, we will send further orders later." ... From the Greek minister to the United States, George Roussos, I have a letter, September 21, 1917, in which he says: "... [The Turks] have decided to exterminate the Greek element which is the most important and most numerous in Asia Minor. Under pretext of necessities of war entire populations have been deported. Members of families have been separated. The old, the men unfit for military service and the women were sent into the interior of the country, abandoned without the slightest help and exposed to all sorts of deprivations..."<sup>8</sup>

Jackson's statement was published by a number of newspapers across the country and abroad in an attempt to rally support for the organization.<sup>9</sup> The range of sources cited provides further documentary evidence and reinforces the value of the statement. Taner Akçam affirms that "the deportation of the Greek population of the Ayvalık region had been carried out on [General Liman] von Sanders's orders, and a great many people had died as a result."<sup>10</sup> The deportation of Greeks from Ayvalık is widely documented, and so no further qualification is necessary. However, Crawford's account, which includes a deportation order issued by Turkish army headquarters, requires closer examination. The original letter can be found in Harvard University's American Board of Commissioners for Foreign Missions collection, and Jackson correctly quotes the Turkish order in his statement.<sup>11</sup> Crawford's letter, which was addressed to Dr. James L. Barton and copied to the American consul at Trebizond, also describes Greeks and Armenians from more westerly coastal towns fleeing Turkish massacres by traveling at night using *caïques* to reach safety in Russian-occupied Trebizond.<sup>12</sup> At least two further factors support or, rather, do not discredit the authenticity of the order. First, at the time the Turkish Third Army was indeed headquartered at Suşehri, Sivas.<sup>13</sup> Second, the Greek Patriarchate of Constantinople recorded that the deportation of Greek communities in Ordou took place between October 1916 and September 1917.<sup>14</sup> Furthermore, Crawford's evidence may be judged reliable, despite his death in 1918, in view of later accounts written by his wife, Olive N. Crawford, also a missionary in Turkey, which describe in considerable detail the continued deportation of Greeks.<sup>15</sup>

Professor the Reverend John P. Xenides (1875–1945) served as the GRC's secretary. Xenides was born in Caesarea, Turkey, and had first-hand experience of the genocide, since he and his family had fled to the United States to escape the 1915 massacres.<sup>16</sup> He had taught at Marsovan's Anatolia College and Theological Seminary. In a private letter to a colleague, dated 1 October 1917, the secretary of the GRC underlined the increasing threat to the collective existence of the Ottoman Greeks: "According to American Consuls just returned from Turkey some 700,000 Greeks have been deported which means ultimate extermination if the war continues long enough."<sup>17</sup>

Later, in a report titled "The Recent Greek Deportations and Other Atrocities in Asia Minor," Xenides offered his interpretation of deportation as a method of destruction and its continued impact on the Greeks:

Deportation means gradual extermination of the people. The deportees are either killed on the way or die through exposure, hunger, disease or exhaustion. For that matter, at least 500,000 Greeks perished between the outbreak of the World War and the Armistice. At present the Greeks in the Black Sea Region and other parts of Asia Minor are undergoing this method of extermination.<sup>18</sup>

Professor Jacob Gould Schurman (1854–1942), president of Cornell University, was appointed honorary chairman of the GRC. Schurman had previously served as US ambassador to Greece in 1912–13. Basile D. Dugundji was vice-chairman, and Abraham E. Kazan, uncle to the famous Greek-American film director and writer Elia Kazan, was treasurer until Rollin P. Grant, president of the Irving National Bank with headquarters in New York City, replaced him in November 1917. Together, these people formed the Executive Committee of the GRC. There was also a Board of Trustees numbering more than forty members (see Appendix A). They were a group of distinguished gentlemen, and at least one woman, and included US ambassador Henry Morgenthau as well as a number of university professors and other eminent figures.

It was not unknown for genocide survivors who escaped Turkey and sought refuge in the United States to join the GRC. Lazaros George Macrides of Trebizond (in Greek, Τραπεζοῦς; in Turkish, Trabzon) is one such example. Macrides was rescued from Cotyora (in Greek, Κοτύωρα; in Turkish, Ordu or Ordou) on the Black Sea coast by a Russian vessel, along with 2,000 other survivors, in August 1917.<sup>19</sup> In a statement made public by the American relief organizations, Macrides described some of the practices used in the destruction of the Ottoman Greeks:

Those of us who were between the ages of 16 and 60 were drafted into the Turkish Army. Our women and children and the older men were placed temporarily in homes and orphanages until the opportunity offered to dispose of them in the approved Turco-Teuton fashion, which in this instance turned out to be by wholesale drowning. The unfortunate survivors of the deportation were towed out for several miles into the Black Sea and then calmly dumped overboard, just like so much garbage. None of them survived.<sup>20</sup>

Donations to the GRC came mainly from Greek sources; clergy, organizations, and many individuals all contributed generously. Many Americans also gave both money and service to the cause. Donations were used for relief in regions designated by the GRC.<sup>21</sup> Mass gatherings proved a useful tool for fundraising and to rally support for the organization. The first gathering of this kind was held on 18 November 1917 in the Amsterdam Opera House on West 44th Street in New York. At the meeting, Henry Morgenthau, former US ambassador to Turkey, told of the treatment of Greeks, Armenians, and other nationalities by the Turks and said that the death from starvation of many in the Christian population, who had been deported and maltreated, was inevitable unless relief was sent speedily. A Greek government minister also spoke, commenting that the Turkish authorities had implemented a general extermination of the Greeks of Asia Minor. Some \$1,000 in cash was subscribed, and several thousand more dollars pledged, at this meeting alone.<sup>22</sup>

In addition to organizing such meetings, the GRC also published leaflets and booklets, such as *Relief for Greeks of Asia Minor* and *The Tragedy of the Sea of*



*Marmora*, to draw attention to Greek suffering.<sup>23</sup> In their publications, the GRC frequently drew a parallel with the Ottoman Armenian experience, appealing to America's long-standing and steadfast sympathy for Armenians in the hope that such philanthropy might also be extended toward the Greeks. The following passage is a typical example of this policy:

The world was shocked with the horrors of Armenian atrocities. Now we hear similar horrors meted out to the Greeks, the most numerous Christian element in Turkey. They are being deported from the coast regions, where they used to live and prosper. They have been deported in large numbers from their homes along the Black Sea coast, the Marmara [Marmara] and the Aegean Sea, suffering and many of them dying from hunger, exposure, hardships and resultant diseases. The world already knows from its application to Armenians that deportation means slavery, untold suffering, exposure, starvation and disease, thus gradual death. Massacres were more merciful as compared with the tortures and horrors of deportation. The Greeks are not massacred at the same rate as the Armenians, but they are forced to move on, move on to regions where no food can be found. The route of their march is strewn with corpses. Deportation proves to be more effective than massacres in making havoc and devastation, but it also gives better opportunities to relief workers and those engaged in life saving. Missionaries and other devoted kind-hearted people are on the spot able and ready to render relief to the deportee. Would you not give a helping hand and send relief to these latest innocent victims of oppression and tyranny.

Thousands have escaped with their lives from the Black Sea coast towns and villages to Trebizond, now in Russian hands. American Consuls and missionaries are ready to render relief to these refugees. Would you not help to make the relief possible?

A quarter of a million of Greek refugees have escaped from Turkey to Greece proper, where they are practically homeless and in urgent need of food and clothes. Scores are dying daily of insufficient food and resultant diseases, especially women and children are in a terrible plight. The Relief Committee for Greeks of Asia Minor, 1 Madison Avenue, endeavors to raise funds for these sufferers.<sup>24</sup>

The American Committee for Armenian and Syrian Relief had been formed in 1915 in response to the massacres and deportations of Armenians. Its name suggests that the organization was principally concerned with the Armenians and Syrians. Talcott Williams, a member of ACASR and also later a member of the GRC, asserted that "the need of relief for the suffering Greeks is as urgent as for the Armenians and Syrians."<sup>25</sup> The obvious question is, Why were the Greeks apparently excluded? In practice, they were not. ACASR fundraising, educational, and other documents indicate that this organization did engage in relief for Ottoman Greeks. However, the absence of the word "Greek" in its title may certainly have prompted the creation of a committee that unmistakably spoke for the Greeks, namely the Relief Committee for Greeks of Asia Minor. ACASR eventually became the Near East Relief (NER), an organization of greater scope. According to that organization, "Armenian suffering in Turkey is paralleled, with certain modifications by the experiences of the Greeks."<sup>26</sup>

In *Story of the Near East Relief*, James L. Barton, NER chairman, refers to the GRC as a "co-operating" committee.<sup>27</sup> In fact, the GRC and the NER were intertwined in several ways. To start with, they shared offices at 1 Madison Avenue. A number of members served on both committees, including Henry Morgenthau. Chairman Jackson and at least six other members of the GRC were appointed trustees of the NER in the 6 August 1919 act of Congress that formally incorporated the organization.<sup>28</sup> Finally, there existed a financial relationship between the two organizations, in that

any contribution made to the GRC was doubled by the NER. In total, the NER contributed \$250,000 to the GRC. Thus, \$500,000—several million dollars by today's standards—was spent for the relief of Greeks in the Ottoman Empire by the GRC.<sup>29</sup> At the same time, the NER was also heavily engaged in relief work that included Ottoman Greeks—as is emphasized by how heavily the word “Greece” featured on NER fundraising posters and in other documents. Given the intimate relationship between the two organizations, it is all the more remarkable that not even scant references to the Relief Committee for Greeks of Asia Minor exist in the works of those who have studied and written about the relief efforts in Turkey.

In terms of both mission and operation, it is true that the GRC was a much smaller organization than the NER. Nonetheless, it had strong support from outside the Greek-American community. President Woodrow Wilson sympathized with the plight of the Ottoman Greeks and supported the relief movement:

I am in hearty sympathy with every just effort being made by the people of the United States to alleviate the terrible sufferings of the Greeks of Asia Minor. None have suffered more or more unjustly than they. . . . I warmly commend the efforts being made by the Relief Committee for Greeks of Asia Minor, to relieve the suffering Greeks of that country, and I bespeak for it the hearty and continued support of the Greeks and all lovers of Greece in America.<sup>30</sup>

Others who expressed their support or gratitude included the Ecumenical Patriarch of Constantinople, various bishops, and leading Greeks in both Greece and Turkey.<sup>31</sup>

On 8 December 1919, the Royal Order of George I was bestowed upon six members of the GRC on behalf of King Alexander of Greece by George Roussos, Greece's ambassador to the United States. The recipients were GRC chairman Frank W. Jackson; treasurer Rollin P. Grant; Dr. Hamilton Holt, editor of the *Independent*; Dr. Frederick H. Lynch, editor of *Christian Work*; Prof. Alfred D.F. Hamlin of Columbia University; and Rev. Herbert F. Laflamme of the Interchurch Movement. Through this decoration the Greek government officially expressed its appreciation for the work of the GRC.<sup>32</sup>

In July 1921 the Relief Committee for Greeks of Asia Minor ceased to exist. It handed over its work to the NER, which actively continued the Greek relief effort for several more years. The circumstances in which the GRC came to an end are unclear. One speculation is that the inclusive and increasingly encompassing nature of the larger NER organization now made unnecessary the existence of two committees whose operations were overlapping. After all, by its own admission, the NER had now become “a non-denominational Christian organization . . . ministering to the desperate needs of the Armenians, Greeks, Syrians and others, victims of the Great War, in Turkey and nearby regions.”<sup>33</sup> However, further research must be completed before we can establish what brought about the end of the GRC.<sup>34</sup>

In any case, this was not to be the end of cooperation between the NER and Greek-orientated relief organizations. To name only one example, in the post-Genocide period, when there was an effort to keep alive hundreds of thousands of refugees, orphans, and other survivors, American Friends of Greece, Inc. (AFG), was formed “for aid to Greece and the refugees of the Near East.”<sup>35</sup> The NER's Cleveland Dodge, Charles Vickrey, Barclay Acheson, and John Finley, along with many of the other leading officers of the NER, were all active members or officers of AFG, an organization that saved countless Greek and Armenian lives.<sup>36</sup>

The work of the Relief Committee for Greeks of Asia Minor is an important chapter in the history of both the Ottoman Greek Genocide and American philanthropy.

Unfortunately, material pertaining to the GRC is not housed in one central depository but is dispersed in different archives—personal, organizational, and governmental—throughout the United States. The same is true for a fair amount of material pertaining to the NER. Therefore, much work remains for researchers interested in constructing a more complete picture of the GRC’s work in saving Greek lives during the final years of the Ottoman Empire.

## Acknowledgments

Allen Odian, Stanford University; Marisa Bourgojn of Archives of American Art, Smithsonian Institution; Wayne D. Weber of the Billy Graham Center Archives, Wheaton College; and Bridget Keown of the Houghton Library, Harvard University, all provided me with copies of relevant material from their institutions’ collections. Abraham D. Krikorian read a draft of this paper before publication. I am indebted to all mentioned.

## Notes

1. “Turks Are Backed by Germany,” *Warren Evening Mirror*, 17 October 1917, 1.
2. John P. Xenides, *The Greeks in America* (New York: George H. Doran Co., 1922), 115–16. For an account of the relief work see “A Recent Letter from Salonica to the Secretary of the Greek Relief Committee,” letter from W.C. Cooper (1 December 1917), Gertrude V. Whitney Papers, Archives of American Art, Smithsonian Institution. For a list of other similar relief committees see Louis P. Cassimatis, *American Influence in Greece 1917–1929* (Kent, OH: Kent State University Press, 1988, 131).
3. “Relief for Greeks of Asia Minor,” Gertrude V. Whitney Papers, Archives of American Art, Smithsonian Institution.
4. Letter, John P. Xenides to H.P. Whitney (4 June 1918), Gertrude V. Whitney Papers, Archives of American Art, Smithsonian Institution.
5. *Ibid.*
6. Letter, Xenides to Jacob Gould Schurman (1 October 1917), Box 3, Folder 5, Jacob Gould Schurman Papers, Cornell University Library.
7. “Frank W. Jackson,” *New York Times*, 11 March 1955, 25.
8. “Turks Are Backed by Germany,” *Warren Evening Mirror*, 17 October 1917, 1.
9. See, e.g., “Turks Slaughter Christian Greeks,” *Lincoln Daily Star*, 19 October 1917, 7; “Greek Persecution in Turkey,” *Scotsman*, 6 November 1917.
10. Taner Akçam, *A Shameful Act: The Armenian Genocide and the Question of Turkish Responsibility*, trans. Paul Bessemer (London: Constable, 2007), 285.
11. Letter, Lyndon S. Crawford to Rev. James L. Barton (24 July 1917), Houghton Library, ABC 16.9.3, vol. 41, Western Turkey mission, 1910–1919, v. 3, A–C (microfilm reel 630).
12. *Ibid.*
13. Edward J. Erickson, *Ordered to Die: A History of the Ottoman Army in the First World War* (Westport, CT: Greenwood Press, 2000), 136.
14. Greek Patriarchate, *Persecution of the Greeks in Turkey 1914–1918* (Constantinople: Greek Patriarchate, 1919), 126.
15. See, e.g., “Report on the miserable condition of Greeks due to the deportations,” letter, Mrs. Crawford of Trebizond to Dr. William Peet (25 April 1922), British Foreign Office Archives, FO 371/7878.
16. “Rev. John Xenides, Pastor 17 Years, 75: Minister of Greek Evangelical Church Dies—Fled the 1915 Massacre in Turkey,” *New York Times*, 8 June 1945, 19.
17. Letter, Xenides to Schurman (1 October 1917).
18. John P. Xenides, “The Recent Greek Deportations and Other Atrocities in Asia Minor” (1921), US National Archives, Files of the Department of State, NA 867.4016/432.

19. R. Lavinia Hanton, "Bombarding Ships Rescue 2,000 Greeks," *New York Times*, 7 April 1918, 48. This report was later reproduced by the GRC and distributed as a leaflet along with fundraising material.
20. "1,000,000 Greeks Killed?" *New York Times*, 1 January 1918, 15.
21. Xenides, *Greeks in America*, 116–17.
22. "Hope America Will Aid Greeks in Asia Minor," *New York Times*, 19 November 1917, 4.
23. The latter is available for download at <http://www.greek-genocide.org/books.html> (accessed 15 September 2008). For an example of an illustrated publication see *Relief for Greeks of Asia Minor*, Gertrude V. Whitney Papers, Archives of American Art, Smithsonian Institution. This particular document contains imagery of "hungry and homeless [Greek] refugees."
24. *Ibid.*
25. "Greek Deportations: The Needs of the Latest Victims of Turkish Cruelty," *New York Times*, 8 October 1917, 10.
26. Near East Relief [NER], *Speakers' Handbook of American Committee for Relief in the Near East* (New York: NER, c. 1919), 33.
27. James L. Barton, *Story of Near East Relief (1915–1930): An Interpretation* (New York: Macmillan, 1930), 63. It should be noted that Barton's work was "a history . . ." not "the history . . ."; in other words, the definitive account of the work of the NER has yet to be written.
28. *Ibid.*, 432.
29. Xenides, *Greeks in America*, 116.
30. NER, *Speaker's Handbook of American Committee for the Relief of the Near East (Formerly the Committee for Armenian and Syrian Relief)* (New York: NER, c. 1919), 9. NER published several speakers' handbooks during this period; this one should not be confused with the one cited in note 26 above.
31. Xenides, *Greeks in America*, 116.
32. "Greek Honors for Board: Ambassador to Decorate Members of Asia Minor Relief Committee," *New York Times*, 8 December 1919, 15; "Greece Honors U.S. Relief Workers," *New York Times*, 9 December 1919, 35.
33. NER, *Near East Relief: Syria-Palestine-Area* (Beirut: NER, c. 1925).
34. Any effort to ascertain how the GRC came to an end must begin with an examination of the correspondence between committee members (listed in Appendix A). In fact, the papers of the committee members, now often housed in university library collections, would be the first port of call for any further research. For example, the papers of D. Callimachos, housed at the University of Minnesota, contain a wealth of material not only on the GRC but also on other committees of the same period.
35. American Friends of Greece was established in Washington in 1923 with Dr. Edward Capps, former minister to Greece, as president. For more information on AFG see Louis P. Cassimatis, *American Influence in Greece 1917–1929* (Kent, OH: Kent State University Press, 1988), 260.
36. Letter, Edward Capps to Petros Titanis (12 May 1924), Papers of Demetrios P. Callimachos, 1879–1963, Greek American Collection, Immigration History Research Center, University of Minnesota, Box 7, Folder 39.
37. Telegram from Athens, Relief Committee for Greeks of Asia Minor, Gertrude V. Whitney Papers, Archives of American Art, Smithsonian Institution.
38. See, e.g., William H. Hall, *Reconstruction in Turkey: A Series of Reports Compiled for the American Committee of Armenian and Syrian Relief* (New York: [ACASR], 1918), 39.
39. Tessa Hofmann, "German Eyewitness Reports of the Genocide of the Armenians, 1915–16," *A Crime of Silence: The Armenian Genocide*, 61–92 (London: Zed Books, 1985), 73; Aris Kyriazis, *Palinnostisi stis Glykes Patrides 1918–22 [Repatriation to Sweet Homelands, 1918–22]* (Athens: Phanarion, 2003), 26.

40. Greek Ministry for Foreign Affairs, *Persecutions of the Greek Population in Turkey since the Beginning of the European War: According to Official Reports of Hellenic Diplomatic and Consular Agents* (London: Constable & Co., 1918), 25–26.

## **Appendix A: Greek Relief Committee Board Members**

### Executive Committee:

Chairman: Frank W. Jackson\*  
Honorary Chairman: Jacob Gould Schurman  
Vice-Chairman: Basile D. Dugundji  
Secretary: John P. Xenides\*  
Treasurer: Abraham E. Kazan (resigned November 1917), Rollin P. Grant

### Board of Trustees:

Mr. Nicholas P. Antoniadis, merchant  
Mr. Michael B. Atheneos  
Mr. Athanasios D. Barouxakis, merchant  
Rev. Prof. Hugh Black, Professor of Practical Theology, Union Theological Seminary  
Rev. Dr. Robert G. Boville, Baptist clergyman, founder and director of the Daily Vacation Bible School movement  
Rev. Dr. Arthur J. Brown,\* secretary of the Presbyterian Board of Foreign Missions  
Prof. Howard Crosby Butler, Professor of the History of Architecture, Princeton University  
Rev. Prof. Demetrios Panos Callimachos, journalist, priest, author, professor, and editor of the *National Herald*  
C. Carusos  
N. Cindaxopoulos  
Dr. Sophocles Dadakis, physician, president of the Pan-Hellenic Union  
Prof. Raphael S. Demos, Harvard University  
Dr. Samuel Train Dutton,\* secretary of the American Committee for Armenian and Syrian Relief  
Prof. Henry Pratt Fairchild, American sociologist  
Prof. Alfred Dwight Foster Hamlin, Professor of the History of Architecture, Columbia University  
Dr. William I. Haven,\* general secretary of the American Bible Society  
Dr. Hamilton Holt, editor of the *Independent*  
Mr. Abraham E. Kazan, pioneer organizer of housing cooperatives in the United States  
Eurypides Kehaya  
Rev. Herbert F. Laflamme, Interchurch Movement  
Dr. Walter Laidlaw, Federation of the Churches  
Prof. Abby Leach, Vassar College  
Mr. Michael Litsas, merchant  
Mr. B.A. Livieratos  
Mr. C.D. Logothetis  
Dr. Frederick Henry Lynch,\* editor of *Christian Work*  
Mr. Nicholas E. Marcoglou, merchant  
Mr. Henry Morgenthau,\* former US ambassador to Turkey  
Mr. George D. Nicholas  
Dr. Frank Mason North,\* minister of the Methodist Episcopal Church  
Mr. Theodore Photiades, merchant  
Prof. Aristides Phoutrides, Harvard University  
Mr. John C. Pialoglou, tobacco merchant  
Prof. Chandler Post, Harvard University  
Mr. John N. Poulides, tobacco merchant



Prof. Theodore Leslie Shear, Professor of Classical Archeology, Princeton University

Prof. John Gabriel Stateropoulos, Professor of Chemistry, Columbia University

Mr. John D. Stephanides, lawyer

Petros P. Tatanis, publisher of the *National Herald*

M. Theodoropoulos

Dr. George William Tupper

Rev. Dr. William H. Van Allen, rector, Church of the Advent, Boston

Dr. Talcott Williams\*, Turkish-born journalist

\* Also connected with the American Committee for Armenian and Syrian Relief and/or its various successors.

## **Appendix B: Sample Archival Document**

To encourage researchers to explore GRC material and to illustrate the type of material available from the perspective of documentation of the Greek Genocide, I append the following document. This telegram was written in 1918 and sent from Athens to GRC headquarters in New York City:

According to the testimony of Mohammedan prisoners of war in Salonica made to the Entente [Entente] authorities there, the Greeks in Turkey are undergoing the worst blow since the fall of Constantinople. This takes place in a threefold [threefold] way. First, in General Mobilization [Mobilization]. Second, Commandeering. Third, Deportation. Since the beginning of the war to the end of 1917 these Mohammedan prisoners state that more than two hundred thousand Greeks between the ages of fifteen and forty eight have been drafted into the Turkish army. Thousands of these have died as a result of ill treatment, hunger and epidemics. More than five hundred thousand Greeks have been deported from Thrace into Asia Minor. With the exception of the Greek population of Smyrna, Constantinople and a few other towns, all the Greeks underwent untold suffering, exile, tortures and epidemics. Many were slaughtered in the interior of Asia Minor, and the survivors are in a terrible plight. Women are sold as slaves, men are forced to become Mohammedans and the Military officials declare openly everywhere that no Greek will be allowed to live in Turkey unless he becomes a Mohammedan. The property confiscated from the Greeks is worth five billions. Many of these Mohammedan prisoners relate that they saw with their own eyes men from Aivali and many other large cities who were working as slaves in rags and begging for a piece of bread. They say Smyrna is melting like wax. There are from forty to fifty deaths daily among the Greeks as a result of hunger, weakness and epidemics. Two hundred families have been deported from Tattavla in Constantinople. The streets in larger cities are full of Greek orphans, half naked begging for bread in spite of the fact that the Turkish authorities tear them from the bosoms of their parents and circumcise them.<sup>37</sup>

Incidentally, the deportation of Greek families from Tattavla (in Greek, Ταταύλα; in Turkish, Kurtuluş) is an important assertion, because for some considerable time we have been led to believe that the Greeks and Armenians of Constantinople were not subjected to the perils of deportation.<sup>38</sup> Only in recent years has a corrective been provided.<sup>39</sup> Of course, the 24 April 1915 arrest and deportation of Armenian intellectuals has always been widely known—unlike its precursor, the 8 March 1915 arrest and deportation of 200 Greeks from the same city.<sup>40</sup>

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## Book Review

Helena Cobban, *Amnesty after Atrocity? Healing Nations after Genocide and War*. Boulder CO: Paradigm Publishers, 2007. Pp. 284, paper. \$26.95 US.

Reviewed by Helen Fein, *Institute for the Study of Genocide*

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Helena Cobban's *Amnesty after Atrocity?* offers an exposition of the different ways in which three African states—Rwanda, South Africa, and Mozambique—have responded to crimes against humanity, war crimes, and genocide and criticizes the prescriptions previously made by international human-rights groups as to the need for prosecution and judgment. Written in a lively style (Cobban is a reporter for the *Christian Science Monitor*), each chapter begins with quotations from people on the scene and often returns to the judgments of local people.

The book forms a chapter in the international debate about judgment and reconciliation. Cobban concludes that the emphasis on prosecution and “meta-tasks” prescribed by Martha Minow<sup>1</sup> are wrong, and offers an alternative list that focuses on reconciliation. Her case is fortified by the relative stability of South Africa and Mozambique and the continuing tension and repression in Rwanda.

*Amnesty after Atrocity?* covers the historical background of atrocities in each country before the exposition and judgment. In brief, after the triumph of the Tutsi-dominated Rwanda Patriotic Front ended the genocide against the Tutsi in Rwanda, the new government resorted to mass indictments of alleged perpetrators—more than 100,000 in all—some of whom were also prosecuted by the International Criminal Tribunal for Rwanda (ICTR) in Arusha, Tanzania, with which the new Rwandan government did not cooperate. Rwandan efforts to separate and judge proved untenable; they were later revised by sifting the gravity of allegations, and the country began a process called *gacaca*, taking the name of a traditional process for settling grievances.

In South Africa, a long negotiation between the African National Congress and the nationalist government of the apartheid Union of South Africa led to a relatively nonviolent transition, followed by the establishment of a Truth and Reconciliation Commission that offered an opportunity for amnesty by public confession.

Mozambique is the most distinctive case, in that the conflict between the political parties FRELIMO and RENAMO had no ethnic dimension. The soldiers of both sides greeted each other as brothers, and often they were in fact brothers or cousins. The two sides immediately agreed on an amnesty; the people were sick of war and eager to start a new life. Had there been trials, everyone would have had to be tried; there were no guiltless judges. Religious rituals of precolonial origin were used by local healers to purge the violence they ascribed to war itself.

Because of the distinctiveness of the conflict in Mozambique, it seems dubious to me to suggest its resolution, as Cobban does, as a positive model for other conflicts. However, Cobban makes many good points about the inadequacy of the contemporary model advocated by Minow and others: the cost of trials; the frequent inability to distinguish between victims, accomplices, and perpetrators; and the lack of

relationship between the demands of abstract justice and the needs of people mired in poverty. She especially criticizes the ICTR, which has been noted for incompetence, expense, and corruption.

Cobban's book includes useful tables and a list of acronyms. There are points that could be reconsidered, and sources that were not used, including the extent of early warnings of genocide in Rwanda, which was greater than she implies—the works of Roméo Dallaire and Alison Des Forges, among others, on Rwanda are omitted—and the distinctive problems created by genocide. The structure of post-war relations between *génocidaires* and victims in Rwanda is distinctive, because the numbers who must coexist present a singular problem that cannot be solved by calls for justice or for reconciliation. Cobban does cite local people who prefer to change the course of the future rather than to punish offenders for the past with conviction. Her observations on how the current leadership has created an ideology to justify authoritarianism in Rwanda are well founded.

*Amnesty after Atrocity?* will be an enduring contribution to the literature on coexistence and the punishment of genocide and crimes against humanity.

## **Note**

1. Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998).

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# Contributors

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**Maureen S. Hiebert** is an assistant professor in the Law and Society Program at the University of Calgary. She holds a PhD from the Department of Political Science at the University of Toronto; in her dissertation, “The Origins of Genocide: Political Culture, Crisis, and the Construction of Victims,” she explored the role played by collective identity construction in the perpetration of the Holocaust and the Cambodian genocide. Dr. Hiebert has presented several papers on comparative genocide theory, social constructivism, and collective identity construction at academic conferences for the International Association of Genocide Scholars, the Canadian Political Science Association, the Canadian Sociological and Anthropological Association, and the Midwest Political Science Association. She has previously taught courses in international relations and comparative politics in the Department of Political Science, University of Calgary, and in comparative genocide in the Department of Political Science, University of Toronto, and is currently a faculty member of the Genocide and Human Rights University Program in Toronto. Dr. Hiebert’s publications include “The Three Switches of Identity Construction in Genocide: The Nazi Final Solution and the Cambodian Killing Fields” in *Genocide Studies and Prevention*.

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**Robert Melson** is Cohen-Lasry Distinguished Professor at the Strassler Center for Holocaust and Genocide Studies, Clark University. He is a founder and former president of the International Association of Genocide Scholars. He is the author of *Revolution and Genocide: On the Origins of the Armenian Genocide and the Holocaust* (University of Chicago Press, 1992, 1996) and of other works concerning genocide and crimes against humanity.

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**Wibke Timmermann** is a PhD candidate at the Irish Centre for Human Rights, NUI Galway, Ireland. From October 2006 to August 2008 she was Legal Officer, Special Department for War Crimes, Prosecutor's Office of Bosnia and Herzegovina. She holds an LLM in International Humanitarian Law from the Centre Universitaire de Droit International Humanitaire, University of Geneva, Switzerland; an MA in Law from the University of Sheffield, UK; and an MA in Philosophy and Modern History from the University of St. Andrews, UK.