Genocidal Violence

Genocide and Mass Violence in the Age of Extremes

Edited by
Frank Jacob and Martin Göllnitz

Volume 6

Genocidal Violence

Concepts, Forms, Impact

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Frank Jacob and Kim Sebastian Todzi

1 Genocide and Violence: An Introduction

Genocide is, in many ways, a dogmatic concept. It has, therefore, recently been criticized as too narrow or limited[1] because it excludes numerous victim groups and their respective genocide-related identities not covered by the definition of the UN Genocide Convention (1948). This is to be considered "an unprecedented progressive step in the history of international law"[2] but requires adjustments and a broadened scope to include so far unprotected victim groups.[3] Furthermore, especially with regard to Germany, discussions and reflections about genocide are very much centered on the experience of the Holocaust. The relationship between colonialism and National Socialism was already addressed by contemporaries such as Raphael Lemkin, Hannah Arendt, and Aimé Césaire.[4] After the turn of the millennium, the question has been raised in a historiographical context. Jürgen Zimmerer and others have addressed connections, structural parallels, and direct continuities from European colonialism and imperialism to the Holocaust, especially with regard to the German genocide against the Herero and Nama in what was then German Southwest Africa in 1904–1908.[5] Michelle Moyd recently also emphasized that "studying

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1 A. Dirk Moses, *The Problems of Genocide: Permanent Security and the Language of Transgression* (Cambridge: Cambridge University Press, 2021); Martin Shaw, *What is Genocide?* 2nd ed. (Cambridge: Polity, 2015), 50. The debate about Achille Mbembe's *Politiques de l'inimitié* (Paris: Éditions la Découverte, 2013) in Germany in 2020 is another example of the discussions related to the interpretation of the Holocaust in relation to the history of colonialism. See also Matthias Böckmann, Matthias Gockel, Reinhart Kößler and Henning Melber, eds., *Jenseits von Mbembe: Geschichte, Erinnerung, Solidarität* (Berlin: Metropol, 2022).

2 Matthew Lippman, "The Drafting and Development of the 1948 Convention on Genocide and the Politics of International Law," in *The Genocide Convention: The Legacy of 60 Years*, eds. Harmen van der Wilt et al. (Leiden/Boston: Martinus Nijhoff, 2012), 16.

3 "Convention on the Prevention and Punishment of the Crime of Genocide (1948)," accessed February 13, 2023, https://tinyurl.com/bdhdws59.

4 Hannah Arendt, *The Origins of Totalitarianism* (New York: Schocken, 1951); Aimé Césaire, *Discours sur le colonialisme* (Paris: Éditions Réclame, 1950).

5 Jürgen Zimmerer, *Von Windhuk nach Auschwitz? Beiträge zum Verhältnis von Kolonialismus und Holocaust* (Berlin: LIT, 2011). See also Jürgen Zimmerer and Joachim Zeller, eds., *Genocide in German South-West Africa: The Colonial War (1904–1908) in Namibia and its Aftermath* (Monmouth: Merlin Press, 2008); David Olusoga and Casper W. Erichsen, *The Kaiser's Holocaust: Germany's Forgotten Genocide and the Colonial Roots of Nazism* (London: Faber & Faber 2010). For an overview of this discussion, see Thomas Kühne, "Colonialism and the Holocaust. Continuities, Causations, and Complexities," *Journal of Genocide Research* 15 (2013): 339–362. It is also necessary to remark that while some forms of colonial violence are considered genocidal, others are

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genocide from the perspective of colonial warfare enhances analytical possibilities for understanding their entanglement."[6] Although many German historians rejected the thesis that direct continuities from "Windhoek to Auschwitz" exist[7] and that Nazi Expansion eastward could be analyzed as a colonial project, it was met with approval by numerous international scholars. Over the past few years, a consensus has been established that essential aspects of National Socialism and, in particular, of the genocidal war and occupation of Eastern Europe can only be fully understood through their relationship to imperialist colonialism.[8] Since 2020, this scholarly debate has been transformed into a heated debate in the broader public sphere and has come to be known as the "Historikerstreit 2.0."[9] This is deliberately mentioned here, prior to presenting theoretical considerations about genocidal violence, because a comparative perspective on questions related to this particular form of violence will highlight the value of a broadened perspective and the historical comparison as a method.[10] Historical comparisons are not equations. Compari-

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not. See Michelle Moyd, "Genocide and War," in *Genocide: Key Themes*, eds. Donald Bloxham and A. Dirk Moses (Oxford/New York: Oxford University Press, 2022), 226.

6 Ibid., 225.

7 Mark Levene, *Genocide in the Age of the Nation-State* (London: I.B. Tauris, 2005); Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press 2003); A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36 (2002): 7–36; Mark Mazower, *Hitler's Empire: How the Nazis Ruled Europe* (New York: Penguin, 2008); Shelley Baranowski, *Nazi Empire: German Colonialism and Imperialism from Bismarck to Hitler* (Cambridge/New York: Cambridge University Press 2011). For the rejection of the thesis: Birthe Kundrus, "Von den Herero zum Holocaust? Einige Bemerkungen zur aktuellen Debatte," *Mittelweg* 36, no. 4 (2005): 82–92; Robert Gerwarth and Stephan Malinowski, "Der Holocaust als 'kolonialer Genozid'? Europäische Kolonialgewalt und nationalsozialistischer Vernichtungskrieg," *Geschichte und Gesellschaft* 33 (2007): 439–466.

8 Frank Bajohr and Rachel O'Sullivan, "Holocaust, Kolonialismus und NS-Imperialismus: Wissenschaftliche Forschung im Schatten einer polemischen Debatte," *Vierteljahrshefte für Zeitgeschichte* 70, no. 1 (2022): 191–202.

9 Susan Neiman and Michael Wildt, eds., *Historiker streiten: Gewalt und Holocaust – die Debatte* (Berlin: Propyläen, 2022). See also Urs Lindner, "Die Singularität der Shoah und die postkoloniale Herausforderung der deutschen Erinnerungskultur," *Geschichte und Gesellschaft* 48, no. 2 (2022): 272–300. A. Dirk Moses talked of the problem of a "German catechism," which limited the chances for broader perspectives on the "crime of all crimes." However, the constructive criticism of the concept of genocide, which was related to this debate, led to a somewhat heated debate about genocide in general and the Holocaust in particular. A. Dirk Moses, "Der Katechismus der Deutschen," *Geschichte der Gegenwart*, May 23, 2021, accessed February 2, 2023, https://geschichtedergegenwart.ch/der-katechismus-der-deutschen/.

10 For theoretical reflections about the historical comparison, see, among others, Hartmut Kaelble, *Historisch Vergleichen: Eine Einführung* (Frankfurt a.M.: Campus, 2021).

sons do not relativize or trivialize historical phenomena; rather, they highlight similarities and differences, thus providing clarifications and better understandings. While the "singularity of the Holocaust"[11] shall not be contested from an ethical or moral point of view, the comparison of genocidal violence seems vital to further enhance the theoretical concept as such and gain a better understanding of related questions.

When we talk about genocidal violence, there are many aspects of interest, and the present volume is only an attempt to bring together some scholarly reflections about it, especially related to concepts as well as the forms and impacts of violent actions that can be perceived and understood as genocidal. However, a reflection on the interrelationship of genocide and violence is first required to offer some insight into this particular relationship. In *Geschichte der Gewalt* (*History of Violence*), Karl Heinz Metz argues that

> In history, there is always violence – and always a longing for peace. The question of violence is probably the seminal question of the human being. From violence, all religion and all politics evolve: religion as the attempt at a symbolic answer to the question of why humans are unable to abolish violence, politics as the attempt to overcome violence practically by rule that might tame it. And yet, violence never disappears, neither in the state, which cannot secure inner peace without the threat of violence, and which often uses excessive violence, like war, against those external to it, nor in religion, which also becomes violent against heretics and pagans, as soon as religion begins to wish to order society according to its own values.[12]

As Arendt emphasized, violence seems to be a natural and instrumental element within human relations.[13] However, especially with regard to genocidal violence, violence has to be committed due to and in consequence of a form of ideological predetermination. Human beings will probably never be able to overcome violence as an element of their lives entirely,[14] but we must understand that genocidal violence differs from other social acts of violence. To use genocidal violence means to have the *intent* to harm or utterly destroy a certain individual or group and to base its use on a preset or narrated *legitimization* that allows pain or

11 Michael Wildt, "Was heißt Singularität des Holocaust?" *Zeithistorische Forschungen/Studies in Contemporary History* 19 (2022): 128–147.

12 Karl Heinz Metz, *Geschichte der Gewalt: Krieg – Revolution – Terror* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2010), 7.

13 Hannah Arendt, *Macht und Gewalt*, 20th ed. (Munich: Piper, 2011 [1970]), 63.

14 Zygmunt Bauman, "Alte und neue Gewalt," *Journal für Konflikt- und Gewaltforschung* 2 (2000), 28–42; Michaela Christ, "Gewaltforschung: Ein Überblick," *Aus Politik und Zeitgeschichte* 67, no. 4 (2017): 10.

death to be inflicted on those who fit the necessary identity profile, i.e., that of a possible victim to be targeted by the perpetrator group.

The modern period is very often considered less violent than the past,[15] but this is a rather Eurocentric perception, one that also considers the Cold War to have actually been cold,[16] neglecting the violent wars and conflicts it created and the genocidal violence committed in this period.[17] When (genocidal) violence erupts in modern—sometimes those even considered post-modern—states, there is an even more pressing demand to explain why this is possible,[18] especially when "ordinary men"[19] commit crimes so cruel that one can hardly speak of them. Often a "collective crime"[20] related to group dynamics and shared perpetrator identities,[21] genocidal violence can nevertheless appear in different forms and therefore needs to be analyzed with regard not only to its context but also to its actual form of appearance.[22] Peter Imbusch emphasized this diversity concerning violence when he offered the following scheme to divide micro- and macro-violence.[23]

However, according to Raphael Lemkin's definition of genocide, one might consider only violence on the macro-level to be genocidal. Lemkin argued that genocide "does not necessarily mean the immediate destruction of a nation, ex-

15 Teresa Koloma Beck, "(Staats-)Gewalt und moderne Gesellschaft: Der Mythos vom Verschwinden der Gewalt," *Aus Politik und Zeitgeschichte* 67, no. 4 (2017): 16. Such arguments were made, to name just one example, in publications like Steven Pinker, *The Better Angels of Our Nature: Why Violence Has Declined* (New York: Viking, 2011).

16 Immanuel Wallerstein, "What Cold War in Asia? An Interpretative Essay," in *The Cold War in Asia: The Battle for Hearts and Minds*, eds. Hong Liu, Michael Szonyi, and Yangwen Zheng (Leiden/Boston: Brill, 2010), 15–24.

17 See Frank Jacob, ed., *Peripheries of the Cold War* (Würzburg: K&N, 2015); Frank Jacob, *Genocide and Mass Violence in Asia: An Introductory Reader* (Berlin/Boston: De Gruyter, 2019).

18 Stefan Kühl, "Gewaltmassen: Zum Zusammenhang von Gruppen, Menschenmassen und Gewalt," *Aus Politik und Zeitgeschichte* 67, no. 4 (2017): 22.

19 Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Perennial, 1992).

20 Larry May and Robert Strikwerda, "Men in Groups: Collective Responsibility for Rape," in "Feminism and Peace," special issue, *Hypatia* 9, no. 2 (1994): 134–151.

21 Thomas Kühne, *The Rise and Fall of Comradeship: Hitler's Soldiers, Male Bonding and Mass Violence in the Twentieth Century* (Cambridge: Cambridge University Press, 2017).

22 Trutz von Trotha, "Zur Soziologie der Gewalt," in "Soziologie der Gewalt," ed. Trutz von Trotha, special issue, *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 37 (1997): 14.

23 Peter Imbusch, *Moderne und Gewalt: Zivilisationstheoretische Perspektiven auf das 20. Jahrhundert* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2005), 31–35.

Tab. 1: Categorization of violence.

Categories	**Micro-violence**	**Macro-violence**
Phenomenology	Isolated act, punctual event	Violence as part of an organized collective
Type	Individual and direct use of physical or psychological violence	Collective state violence, especially in totalitarian regimes
Perpetrators	Individual from a small group	State or its organs, larger group of perpetrators involved
Victims	Individual	Designated group, identified according to specific factors

cept when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."[24] Genocidal violence is often closely linked to wars, as "[w]ar, or the threat of war, creates conditions that political or military regimes use as justification for planning and carrying out mass violence against their enemies."[25] Wars as an ordered form of violence committed by trained collectives, according to certain acceptable patterns of use legitimized through official decisions at the state's political level, are supposed to "function" in specific ways. However, they can either lead to genocidal eruptions of violence that were not initially planned or be instrumentalized to use violence against particular minorities or out-groups that had intentionally been pre-defined as "war enemies." In this regard, on the one hand, one can observe specific violent continuities; the "[t]urn-of-the-century genocidal colonial wars against indigenous peoples in Africa, North America, Australia, and other colonized spaces presaged genocides that occurred later in the twentieth century."[26] On the other hand, every war in itself possesses the potential to create genocidal violence, especially in relation to the experience of a somehow determining time-space continuum that provides the possibilities for genocidal violence.[27] According to

24 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79.
25 Moyd, "Genocide and War," 225.
26 Ibid., 226.
27 On these aspects see, among others, Shannon O'Lear and Stephen L. Egbert, "Introduction: Geographies of Genocide," *Space and Polity* 13, no. 1 (2009): 1–8.

Martin Shaw, genocidal violence as a social practice is very similar to war due to the following aspects that the former "borrows" from the latter:

1. The identification of a social group as an enemy in an essentially military (rather than political, economic, or cultural) sense, i.e., it is justified to use violence against this group in a comprehensive and systematic way.
2. The intention to destroy the real or imagined power of the enemy group, including its economic, political, cultural, and ideological power, together with its ability to resist this destruction.
3. The deployment and threat of violence to destroy the power of the enemy group through killing and physically harming a significant number of its members, as well as economic, political, and ideological coercion.
4. A fundamental struggle for existence between the attacked group and the genocidal power, which often forms part of a larger conflict in which third parties directly or indirectly ally with the former against the latter.[28]

However, this close relation to war should not omit the possibility that acts of individual violence can be considered genocidal as well. Without any doubt, "genocide is primarily if not exclusively an act of mass killing."[29] However, Shaw also emphasized that "genocide is a structural phenomenon in a double sense. First, it is a recurring pattern of social conflict; second, it is deeply connected to other structures of conflict as well as to more fundamental structures of power in modern society."[30] He further points out that "genocide should be understood as a framework concept for analysing a large variety of empirical situations."[31] These, of course, can but do not have to be linked to war, although they can be considered "a form of war"[32] that can be prepared and waged on a daily basis in peacetime as well. Nevertheless, genocidal violence seems to be at least somewhat structured. Adam Jones has pointed out that

1. structures and institutions, by definition, are created and perpetuated by the collective actions and agency of human beings;

28 Shaw, *What is Genocide?*, 293–294. See also Martin Shaw, *War and Genocide: Organised Killing in Modern Society* (Cambridge: Polity, 2003).

29 Benjamin Meiches, *The Politics of Annihilation: A Genealogy of Genocide* (Minneapolis: University of Minnesota Press, 2019), 109.

30 Ibid., 287.

31 Ibid.

32 Ibid., 291.

2. as "background" features of social relations, structures and institutions influence individual actions, whether consciously or unconsciously;
3. all violence is the product of human agency; and
4. such agency therefore underpins "structural violence" by maintaining the structures and institutions that channel and facilitate violence.[33]

This, however, also raises questions with regard to acts of individual violence and their potential to be considered genocidal. Ultimately, the individual acts of a critical mass can turn individually committed acts of violence into a larger genocidal structure. Nevertheless, if hate crimes are committed by individuals, according to a larger ideological system, i.e., when single killers believe they are serving a larger cause that demands the use of violence against a particular victim group determined by ethnic, political, or religious aspects, would we not have to apply the term 'genocide' here too? Would it have to describe numerous incidents of micro-violence that, in their totality, should be considered a form of genocide? To answer these questions, a more detailed and probably comparative look into the history of genocidal violence is urgently required. The present volume can only offer some theoretical considerations and highlight case studies showing some of the forms genocidal violence can take.

Birgitta Nedelmann has previously proposed a systematic approach to the study of violence based on five methodological steps:

1. Development of a conceptual frame of reference (actors, interpretation of violence, analysis of situation, description of forms of violence used, consequences for perpetrators, victims, and bystanders);
2. Conceptual limitation of the specific form of violence analyzed;
3. Analysis of reciprocal processes of meaning (*Sinnvorgänge*);
4. Methodical pluralism for a longue durée approach (e.g., biographies of perpetrators, victims' post-violence perspectives); and
5. Development of a theory of the constitution of social subjectivity toward the use of violence.[34]

Before taking these steps into consideration for the further study of genocidal violence, it is essential to address the first two steps, as the concept is often considered too narrow. These aspects are dealt with in the first section of the present volume

33 Adam Jones, "Genocide and Structural Violence," in *New Directions in Genocide Research*, ed. Adam Jones (London: Routledge, 2012), 133.

34 Birgitta Nedelmann, "Gewaltsoziologie am Scheideweg: Die Auseinandersetzung in der gegenwärtigen und Wege der künftigen Gewaltforschung," in "Soziologie der Gewalt," ed. Trutz von Trotha, special issue, *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 37 (1997): 72–83.

when *Dirk Moses* and *Frank Jacob* discuss the concept of genocide according to problems caused by its narrow understanding in relation to "unwanted shortcomings" related to the UN Genocide Convention. While Moses discusses the consequences of theoretical and legal insufficiencies, Jacob highlights the origin of the latter in relation to Lemkin's work and the political context in which the convention was drafted and accepted. After these initial reflections on debates in the field of genocide studies and the history of the concept as such, *Khushboo Chauhan* and *Anja Titze* discuss the concept further and highlight that questions about "cultural genocide" as well as gender and genocide are pressing and demand adjustments to the way we think about the latter as a scientific and legal category.

The second section of the volume deals with concrete forms of genocidal violence and offers in-depth studies of different cases, ranging from the analysis of violence in Nazi Germany as a "socially integrative force" (*Christopher Goodwin*) and the "persecution of Sinti and Roma" under the National Socialist regime (*Théophile Leroy* and *Verena Meier*) to a comparative analysis of genocidal violence against women in Armenia and Rwanda (*Kristin Platt*). Two other chapters broaden the analytical perspective: *Grzegorz Rossoliński-Liebe* reconstructs the historical use of genocidal violence by the Ukrainian Nationalists and the Ukrainian Insurgent Army during the Second World War, while *Mohamed Adhikari* takes a closer look at "the genocide of the Beothuk people of Newfoundland." The variety of case studies in this section aims to stimulate a comparative perspective on genocidal violence. Accordingly, it also hopes to show that such comparisons can stimulate a more critical and broader approach toward genocide and a debate about the concept in relation to actually committed violence.

The third and final part of the volume is dedicated to questions about the impact of genocidal violence, thereby fulfilling the demand for a longue durée approach with regard to the chronological contextualization of genocide. Even at a historical distance from the actual violent events, genocidal violence always has a past and undoubtedly leaves multiple forms of impact. In this section, *Alexander Williams* provides a "spatio-temporal analysis of Eddie Weinstein's *17 Days in Treblinka*" and shows how memory related to genocidal violence is formed and expressed in the genre of "survivors' memoirs" or "atrocity testimonies."[35] Last but not least, Kaitlin P. Reed shows how genocidal violence is still impacting Native American communities in California, where "settler colonialism, genocide, and healing" constitute a triad that is closely related to the violence experienced in this specific space.

35 For a broader analysis of such genres, see Katherine Wilson, "Genocide Genres: Reading Atrocity Testimonies" (PhD Thesis, University of Wisconsin-Milwaukee, 2013).

All in all, the editors hope that the variety of the present chapters and their easy accessibility will help to enhance the debates about genocidal violence while broadening the concept as such to reach a more comparative approach toward a crime still being committed against numerous victim groups. The latter could be better protected if the violence used against them and the sorrows thereby created were to be understood as genocidal in nature. In this regard, science has an obligation to lead the way and address the previous shortcomings of a concept that, as a legal category, was related more to political than scientific considerations.

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Section I: **Concepts**

A. Dirk Moses

2 Genocide as a Category Mistake: Permanent Security and Mass Violence Against Civilians

“Genocide” is a category mistake in the legal regime ostensibly protecting civilians. While scholars and humanitarians want to prevent their destruction, the preoccupation with genocide as the “crime of crimes” diminishes the significance of other types of civilian death caused by bombing cities, drone strikes, blockades, and sanctions.[1] Where they cannot see genocide, they are less shocked by mass violence against civilians. What is more, this preoccupation with genocide also inadvertently licenses non-genocidal civilian destruction by distinguishing between their driving logics: genocide as caused by ideologies of hatred in which racialized victims are targeted “as such” versus military targeting in which civilians are killed collaterally. The former is stigmatized and criminalized, while the latter is usually legal and quickly forgotten.

The principle of civilian immunity is the presumption of civilian innocence. Military thinkers and international lawyers have wrestled with the conundrum of observing that 20th-century warfare was total, whether in enlisting entire populations in the two world wars or in internal armed conflicts like civil wars with their demographic targeting. Total warfare, they suggest, means that, say, factory workers and their families contribute to the war effort as much as soldiers on the front: not so innocent, they are thus legitimate targets. To insist on the tidy distinction between combatants and civilians is outmoded, they conclude.[2] But if civilians are not immune, they are effectively guilty by association with enemy combatants, including so-called “human shields.”[3] Then we verge on the mental world of genocide: entire peoples as enemies whose members are collectively

1 On the category of “civilians,” see Helen M. Kinsella, *The Image Before the Weapon*: *A Critical History of the Distinction between Combatant and Civilian* (Ithaca, NY: Cornell University Press, 2011).

2 Alex J. Bellamy, *Massacres and Morality: Mass Atrocities in an Age of Civilian Immunity* (Oxford: Oxford University Press, 2012); Thomas Hippler, *Bombing the People: Giulio Douhet and the Foundations of Air-Power Strategy, 1884–1939* (Cambridge: Cambridge University Press, 2013).

3 Neve Gordon and Nicola Perugini, *Human Shields: A History of People in the Line of Fire* (Berkeley, CA: University of California Press, 2020).

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guilty or at least expendable.[4] In that case, the *de facto*, if not *de jure*, hierarchy of international makes little sense.

Commentators nonetheless typically insist that such civilian destruction cannot be equated with genocide. Military violence is limited to defeating enemies, they say, even if killing some civilians in the process is inevitable according to the "doctrine of double effect," which permits the killing of innocents as a side effect of a moral end, like self-defense.[5] Genocide, by contrast, aims to destroy "enemy" peoples and can never be a moral end. However, this can be a distinction without difference if one does not privilege the intention of states. According to military logic, the killing of enemy civilians continues until victory is achieved, even if it amounts to "genocidal" proportions. What does it matter to civilians in the moment if they are killed with genocidal or military intent? And what if the fantastical geopolitical imperatives of states, especially of great powers, entail outward expansion to make them feel safe, leading to "special military operations" or "infinite," "forever," "endless," and "permanent" wars?[6] Such wars are enabled by the use of drones, missiles, and artillery, which shifts risk from armed personnel to enemy non-combatants, resulting in "repeated 'small massacres' of civilians."[7] In these circumstances, *the continuous killing of civilians becomes the norm rather than confined to occasional wars*: they are casualties of "mowing the grass," as Israeli security analysts call the "long-term strategy of attrition designed primarily to debilitate the enemy capabilities" in their "protracted intractable conflict" with Hamas.[8] Civilian casualties are routinely and cumulatively caused by this strategy. Justifiably, Martin Shaw observes that "mowing the grass" has effectively become not only the "new Western way of war" but also the new form of modern warfare itself.[9]

This recognition leads to my second argument: that all these modes of violence are driven by "permanent security" imperatives – the striving of states (and armed groups seeking to found states) to make themselves invulnerable to current and future threats. Permanent security is the unobtainable goal of absolute safety that necessarily results in civilian casualties by its paranoid tendency to

4 Charles S. Maier, "Targeting the City: Debates and Silences about the Aerial Bombing of World War II," *International Review of the Red Cross* 87 (2005): 429–444.

5 Alison McIntyre, "Doing Away with Double Effect," *Ethics* 111, no. 2 (2001): 219–255.

6 Mary L. Dudziak, *War Time: An Idea, its History, its Consequences* (Oxford: Oxford University Press, 2012).

7 Martin Shaw, *War and Genocide* (Cambridge: Polity, 2003), 239.

8 Michael Shkolnik, "'Mowing the Grass' and Operation Protective Edge: Israel's Strategy for Protracted Asymmetric Conflict with Hamas," *Canadian Foreign Policy Journal* 23, no. 2 (2017): 185–189.

9 Shaw, *War and Genocide*.

anticipatory violence. The two arguments are related because, in order to understand the causes of civilian destruction, we need to correct the category mistake of "genocide."

The vexed relationship between the categories of genocide and armed conflict is an urgent problem given that the majority of post-World War II conflicts have been internal to states and that civilians are now the majority of victims.[10] This conceptual problem is particularly intractable in the "new wars" that emerged after the collapse of the Soviet Union.[11] Overall, patterns of civilian destruction since World War II resemble the violence of imperial expansion and consolidation that has marked human relations for millennia. This chapter performs two analytical operations: first, it elaborates and accounts for this category mistake before explaining how permanent security underlies all atrocity crimes and common state practices like aerial bombing and sanctions.

Accounting for the Category Mistake

Genocide as a Crime against Genos

This category error distinguishes genocide from non-international armed conflict (civil war, rebellion, insurgency, and belligerency) and international armed conflict (interstate war).[12] Since its appearance in international law in the late 1940s, genocide has been conceived and codified as a crime committed by a single state's or para-state's forces against another's civilians or a hapless ethnic minority within its own borders. According to the United Nations Convention on the Pun-

10 Andrew Barros and Martin Thomas, eds., *The Civilianization of War: The Changing Civil-Military Divide, 1914–2014* (Cambridge: Cambridge University Press, 2018); Anthony Cullen, *The Concept of Non-International Armed Conflict in International Humanitarian Law* (Cambridge: Cambridge University Press, 2010); Scott Gates et al., "Trends in Armed Conflict, 1946–2014," *Conflict Trends* 1 (2016), accessed November 22, 2022, https://www.prio.org/utility/DownloadFile.ashx?id=15&type=publicationfile; International Committee of the Red Cross, "Non-International Armed Conflict," accessed November 22, 2022, https://casebook.icrc.org/glossary/non-international-armed-conflict.
11 Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era*, 3rd ed. (Cambridge: Polity, 2013); Christine Chinkin and Mary Kaldor, *International Law and New Wars* (Cambridge: Cambridge University Press, 2017). That is why political scientists use the category of "mass violence" instead of genocide: Joan Esteban, Massimo Morelli, and Dominic Rohner, "Strategic Mass Killings," *Journal of Political Economy* 123, no. 5 (2015): 1087–1132.
12 Robert McLaughlin, *Recognition of Belligerency and the Law of Armed Conflict* (Oxford: Oxford University Press, 2020).

ishment and Prevention of Genocide (UNGC), it constitutes the "intent to destroy in whole or in part a national, ethnical, racial, or religious group as such."[13] That means the killings of political enemies like, say, communists, i.e., "politicides," are not covered by the Convention.[14]

This distinction between genocide and general civilian destruction was not initially implicit in the thought of Raphael Lemkin, the international lawyer who coined the genocide concept in his book *Axis Rule in Occupied Europe* in 1943. He began his justification of the concept in promising terms when he declared that the distinction between civilians and combatants was elemental to the crime. Genocide was

> the antithesis of the Rousseau-Portalis Doctrine, which may be regarded as implicit in the Hague Regulations. This doctrine holds that war is directed against sovereigns and armies, not against subjects and civilians. In its modern application in civilized society, the doctrine means that war is conducted against states and armed forces and not against populations.[15]

Here, Lemkin promisingly declared that criminality was defined as warfare waged against populations rather than armies; today, customary international humanitarian law refers to the "principle of distinction" (or discrimination). Indeed, Westerners have long declared that their mode of warfare is "civilized" and "humanitarian" because of this distinction.[16] Nevertheless, Lemkin and the UN then specified genocide as a *national, ethnic, racial, and religious* crime, excluding other categories of civilians.

Although UN delegates did not use the term "Holocaust," they were acutely conscious of the extermination policies undertaken against Jews and defined genocide to capture the Nazis' extremity and, above all, racial focus and ideological motivation. Leaders of "smaller" European nations subject to Nazi occupation also regarded German policies as an attack on their nationality. Instead of following his premise about the Rousseau-Portalis Doctrine (civilian immunity) in the

13 "Convention on the Punishment and Prevention of Genocide," accessed November 25, 2022, http://www.hrweb.org/legal/genocide.html.

14 In response, some scholars engage in conceptual stretching to categorize political violence as genocide understood as a sociological category: for example, the leftist victims of the authoritarian military regimes in Argentina between 1974 and 1983. Daniel Feierstein, "Political Violence in Argentina and its Genocidal Characteristics," *Journal of Genocide Research* 8, no. 2 (2006): 149–168.

15 Lemkin, Raphael. "Genocide as Crime Under International Law." *United Nations Bulletin* 4 (January 15, 1948): 70–71.

16 "Rule 1. The parties to the conflict must at all times distinguish between civilians and combatants. Attacks may only be directed against combatants. Attacks must not be directed against civilians." International Committee of the Red Cross, "Rule 1. The Principle of Distinction between Civilians and Combatants," accessed November 25, 2022, https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_cha_chapter1_rule1.

face of epochal changes in the relationship between warfare and civilians, Lemkin fixated on ethnic or national groups as victims of massive hate crimes because he regarded them as the building blocks of humanity. Consequently, he did not develop a framework that also included the targeting of entire peoples as military objectives in armed conflict. His imaginary of humanity as an ensemble of peoples with unique national "spirits" was a product of his Zionism, itself a version of "small nations" consciousness and its intense attachment to vulnerable cultural identity that was endemic in the first half of the 20th century.[17] We have adopted this ethnic-national human ontology and made it the barely acknowledged basis of the hierarchy of criminality.

Genocide as a Non-Political Hate Crime

This ethnic definition of genocide is compounded by its conceptualization as an irrational hate crime: innocent, blameless victims are attacked for racial rather than political reasons – for who they are, not for what they (or members of their group) have done. In law and popular culture, genocide is a crime against identity. Primordial antipathy or ideologically driven racism, instead of political considerations, is supposed to motivate the perpetrator. This understanding of genocide is indexed to its archetype, the Holocaust. If the Holocaust is unique, as is often asserted, it is because European Jews were not engaged in an uprising against Nazi rule; their agency consisted variously in escaping, resisting, surviving, and retaining dignity in the attempt to exterminate them. Heightening the evil of their persecution, they were politically innocent and did not provoke their targeting: they were murdered out of pure hate.

Establishing a hierarchy of mass criminality with the destruction of identity at its apex was a means of credentialing Genocide Studies as a serious social scientific discipline. Doing so entailed countering the anti-imperial definition of genocide by critics of the US war on Vietnam in the 1960s and 1970s. The agenda was set by Irving Louis Horowitz's field-founding *Genocide, State Power and Mass Murder* (1976), which defined genocide "as a structural and systematic destruction of *innocent* people by a state bureaucratic apparatus." The state decided such people "represent symbolic evil" rather than a "real threat."[18] This distinction be-

17 James Loeffler, "Becoming Cleopatra: The Forgotten Zionism of Raphael Lemkin," *Journal of Genocide Research* 19, no. 3 (2017): 340–360.

18 Irving Louis Horowitz, *Genocide, State Power, and Mass Murder* (New Brunswick, NJ: Transaction Publishers, 1976), 16–18. Emphasis added. Later editions are called *Taking Lives: Genocide and State Power*.

tween the innocent and the guilty became hegemonic in comparative Genocide Studies in the 1980s and 1990s and was most clearly articulated by the sociologist Leo Kuper. A scholar of African societies, he argued that postcolonial political instability was caused by these states' internal ethnic pluralism.[19] These genocides needed to be contrasted with ones produced by what he called "totalitarian political ideologies, of absolute commitment to the remaking of society in conformity with radical specifications, and a rooting out of dissent."[20]

The salient point of this distinction is that "between situations in which there is some threat, however slight, to the interests of those who perpetrate or plan or incite massacres, and situations devoid of such threat." Kuper insisted that "one can distinguish between massacres of a weak defenseless hostage group used as a scapegoat, and massacres arising in the course of a conflict in which there is some realistic threat or challenge to the interests of the dominant group in the host society."[21] In the latter, political considerations are salient, but not in the former, which are purely ideological and non-political. The Holocaust is the most striking example of the latter.[22] Hatred of identity was the genocidal motivation, its destruction the intention. The legal scholar William Schabas reflected this view in noting that "the purpose of the [Genocide] Convention . . . was to protect national minorities from crimes based on ethnic hatred."[23] The consensus was indicated by the Jewish Studies scholar Alan L. Berger in an essay tellingly entitled "The Holocaust: The Ultimate and Archetypal Genocide." The question of agency was central, echoing Kuper's distinction between political and non-political genocides: "it was not *what* Jews did," propounded Berger, "but rather *that* they were Jews which constituted their 'crime.'"[24]

The making of the category mistake is observable in the legal birth of genocide. The official committee of experts' commentary on the draft Genocide Convention, written in part by Lemkin in 1947, acknowledged that civilian populations were affected by modern warfare with "more or less severe losses." Accordingly, it distinguished between armed conflict and genocide by arguing that in the latter, "one of the belligerents aims at exterminating the population of enemy territory and sys-

19 Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (New Haven, CT: Yale University Press, 1981), 17.
20 Ibid., 17.
21 Ibid., 92–93.
22 Ibid., 143–144.
23 William A. Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press, 2000), 119.
24 Alan L. Berger, "The Holocaust: The Ultimate and Archetypal Genocide," in *Encyclopedia of Genocide*, vol. 1, ed. Israel W. Charny (London: Mansell, 1988), 59. Emphasis in original.

tematically destroys what are not genuine military objectives."[25] Military objectives, by contrast, aimed at imposing the victor's will on the loser, whose existence was not imperiled. Killing masses of civilians was acceptable, if regrettable, when motivated by military goals: victory, not destruction.

Contemporary legal experts immediately understood the significance of this distinction, codified by two words in the UNGC: destroying ethnic, racial, national, and religious groups "*as such*." This meant destroying its members simply by virtue of their membership, in other words, because of their identity.[26] As the Professor of International Law at the University of Edinburgh, J. L. Brierly (1881–1955), wrote in 1949, the intended destruction of the listed groups "as such" had a "limiting effect": it meant excluding "many, probably most, of the famous massacres and persecutions of history." In historical reality, the facts of perpetrator motives "have been more obscure [than the Nazis'] and more mixed." To qualify as genocide, the victim population would have to be targeted "because they were Jews or Slavs, or members of some particular group of human beings whose elimination had been resolved on," not "enemies in war or rebels against a government." Accordingly, "putting a whole enemy population, men, women, and children, to the sword" would not necessarily be genocide. The Convention, he concluded pessimistically, promised more than it delivered: upon its passing by the UN, he opined that "nothing important has happened at all."[27]

However problematic the distinction between ethnic and political violence might be, Article 2 of the UN Charter forbids intervention in non-international armed conflicts unless they threaten peace (Chapter VII of the UN Charter), meaning that international interdiction of the mass killing of foreign civilians is illegal in most circumstances. As before the so-called "human rights revolution" in the late 1940s, states can violently repress their own civilians during proclaimed national emergencies.[28] They can also legally kill the civilians of other states using the cover of military necessity, proportionality, and collateral damage. To ensure their technological advantage in the early years of the Cold War, the American

25 Draft Convention on the Crime of Genocide, E/447, June 26, 1947. The UN deliberations are collected in Hirad Abtahi and Philippa Webb, eds., *The Genocide Convention: The Travaux Préparatoires*, 2 vols. (Leiden: Brill, 2009), here 1: 167 and 230–231.

26 Ibid., A/C.6/SR.75 in ibid., 2: 1416–1417; A/C.6/SR.76 in ibid., 2: 1425–1427; A/C.6/SR.77 in ibid., 2: 1435.

27 J. L. Brierly, "The Genocide Convention," *The Listener*, March 10, 1949.

28 Sandesh Sivakumaran, *The Law of Non-International Armed Conflict* (Oxford: Oxford University Press, 2012).

and British governments conspired to exclude nuclear weapons from regulation by the Fourth Geneva Convention of 1949.[29]

Using the imagery of ultimate criminality, genocide was depoliticized by being defined as a murderous attack on people solely on the basis of their hated group membership: merely for who they are. This definition ensured that a state could avoid committing genocide by claiming to act for political-strategic purposes. Repressing political opposition and destroying entire peoples in warfare was now all the easier because the genocide threshold increasingly functioned to screen out military necessity and most permanent security practices. As a consequence, the wars waged ever since, in which many millions of civilians have died, cannot be legally categorized as genocide. And as a consequence, we think more about the victims of genocide during World War II than the overall civilian casualties – a staggering 30 million. While the targeting of nationalities "as such" accounts for much of this number, they were equally victims of all powers' "strategies of annihilation," namely of permanent security, a point I elaborate below.[30]

The "Crime of Crimes"

The strictly legal consensus tends to place genocide and crimes against humanity on the same plane. However, UN officials routinely suggest that racial-civilian destruction is worse than political-civilian destruction.[31] This outcome would have pleased Lemkin, who, in his tussle with the rival notions of human rights and crimes against humanity in the late 1940s, insisted that genocide is the "most heinous of all crimes. It is the crime of crimes."[32] Genocide captures public attention in a way that war crimes or crimes against humanity do not. Politically rather than racially defined victims are effectively assigned a lower status in the hierarchy of criminality. The result is not only to trivialize war crimes and crimes against humanity but also to exclude the aerial bombing of civilians, which likewise violates the principle of distinction and is often deadlier. As a result, victims

29 Boyd van Dijk, *Preparing for War: The Making of the Geneva Conventions* (Oxford: Oxford University Press, 2022).

30 Thomas Zeiler, *Annihilation: A Global History* (Oxford: Oxford University Press, 2014); Norman Davies, *Europe: A History* (New York: Oxford University Press, 1996); Svenja Goltermann, *Die Wahrnehmung von Krieg und Gewalt in der Moderne* (Frankfurt a.M.: Fischer, 2017).

31 "Political Impasse Adds 'New Layer of Complications' to Iraq's Complex Challenges – UN Envoy," UN News Center, May 6, 2016, accessed November 25, 2022, http://www.un.org/apps/news/printnews.asp?nid=53874.

32 Raphael Lemkin, "Genocide as Crime Under International Law," *United Nations Bulletin* 4 (January 15, 1948): 70.

and their advocates routinely style their experience as genocide to gain recognition and provoke intervention, claiming they are targeted "as such." Few recall that the USA bombed North Korean cities and transport infrastructure relentlessly between 1950 and 1953, killing over 20% of the population and leading an expert on the subject to characterize the US bombing campaign as genocidal.[33]

The Holocaust exercised a profound effect in establishing this hierarchy, superseding another diplomatic vocabulary. Two days after the UN General Assembly voted for its famous genocide resolution in December 1946, it passed another affirming the principles of the International Military Tribunal (IMT) in Nuremberg, thereby approving its core indictment: crimes against peace.[34] Also called the crime of aggression, it was the superordinate violation of international law beneath which lay war crimes and crimes against humanity. Justice Robert Jackson declared it the core of the case, the "crime which comprehends all lesser crimes," indeed "the supreme international crime differing only from other war crimes in that it contains within itself the accumulated evil of the whole."[35] If there was a crime of crimes in the mid-1940s, it was the crime of aggression.[36]

But not for long. The Cold War and the unwillingness of states to relinquish the right of anticipatory self-defense hamstrung international agreement about a definition of aggression until 2010.[37] What is more, the discovery of incriminating Nazi documentation led to twelve successor trials of Nazi *Einsatzgruppen* officers, military planners, and doctors (among others) conducted by the US military (the Nuremberg Military Tribunal) between 1946 and 1949, at which crimes against humanity were less dependent on the nexus with aggressive warfare than at the IMT. Consequently, the prosecutors focused more on various mass crimes against civilians – extermination, genocide, and other crimes against humanity, inaugurating what one scholar calls the "atrocity paradigm" in international criminal law. Henceforth, civilian destruction due to Nazi-like racial hatred rather than inter-state aggression captured the judicial and popular imaginations.[38]

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33 Bruce Cumings, *The Korean War: A History* (New York: Random Hose, 2010), 161 and 172.
34 Antonio Cassese, "On Some Problematical Aspects of the Crime of Aggression," *Leiden Journal of International Law* 20 (2007): 842.
35 Kirsten Sellars, *"Crimes against Peace" and International Law* (Cambridge: Cambridge University Press, 2013), 114–115; Franz B. Schick, "Crimes Against Peace," *Journal of Criminal Law and Criminology* 38, no. 5 (1948): 447.
36 R.W. Cooper, *The Nuremberg Trial* (Harmondsworth/New York: Penguin, 1947), 293–300.
37 Noah Weisbrod, *The Crime of Aggression: The Quest for Justice in an Age of Drones, Cyberattacks, Insurgents, and Autocrats* (Princeton, NJ: Princeton University Press, 2019).
38 Lawrence Douglas, "Crime of Atrocity, the Problem of Punishment and the *Situ* of Law," in *Propaganda, War Crimes Trials and International Law: From Speakers' Corner to War Crimes*, ed.

Public concern about atrocities was in fact well developed before World War II. Scandals about oppression and exploitation in European conquests and colonial rule punctuated metropolitan life. However, unlike the post-Holocaust era to which Lawrence Douglas refers, contemporaries recognized that civilian destruction occurred for practical-political reasons of suppressing anti-colonial rebellions or in vicious systems of labor extraction rather than for non-political reasons of racial or religious hatred. The postwar depoliticization of atrocity occurred with the breakthrough of genocide in this paradigm and can be traced to the opening address at the *Einsatzgruppen* trial by the young prosecutor Benjamin Ferencz (1920–2023). He had read the damning cables of *Einsatzgruppen* officers detailing their body counts and then convinced senior US officials to prosecute them. He also studied Lemkin's book, *Axis Rule in Occupied Europe*.[39] Ferencz told the court that "the killing of defenseless civilians during a war may be a war crime, but the same killings are part of another crime. A graver one, if you will – genocide, or a crime against humanity."[40] Although he named genocide as a form of crime against humanity, his hierarchy was clear: genocide was the worst crime. Ever since, genocide has enjoyed the status of the "crime of crimes" in the developing atrocity paradigm.[41]

As a consequence of genocide's ethnicization, depoliticization, and hierarchization, it is convenient for actors to demarcate genocide from civil war and insurgency, as well as from warfare proper. Fatally, then, Lemkin and the UN monumentalized only depoliticized racial destruction, thereby attenuating the principle of distinction that he himself invoked. The UN Genocide Convention then entrenched the virtually untrammeled sovereignty of states in their internal affairs and a relatively free hand in waging aerial warfare abroad. It was inconceivable for the "community of nations" to protect civilians in general when they met to implement the human rights revolution in the second half of the 1940s because that would entail both proscribing their own conduct during World War II and tying their hands in defending their empires and/or waging the predicted war with ideological opponents.

Predrag Dojcinovic (Abingdon/New York: Routledge, 2012), 272; Claudia Card, *The Atrocity Paradigm: A Theory of Evil* (Oxford: Oxford University Press, 2002).

39 Benjamin B. Ferencz, "Origins of the Genocide Convention," *Case Western Reserve Journal of International Law* 40, nos. 1–2 (2008): 27; Hilary Earl, *The Nuremberg SS-Einsatzgruppen Trial, 1945–1958: Atrocity, Law, and History* (Cambridge: Cambridge University Press, 2009).

40 Douglas, "Crime of Atrocity," 273.

41 William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge: Cambridge University Press, 2009); Nicole Rafter, *The Crime of All Crimes: Towards a Criminology of Genocide* (New York/London: New York University Press, 2016).

Although Lemkin understood the genocide concept as a constructed artifice – a composite violation that bundled existing crimes on the basis of their underlying intention – he thought that it reflected a recurring reality: the destruction of ethno-cultural groups as a historical reality. In doing so, he did not understand that genocide is in fact a generative notion. Through the "magic of concepts," scholars *create* their object of inquiry by retrospectively imposing Lemkin's (or the UN's) ideal-typical definition on the past, thereby "discovering" cases. In this way, supposed instances of a stable phenomenon can be traced throughout history, giving the illusion of continuity and objectivity to arbitrary choices made in the present.[42] Why, for example, are the cases of Nigeria-Biafra and East Pakistan routinely excluded from genocide studies but Cambodia included, let alone the almost unimaginable mortality of the Chinese Great Leap Forward? Most civilian destruction in the second half of the 20th century is excluded by fixating on genocide as a non-political crime of racial hatred.[43] Lemkin did not foresee that his creation would distort our criminal vocabulary with its paralyzingly monumental status as the "crime of crimes" that screens out other violations of the principle of civilian distinction. It also screens out the workings of permanent security.

Permanent Security and Civilian Destruction

Permanent security is a praxis in which human groups – civilians – are targeted collectively and preventatively as security threats. When a "national, ethnical, racial or religious group," to use the UN Genocide Convention list, is targeted, its members are *racialized* by those who ascribe racial meaning to social, political, and cultural processes and events. Members of groups can also self-racialize. Permanent security implicates racialization when combined with *securitization*: identifying a group as threatening. Persecution does not occur without securitization, even if victims experience their persecution as the outcome of hatred, because that is the emotion they discern in the perpetrators. The social fact of racial or religious difference or even prejudice does not cause genocidal violence. The

42 Rebecca E. Karl, *The Magic of Concepts: History and the Economic in Twentieth-Century China* (Durham, NC: Duke University Press, 2017).
43 Vinay Lal, "The Concentration Camp and Development: The Pasts and Future of Genocide," *Patterns of Prejudice* 39, no. 2 (2005): 220–243.

securitization of groups, whether racialized or otherwise defined, is the driver of excessive violence.[44]

Permanent security is the underlying criminality that unites the triumvirate of genocide, crimes against humanity, and war crimes, as well as collateral damage. These security imperatives inhere in the absolute claims of any state, para-state, or international grouping to assert the interests of either a particular ethnos (illiberal permanent security) or "civilized humanity" (liberal permanent security). Whether liberal or illiberal, permanent security is an impossible and immoral aspiration that drives states and para-states to kill innocent people in the name of ending vulnerability by imposing their regime – forever. The paranoid and hubristic quest for permanent security escalates routine state and (para)military security practices to sanction violating the principle of distinction in massive and/or cumulatively persistent attacks: killing, incarcerating, or deporting civilians, including collaterally, with the aim of ending resistance to their rule, and thus politics itself; indeed, of stopping time itself. In the case of liberal permanent security, one famous scholar spoke of the "end of history" after the fall of communism and the seeming victory of the capitalist West.[45] When a regime crushes alternative visions of human collective existence – other political options – human history is imperiled.

Some scholars have attempted to redefine genocide to include civilian destruction in general – in particular, nuclear warfare – but this conceptual stretch inevitably runs into the problem of genocide's archetype, the Holocaust, with its emphases on strict intentionality and ethnic identity.[46] Instead, I argue we should develop an alternative category to name and explain the criminality that the genocide concept only partially captures. Genocide, like war crimes and crimes against humanity, obscures a deeper source of transgression better covered by the notion of *permanent security*. Despite its possibly anodyne connotations, permanent security is a deeply utopian and sinister imperative that only a small part of the vast security studies literature has theorized: namely, the anticipation of future threats as a modality of politics.[47]

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44 Aliya Saperstein, Andrew M. Penner, and Ryan Light, "Racial Formation in Perspective: Connecting Individual, Institutions, and Power Relations," *Annual Review of Sociology* 39 (2013): 359–378.

45 Francis Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992).

46 Robert Jay Lifton and Eric Markusen, *The Genocidal Mentality: The Nuclear Holocaust and Nuclear Threat* (New York: Basic Books, 1990).

47 Brian Massumi, "Potential Politics and the Primacy of Preemption," *Theory & Event* 10, no. 2 (2007): 5–24.

The term is not my invention. The Nazi commander of *Einsatzgruppe D*, SS-Führer Otto Ohlendorf (1907–1951), coined it for the rationale of his troops' mass murder of Jews in southern Ukraine, Moldova, and the Caucasus. Security thinking saturated his political imagination, as it did Nazis generally. The *Einsatzgruppen* embodied security imperatives in the field. They were four special action units, totaling some 3,000 men, established by the Security Service and Security Police of the Imperial Security Main Office (*Reichssicherheitshauptamt*) for the invasion of the Soviet Union in 1941. Their orders were to ensure the security of territory conquered by the German army by exterminating political enemies. These were not clearly itemized at the outset but came to denote Bolshevik functionaries and perceived threats, including Jews and "Gypsies."[48]

In this regard, Hitler set the tone in a speech after the conquest of Poland in October 1939. He declared that German policy should include, among other measures, "[t]he pacification [*Befriedung*] of the entire area in the sense of producing tenable peace and order" and "the absolute guarantee of the security not only of imperial territory but of the entire sphere of interest." In the rest of the speech, he spoke at length about the "feeling of security" (*Gefühl der Sicherheit*) that would attend the ethnic reordering of the continent when minorities were eliminated by population transfer, including "the attempt to order and regulate the Jewish problem."[49] As the Israeli historian Saul Friedländer pointed out, the Nazis regarded Jews "as an *active threat*, for all of Aryan humanity in the long run, and in the immediate future for a Reich embroiled in a world war," meaning that "the Jews had to be exterminated before they could harm 'Fortress Europe' from within or join forces with the enemy coalition they had themselves set against the Reich."[50] If the regime was deeply irrational when viewed from the outside, its extermination policies made perfect sense to its followers as applications of permanent security.

How did Ohlendorf elaborate this notion? After his capture, he was initially happy to co-operate with British authorities because he did not believe he had committed any crimes. Indeed, he regarded the murders as militarily defensible in the name of security; they were certainly not motivated by racial hatred. He said that the German goal aimed at "an immediate and *permanent security* of our own realm

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48 Helmut Krausnick, *Hitlers Einsatzgruppen: Die Truppe des Weltanschauungskrieges 1938–1942* (Frankfurt a.M.: Fischer, 1998), 135.

49 Adolf Hitler, "Entgegennahme einer Erklärung der Reichsregierung," *Verhandlungen des Deutschen Reichstags* (October 6, 1939), 56 and 61, accessed November 26, 2022, https://www.reichstagsprotokolle.de/Blatt2_n4_bsb00000613_00052.html.

50 Saul Friedländer, *The Years of Extermination: Nazi Germany and the Jews, 1939–1945* (New York: HarperCollins, 2007), 557. Emphasis in original.

against that realm with which the belligerent conflict is taking place."[51] What did this mean? Ohlendorf was asked whether executing civilians served this goal, to which he replied with the familiar Judeo-Bolshevik mantra of the Nazis and antisemites generally: "For us it was obvious that Jewry in Bolshevist Russia actually played a disproportionately important role," and, further: "That the Communist functionaries and the active leaders of the Communists in the occupied area of Russia posed an actual continuous danger for the German occupation the documents of the prosecution have shown. It was absolutely certain that by these persons the call of Stalin for ruthless partisan warfare would be followed without any reservation."[52]

For Ohlendorf, executing Jews and Bolsheviks was a legitimate anti-partisan policy. As might be expected, the prosecution cross-examined him about killing those who could not pose a military threat: Jewish children. Here is the exchange:

Q. Will you agree that there was absolutely no rational basis for killing children except genocide and the killing of races?

A. I believe that it is very simple to explain if one starts from the fact that this order did not only try to achieve security, but also permanent security because the children would grow up and surely, being the children of parents who had been killed, they would constitute a danger no smaller than that of the parents.[53]

Rather than press Ohlendorf on the notion of permanent security, however, the cross-examiner allowed himself to be tied up by Ohlendorf's equation between the Allied bombing of German civilians and his troops' mass execution of Jewish children.

Q. That is the master race exactly, is it not, the decimation of whole races in order to remove a real or fancied threat to the German people?

A. Mr. Prosecutor, I did not see the execution of children myself although I attended three mass executions.

Q. Are you saying they didn't kill children now?

A. I did not say that. May I finish? I attended three mass executions and did not see any children and no command ever searched for children, but I have seen

51 Ibid., 247. Emphasis added.
52 Ibid.,.
53 Ibid., 356.

very many children killed in this war through air attacks, for the security of other nations and orders were carried out to bomb, no matter whether many children were killed or not.

Q. Now, I think we are getting somewhere, Mr. Ohlendorf. You saw German children killed by Allied bombers and that is what you are referring to?

A. Yes, I have seen it.

Q. Do you attempt to draw a moral comparison between the bomber who drops bombs hoping that it will not kill children and yourself who shot children deliberately? Is that a fair moral comparison?

A. I cannot imagine that those planes which systematically covered a city that was a fortified city, square meter for square meter, with incendiaries and explosive bombs and again with phosphorus bombs, and this done from block to block, and then as I have seen it in Dresden likewise the squares where the civilian population had fled to—that these men could possibly hope not to kill any civilian population, and no children. And when you then read the announcements of the Allied leaders on this – and we are quite willing to submit them as document – you will read that these killings were accepted quite knowingly because one believed that only through this terror, as it was described, the people could be demoralized and under such blows the military power of the Germans would then also break down.[54]

The prosecution did not address Ohlendorf's chilling point about permanent security and its rationale for child murder. They remained at the level of conventional military necessity, pointing out that killing Jews had no bearing on the German campaign. Ohlendorf's point, however, was about future threats.[55] Nor did the prosecution challenge the assertion of Jewish-Bolshevik affiliation. Instead, it introduced the distinction between genocide as a non-political hate crime and military necessity as a legitimate practice. Why it did so was related to the Nazi defense's point about the Allied bombing of German civilians and the imperative to rescue the concept of military necessity for Allied use. Even though the Nuremberg Charter proscribed the "wanton destruction of cities, towns or villages, or devastation not justified by military necessity," the German bombing of civilians was not prosecuted at Nuremberg so that Allied bombing could be justified by

54 Ibid., 367.
55 Ibid.

military necessity. The British, for one, found a military pretext for their bombing of German cities, which continued until the last month of the war, in the proposition that the morale of the enemy population was a legitimate military target.[56] The 1923 Hague Convention on aerial bombing was not ratified, and its guidelines were ignored by all belligerents. The judges in the *Einsatzgruppen* Case repeated this reasoning in justifying aerial bombing by suggesting that German cities were filled with combatants who contributed to "military resistance":

> It was argued in behalf of the defendants that there was no normal distinction between shooting civilians with rifles and killing them by means of atomic bombs. There is no doubt that the invention of the atomic bomb, when used, was not aimed at noncombatants. Like any other aerial bomb employed during the war, it was dropped to overcome military resistance.[57]

The analytical point is not to adopt Ohlendorf's perspective, of course. It is to turn the concept back onto him and his ilk: to expose the terrible implications of what he was saying about the Nazi project as a whole, not just on the eastern front. Ohlendorf's defense counsel called his actions "putative self-defense" (or "putative necessity"). His US prosecutors, who also starred Ferencz, wrestled with the disjunction between subjective and objective perspectives and understandably discounted the former as untenable. To accept it, they reasoned, would be to allow the abrogation of the laws of war because of outlandish threat perceptions.[58]

I believe they were right to do so. This security imagination – permanent security – entails a radically dangerous temporal structure. It is concerned not only with eliminating immediate threats but also with future threats. Governed by a logic of prevention (future threats) as well as preemption (imminent threats), it strives to close the gap between perceived insecurity and permanent security. The latter thereby entails a fatally restless and dynamic process indentured to a paranoid subject who not only perceives grave threats but also manufactures circumstances in which they become self-fulfilling prophecies; for example, attacking others who are thereby driven into a hostile (defensive) posture. Herewith, Ohlendorf expressed a truth about state and para-state thinking and behavior that rarely speaks its name. At times, articulate mass murderers can give devastatingly clear accounts of their motivations that we ignore because of their provenance.

56 Kevin Jon Heller, *The Nuremberg Military Tribunals and the Origins of International Criminal Law* (Oxford: Oxford University Press, 2011), 310; D.H.N. Johnson, *Rights in Air Space* (Manchester: Manchester University Press, 1965), 48.
57 The "Einsatzgruppen Case," 467.
58 "United States of America vs. Otto Ohlendorf, et al. (Case No. 9)," in *Trials of the War Criminals before the Nuremberg Military Tribunals*, vol. 4: *The "Einsatzgruppen Case," October 1946 – April 1949* (Washington, DC: US Government Printing Office, 1949), 346–355, 463–466.

However, the prosecutors' correct criminalization of paranoid security fears inadvertently set a trap for future American strategic planners whose forces killed millions of civilians with bombs in combatting communism in Korea and Indochina, far from US shores. In an argument that was advanced when the Nigeria-Biafra War concluded in the 1970s, the Allied bombing could not be compared with the Germans' pursuit of Jews because the former ceased when the war ended, whereas the latter would have continued after the end of hostilities.[59] The case hinged on the temporal distinction between current and future threats rather than civilian destruction: killing hundreds of thousands of civilians was legitimate in the course of military operations but not to avert a future threat. The Nazis and Allies were operating with different conceptions of warfare: the former pursued security with illiberal methods, the latter with liberal ones.

Illiberal Permanent Security

This modality entails the preventative killing of presumed future threats to a particular ethnos, nation, or religion in a bounded "territoriality."[60] To invoke the term of the Syrian intellectual Yassin El-Haj Saleh, such regimes are "genocratic" because they represent the rule of a "genos" rather than the "demos" and wield state terror to entrench their power.[61] Scholars have long identified such practices in the targeting of political and ethnic groups, like communists in Latin America and Indonesia, or national minorities in countless cases. The Nazi genocide of Jews – the Holocaust – is the most notorious case of illiberal permanent security, which disregards international law and claims of universal morality and thus does not distinguish between civilians and combatants: peoples as a whole are enemies.[62]

Killing children as future threats is a sure sign of illiberal permanent security aspirations. Young Turk leader Talaat Pasha explained the deportations of Arme-

59 Robert Wolfe, "Putative Threat to National Security as a Nuremberg Defense for Genocide," *Annals of the American Academy of Political and Social Science* 450 (1980): 46–67; Annette Weinke, *Law, History, and Justice: Debating German State Crimes in the Long Twentieth Century* (New York/ Oxford: Berghahn Books, 2019), 128.

60 Charles S. Maier, *Once Within Borders: Territories of Power, Wealth, and Belonging since 1500* (Cambridge, MA: Harvard University Press, 2016).

61 Yassin al-Haj Saleh, "Terror, Genocide, and the 'Genocratic' Turn," *Aljumhuriya*, September 19, 2019, accessed November 26, 2022, https://www.aljumhuriya.net/en/content/terror-genocide-and-%E2%80%9Cgenocratic%E2%80%9D-turn.

62 Alan Kramer, *Dynamics of Destruction: Culture and Mass Milling in the First World War* (Oxford: Oxford University Press, 2007), 329–330.

nians in these terms in an interview with a German newspaper in 1916: "We have been reproached for making no distinction between the innocent Armenians and the guilty: but that was utterly impossible in view of the fact that those who are innocent today might be guilty tomorrow."[63] North American settlers justified murdering Indian children with the argument that "nits make lice."[64] More recently, the former director of Guatemala's Peace Archives told the national court prosecuting military leaders for various crimes against indigenous people in the 1990s that "[t]he army's objective with the children was to eliminate the seed for future guerrillas."[65] The Australian terrorist who murdered 51 praying Muslims in Christchurch, New Zealand, in March 2019 shared this logic. Children "will one day become teens, then adults, voting against the wishes of our people, practicing the cultural and religious practices of the invaders, taking other people's lands, work, houses and even attacking and killing our children," he declared. The necessary action is inescapable: "You burn the nest and kill the vipers, no matter their age."[66]

Liberal Permanent Security

Ironically, and fatally, condemning illiberal permanent security with the language of transgression often initiates a dialectic that leads to *liberal permanent security*. The righteous speakers of this language can all too easily place the objects of condemnation beyond the realm of humanity – as "barbarians," "savages," and "enemies of humanity" – to justify the permanent extension of their power to oppose and even eliminate them. In this way, genocidal perpetrators become *hostes humanis generis* – enemies of all humanity, the ultimate evil – which is, of course, the same category used by genocidal perpetrators.[67] Whereas illiberal permanent security aspires to bounded territoriality, the liberal version envisions the world as the territory to be secured in the name of "humanity." A fitting

63 Quoted in Vigen Guroian, "Collective Responsibility and Official Excuse Making: The Case of Turkish Genocide of the Armenians," in *The Armenian Genocide in Perspective*, ed. Richard G. Hovannisian (New Brunswick, NJ: Transaction Publishers, 1986), 143.
64 Katie Kane, "Nits Make Lice: Drogheda, Sand Creek, and the Poetics of Colonial Extermination," *Cultural Critique*, no. 42 (1999): 81–103.
65 Jo-Marie Burt, "From Heaven to Hell in Ten Days: The Genocide Trial in Guatemala," *Journal of Genocide Research* 18, nos. 2–3 (2016): 149–150.
66 A. Dirk Moses, "'White Genocide' and the Ethics of Public Analysis," *Journal of Genocide Research* 21, no. 2 (2019): 201–213.
67 Alette Smeulers, "Punishing the Enemies of All Mankind," *Leiden Journal of International Law* 21 (2008): 974.

example is the 19th-century British politician William Ewart Gladstone, who, in his famous pamphlet *The Bulgarian Horrors* (1876) attacking the Ottoman repression of a Bulgarian uprising, demonized the Turks as a particularly dangerous "racial" type of Muslim who were "the one great anti-human specimen of humanity." They had earned his invective for many atrocities and destroying civilization; they were an "advancing curse that menaced the whole of Europe."[68]

Gladstone was drawing on venerable arguments about pirates as outlaws and "enemies of humanity." Having profited from the slave trade for centuries, Britain opposed it in the 19th century when humanitarians, and eventually the state, regarded slave traders and pirates in these terms and believed that extending British imperial rule or writ was coterminous with ending slavery and piracy. By the end of the century, this fusion of humanitarianism and empire became a European liberal project: the "Scramble for Africa" was justified by ending slavery there and introducing the emoluments of civilization, commerce, and Christianity.[69] These are instances of liberal permanent security because of the pretense of universal values and commitment to a metanarrative of human progress based on freedom and material improvement, all of which are predicated on the colonial civilizing missions of European and North American powers.

Military campaigns in which civilian casualties are intended or accepted as incidental to the military objective in the context of permanent states of emergency are also signs of liberal permanent security: in aerial bombings, starvation blockades, and population expulsions. One political scientist calls the outcome of such campaigns "civilian victimization," defining the concept thus: "Civilian victimization is a military strategy chosen by political or military elites that targets and kills noncombatants intentionally or which fails to discriminate between combatants and noncombatants and thus kills large numbers of the latter."[70]

I prefer "civilian destruction" to capture the logic at work here, for even if the total destruction of an enemy's civilians is not the aim, the entire population is targeted as killable – and will be killed until victory. The issue of so-called collateral damage that international law permits is central to this modality of permanent security. It is the incidental but entirely foreseeable deaths of civilians in the vicinity of military targets, the scale of which is limited only by proportionality principles: the greater the significance of the military target, the more extensive

68 W.E. Gladstone, *Bulgarian Horrors and the Question of the East* (New York/Montreal: Lovell, Adam, Wesson and Co., 1876), 10.

69 Amalia Ribi Forclaz, *Humanitarian Imperialism: The Politics of Anti-Slavery Activism, 1880–1940* (Oxford: Oxford University Press, Oxford 2015).

70 Alexander B. Downes, *Targeting Civilians in War* (New York: Cornell University Press, 2008), 13.

the legally permissible civilian deaths. When this calculation becomes integrated into permanent warfare, the continuous, serial killing of civilians becomes the rule, not the exception.[71]

Conclusion

If our premise is to distinguish non-combatants from military targets, then their intended or indiscriminate largescale destruction as a matter of policy is highly problematic, because it continues until victory. And if war becomes permanent, then so does civilian destruction. Usually associated with fascist regimes, especially Nazi warfare and strategic ambitions, permanent warfare is shared by all forms of permanent security. From the perspective of non-Europeans conquered, colonized, and exploited by Europeans since the 16th century, permanent warfare seems an apt description of what they have endured. We also need to consider non-international armed conflicts, whether these are civil wars, internal repressions, or internal upheavals associated with forced development like the Chinese Great Leap Forward that cost the lives of up to 45 million people.[72] All told, these have accounted for far more civilian deaths than genocide. If we are interested in preventing or limiting civilian destruction, we need to direct our intention to the operation of permanent security. In doing so, we can see that the concept and law of genocide is a tool of liberal permanent security.

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Frank Jacob

3 Lemkin's Unwanted Shortcomings and Some Theoretical Considerations about the Definition of "Genocide"

Introduction

I thought: genocide is so easy to commit
because people don't want to believe it
until after it happens.[1]

History cannot be separated from violence, and the annihilation of whole populations is "an age-old phenomenon"[2] usually tied to processes of territorial expansion or the consolidation of power. "Genocide," the term that describes violence applied to annihilate a certain group of people within a given economic, cultural, ethnic, gendered, geographical, political, religious, and/or social context,[3] was coined by the Polish lawyer Raphael Lemkin (1900–1959), who "succeeded in getting his 'crime of crimes' defined by the United Nations in an international convention," and ever since his terminology was applied in the UN's Genocide Convention (1948), "[e]very account of genocide pays lip-service to his achievements."[4] Never-

1 Mark Levene, *Genocide in the Age of the Nation-State* (London: I.B. Tauris, 2005); Eric D. Weitz, *A Century of Genocide: Utopias of Race and Nation* (Princeton, NJ: Princeton University Press 2003); A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century': Genocides of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36 (2002): 7–36; Mark Mazower, *Hitler's Empire: How the Nazis Ruled Europe* (New York: Penguin, 2008); Shelley Baranowski, *Nazi Empire: German Colonialism and Imperialism from Bismarck to Hitler* (Cambridge/New York: Cambridge University Press 2011). For the rejection of the thesis see Birthe Kundrus, "Von den Herero zum Holocaust? Einige Bemerkungen zur aktuellen Debatte," *Mittelweg* 36, no. 4 (2005): 82–92; Robert Gerwarth and Stephan Malinowski, "Der Holocaust als 'kolonialer Genozid'?: Europäische Kolonialgewalt und nationalsozialistischer Vernichtungskrieg," *Geschichte und Gesellschaft* 33 (2007): 439–466.

2 Daniel Feierstein, *Genocide as Social Practice* (New Brunswick, NJ: Rutgers University Press, 2014), 3.

3 Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC: Carnegie Endowment for International Peace, 1944).

4 Martin Shaw, *What is Genocide?* 2nd ed. (Cambridge: Polity, 2015), 24. See also John Cooper, *Raphael Lemkin and the Struggle for the Genocide Convention* (London: Palgrave Macmillan, 2008); Linden A. Mander, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress, by Raphaël Lemkin," *The American Historical Review* 51, no. 1 (1945): 119.

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theless, Lemkin "warned against a narrow interpretation of his new term,"[5] and a larger study project Lemkin had begun to work on was supposed to extend the definition of victim groups and motivations for genocidal violence.[6] The project, however, was never finished, and Lemkin's early death prevented him from further remarks about a clarification of his thoughts on this matter. It was the experience of and the reports about the Second World War and the Holocaust that, in a way, triggered Lemkin's endeavor to "document German war crimes. He came to the view that these crimes were so barbarous that they went beyond the acts that had been rendered criminal by the framers of the relevant international law."[7] Lemkin had realized that the existent law was not suitable for crimes of such magnitude and cruelty, although he considered genocide "to be a generic concept because he believed that wars of national extermination had occurred throughout history" and therefore "treated . . . any systematic policy designed to undermine the way of life of a people [as genocide]."[8] Although the definition Lemkin proposed and its legal implementation into the UN Genocide Convention was an important success, and not just for the lawyer himself, who had relentlessly worked to achieve this goal, it has also been remarked that the terminology applied to describe genocide is somehow limited and insufficient. For instance, the Argentinian historian Daniel Feierstein argued that

> the concept of genocide is essentially problematic. The term "genocide," as coined by Lemkin, is a hybrid between the Greek root *genos* (family, tribe, or race) and the Latin suffix -*cide* (killing), but its exact meaning and translation into other languages remain controversial. Does *genos* refer to a common tribal origin, to genetic characteristics transmitted from generation to generation, or simply to certain features shared by a group? All these meanings are present in the Greek word *genos* and its Latin derivative *gens* denoting a family clan.[9]

If one considers the fact that "[h]umanity has always nurtured conceptions of social difference that generate a sense of in-group versus out-group, as well as hierarchies of good and evil, superior and inferior, desirable and undesirable,"[10] one has to think about the role of these different concepts of segregation and exclu-

5 Shaw, *What is Genocide?*, 36.
6 Raphael Lemkin, Project Outline, n.d., Raphael Lemkin Papers, New York Public Library, Manuscript and Archives Division, *ZL-273, Reel 2.
7 Michael Freeman, "Genocide, Civilization and Modernity," *The British Journal of Sociology* 46, no. 2 (1995): 209.
8 Ibid., 209 and 211.
9 Feierstein, *Genocide as Social Practice*, 12.
10 Adam Jones, *Genocide: A Comprehensive Introduction*, 3rd ed. (London/New York: Routledge, 2017), 6.

siveness when debating possible shortcoming of the concept of genocide as it was formulated politically in the late 1940s. Is it still up-to-date? Is it too broad – or is it broad enough? Should it be adjusted to better match the 21st century and the forms of "genocidal" violence we can observe but which do not fully comply with the definition in place?

There is also the question of whether we should further define genocide in accordance with the victimology or with a focus on the perpetrators and their motives instead, as Frank Chalk and Kurt Jonassohn have proposed.[11] There are, without any doubt, shortcomings or exceptions for all theoretical concepts, but the debate about genocide seems to be particularly important, as genocidal crimes and their commemoration as such have important implications for all aspects of human life and all involved parties. Should "gendercide" or "politicide," to name just two categories for specific victim identities, be considered as different from genocide, with regard to the motivation upon which the violence of the perpetrators is based, or should they be considered a subcategory of genocide, even if violent crimes in these categories are often not perceived as genocide?[12] Lemkin might have struggled with similar questions, but in the end, the political map of the early Cold War prevented a broader definition of genocide, regardless of whether Lemkin might have hoped for one. Ultimately, he must have been happy to achieve what he could, but this does not mean that we have to keep his definitional groundwork untouched. This chapter will therefore take a closer look at Lemkin's ambition and work before discussing some theoretical shortcomings of the UN Genocide Convention to show the extent to which the concept, like every other historical source, is related to its chronological context and therefore may no longer be proper enough to be kept unchanged.

Lemkin's Ambition

Raphael Lemkin "was not a trained social theorist or historian, but a lawyer, activist and independent researcher," but his own experiences, during the Second

11 Frank Chalk and Kurt Jonassohn, *The History and Sociology of Genocide* (New Haven, CT: Yale University Press, 1990), 29. They use a typology that separates different types of genocides based on the perpetrator's motives or intentions: 1) a genocide to eliminate possible threats to the perpetrators, 2) a genocide that is supposed to spread terror among possible enemies, 3) a genocide to create financial gains for the perpetrators, and 4) a genocide tied to the wish to implement the perpetrators' ideology.

12 Elissa Bemporad and Joyce W. Warren, eds., *Women and Genocide: Survivors, Victims, Perpetrators* (Bloomington, IN: Indiana University Press, 2018); Adam Jones, ed., *Gendercide and Genocide* (Nashville, TN: Vanderbilt University Press, 2004); Mary Anne Warren, *Gendercide: The*

World War in particular, made him interested in finding a political and legal answer to the crimes of the recent past. Consequently, he provided "the basis of a powerful sociological concept," and the "broader framework of his thinking reflected his relationship with the intellectual currents of his particular time."[13] As a lawyer, Lemkin had tried earlier to adjust the existent law to match modern forms of crimes and their perception within or by society.[14] At the International Conference for Unification of Criminal Law in Madrid in 1933, he proposed to acknowledge two new forms of crime: 1) "barbarity, consisting in the extermination of racial, religious or social collectives" and 2) "vandalism, consisting in the destruction of cultural and artistic works of these groups."[15] However, Lemkin's work was soon interrupted by the rise of National Socialism in Germany and the invasion of Poland in September 1939, due to which "[t]he prosperous international lawyer suddenly became an internally displaced refugee."[16]

His experiences after 1939 led Lemkin's interest in a different direction. His famous book *Axis Rule in Occupied Europe* was published in 1944, and its first part was related to "'genocide' – a new term for the physical destruction of nations and ethnic groups."[17] Lemkin introduced genocide as "a new term and new conception for the destruction of nations."[18] With regard to the question of genocidal violence, however, which is the main topic of the present volume, one could ask if a nation can be destroyed without the physical destruction of its people. In particular, the concept of "identicide," which is not solely limited to the violent annihilation of the physical bodies or cultural artifacts of an ethnic or national community but the identity of a people, e.g., by prohibiting and thereby destroy-

Implications of Sex Selection (Totowa, NJ: Rowman & Allanheld, 1985); Barbara Harff and Ted Robert Gurr, "Toward Empirical Theory of Genocides and Politicides: Identification and Measurement of Cases since 1945," *International Studies Quarterly* 32, no. 3 (1988): 359–371; David L. Nersessian, *Genocide and Political Groups* (New York: Oxford University Press, 2010).

13 Shaw, *What is Genocide?*, 46.

14 For a short biography, see Till Stumpf, "Raphael Lemkin," in *Verfolgen und Aufklären: Die erste Generation der Holocaustforschung – Crimes Uncovered: The First Generation of Holocaust Researchers*, eds. Hans-Christian Jasch and Stephan Lehenstaedt (Berlin: Metropol, 2019), 132–135.

15 Raphael Lemkin, "Genocide as a Crime under International Law," *The American Journal of International Law* 41, no. 1 (1947): 146.

16 Donna-Lee Frieze, "Introduction: The 'Insistent Prophet'," in Raphael Lemkin, *Totally Unofficial: The Autobiography*, ed. Donna-Lee Frieze (New Haven, CT: Yale University Press, 2013), xii.

17 H.L., "Review: Axis Rule in Occupied Europe by Raphael Lemkin," *The Cambridge Law Journal* 9, no. 1 (1945): 140.

18 Lemkin, *Axis Rule*, 79–95.

ing a native language, would need to consider different forms of violence.[19] Not all of these would be physical or war-related, and some of the violent means for the genocidal destruction of identity would be applied by states, governments, and other individuals in their daily communication and acceptance of anti-minority-oriented practices.[20] For Lemkin, the coordination of genocidal violence or the means that made it possible was an essential point: "Generally speaking, genocide does not necessarily mean the immediate destruction of a nation, except when accomplished by mass killings of all members of a nation. It is intended rather to signify a coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves."[21] The forced assimilation of people who through this process would lose their national identity, i.e., "identicide," would then naturally be counted as genocide and thereby increase the cases we would officially consider as such. "The objectives of such a plan," Lemkin continues in his evaluation, "would be the disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups."[22] According to Lemkin, genocide would also first destroy existent nations to then replace them with the perpetrator's, a strategy Nazi Germany pursued with their violent actions, "[b]ecause the imposition of this policy of genocide is more destructive for a people than injuries suffered in actual fighting, the German people will be stronger than the subjugated peoples after the war even if the German army is defeated. In this respect genocide is a new technique of occupation aimed at winning the peace even though the war itself is lost."[23]

19 For a survey of different forms of violence, see Peter Imbusch, *Moderne und Gewalt: Zivilisationstheoretische Perspektiven auf das 20. Jahrhundert* (Wiesbaden: VS Verlag für Sozialwissenschaften, 2005), 31–35.

20 For some considerations about identicide, which could, however, be extended, especially with regard to the role of language, see Sarah Jane Meharg, "Identicide and Cultural Cannibalism: Warfare's Appetite for Symbolic Place," *Peace Research* 33, no. 2 (2001): 89–98; Sarah Jane Meharg, "Identicide: Precursor to Genocide," *Centre for Security and Defense Studies Working Paper 5* (2006): 1–19; Sarah Jane Meharg, "Identicide in Sarajevo: The Destruction of the National and University Library of Bosnia and Herzegovina," in *Modern Military Geography*, eds. Francis Galgano and Eugene J. Palka. (New York: Routledge, 2010), 341–357. In contrast to Meharg, I would not consider identicide to be a precursor to but a specific form of genocide.

21 Lemkin, *Axis Rule*, 79.

22 Ibid.

23 Ibid., 81.

In the latter regard, Lemkin was partially wrong, especially since the rule of the Nazi regime had repercussions for German society as a whole and the Jewish community in particular that have lasted until today. He could not have predicted how the war would end in 1945, but he further systematized the way the Germans committed genocide in the occupied parts of Europe according to different forms of genocide, e.g., political or religious ones:

> The above-described techniques of genocide represent an elaborate, almost scientific, system developed to an extent never before achieved by any nation. Hence the significance of genocide and the need to review international law in the light of the German practices of the present war. These practices have surpassed in their unscrupulous character any procedures or methods imagined a few decades ago by the framers of the Hague Regulations. Nobody at that time could conceive that an occupant would resort to the destruction of nations by barbarous practices reminiscent of the darkest pages of history.[24]

The sheer level of destruction and violence that could be observed in the territories Germany had invaded and occupied, especially the "destruction of the European Jews,"[25] forced Lemkin to engage with the German crimes to find a new legal category to describe what had been happening in Europe since 1939 – or, with regard to antisemitic violence, even since 1933 – under Nazi rule. His work brought attention to this problem, as it provided, as one reviewer remarked, "[n]ot a pleasant record . . . of how a tyranny under the guise of law engulfed substantially an entire continent."[26] The importance of Lemkin's study, as another reviewer noted, "lies in its being the first attempt to present a systematic picture of Axis government in occupied Europe"[27] while at the same time coining a new term for the German policy in relation to the mass killing of Europe's Jewish population and other victim groups. His theoretical reflections about genocide were considered "[o]ne of the most original and important chapters of the book."[28] This view was often shared, and Lemkin's endeavor was praised and appreciated because, as one review put it, "his pioneering contribution in collecting the material and setting

24 Ibid., 90.
25 Raul Hilberg, *The Destruction of the European Jews* (Chicago: Quadrangle Books, 1961). Hilberg, I would argue, shared a similar motivation to Lemkin for his work on the topic.
26 Arthur K. Kuhn, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress by Raphael Lemkin and George A. Finch," *The American Journal of International Law* 39, no. 2 (1945): 360.
27 John H. Herz, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress by Raphael Lemkin," *The American Political Science Review* 39, no. 2 (1945): 366.
28 Kuhn, "Review," 361.

up a useful frame of reference for the future exploration of the Hitlerite system of management in occupied lands deserves full credit."[29]

Lemkin's study, elsewhere described as a kind of "prosecutor's brief,"[30] was perceived as a valuable work for the Allies, who would have to deal with the legal prosecution of the leading Nazis after the war. The documents that Lemkin provided would be especially useful, as "the skeptical reader will find indisputably recorded the actual nature of the Axis military government which has been one monstrous crime against humanity."[31] Arthur Leon Horniker, who reviewed Lemkin's book, agreed with the evaluation presented therein, namely that "the entire German people [were] responsible"[32] for the crime of genocide, as they allowed the Nazis to take over and control the country, even leading it into an aggressive war against other European nation-states. The book consequently had several implications with regard to the description, perception, and prosecution of the crimes committed by the Third Reich in the years of its existence. This information was valuable for the "peace-makers,"[33] who now had to use the provided material and gather more evidence against the National Socialist regime and its remaining representatives to prepare the latter's legal prosecution.

After the publication of *Axis Rule in Occupied Europe*, Lemkin did not rest but continued his quest to promote "genocide" as new terminology and a proper legal category for the recent events. "The last war," he stated, "has focused our attention on the phenomenon of the destruction of whole populations – of national, racial and religious groups – both biologically and culturally."[34] Two years after the publication of his book, Lemkin posed an important question that would determine his further activities until the UN Genocide Convention was signed in December 1948:

> Genocide is the crime of destroying national, racial or religious groups. The problem now arises as to whether it is a crime of only national importance, or a crime in which international society as such should be vitally interested. Many reasons speak for the second alternative. It would be impractical to treat genocide as a national crime, since by its very nature it is committed by the state or by powerful groups which have the backing of the

29 Melchior Palyi, "Review: Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress, by Raphael Lemkin," in "Human Behavior in Military Society," special issue, *American Journal of Sociology* 51, no. 5 (1946): 496.
30 Ibid.
31 Arthur Leon Horniker, "Review: Axis Rule in Occupied Europe, by Raphael Lemkin," *Military Affairs* 9, no. 1 (1945): 70.
32 Ibid., 71.
33 Merle Fainsod, "Review: Axis Rule in Occupied Europe, by Raphaël Lemkin," *Harvard Law Review* 58, no. 5 (1945): 744.
34 Raphael Lemkin, "Genocide," *American Scholar* 15, no. 2 (1946): 227–230.

> state. A state would never prosecute a crime instigated or backed by itself. By its very legal, moral and humanitarian nature, it must be considered an *international crime*.[35]

He therefore tried to link the prevention of possible future genocides to the Charter of the United Nations Organization, which "also provides for the international protection of human rights, indicating that the denial of such rights by any state is a matter of concern to all mankind."[36] Genocide needed to be something that, if it could not be prevented in the first place, could at least be prosecuted and would not be confined by national borders, behind which perpetrators might be able to hide. Lemkin consequently proposed "that the United Nations as they are now organized, together with other invited nations, enter into an international treaty which would formulate genocide as an international crime, providing for its prevention and punishment in time of peace and war."[37]

He also made a statement about the responsibility for genocidal violence and its use, arguing that "[t]he liability for genocide should rest on those who gave and executed the orders, as well as on those who incited to the commission of the crime by whatever means, including formulation and teaching of the criminal philosophy of genocide. Members of government and political bodies which organized or tolerated genocide will be equally responsible."[38] Lemkin thereby marked genocide as a crime that was committed not only by those who used violence against the victims but also by those who made the crime possible through the legitimization and provision of operational and contextual means. Views on genocidal violence therefore needed to be broadened far beyond the direct victim-perpetrator relationship and the actual violent act. The criminal nature of the action needed an expansion of the perspective legislators and prosecutors would usually apply in such cases.

Though the experience of the Third Reich and the Holocaust changed Lemkin's view, they needed to change the law as well because, as Lemkin emphasized, "[t]he realities of European life in the years 1933–45 called for the creation of such a term and for the formulation of a legal concept of destruction of human groups."[39] The extant legal instruments no longer sufficed to prosecute and judge those who had used violence that was not only destructive but also genocidal. For Lemkin,

> [T]he terms previously used to describe an attack upon nationhood were not adequate. Mass murder or extermination wouldn't apply in the case of sterilization because the vic-

35 Ibid. My emphasis.
36 Ibid.
37 Ibid.
38 Ibid.
39 Lemkin, "Genocide as a Crime under International Law," 147.

> tims of sterilizations were not murdered, rather a people was killed through delayed action by stopping propagation. Moreover mass murder does not convey the scientific losses of civilization in the form of the cultural contributions which can be made only by groups of people united through national, racial or cultural characteristics.[40]

The Nuremberg Trials showed that categories on which the prosecutors could formerly rely were no longer sufficient when facing crimes of a new level. From Lemkin's perspective, the experience of these trials against the remaining Nazi elite "gave full support to the concept of genocide."[41] The new concept also allowed prosecutors to punish the preparation of genocidal violence in the years before the actual act of destruction took place, and Lemkin – and not only in this regard – considered "Germany [as] the classical country of genocide practices."[42] The Polish lawyer consequently turned into an agent for his new concept in the years after the Second World War and tried to persuade international policymakers that genocide needed to be sanctioned by international law.

Working for Justice

There was also a personal reason for Lemkin's ambition: "the ghosts of his parents and the genocide victims Lemkin could not save lived deep within him and spurred him to fight for the Genocide Convention."[43] It took him years to advertise and campaign for his concept before it became a legally accepted one that would have an impact on the future, although not so much by preventing acts of genocide but by providing the world community with the means to prosecute such crimes. While he was actively looking for support, Lemkin recalled,

> I started to devour books on the persecution of religious, racial, or other minority groups. I was startled by the description of the destruction of the Christians by Nero. . . . I realized, vividly, that if a Christian could have called a policeman to help he would not have received any protection. Here was a group of people collectively sentenced to death for no reason except that they believed in Christ. And nobody could help them. I became so fascinated with this story that I looked up all the similar instances in history.[44]

In his later project to refine the concept of genocide, which will be discussed in more detail later in this chapter, Lemkin included many different historical cases

40 Ibid.
41 Ibid.
42 Ibid., 149.
43 Frieze, "Introduction," xix.
44 Lemkin, *Totally Unofficial*, 1.

that he would classify according to his definition of genocide. However, beyond his theoretical interest to look at all these historical case studies, I believe, was a deeper wish to save humanity from itself by pointing out its wrongs in the past. Lemkin wrote the following in this regard: “I realized that such persecution cannot go on endlessly. Those who destroy others also destroy themselves – if not bodily, then in their souls.”[45]

When Lemkin worked for the Board of Economic Warfare in Washington in 1942, he was surprised to learn that the Allied Powers had received messages about the events in Europe and detailed reports about the mass destruction of Jewish lives there. He was puzzled about why there seemed to be no direct response from the Allies to this news and the Germans’ policy in the occupied countries.[46] He later recalled the situation as follows:

> In my agency I found complete unawareness that the Axis planned destruction of the peoples under their control. My first attempts to educate my colleagues were discouraging. They were only politely interested. They were absorbed by their own assignments and were masters at switching the discussion to their personal problems. The issue I tried to bring up seemed too theoretical and even fantastic to them.[47]

It was hard for Lemkin to attract attention to his ideas, which were based on everything he had heard and read about the European war theater and the mass killings taking place there. Eventually, he was able to generate some attention and was invited to send a short memo to the US President, although this situation in itself created numerous problems for Lemkin. His memories of this incident will be cited here in some detail, as they show the dilemma the Polish lawyer faced at a time when he could probably have had an impact on US policy.

> I confided to a friend that I would like to approach President Roosevelt. The reply came quickly. I was asked to write a memorandum of one page. The president promised to give it his attention. For several days I worked on this one page. The first draft appeared good to me, but it sounded too flat, like a statement by an accountant. Clarity and fire were required, and it did not have enough of either. This one page for my idea was like the bed of Procrustes to me. How could I compress the pain of millions, the fear of nations, the hope for salvation from death onto one page? I suggested in this page the adoption of a treaty to make genocide a crime, the crime of crimes, that would have to be adopted by the nations

45 Ibid., 2.

46 The US government received various reports about the situation, such as Jan Karski’s, who had provided detailed insights into the Polish situation since 1939. Frank Jacob, “And the World Stood Aside – The Allied Reaction on Jan Karski’s ‘Report from Hell’,” Paper presented at the Jan Karski Conference at Loyola University, Chicago, September 20, 2014, accessed January 28, 2022, https://tinyurl.com/4ydmjfb8.

47 Lemkin, *Totally Unofficial*, 113.

> of the world. Such a treaty would take the life of nations out of the hands of politicians and give it the objective basis of law. A declaration, which would later be questioned as a mere expression of hope, did not seem sufficient to me. It would lack the solid foundation of an international commitment. I was urging speed. It was still possible to save at least a part of the people.[48]

Although President Roosevelt replied, he requested patience from Lemkin, as the current situation did not allow for actions the lawyer considered pressing. For the latter, such a statement was wholly inadequate for the events in Europe, and he perceived the position of many US politicians of the time as indifferent. Humanity was witnessing mass murder on a scale never seen before, but nobody seemed to care too much about intervening immediately, at least in any tangible way.[49] His book, with a discussion of his new concept of genocide, was therefore an attempt to awaken the masses and persuade them of the necessity not only to prosecute the current genocide but also to prevent similar ones in the future.

The Nuremberg Tribunal was ultimately also deficient from Lemkin's perspective due to the judges' and prosecutors' "refusal to establish a precedent against this type of international crime. The Allies decided their case against a past Hitler but refused to envisage future Hitlers."[50] While "genocide" had gained attention and importance as a term to describe the Nazis' crimes by 1945, it still lacked acceptance as a legal category.[51] Lemkin wanted more, and he stated his vision clearly in the same year when he demanded the following:

> Genocide is directed against a national group as an entity and the attack on individuals is only secondary to the annihilation of the national group to which they belong. . . . The practices of genocide anywhere affect the vital interests of all civilized people. Its consequences can neither be isolated nor localized. Tolerating genocide is an admission of the principle that one national group has the right to attack another because of its supposed racial superiority. This principle invites an expansion of such practices beyond the borders of the offending state, and that means wars of aggression. . . . Genocide is too disastrous a phenomenon to be left to fragmentary regulation. There must be an adequate mechanism for international cooperation in the punishment of the offenders.[52]

The formation of the United Nations eventually allowed Lemkin to make his voice heard by those who would decide about the future of mankind. It is therefore no

48 Ibid., 114.
49 Ibid., 115.
50 Ibid., 118.
51 The *Evening Star* had used the term to describe the German crimes, and the *Washington Post* also applied the term in an editorial. See *Evening Star* (Washington, DC), October 18, 1945, 2; *Washington Post*, December 3, 1945.
52 Raphael Lemkin, "Genocide – A Modern Crime," *Free World* 4 (1945): 39–43.

surprise that Lemkin was present when the world community began to forge its representative political organ; “armed with his new magnum opus,” he lobbied for the acceptance of genocide as a legal category to prosecute and judge future crimes accordingly.[53]

What was to be judged, and what has been a “fundamental point of agreement”[54] for the definition of genocide ever since the UN Genocide Convention of 1948, was the systematic element of the crime, i.e., the planning and structured commitment of violence to destroy a whole population or specific group as such. The Genocide Convention adopted important elements of Lemkin’s ideas and defined genocide as follows:

> [G]enocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
> (a) Killing members of the group;
> (b) Causing serious bodily or mental harm to members of the group;
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> (d) Imposing measures intended to prevent births within the group;
> (e) Forcibly transferring children of the group to another group.[55]

However, the groups to be protected according to the Genocide Convention “were the result of political compromise but also a consequence of the jurisprudence of the Nuremberg Tribunal set up in 1945 to punish Nazi war criminals.”[56] Therefore, the Convention per se and its categorization and definitional considerations are limited in their original context and very much tied to the experience of the Second World War and the Holocaust. One restrictive consideration might have been the assumption that genocide must be tied to an aggressive war of expansion and was considered to not happen in times of peace. However, while wars create a particular window of opportunity for genocidal violence as well as other extreme forms of violence or mass killings,[57] genocides are not limited to these war-related contexts but can also happen in more peaceful periods.

The concept of genocide has numerous shortcomings, first and foremost its legal definition. The protections granted by the Genocide Convention appear to be unequal, as some group identities are more protected while others are not cov-

53 Frieze, “Introduction,” xiv.
54 Feierstein, *Genocide as Social Practice*, 12.
55 Cited in ibid., 13.
56 Ibid.
57 See, for example, Frank Jacob, *Genocide and Mass Violence in Asia: An Introductory Reader* (Berlin/Boston: De Gruyter, 2019).

ered by the convention at all.[58] This decision was made out of political necessity because Lemkin accepted a compromise "by arguing that political groups should be excluded because they lacked the cohesion or permanence of other groups. After arduous negotiations, it was finally decided that the protection of political and other excluded groups should be guaranteed . . . Thus, the United Nations defined genocide as a new legal typology . . . [b]ut by excluding political groups, the definition of genocide became arbitrarily restrictive."[59]

In fact, it was political identities and the rivalries related to them that would determine many instances of genocidal violence, especially on the peripheries of the Cold War,[60] but the victims in these cases were not protected by the Genocide Convention as they were not considered to possess "suitable" victimologies. Consequently, only the cases of Rwanda in 1994 and the Srebrenica massacre in 1995 were legally recognized as genocide. Many other cases, like Cambodia, were not.[61] The necessity of having his concept accepted at all made Lemkin and the politicians involved agree to a foul compromise that remains problematic even today with regard to violence used for genocidal purposes, especially when its genocidal character is not accepted by the broader world community and international courts. While some academics have tried to refine the concept since Lemkin's original study in 1944, including Frank Chalk, Kurt Jonassohn, and Barbara Harff, among several others,[62] definitional shortcomings still exist. However, as the next part of the present chapter will show, these were not intended by Lemkin, whose later work attempted to refine his original concept using further studies and an extension of the cases considered for the establishment of the terminology of genocide.

Unwanted Shortcomings

International human rights laws, including the UN Genocide Convention, were closely related to the crimes committed by the Nazis, as it was "[t]he horrors of Auschwitz, Dachau and Treblinka [that] set the context for the development of

58 Feierstein, *Genocide as Social Practice*, 13.

59 Ibid., 16.

60 Frank Jacob, ed., *Peripheries of the Cold War* (Würzburg: K&N, 2015).

61 Hurst Hannum, "International Law and Cambodian Genocide: The Sounds of Silence," *Human Rights Quarterly* 11, no. 1 (1989): 82–138.

62 For the definitions of their respective conceptual refinements, see Feierstein, *Genocide as Social Practice*, 39–45.

human rights law in the years following the Second World War."[63] However, the Nuremberg Trials did not suffice, and the relevant indictment only mentioned the term "genocide" once. According to the verdict, the Nazis had "conducted deliberate and systematic genocide, viz., the extermination of racial and national groups, against the civilian populations of certain occupied territories in order to destroy particular races and classes of people and national, racial, or religious groups, particularly Jews, Poles, and Gypsies and others."[64] Nevertheless, for Lemkin, who followed the events closely, the Nuremberg Trials left a "legal gap to fill,"[65] especially since the concept of genocide as such had not yet been legally institutionalized. The Polish lawyer, as has been shown, "had been indefatigable in promoting his ideas"[66] since his book was published in 1944, and he had been lobbying for the legal adaptation of his concept ever since.

Regardless of the energy he invested, and due to a lack of source access and the impossibility of seeing the full scale of the Holocaust at that moment, Lemkin did not fully understand the dimensions of the violence the Nazis had used against all kinds of groups, and he only interpreted violence against certain national groups as genocidal, a consideration that limited the concept tremendously.[67] Although Lemkin was right in many regards, such as in realizing the necessity to "see killing and physical harm as elements of the broader process of social destruction" and "to stress the integrated, multi-dimensional nature of the attack,"[68] some elements in his theoretical considerations were not sufficient to pay tribute to the crime he wanted to address. The term "*genos*" he used for his concept was not unproblematic either. Lemkin chose a meaning that considered "the target of genocide as a social group constituted biologically, through common descent," although, as Martin Shaw reminds us, "ethnicity is entirely socially and

63 William A. Schabas, *Genocide in International Law: The Crime of Crimes*, 2nd ed. (Cambridge: Cambridge University Press, 2009), 642.

64 International Military Tribunal, *Trial of the Major War Criminals Before the International Military Tribunal, Nuremberg, 14 November 1945–1 October 1946*, vol. 1 (Nuremberg: n.p., 1947), 43–44.

65 Schabas, *Genocide in International Law*, 642.

66 Josef L. Kunz, "The United Nations Convention on Genocide," *The American Journal of International Law* 43, no. 4 (1949): 738.

67 Shaw, *What is Genocide?*, 40–43. Some victim groups were thereby unfortunately marginalized again, e.g., the Sinti and Roma. This marginalization continued to have a negative impact on the lives of people who shared these groups' identities. See Till Bastian, *Sinti und Roma im Dritten Reich: Geschichte einer Verfolgung* (Munich: Beck, 2001); Wolfgang Benz, *Sinti und Roma: Die unerwünschte Minderheit – Über das Vorurteil Antiziganismus* (Berlin: Metropol, 2014).

68 Shaw, *What is Genocide?*, 45.

culturally constructed."[69] Biological aspects do not always seem to play the most significant role in genocidal acts, but Lemkin mainly focused on the National Socialist ideology when he defined his ideas in relation to possible victim groups. The crime of crimes was therefore already biased by the historical context of its most infamous example, and it is this in particular that makes it so unfitting for other cases.[70] Not all genocidal violence is based on the same assumptions about the victims, and not every perpetrator applies the same forms of legitimization for violent acts. Not all violence can be explained so easily because, sometimes, it can be used against people who are also falsely subsumed under a certain group identity. Ultimately, the closedness of the concept was a consequence of the circumstances of its creation and adaptation into international law.

The United Nations wanted to prevent genocides from happening in the future, but the political situation and the reservations of some nation-states to accept a broader concept due to reservations about considerations of "cultural" or "political genocide" made it impossible to overcome some of the shortcomings the Genocide Convention continues to demonstrate until today. However, it can still be described as "an unprecedented progressive step in the history of international law."[71] While the term "genocide" had been used before, it was not legally binding, and in contrast to the Nuremberg Trials, the Tokyo Tribunal avoided its use, especially when discussing the so-called Rape of Nanking.[72] In particular, the violence used by the Japanese Army against civilians and women who were trafficked across Asia to be abused as sex slaves was not considered genocidal by many.[73] Roger Baldwin, one of the founders of the American Civil Liberties Union, answered a query in this regard as follows: "I do not think you will get very far with the subject of genocide in relation to the Japanese occupation of Korea. That followed the regular old pattern of imperialism except for the single

69 Ibid., 46–48.

70 Ibid., 50–53.

71 Matthew Lippman, "The Drafting and Development of the 1948 Convention on Genocide and the Politics of International Law," in *The Genocide Convention: The Legacy of 60 Years*, eds. Harmen van der Wilt et al. (Leiden/Boston: Martinus Nijhoff, 2012), 16.

72 For a detailed discussion of the violence used during the Rape of Nanking, see Frank Jacob, "Banzai! And the Others Die—Collective Violence in the Rape of Nanking," in *Global Lynching and Collective Violence*, vol. 1*: Asia, Africa, and the Middle East*, ed. Michael Pfeifer (Urbana: University of Illinois Press, 2017), 78–102.

73 Frank Jacob, *Japanese War Crimes during World War II: Atrocity and the Psychology of Collective Violence* (Santa Barbara, CA: Praeger, 2018), 67–93. On the history of and debates about the so-called "comfort women," see also Pyong Gap Min, Thomas R. Chung, and Sejung Yim, eds., *Japanese Military Sexual Slavery: The Transnational Redress Movement for the Victims* (Berlin: De Gruyter, 2019).

feature that Korea was annexed as an integral part of Japan. . . . I doubt whether you will find anything properly relating to genocide in Korean experience. There was no attempt at exterminating a people on racial grounds."[74] Baldwin's statement emphasizes an already-mentioned dilemma, namely, that the definition of genocide remained too connected to the German context after the Second World War. In addition, the US soon needed Japan as an ally in the Cold War, and Douglas MacArthur's occupation policy therefore seemed more interested in a secure cooperation than a severe punishment of Japanese war crimes.[75]

Work on the UN Genocide Convention was therefore bound by the context of the Holocaust; "statesmen felt as if they owed an apology to the world for the holocaust [sic], and for past follies, frustrations, and the many crimes committed."[76] For many, it seemed to have presented the first and only real genocide in history, and due to the political landscape, in which a broader definition of genocidal violence would have caused intense debates and maybe jeopardized the entire process of establishing the Convention, Lemkin had to act strategically to get it accepted by the world community:

> My plan was to combine the support of a Latin American republic with that of a nation in Asia, which would attract through its culture and world position many other nations of the East. I will make a "marriage" between the West and the East for the sake of this resolution. If it was possible to create such a combination, the European delegations could not refuse to follow, especially after the recent holocaust. The nations of Africa, on whom genocide was practiced, would be very receptive. The Allies of the recent war would have to say yes, because they could not afford to be led but must themselves lead. . . . I stressed that genocide had happened throughout history and inflicted great losses on mankind and culture. I thought the draft should not demand too much, so that the delegations might make it stronger. The main thing is not to frighten by too-bold demands.[77]

With Cuba, Panama, and India supporting Lemkin's proposal, i.e., General Assembly Resolution 96(I), the process had begun, although the United States and the Soviet Union were against expanding the definition to the persecution of political groups. Nevertheless, a text would be prepared by a legal subcommittee chaired by Charles Fahy, a US delegate.[78] "The subcommittee," Lemkin later recalled, "decided to include in the resolution a declaration that genocide is a crime under

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74 Roger Baldwin to Miss Miriam L. Milliren, New York July 7, 1947, Raphael Lemkin Papers, New York Public Library, Manuscript and Archives Division, *ZL-273, Reel 1.

75 Frank Jacob, "MacArthur's Legacy: Japan and the Early Years of the Cold War," in *Peripheries of the Cold War*, ed. Frank Jacob (Würzburg: K&N, 2015), 207–227.

76 Lemkin, *Totally Unofficial*, 121.

77 Ibid., 122.

78 Ibid., 131; Lippman, "The Drafting and Development of the 1948 Convention on Genocide," 18–20.

international law, a condemnation of this crime by all civilized nations, to prepare a convention on the prevention and punishment of the crime of genocide, and to present this resolution to the next Assembly."[79] Regardless of this decision, much lobbying work needed to be done to secure its acceptance.[80]

Furthermore, the draft sought protection for more victim groups:

> The draft convention states as its purpose the prevention of destruction of racial, national, linguistic, religious or political groups. Three types of genocide are defined. (1) Physical genocide: meaning killing or putting in such condition that death or loss of health is inevitable (concentration camps, starvation, torture and medical experiments on human beings are included in this category). (2) Biological genocide: consisting in actions tending to prevent life and to kill a human group through delayed action. (Sterilization, breaking up families, as was done in deportations for forced labor, and obstructions to marriages are termed biological genocides). (3) Cultural genocide: meaning the destruction of specific characteristics of a group, or obliteration of its spiritual life and culture.[81]

The draft therefore sought to cover a much broader definition of genocide than the actual Convention did. Regardless of this reduced scope, the latter "was supposed to usher humanity into a better future, forestalling horrors such as those inflicted by the Nazis."[82] The Genocide Convention was eventually acceptable to all signatories,[83] and it became "one of the first major documents of international law negotiated within the pluralistic environment of the United Nations."[84]

For Lemkin, however, genocide was more than a category to describe the Holocaust; it constituted violence applied by states and perpetrators to destroy other groups systematically, "[a]nd as he demonstrated throughout his comparative genocide research, there are many ways to destroy a group."[85] When one takes a closer look at Lemkin's later studies related to the topic, it is clear that the Genocide Convention was not the end of his endeavor but rather a first attempt. He intended to broaden his concept to more than European cases of genocide, and his unfinished project suggests that he really took a global and chronologically broad approach toward refining the concept:

79 Lemkin, *Totally Unofficial*, 131.
80 Ibid., 133–179. For a survey of the drafting process, see Kunz, "The United Nations Convention on Genocide," 739–740; Schabas, *Genocide in International Law*, 59–116.
81 Maríam L. Milliren, "The U.N. Convention on Genocide," *World Affairs* 110, no. 4 (1947): 294.
82 Anton Weiss-Wendt, *The Soviet Union and the Gutting of the UN Genocide Convention* (Madison, WI: University of Wisconsin Press, 2017), 3.
83 William C. Gordon, "International Law: Self-Executing Treaties: The Genocide Convention," *Michigan Law Review* 48, no. 6 (1950): 860.
84 Weiss-Wendt, *The Soviet Union*, 3.
85 Frieze, "Introduction," xvi.

> I intend to write a book under the title "Introduction to the Study of Genocide." This book will deal with international and comparative law aspects of this crime. Moreover, the particular acts of genocide will be illustrated by historical examples from Antiquity, the Middle Ages and Modern Times. These examples are necessary not only to prove that genocide always existed in history, but also to explain the pracitcability [sic] of the Genocide Convention which up to now has been ratified by the parliaments of 58 nations.[86]

Lemkin thereby wanted to develop a concept that could be applied to all kinds of genocide in different geographical regions of the world. He stated in this regard that his

> method of research is based on the premise that genocide is an organic concept of multiple influences and consequences. Therefore, the examination of the problem is not limited to one branch of science, but claims the support of many. The formulation of the concept being new, it was necessary to examine it on a possibly large and varied basis of history and different civilizations. Although every period of history must be judged according to its own moral standards, it was necessary to use as a point of departure for objective research the definition of genocide provided for by the Genocide Convention, inasmuch as this definition is based on historical examples.[87]

Lemkin was convinced that "genocide followed humanity throughout history" and that "[o]ne of the basic reasons for genocide is a conflict of cultures," for which "colonialism cannot be left without blame."[88] Considering the context of the postwar world, such statements went far beyond anything achievable with the UN at that time, again highlighting that Lemkin had to make a compromise that remained insufficient compared to what he could have hoped for as a broader definition of genocide. To describe the "crimes of all crimes," Lemkin reflected on cultural aspects that could trigger or stimulate genocidal violence as well:

> The significance of genocide is also examined in relation to the development of civilization in a given area and time. The groups involved are: national, racial, ethnical and religious. These are and have been the basic groups of mankind which have contributed to world civilization through their own cultures. These contributions have been the cause of cultural conflicts in intolerant societies both in domestic and international dimensions. The destruction of these groups has caused irretrievable losses because culture by its very nature can be neither restored or duplicated.[89]

86 Raphael Lemkin, Description of the Project, Raphael Lemkin Papers, New York Public Library, Manuscript and Archives Division, *ZL-273, Reel 2, 2.
87 Ibid., 3.
88 Ibid., 4.
89 Raphael Lemkin, Project Outline, n.d., Raphael Lemkin Papers, New York Public Library, Manuscript and Archives Division, *ZL-273, Reel 2, 1.

Taking Lemkin's notes for his book project into account, one can assume that he was not fully on board with the UN Genocide Convention but saw it as a necessary first step to be able to work on the concept of genocide further in the future. Unfortunately, he died before he could pursue this aim, and his concept still awaits the necessary changes, and the debate thereupon is still ongoing.

Conclusion

The UN Genocide Convention must, without any doubt, be considered "a personal triumph"[90] for Lemkin, who spent the last two years of his life getting his autobiography published to record and provide critical insights into the drafting of the Convention and the ideas and experiences behind the theoretical and legal concept of genocide.[91] His role cannot be overemphasized when it comes to this history, but while Lemkin did not achieve all he wanted, he made concessions to achieve what he could at a given time. It was necessary for the world community to make amends, not only for the immense losses and suffering humanity had just witnessed, especially in Europe, hence also in other geographical contexts, but also for political problems that were not easy to circumvent for those interested in a broader definition of genocide either. Ultimately, the efforts of Lemkin and many others secured the acceptance and ratification of the Genocide Convention, but the process that had been started was not supposed to stop at this point. An examination of Lemkin's personal writings shows that he was eager to apply a much broader concept, one that would probably have been more fitting to the forms of genocide the world has witnessed since 1948 but which were not "suitable enough" to be categorized as such in Lemkin's day. It is therefore necessary to work with Lemkin's original concept further, to broaden it where necessary, even against politically motivated restrictions, to achieve a result that would be more appropriate for all kinds of genocidal violence, direct or indirect, that the Genocide Convention does not yet cover. It is, in a way, Lemkin's legacy that the unwanted shortcomings of his achievement still await to be adjusted to match the necessities of our time, a new era that faces genocidal violence in many different forms and contexts.

90 "Assembly Unanimously Votes to Outlaw Genocide," *Evening Star* (Washington, DC), December 10, 1948, 2.
91 Frieze, "Introduction," ix.

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Khushboo Chauhan

4 Rethinking the Concept of Cultural Genocide under International Law

The German Jewish poet Heinrich Heine wrote, "Where they have burned books, they will end in burning human beings,"[1] thereby famously laying bare the link between the mass slaughter of human beings and attacks on cultural heritage around the world. Raphael Lemkin had envisioned the crime of genocide as consisting of not only the physical or biological intentional destruction of a particular group of people but also the destruction of its cultural heritage. In the initial drafts of the Genocide Convention, one can easily see that Lemkin wanted the definition of genocide to include cultural genocide. In fact, the ad hoc criminal tribunals considered the systematic and intentional destruction of cultural heritage as evidence of the specific intent to destroy a group.

Cultural heritage is as much a reflection of the identity of a group as its physical or biological features, if not more. There are numerous examples where perpetrators have not only physically tried to annihilate a group but have tried to further obliterate any signs of its existence on this planet by intentionally destroying its cultural heritage. This chapter aims, firstly, to understand the term "cultural genocide" by considering it a crime against persons and not solely against property. Secondly, it will examine whether it should be incorporated into the wider definition of genocide by putting forth arguments for and against and examining the reasons why it has not been incorporated yet.

Introduction

> Indeed, we cannot keep telling the world in endless sentences don't murder members of national and religious groups; don't sterilize them; don't impose abortions on them; don't steal children from them; don't compel their women to bear children for your country, and

1 United States Holocaust Memorial Museum, "1933 Book Burnings," accessed March 1, 2022, https://www.ushmm.org/collections/bibliography/1933-book-burnings.

Note: This chapter was first presented as a paper at the 7th Annual International Conference on Genocide, organized by the International Network of Genocide Scholars in 2020. All related relevant information can be accessed at https://commons.erau.edu/genocide-conference/2020/day-2/2/.

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> so on; but it would be good to tell the world now, when it emerges from darkness don't practice genocide. Rapheal Lemkin[2]

These words of Rapheal Lemkin, a lawyer and activist who conceived and defined an unimaginable crime as "genocide," sound both appalling and optimistic at the same time. This barbarity that Lemkin talks about had previously been called "a crime without a name" by UK Prime Minister Winston Churchill in a speech in 1941 broadcast to the world about a meeting with US President Franklin D. Roosevelt.[3] Lemkin is today remembered as the man behind the first United Nations (UN) human rights treaty, known as the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (UNGC). He undoubtedly played a significant role in getting the UNGC drafted and finally enforced, albeit not in the same form that he had envisioned. Nevertheless, this enforcement of the UNGC was a reflection of the urgency that the world community felt at that time to act upon the realization that it had just witnessed one of the darkest events to have ever occurred in recent world history: the Holocaust. The international community, when passing the UNGC in 1948, had only one thought on its mind, which was "never again." It had witnessed the horrific Holocaust, and with the inception of the UN in 1945 came the realization that no citizen of the world in the coming times should suffer what the victims of the Holocaust had suffered.

Undoubtedly, one cannot study or understand genocide without realizing that violence is the epicenter of this heinous crime. One of the most surprising elements of genocidal violence is witnessing how individuals commit violence. These individuals not only dehumanize their victims but also pursue exclusionary practices and indulge in physical and sexual violence to break the very spirits of their victims. Many scholars are of the belief that the perpetrators of genocidal violence generally seem to be "ordinary individuals" caught up in extraordinary situations.[4] Researchers such as Johan Galtung have further emphasized how specific cultures may even enforce violence. According to him, cultural violence includes "those aspects of culture, the symbolic sphere of our existence exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) that can be used to justify or legitimize direct or structural

2 Raphael Lemkin to John. J. Parker, Judge at the International Military Tribunal, Nuremberg (1946), cited in Kurt Mundorff, *A Cultural Interpretation of the Genocide Convention* (New York: Routledge, 2021).

3 United States Holocaust Memorial Museum, "Genocide, 1948: 12 Years that Shook the World Podcast," accessed March 1, 2022, https://www.ushmm.org/learn/podcasts-and-audio/12-years-that-shook-the-world/genocide-1948.

4 Olaf Jensen and Claus-Christian Szejnmann, *Ordinary People as Mass Murderers: Perpetrators in Comparative Perspectives* (Berlin: Springer, 2008).

violence."[5] Hence, genocides are examples of how both individuals and cultures can end up being victims as well as perpetrators.

Regardless of Lemkin's best intentions, genocides have been occurring more frequently since the end of the Second World War than anticipated by politicians and lawmakers around the globe. Beyond formally recognized cases of genocide, such as the Holocaust, Cambodia, Rwanda, and Darfur, to name only a few, there are also many contested cases from recent decades, such as the ongoing conflicts in Myanmar (the Rohingya conflict), Sri Lanka, and Tibet. Allegations of genocide have also been made by both sides in the recent Ukraine-Russia war. All this goes to show that the threat of genocide is omnipresent even today and seems to support the lamentation of Hannah Arendt when she remarked that "no statesman, no political figure of any importance" could take the Genocide Convention and the Declaration of Human Rights seriously because they were sponsored by "marginal figures – by a few international jurists without political experience."[6] This statement reflects the mixed responses of the international community and the lukewarm success of the UNGC over the decades due to the political conditions in which the UNGC came into being. Surprisingly, in international law, the conceptualization of genocide since the adoption of the UNGC has been highly contested, irrespective of the fact that the UNGC aimed to bring clarity regarding this concept. Disturbingly, there are multiple categories that genocides can be classified under, such as cultural genocide, ethnocide, democide, politicide, etc., but not all of them are duly recognized under international law. Regardless of the fact that six million Jews were killed during the Holocaust, along with many others from groups such as Roma, homosexuals, etc., there are still issues with both defining and understanding the term "genocide" even today.

Understanding Genocide

The credit for coining the term "genocide" undoubtedly goes to Lemkin, who used the Greek word "*genos*" (race) and "*caedo*," the Latin word for the act of killing, in an attempt to define it as clearly as possible.[7] His definition tried to include

5 Johan Galtung, "Cultural Violence," *Journal of Peace Research* 27, no. 3 (1990): 291–305.
6 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harper Collins Publishers, 1951), 292, cited in Douglas Irvin-Erickson, *Raphael Lemkin and the Concept of Genocide* (Philadelphia: University of Pennsylvania Press, 2017), 197.
7 "Raphael Lemkin Defines Genocide," *Genocide Watch*, accessed March 1, 2022, http://genocidewatch.net/2013/03/14/raphael-lemkin-defines-genocide-2/.

almost every aspect of an individual's life that could be partially or wholly targeted by a perpetrator in order to bring destruction to the very ethos of the targeted group. In 1944, Lemkin proposed the following definition of genocide:

> [Genocide is] a co-ordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups, with the aim of annihilating the groups themselves. The objective of such a plan would be disintegration of the political and social institutions, of culture, language, national feelings, religion, and the economic existence of national groups, and the destruction of the personal security, liberty, health, dignity, and even the lives of the individuals belonging to such groups. Genocide is directed against the national group as an entity, and the actions involved are directed against individuals, not in their individual capacity, but as members of the national group.[8]

Lemkin had lost many of his family members to this most atrocious crime, which may have seemed new but was, in fact, deeply entrenched in antiquity. The Holocaust jolted the world community, not only because it was perceived as a crime against humanity but also due to the scale on which it had occurred in modern times. This led to Lemkin taking up the magnanimous exercise of drafting the UNGC, as it was both a personal and a moral duty for him. This single-minded devotion to outlaw genocide also resulted in him feeling paranoid about a potential lack of support for the UNGC's enforcement. He was not incorrect in having such fears, as there was opposition to the UNGC from the UK, France, Belgium, the USA, the USSR, South Africa, and Canada. However, the UNGC was supported by many smaller states and former colonies, who not only saw to it that the UN considered the Convention but also made sure that it was enforced.[9]

Regardless of Lemkin's hard work and the eventual enforcement of UNGC, the concept of genocide is still riddled with issues. Before moving on to understanding cultural genocide conceptually, we need to understand that the issues related to it very much start from the definition of genocide itself. Over the decades since Lemkin's definition, scholars from a plethora of specializations have also defined genocide. Some of these definitions will be cited here to outline how most of them are still insufficient.

To begin with, Pieter N. Drost lays down that "Genocide is the deliberate destruction of physical life of individual human beings by reason of their membership of any human collectivity as such."[10] On the other hand, Vahakn Dadrian remarks that "Genocide is the successful attempt by a dominant group, vested

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8 Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, DC: Carnegie Endowment for International Peace, 1944), 79.

9 Irvin-Erickson, *Raphael Lemkin*, 8.

10 Pieter N. Drost, *The Crime of State: Penal Protection for Fundamental Freedoms of Persons and People* (Leyden: A.W. Sythoff, 1959).

with formal authority and/or with preponderant access to the overall resources of power, to reduce by coercion or lethal violence the number of a minority group whose ultimate continued extermination is held desirable and useful and whose respective vulnerability is a major factor contributing to the decision for genocide."[11]

One of the most respected and accepted definitions of genocide has been provided by Helen Fein, who believes that

> Genocide is a series of purposeful actions by a perpetrator(s) to destroy a collectivity through mass or selective murders of group members and suppressing the biological and social reproduction of the collectivity. This can be accomplished through the imposed proscription or restriction of reproduction of group members, increasing infant mortality, and breaking the linkage between reproduction and socialization of children in the family or group of origin. The perpetrator may represent the state of the victim, another state, or another collectivity.[12]

Though the legal definition set out in the UNGC has not been able to satisfy academics from different areas due to its narrowness, some individuals, such as Leo Kuper, support the Convention's legal definition of genocide:

> I shall follow the definition of genocide given in the [UN] Convention. This is not to say that I agree with the definition. On the contrary, I believe a major omission to be in the exclusion of political groups from the list of groups protected. In the contemporary world, political differences are at the very least as significant a basis for massacre and annihilation as racial, national, ethnic or religious differences. Then too, the genocides against racial, national, ethnic or religious groups are generally a consequence of, or intimately related to, political conflict.[13]

It can easily be observed that none of these definitions talk about the cultural aspect of genocide; their emphasis is on physical violence. Notably, cultural genocide may take place without any violence or loss of life, but it is as life-altering as any other type of genocide. Hence, it is not surprising that it has not yet been duly recognized under international law.

Another issue related to the conceptualization of genocide is the confusion surrounding a conflict being identified as one. During the Nuremberg Trials, regardless of the fact that Lemkin had introduced the term "genocide" by then, all the alleged perpetrators were tried for crimes against humanity. Lemkin saw this as a huge setback to his work. Hence, there does seem to be confusion as to what constitutes the crime of genocide in comparison to other mass atrocities such as

11 Vahakn N. Dadrian, "A Typology of Genocide," *International Review of Sociology* 5, no. 2 (1975): 201–212.

12 Helen Fein, *Genocide: A Sociological Perspective* (London: Sage, 1993), 26.

13 Leo Kuper, *Genocide: Its Political Use in the Twentieth Century* (London: Penguin, 1981), 9.

ethnic cleansing or crimes against humanity. To ease this confusion, scholars such as Yehuda Bauer have defined a number of elements that should be fulfilled in order for a mass atrocity to fall under the crime of genocide. According to Bauer:

> [Genocide is] the planned destruction, since the mid-nineteenth century, of a racial, national, or ethnic group as such, by the following means:
> (a) Selective mass murder of elites or parts of the population;
> (b) Elimination of national (racial, ethnic) culture and religious life with the intent of denationalization;
> (c) Enslavement, with the same intent;
> (d) Destruction of national (racial, ethnic) economic life, with the same intent;
> (e) Biological decimation through the kidnapping of children, or the prevention of normal family life, with the same intent. . . .
>
> Holocaust is the planned physical annihilation, for ideological or pseudo-religious reasons, of all the members of a national, ethnic, or racial group.[14]

Based on the above definition, it can be concluded that the elimination of cultural life is a vital element for a mass atrocity to be recognized as a genocide. To correctly understand genocide, one needs to consider the idea that culture is a central and prominent dimension of it, regardless of the domination of the UNGC's physical and biological interpretation. Over the decades, it has also been observed that the various parameters used to define the term "genocide" have been tested widely in international law, but disappointingly, the cultural elements of genocide have been highly streamlined in the legal arena. Academics from various areas, such as history, anthropology, sociology, psychology, etc., along with law, have tried to study cultural genocide, but as far as legal scholars are concerned, they have primarily concentrated on the domain of international criminal law. The legal definition of genocide ultimately becomes important because the elimination of the cultural aspect of genocide is there for everyone to see. Article II of the UNCG defines genocide as follows:

> In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:
> (a) Killing members of the group;
> (b) Causing serious bodily or mental harm to members of the group;
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

14 Yehuda Bauer, "The Place of the Holocaust in Contemporary History," *Studies in Contemporary Jewry* 1 (1984): 213.

(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.[15]

The term “genocide” has also been defined under Article 6 of the Rome Statute, which states that

> “Genocide” means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such
> (a) Killing members of the group;
> (b) Causing serious bodily or mental harm to members of the group;
> (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
> (d) Imposing measures intended to prevent births within the group;
> (e) Forcibly transferring children of the group to another group.[16]

There are numerous conditions and factors which are instigators of genocidal violence. Over time, it has been observed that genocide is just one example of the varied kinds of violence taking place between groups. Factors such as ethnicity, religion, political ideologies, cultural differences, and social and economic inequalities are prime instigators of genocidal violence. In cases of genocide, either direct or indirect violence is used to eliminate or harm a particular group of people. Group conflict is also responsible for the origin of collective violence. Factors such as the subordination of groups in a society or territory issues may result in genocidal violence. Many cases of genocidal violence have also been instigated by flawed leadership, as in the case of Adolf Hitler.

Cultural Genocide

Looking at the UNGC’s and the Rome Statute’s definitions of genocide, it is easy to see that the cultural context is nearly absent from both. The only remnant of Lemkin’s original definition of genocide, which included the cultural dimension, is the forcible transfer of children from one group to another. One of the most prominent examples of this can be seen in countries such as Canada that are now coming to terms with their past policies of assimilation for indigenous people and

15 United Nations, “Convention on the Prevention and Punishment of the Crime of Genocide,” accessed November 15, 2021, https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.1_Convention%20on%20the%20Prevention%20and%20Punishment%20of%20the%20Crime%20of%20Genocide.pdf.

16 International Criminal Court, “Rome Statute of the International Criminal Court,” accessed January 20, 2022, https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf.

their brutal consequences, such as the forcible separation of thousands of indigenous children from their families, only to be kept in boarding schools in inhumane conditions, causing them to lose their national identity and culture.[17] In 2015, the Canadian Truth and Reconciliation Commission also concluded the same when it remarked that the Aboriginal policy "can best be described as cultural genocide."[18] Lemkin envisioned the crime of genocide as consisting not only of the physical or biological intentional destruction of a particular group of people but also of the destruction of its cultural heritage. He recognized cultural genocide as just one of the techniques of committing genocide, but not much attention was paid to this concept until the 1970s, when there was a revival of the term. This can be corroborated by looking at the initial drafts of the Genocide Convention, where one can see that Lemkin wanted the definition of genocide to include cultural genocide. Under the "Cultural" heading in his book *Axis Rule in Occupied Europe*, Lemkin enumerated different actions he considered part of cultural genocide, such as the prohibition of the use of a group's own language in schools and printed materials. Additionally, national monuments, libraries, archives, museums, and galleries may be closed, moved, or destroyed. According to Lemkin, these actions rendered "national creative activities in the cultural and artistic field . . . impossible by regimentation," and "the population has also been deprived of inspiration from the existing cultural and artistic values." Lemkin further argued that

> [t]he world represents only so much culture and intellectual vigor as are created by its component national groups. Essentially the idea of a nation signifies constructive cooperation and original contributions, based upon genuine traditions, genuine culture, and well-developed national psychology. The destruction of a nation, therefore, results in the loss of its future contribution to the world. . . . Among the basic features which have marked progress in civilization are the respect for and appreciation of the national characteristics and qualities contributed to world culture by different nations – characteristics and qualities which . . . are not to be measured in terms of national power or wealth.[19]

Hence, he identified eight dimensions of genocide: political, social, economic, cultural, biological, physical, religious, and moral.[20] These were later narrowed down to three categories under the so-called Secretariat Draft: physical, biological, and cultural genocide. Even in times of conflict, safeguarding cultural heritage is a priority,

17 TRT World, "Explained: Canada's 'Cultural Genocide' of Indigenous People," accessed November 15, 2021, https://www.trtworld.com/magazine/explained-canada-s-cultural-genocide-of-indigenous-people-47835.
18 "Honouring the Truth, Reconciling for the Future," accessed June 1, 2022, https://irsi.ubc.ca/sites/default/files/inline-files/Executive_Summary_English_Web.pdf.
19 Lemkin, *Axis Rule in Occupied Europe*, 79–95.
20 Ibid., 79–90.

although the prohibition of cultural genocide is not explicitly mentioned under international law. Its destruction is viewed as a violation not only of the principles of international criminal law but also of human rights.[21] This is because individuals view culture as a part of their identity, and as it is strongly linked to one's individualism, any loss of cultural heritage is intrinsically connected to the loss of one's being.

The newly formed UN soon realized that it was high time that the crime of genocide, along with its cultural dimensions, was duly recognized, which it did in Resolution 96(I), adopted on 11 December 1946:

> Genocide is a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings; such denial of the right of existence shocks the conscience of mankind, results in great losses to humanity in the form of cultural and other contributions represented by these human groups, and is contrary to moral law and to the spirit and aims of the United Nations.[22]

During the process of drafting the UNGC, the Secretariat's original draft did include a provision on cultural genocide based on Lemkin's work:

> [Cultural genocide] Destroying the specific characteristics of the group by:
> (a) forcible transfer of children to another human group; or
> (b) forced and systematic exile of individuals representing the culture of a group; or
> (c) prohibition of the use of the national language even in private intercourse; or
> (d) systematic destruction of books printed in the national language or of religious works or prohibition of new publications; or
> (e) systematic destruction of historical or religious monuments or their diversion to alien uses, destruction or dispersion of documents and objects of historical, artistic, or religious value and of objects used in religious worship.[23]

Even the second draft, which was known as the Ad Hoc Committee Draft since it was prepared by the Ad Hoc Committee of the Economic and Social Council (ECOSOC) that met between 5 April and 10 May 1948, referred to cultural genocide:

> Article III ['Cultural' genocide]
> In this Convention genocide also means any deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial or religious group on grounds of the national or racial origin or the religious belief of its members such as:

21 Ann Marie Thake, "The Intentional Destruction of Cultural Heritage as a Genocidal Act and a Crime Against Humanity," *European Society for International Law Conference Paper Series* 10, no. 5 (2017): 1–25.

22 General Assembly Resolution 96(I), "The Crime of Genocide," A/BUR/50, December 11, 1946.

23 Prevent Genocide International, "Convention on the Prevention and Punishment of the Crime of Genocide: The Secretariat and Ad Hoc Committee Draft," accessed February 20, 2022, http://www.preventgenocide.org/law/convention/drafts/.

1. Prohibiting the use of the language of the group in daily intercourse or in schools, or the printing and circulation of publications in the language of the group;
2. Destroying or preventing the use of libraries, museums, schools, historical monuments, places of worship or other cultural institutions and objects of the group.[24]

It was during this time, while the Ad Hoc Committee debates were going on, that the question of removing or keeping the term "cultural genocide" raised a lot of concerns.[25] These were eventually reflected in the final version of the UNGC, which limited the scope of the definition of genocide – laid down under Article II – considerably. Not only do these debates portray the evolution of the concept of genocide, but the International Court of Justice (ICJ) also referred to them very clearly when it was asked to give an advisory opinion:

> The origins of the convention show that it was the intention of the United Nations to condemn and punish genocide as a "crime under international law" involving the denial of the right of existence of entire human groups, a denial which shocks the conscience of mankind and results in great losses to humanity, and which is contrary to the moral law and to the spirit and aims of the United Nations. The first consequence arising from this conception is that the principles underlying the Convention are principles which are recognized by civilized nations as binding on states, even without any conventional obligation.[26]

These remarks by the ICJ reiterate that states are under an obligation not to commit genocide and to prevent and punish perpetrators. Even though the conceptualization or the coining of a definition of cultural genocide is still a problematic area due to the fact that it entails two complex concepts (that is, culture, which may be broadly understood as the way of life of a particular people, and genocide, which has not been adequately defined under international law), there are ample examples of cultural genocide in world history. In these incidents, the perpetrators tried not only to annihilate a group physically but also to obliterate any signs of their existence by intentionally destroying their cultural heritage. The destruction of cultural and religious heritage in Bosnia and Herzegovina, the forced removal of Aboriginal children in Australia and Canada, and the endangerment of the belief system and oral history of Yezidis in Iraq and Syria are just some of the examples of alleged cultural genocides that resulted in cultural heritage being

24 Second Draft of the Genocide Convention Prepared by the Ad Hoc Committee of the Economic and Social Council (ECOSOC), meeting between April 5, 1948 and May 10, 1948, UN Doc. E/AC.25/SR.1–28.
25 Report of the Committee and Draft Convention and Draft Convention Drawn Up by the Committee, E/794, 24 May 1948, 17–20.
26 Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide (Advisory Opinion, 1951), ICJ Reports 16, 23, quoted in Legality of the Threat or use of Nuclear Weapons (Advisory Opinion, 1996), ICJ Reports 226, para. 31.

intentionally targeted, damaged, trafficked, and destroyed, cultural practices being restricted, or both. In 2008, when the Chinese military cracked down on unrest in Lhasa in Tibet, the exiled Tibetan spiritual leader, the Dalai Lama, remarked that "[t]here is an ancient cultural heritage that is facing serious danger . . . whether intentionally or unintentionally, some kind of cultural genocide is taking place. And if losing independence is acceptable, on the contrary losing one's culture, accepting the destruction of our spirituality, of Tibetan Buddhism, is unthinkable."[27]

In its report titled "Cultural Genocide in Tibet: A Report," the Tibet Policy Institute – part of the Department of Information and International Relations, Central Tibetan Administration – describes the Chinese government's actions in Tibet as "Tibetocide." It not only describes the forceful removal of 2.5 million Tibetans from their homeland but also talks about the imposition of language policies, the destruction of Tibetan Buddhism, the banning of religious festivals and restrictions on cultural activities, and crackdowns on Tibetan intellectuals as measures being used to commit this "Tibetocide," which has all the makings of cultural genocide.[28] Further, less than a decade after the above remarks by the Dalai Lama, the Chinese faced further allegations of committing cultural genocide against the Uyghurs in the Xinjiang province. It is alleged that deliberate efforts to destroy the Uyghurs' culture, heritage, and identity are part of an ongoing process of intentionally rupturing their cultural, religious, and linguistic practices.[29]

These and many more incidents of mass detentions, the prohibition of language and religion, the destruction of property, and inhumane treatment seemingly provide a strong prima facie argument that countries around the world have tried and are still trying to eradicate distinct groups culturally. When survivors of genocide talk of their experiences of cultural oppression, these often include the loss of agency, dignity, and the very being of individuals, which tend to be an inalienable part of committing genocide. This can clearly be felt in the following excerpts from the testimonies of two survivors of the genocide in Sudan who were interviewed by Louise E. Wise. The first testimony lays bare the psychological scars that victims of cultural genocide carry with them for the rest of

27 "Cultural Genocide in Tibet: Dalai Lama," *The Economic Times*, March 17, 2008, accessed June 25, 2022, https://economictimes.indiatimes.com/news/politics-and-nation/cultural-genocide-in-tibet-dalai-lama/articleshow/2872608.cms?from=mdr.

28 The Tibet Policy Institute, "Cultural Genocide in Tibet: A Report," accessed June 25, 2022, https://tibetpolicy.net/wp-content/uploads/2017/10/Tibetocide.pdf.

29 La Trobe University, "Time To Act on China's Cultural Genocide," accessed June 25, 2022, https://www.latrobe.edu.au/news/articles/2018/opinion/time-to-act-on-chinas-cultural-genocide.

their lives following the soul-crushing oppression they suffered at the hands of their perpetrators:

> Physical destruction is certainly something that is being pursued with different intensities at different times. But I think, what is being destroyed at heart, . . . when you destroy someone physically, you are not just destroying the person, you are inflicting a deeper kind of, I would call it, pain, defeat, destruction, that is psychological and extends to the rest of society. It is destruction of the social fabric as well – a way of living, culture. It is destruction of, if you like, the collective spirit of the group. If you are culturally oppressed, and you grew up as a child in this environment, what outlook will you have on yourself? You would have a slave mentality. Looking at yourself, you are ashamed of who you are, and that, I think, is even more sinister.[30]

The second testimony reflects how cultural genocide breaks the spirit of an individual to the extent that the very essence of life is lost. The following words indicate how cultural genocide needs to be legally recognized, irrespective of the fact that it may not lead to one's physical death – for individuals to lose their zeal to live is death itself: "I just feel like I'm just living. I'm just here, just feel like mechanical. I just feel like the rest of my life is just duties and I'm just like a machine, mechanical. I don't feel it, the type or way of life here. I don't feel the way that your life is, and everywhere, I'm not attached to it psychologically, to anywhere. [. . .] The way I feel is that life has become tasteless."[31]

Lemkin undoubtedly saw what many nations failed to see or take accountability for. Though genocides primarily target the physical and biological aspects of the victims, the cultural aspect of an individual's life, which makes up their identity, is also under attack. Regardless of how Lemkin envisioned the concept of genocide, the definition evolved as far as cultural issues are concerned before it was put down in quite a restrictive form in the UNGC. Since then, in the contemporary context, the UN Declaration on the Rights of Indigenous Peoples (2007) has addressed the issue and mentioned the term "cultural genocide."

Cultural Heritage

Since ancient times, it has been observed that cultural heritage has faced the threat of being desecrated or obliterated due to conflicts. Even modern history is replete with examples of the demolition of irreplaceable cultural heritage, such

30 Louise E. Wise, "Social Death and the Loss of a 'World': An Anatomy of Genocidal Harm in Sudan," *International Journal of Human Rights* 21 (2017): 838–865.

31 Anonymous Victim, Wise, "Social Death," 838–865, cited in Rasa Davidavičiūtė, "Cultural Heritage, Genocide, and Normative Agency," *Journal of Applied Philosophy* 38, no. 4 (2020): 599–614.

as the Buddhas of Bamiyan by the Taliban or Palmyra's Temple of Bel during the Syrian Civil War. This heritage not only reflects the history of mankind and its evolution but is also an inseparable part of individuals' life, identity, and belief system. Over the centuries, humans have thrived on the culture they created, which they cannot imagine living without. Hence, when there is talk of concepts such as cultural genocide, we need to realize that preserving culture is equivalent to preserving human life, and cultural genocide, just like genocide, tends to unfold over time, as formulated in Lemkin's thesis. It is thus imperative to understand what cultural heritage means in order to get a clear idea of what cultural genocide is. According to UNESCO,

> Cultural heritage is, in its broadest sense, both a product and a process, which provides societies with a wealth of resources that are inherited from the past, created in the present and bestowed for the benefit of future generations. Most importantly, it includes not only tangible, but also natural and intangible heritage. [. . .] Cultural Heritage: Refers to: a) monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features which are of outstanding value from the point of view of history, art or science; b) groups of buildings: groups of separate or connected buildings, which because of their architecture, their homogeneity or their place in the landscape, are of outstanding value from the point of view of history, art or science; c) sites: works of man or the combined works of nature and man, and areas including archaeological sites, which are of outstanding value from the historical, aesthetic, ethnological or anthropological point of view.[32]

Cultural genocide is currently an important legal issue, and why it should or should not be incorporated into the broader definition of genocide has been repeatedly debated. This raises the additional question of whether the destruction of cultural heritage, termed as cultural genocide, should be considered a crime in its own right. Undoubtedly, when the aim is to annihilate a group's very existence, the task would not be complete without the destruction of their way of life. Caroline Fournet puts it perfectly when she says,

> If the cultural heritage of the group targeted for destruction is eradicated, this group will disappear from collective memory, its whole existence will be eliminated, all traces of this group's life on Earth will be annihilated – and the genocide, the destruction, will be complete. Cultural genocide is more often than not part of the genocidal plan to destroy the group, to deny it any human life, to dehumanize it. By failing to include it among the proscribed acts, the conventional text totally fails in specifying the uniqueness of the crime of genocide.[33]

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32 UNESCO Culture for Development Indicators, "Heritage," 132, 134, accessed June 30, 2022, https://en.unesco.org/creativity/sites/creativity/files/cdis/heritage_dimension.pdf.

33 Caroline Fournet, *The Crime of Destruction and the Law of Genocide: Their Impact on Collective Memory* (London: Routledge, 2007), 43.

Cultural heritage, in its various manifestations, has been identified under international law. For instance, the Universal Declaration of Human Rights of 1948 recognizes various individual rights, including the right to religion, the right to realize one's social and cultural rights, and the right to participate freely in the cultural life of one's community.[34] In 1949, in Article 27 of the Geneva Convention, it was laid down that "[p]rotected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs."[35] The International Covenant on Civil and Political Rights of 1966 provides for freedom of religion, as well as the protection of the rights of ethnic minorities.[36] The rights of indigenous and tribal people were also recognized under the Convention Concerning Indigenous and Tribal People in 2007.[37] Hence, it is evident not only that cultural heritage and cultural rights are intrinsically linked to each other but that the destruction of cultural heritage must also be considered a violation of cultural rights.[38]

While the destruction of cultural property is recognized as a specific war crime by various international legal institutions, no international convention classifies the intentional destruction of cultural heritage as a genocidal act or as a specific crime against humanity. It was the International Military Tribunal (IMT) at Nuremberg that first pronounced the intentional destruction of cultural heritage as a crime against persons. A similar conviction was observed at the trial of Adolf Eichmann when the Israeli Supreme Court did not hold him responsible for the intentional destruction of cultural heritage, only for crimes against humanity.[39] Additionally, the International Criminal Tribunal for the Former Yugoslavia (ICTY) played a significant role in identifying the destruction of cultural genocide as a crime against property but also as a crime against persons if it was carried out with discrimina-

34 UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217A (III), Articles 18, 19, 22, and 27.

35 International Committee of the Red Cross (ICRC), Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), 12 August 1949, 75 UNTS 287, Article 27.

36 UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, 171, Article 18 and 27.

37 UN General Assembly, United Nations Declaration on the Rights of Indigenous Peoples: Resolution/Adopted by the General Assembly, 2 October 2007, A/RES/61/295, Article 2 (b).

38 UN General Assembly, Cultural Rights, Report of the Special Rapporteur in the Field of Cultural Rights, 9 August 2016, A/71/17, para. 6.

39 The Attorney General v. Adolf, son of Karl Adolf, Eichmann, Criminal Case No. 40/61, District Court of Jerusalem, accessed April 21, 2022, http://www.asser.nl/upload/documents/DomCLIC/Docs/NLP/Israel/Eichmann_Judgment_11-12-1961.pdf.

tory intent. Judge Theodor Meron made an astute remark on the contribution of ICTY when he said that

> [t]he doctrinal contribution that our Tribunal made to the law protecting cultural property from wanton destruction, by characterizing this destruction as a crime against humanity and not only as a war crime, can therefore be applied by other courts to criminalize the destruction of cultural property in time of peace. This is particularly relevant in today's world where terrorist and other attacks by non-governmental armed groups are unfortunately common, and where the line between armed conflicts and discriminatory attacks against civilian population is often difficult to draw. By viewing the destruction of cultural property as a crime directed against individuals, our Tribunal has pointed to a potential new way of enhancing the reach and the thrust of the 1954 Convention.[40]

Over the decades, the arguments for the non-inclusion of cultural genocide under international law have been the same as when the UNGC was being drafted. It has been suggested, for example, that the concept of cultural genocide is too vague and indefinite. The underlying principle and importance given to the comparative lack of severity of the physical harm has been detrimental to the term's inclusion. It has also been recommended that the concept of cultural genocide is better dealt with under "the sphere of protection of minorities" or human rights law or that it should be codified under different international conventions. Christopher Powell argues that the exclusion of cultural genocide "was shaped by the desire of its framers not to criminalize their own behavior."[41] A more strongly worded and broader definition of genocide in the UNGC would undoubtedly have made these nations accountable for the numerous human rights infringements alleged to have occurred both on their own soil and in other nations. Atrocities committed during the colonial era that led to the death and displacement of millions of indigenous people around the world are prime examples of avoiding culpability.

Similarly, William A. Schabas argues that Australia, the US, Canada, Sweden, France, India, Peru, and the UK were all unhappy with the inclusion of cultural genocide due to their ongoing or past treatment of immigrants, minorities, and indigenous peoples.[42] Edward Luck supports this argument when he remarks that

40 Theodor Meron, "The Protection of the Cultural Property in the Event of an Armed Conflict within the Case-Law of the International Criminal Tribunal for the Former Yugoslavia," Speech Presented at the UNESCO Symposium on the 50th Anniversary of the 1945 Convention for the Protection of Cultural Property in the Event of an Armed Conflict (Paris, 14 May 2004), 17, accessed April 21, 2022, http://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1021&context=cultprop.

41 Christopher Powell, "What Do Genocides Kill? A Relational Conception of Genocide," *Journal of Genocide Research* 9, no. 4 (2007): 532.

42 William Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge: Cambridge University Press, 2009).

decolonization played a significant part in the framers' not wanting to become accessible to charges of genocide themselves. Colonial powers such as the UK, France, Belgium, and the Netherlands opposed the inclusion of cultural genocide in the UNGC.[43] Schabas addressed the reason behind this intentional exclusion of cultural genocide while discussing the shortcomings of the UNGC by remarking,

> The Convention has been much criticised for its limited scope. This was really more a case of frustration with the inadequate reach of international law in dealing with mass atrocities. As history has shown, this difficulty would be addressed not by expanding the definition of genocide or by amending the Convention, but rather by an evolution in the closely related concept of crimes against humanity. Accordingly, the crime of genocide has been left alone, where it occupies a special place as "the crime of crimes."[44]

Although cultural genocide is not duly recognized under international law, ad hoc criminal tribunals have been vigilant enough to consider the intentional and systematic destruction of cultural heritage as evidence of the perpetrator's specific intent to destroy the targeted group. Even though this is a promising premise, it raises pertinent questions regarding the legal status of cultural genocide in international law and whether the legal definition of genocide allows cultural destruction to be identified with the physical destruction of a group. The legal definition of genocide, as laid down under Article II of the UNGC, has primarily been interpreted by the ICJ and the ICTY over the years. Nevertheless, some prominent cases that have shed light on the destruction of cultural heritage have been able to interpret the legal definition more broadly. In *Prosecutor v. Radislav Krstic* (2004),[45] the ICTY, while contemplating various manners of a group's destruction, stated that aside from physical destruction, "one may also conceive of destroying a group through purposeful eradication of its culture and identity resulting in the eventual extinction of the group as an entity distinct from the remainder of the community."[46] Justice Shahabuddeen, in his dissenting opinion, remarked

> The focus there was on whether the term "genocide," as used in the Convention, included cultural genocide, the generally accepted answer being in the negative. If that does not account for the view expressed by the Commission, then, with respect, that view is not correct. The intent certainly has to be to destroy, but, except for the listed act, there is no reason why the destruction must always be physical or biological. . . . It is established that the

43 Edward Luck, *Cultural Genocide and the Protection of Cultural Heritage*, J. Paul Getty Trust Occasional Papers in Cultural Heritage Policy (Los Angeles: Getty Publications, 2018), 23.

44 William Schabas, "Convention on the Prevention and Punishment of the Crime of Genocide," *Audiovisual Library of International Law*, accessed June 30, 2022, https://legal.un.org/avl/ha/cppcg/cppcg.html.

45 Appeals Chamber Judgment, Case No IT-98-33-A (19 April 2004).

46 Ibid.

> mere destruction of the culture of a group is not genocide: none of the methods listed in article 4(2) of the Statute need be employed. But there is also need for care. The destruction of culture may serve evidentially to confirm an intent, to be gathered from other circumstances, to destroy the group as such. In this case, the razing of the principal mosque confirms an intent to destroy the Srebrenica part of the Bosnian Muslim group.[47]

In *Prosecutor v. Blagojevic and Jokic* (2005),[48] the ICTY held that "the forced displacement of women, children, and elderly people was itself a traumatic experience, which, in the circumstances of this case, reaches the requisite level of causing serious mental harm." Even in the case of *Bosnia and Herzegovina v. Serbia and Montenegro* (2007),[49] although the ICJ remarked that destruction was "an essential part of the policy of ethnic purification and an effort to erase traces of Bosnian Muslims' existence," it concluded that the "destruction of cultural, historical and religious heritage cannot be 'considered to constitute the deliberate infliction of conditions of life calculated to bring about the physical destruction of the group.'"[50] In 2015, the ICJ was charged with interpreting the existing notion of interpretation of genocide in the case of *Croatia v. Serbia*.[51] Though Croatia argued not to limit the intent to only the group's physical destruction but to extend it to include actions falling under cultural genocide, the ICJ disagreed. Without giving much reasoning, the court simply stated that it "decided to limit the scope of the Convention to the physical or biological destruction of the group,"[52] as the idea of cultural genocide had long since been eliminated based on the drafting process leading up to the UNGC. Recently, in *Prosecutor v. Ahmad Al Faqi Al Mahdi*[53] in 2016, the International Criminal Court (ICC) found Al Mahdi guilty of being a co-perpetrator of the war crime of intentionally directing attacks against historic and religious monuments in Timbuktu, Mali, in June and July 2012. This showcased the ICC's willingness to consider offenses against cultural heritage as not merely being committed against property and its attention to the human element of the act by accessing Al Mahdi's liability for reparations. All these cases show that even though cultural genocide may be considered a crime against property, cultural heritage is indisputably part of an individual's identity and needs to be recognized from a human perspective.

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47 International Criminal Tribunal for Yugoslavia, "Partial Dissenting Opinion of Judge Shahabuddeen," accessed July 10, 2022, https://www.icty.org/x/cases/krstic/acjug/en/krs-doshaa040419e.htm.
48 Trial Judgment, IT-02-60-T, International Criminal Tribunal for the former Yugoslavia (ICTY), January 17, 2005.
49 (2007) ICJ Rep.
50 Ibid.
51 ICGJ 470 (ICJ 2015).
52 Ibid.
53 ICC-01/12-01/15-84-Red.

Cultural genocide entails various forms of violence, such as interpersonal and collective violence, resulting in physical, sexual and/or psychological abuse. It hits at the very core of an individual or group who are not only afraid for their physical well-being but are also under the tremendous stress of potentially losing their identity. It is high time that we understood that the violence that permeates a cultural genocide leaves the targeted population a mere shell of what they previously were. During such a conflict, many forms of violence may occur simultaneously. Hence, it is essential to recognize cultural genocide legally as it is a crime not only against property but also against individuals.

Conclusion

The international community that enforced the UNGC following the horrors of the Second World War, especially the Holocaust, took a commendable step in recognizing the act of genocide, but it missed the opportunity to criminalize what is now widely recognized as cultural genocide. Over the decades, as the world has witnessed conflicts turning into genocides or conflicts with all the makings of a genocide, the international community has felt the need to rethink its position on cultural genocide not being legally recognized. Though both the ICJ and ad hoc tribunals have dealt with the question of whether cultural genocide can fall under the interpretation of the concept of genocide, nothing exemplary has come out of their deliberations. With the inception of the ICC, there were renewed debates about whether cultural genocide should be incorporated into the Rome Statute as a separate crime. Once again, the international community declined to do so, but it did agree to introduce the novel mechanism of providing legal representation of certified victims before the court in a capacity comparable to a third party in a case.

This attempt at understanding the concept of cultural genocide aims to support further discussions on cultural heritage, which, especially in times of conflict, does not seem to gather much support or sympathy from the international community. Though many attacks on cultural heritage make it to the news, a comprehensive legal and political framework to counter the offensive is still lacking. There have been discussions on recognizing cultural genocide for decades, but it is far from being recognized under international law as such. Many groups being targeted or persecuted today do not fall under the UNGC's conventional or strict definition of genocide.

Despite the best intentions laid down in the UNGC, the promises of the international community to "never again" let the world suffer from another Holocaust, which is viewed as “the benchmark of evil” by many scholars and citizens around the world, and the tireless work of international legal institutions such as the ICJ, the ICTY, and the ICC, it has been difficult to prove allegations of genocide in court over the decades. Since cultural genocide, which should form part of the intent to destroy (whether wholly or partly) the targeted group, is not recognized, justice cannot be served.

The central aim of understanding genocidal violence is to stop violence. Over the decades, it has been observed that the UN has been ineffective in both halting and preventing genocidal violence. This failure of the international community to combat genocidal violence has resulted in repercussions that will affect generations to come. Hence, one cannot expect much progress in healing, forgiveness, and reconciling genocide-torn societies without breaking the recurring cycles of genocidal violence itself.

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Anja Titze

5 Gender and Genocide

Introduction

Human history clearly shows that war and violence happened repeatedly and resulted in thousands or even millions of victims and deaths. Historians have analyzed numerous mass killing enterprises from ancient and modern history, revealing the forms and dimensions of these macro crimes. We know about the atrocities in the Mongol Empire in Asia and about "the indigenous holocaust"[1] in the Americas. We know about the great famines in Ireland and Ukraine[2] and the revolutions in France[3] and China[4] accompanied by mass murder. The extermination of people of a certain group was part of colonial endeavors and continued unabated with the Holocaust, Porajmos, and the great butchers of men, Pol Pot, Joseph Stalin, Adolf Hitler, and Mao Tse Tung. In the 20th century, this massive brutal targeting of particular people got a name: genocide. However, for a long time, scientific research did not take into account the extent to which women and men were affected by all these monstrous mass killings. To what extent did sex or gender play a strategic role in genocidal acts? Who were the perpetrators and victims/survivors? Were there any gender-specific forms of genocidal violence?

In her book *Gendercide*, published in 1985, the pioneering Mary Anne Warren coined a term that linked gender and genocide. Warren created a useful theoretical framework that has since been followed by numerous studies and publica-

1 David Michael Smith, "Counting the Dead: Estimating the Loss of Life in the Indigenous Holocaust, 1492-Present," *Proceedings of 12th Native American Symposium*, 2017, accessed September 25, 2022, https://iportal.usask.ca/index.php?sid=533529724&id=67397&t=details.

2 In Ireland, the great famine between 1845 and 1849 caused the death of at least one million Irish. Mark G. McGowan, "The Famine Plot Revisited," *Genocide Studies International* 11, no. 1 (2017): 88 and 100–101; Niall O'Dowd, "Famine Movie on Its Way but Was It Genocide by the British?" *Irish Central*, August 20, 2018, accessed September 25, 2022, https://www.irishcentral.com/news/irish-famine-genocide-british.

3 Adam Jones, *Genocide: A Comprehensive Introduction* (London: Routledge, 2006), 6–7; Patrick Buisson, *La grande histoire des guerres de Vendée* (Paris: Perrin, 2017), 15–17; François Sionneau, "Guerre de Vendée: Il n'est pas possible de parler de 'génocide'," *L'Obs*, November 24, 2017, accessed September 25, 2022, https://www.nouvelobs.com/histoire/20171124.OBS7800/guerre-de-vendee-il-n-est-pas-possible-de-parler-de-genocide.html.

4 Mao's record in China is staggering: tens of millions died due to the Great Leap Forward and the Cultural Revolution.

https://doi.org/10.1515/9783110781328-005

tions.[5] She understood and used "gendercide" as a sex-neutral term in order to capture gender-based genocidal violence that can subsequently affect men or women. While Warren was very much concerned with the systematic killings of females (sex-selective abortions, infanticides, etc.), Adam Jones took up this gendercide approach at the end of the 1990s and has intensively examined gender-based violence since then. He showed that there are forms of violence that primarily target men and significantly expanded the field of research.[6]

This chapter uses gender as an analytic category in order to be able to answer the questions posed above. It rests on the hypothesis that gendered and sexual violence plays a specific role in genocides. Although it was only around the 1990s when this element of genocides became a topic of scientific interest and entered the political agenda as well as the legal arena, this type of violence had evidently happened in previous large-scale crimes.[7] In the following, we explore the gender dimension of genocide with particular reference to the genocidal violence in Guatemala, Rwanda, and Bosnia-Herzegovina. This chapter mainly builds on a historical and legal perspective using historical sources and core legal instruments, particularly the Genocide Convention. The first part will define genocide and gender and the compound term "gendercide," followed by a short analysis dedicated to gender and the Genocide Convention. The third part takes a closer look at gender roles in genocide, the fourth part identifies the forms and extent of gendered genocide, and the fifth and final part presents the legal responses to gender-based genocidal violence.

A Matter of Definition: Genocide, Gender, and Gendercide

In order to explore how gender shapes genocidal violence, we first have to define the different terms that come together here. Since the term "genocide" has already received the attention it deserves in the Introduction and various other chapters in this book, we will take a closer look at the terms "gender" and "gendercide."

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5 Mary Anne Warren, *Gendercide: The Implications of Sex Selection* (Totowa: Rowman & Allanheld, 1985), 49.

6 Adam Jones. "Gendercide: Examining Gender-based Crimes Against Women and Men," *Clinics in Dermatology* 31 (2013): 226–227.

7 We need only think of the mass rapes that were systematically committed during or just after World War II in Nazi-occupied countries, in concentration camps, or in Asian countries occupied by the Japanese Army. Allison Ruby Reid-Cunningham, "Rape as a Weapon of Genocide," *Genocide Studies and Prevention* 3, no. 3 (2008): 279–296.

Gender

In order to fully explore gender-specific genocidal violence, we have to understand what "gender" is actually about. Gender is quite a new approach, conceptualized in the social sciences from the mid-20th century onward. The theoretical foundations were laid by Simone de Beauvoir with her groundbreaking book *The Second Sex* (1949).[8] She explained that apart from the biological sex, there is another sex created by social interaction. Shortly after, in 1955, sexologist John Money linked the term "gender" (at that time commonly used in a grammatical context) with social role and gave it another meaning.[9] From then on, this understanding of "gender" and "gender role" continued to spread, permeating the social and legal sciences as well as becoming an issue in politics and among civil society actors. There has even been a new and dynamic interdisciplinary field of research emerging – "Gender Studies." While biological sex involves an essentialist view of the individual and sees the generally constant biological traits, gender is a changeable social construct. This "social gender" is constantly (re)formed through interactions between people and discussions about cultural norms and peculiarities.

Today, the concept of gender has evolved even more. As a social construct, it goes far beyond the binary dichotomy. It was Judith Butler who critically questioned the distinction between sex and gender and expanded gender theory. She assumes that biological categories and attributions are not fixed but linked to social processes and are therefore changeable too. She built her understanding on J. L. Austin's Speech Act Theory.[10] The core idea is that we construct gender through speech acts.[11] Gender theorists hold that both sex and gender are social constructs and that biological sex is as ambiguous as social gender. Biological sex often coincides with social sex to the extent that people can identify with it and conform to social expectations more or less easily. However, there are cases where a person may not feel like the gender they were assigned at birth, or feel no gender, or both. This may happen to people with definite or ambiguous biological sex characteristics.

Interestingly, biologists discovered that biological sex is neither fixed nor binary, and they have given evidence while challenging the biological dichotomy of

8 Simone de Beauvoir, *The Other Sex* (London: Vintage, 1989).

9 Terry Goldie, *The Man Who Invented Gender: Engaging the Ideas of John Money* (Vancouver: University of British Columbia Press, 2014).

10 John L. Austin, *How To Do Things with Words* (Cambridge, MA: Harvard University Press, 1962), 1.

11 Judith Butler, "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory," *Theatre Journal* 40, no. 4 (1988): 520–521.

males and females.[12] The latter categorization is too simplistic. In fact, for centuries, the visible genital shape of a newborn was the undisputed reason for (biological!) sex assignment at birth. However, a closer look at a person's genetic composition shows the variability of cells and highly complex hormonal processes. This leaves room for contradictions, for example when a genotype does not match the genital shape or when the genitals cannot be clearly classified as "male" or "female."

Claire Ainsworth argued that every person is "a patchwork of genetically distinct cells" that are in contradiction to the "biological sex" of the body.[13] While the binary division between males and females is still prevalent in society, research suggests that sex is a social construct – just like gender. This has prompted some heated debates about sex and gender and sparked resistance, particularly when it comes to changing or creating sweeping laws that recognize the spontaneous emergence/construction of gender. These intensive debates have shaped (inter)national legislation and jurisprudence as well as legal and social sciences in recent years. In many countries and communities, groups of lesbian, gay, bisexual, transgender, and intersex (LGBTI) individuals have made their concerns and demands heard. A new perspective has emerged whereby gender extends beyond biological sex.

However, in many parts of the world, this issue is officially ignored or actively denied, and instead a sharp distinction between biological sex and social gender is maintained. In such locales, gender is still seen as a binary concept with two categories: persons not belonging to either of these categories are non-binary. Some societies know specific genders beyond men and women. In South Asia, for example, there are *hijras*, often called third genders.[14] The World Health Organization (WHO) offers two definitions for sex and gender that seem very workable and plausible. While sex refers to "the different biological and physiological characteristics of males and females, such as reproductive organs, chromosomes, hormones, etc.," gender refers to "the socially constructed characteristics of women and men – such as norms, roles and relationships of and between groups of women and men. It varies from society to society and can be changed."[15]

Understanding gender as the changing roles of men/women or masculinities/femininities in a specific social setting seems useful and preferable when apply-

12 This understanding challenges the common idea of sex being biological and gender being social – both are social.

13 Claire Ainsworth, "Sex Redefined," *Nature* 518 (2015): 288.

14 Harvard Divinity School, "The Third Gender and Hijras," accessed August 10, 2022, https://hwpi.harvard.edu/files/rpl/files/gender_hinduism.pdf?m=1597338930.

15 Council of Europe, "Sex and Gender," accessed August 10, 2022, https://www.coe.int/en/web/gender-matters/sex-and-gender.

ing it to genocide. The perpetrators align their actions with these role models or attributions and attack out-group members in a gender-specific manner. The inequalities produced by gender intersect "with other social and economic inequalities," i.e., age, religion, or ethnic belonging.[16] Following Joshua Goldstein and Adam Jones, in this chapter, I understand gender in a more cultural way, covering "masculine and feminine roles and bodies alike, in all their aspects" and thereby capturing the "cultural structures, dynamics, roles [. . .] associated with each gender group."[17]

Gendercide

Having examined the basic concepts relating to gender, it is now necessary to place it in context with genocide. What role does gender play in genocide? How can we conceptualize gendered genocidal violence? The gender debate has strongly influenced social, medical, and legal sciences in recent years,[18] and the abundance of scientific literature that has emerged on this subject cannot be presented here.[19] Furthermore, the gender issue is part of the media discourse and has also been the subject of numerous court proceedings. Central aspects in this regard are gender identity, gender self-identification, gender and intersectionality, sexual orientation, and legal recognition.[20]

The interdisciplinary and dynamic academic field of Genocide Studies is accessible from this perspective too. As a result, some fundamental publications have emerged, examining past genocides and filtering out gender characteristics. These provided theoretical contributions and case studies, some of which were comparative. The first scholar to take a gendered view on genocide was Benjamin Whitaker. In a report from 1985, he stated that the Genocide Convention is not clear about

16 WHO, "Gender and Health," accessed August 10, 2022, https://www.who.int/health-topics/gender#tab=tab_1.

17 Joshua Goldstein, *War and Gender* (Cambridge: Cambridge University Press, 2001), 2.

18 Gender Studies, which has been establishing itself at universities for years, brings together the humanities, social sciences, medicine, and law.

19 It is nonetheless worth mentioning Vera Regitz-Zagrosek, "Why Do We Need Gender Medicine?," in *Sex and Gender Aspects in Clinical Medicine*, eds. Sabine Oertelt-Prigione and Vera Regitz-Zagrosek (London: Springer, 2011), 1–4.

20 The factsheet "Gender identity issues" provides a good overview of related court decisions. European Court of Human Rights, "Gender identity issues," January 2023, https://www.echr.coe.int/Documents/FS_Gender_identity_eng.pdf. See also Katharine T. Bartlett et al., eds., *Gender and Law: Theory, Doctrine, Commentary* (New York: Wolters Kluwer, 2016).

which groups are protected or not.[21] He therefore criticized the lack of definitions of the terms “national,” “ethnic,” “racial,” and “religious.” These deficits make the legal contract weak. Significantly, he refers to political measures of the Nazi regime that aimed to exterminate homosexuals as a “sexual minority group” and asked the treaty body to extend the understanding of “group” to include “a sexual group such as women, men, or homosexuals.”[22] Whitaker and his team wanted to broaden the scope of the Convention by extending the notion of a “protected group.” This was a courageous step at the time, though unfortunately unsuccessful and quickly forgotten. However, today, when a gender perspective is a yardstick for good politics, this approach is of great importance. Instead of “homosexuals,” we would also now speak of the group of LGBTI people.

In the same year, Mary Anne Warren created the term “gendercide” in order to approach gendered forms of “the deliberate extermination of persons of a particular sex (or gender).”[23] She established a theoretical concept to understand gendercide as a sex-neutral term in order to encompass the killing of either men/boys or women/girls. Such an approach is useful as sexually discriminatory killing happens to both males and females. Warren was the first to really explore the gendered targeting of members of a particular group as a form and strategy of genocide. In fact, much of her writing on this topic is about female-targeting crimes such as rapes, female selective killing, and female infanticide. Elisa von Joeden-Forgey also emphasizes the importance of considering gender in the context of genocide. In her understanding, reproductive capacity is of great importance and therefore a key goal of the perpetrators of genocide.[24] When Adam Jones, one of the leading genocide scholars, took up the term *gendercide*, he focused more on male victimization. Furthermore, he made a distinction between gendercide and so-called “root-and-branch genocide.” According to Jones, most genocidal enterprises fall into one of these two categories. Root-and-branch genocide is mass killing directly targeting primarily battle-aged adult males, and this is a gendered targeting. However, women may also be targets of such murderous campaigns, as the Rwandan case shows. Even if they are not the focus of *direct* mass murder, they may be victims of other gendered atrocities, i.e., rape and sexual violence. Gender may be the reason for a particular target-

21 UN Economic and Social Council, Commission on Human Rights, Revised and Updated Report on the Question of the Prevention and Punishment of the Crime of Genocide Prepared by Mr. B. Whitaker, July 2, 1985, E/CN.4/Sub.2/1985/6, 16.

22 Ibid., 16.

23 Warren, *Gendercide*, 49.

24 Elisa von Joeden-Forgey, “Gender and Genocide,” in *The Oxford Handbook of Genocide Studies*, eds. Donald Bloxham and A. Dirk Moses (Oxford: Oxford University Press, 2012), 62.

ing linked with specific war-related strategies and objectives. Such targeting may lead to a specific group of victims.[25]

In recent years, victimology has expanded its scope to include a gender perspective in order to identify the dynamics of gender-specific victimization and the "structural factors"[26] of violence against women. In that sense, studies have helped to categorize groups of (fe)male victims in a much more differentiated way. In addition, the intersection of genocide and victimology is a fruitful field of research. While the focus has long been on genocidaires, we have recently seen an analytical shift toward victims.[27] The genocides of the recent past particularly show how complex the experiences of the victims are, how problematic their dealings with this macro crime are, and how intertwined the relationship between perpetrators and victims can be at times. Significantly, this focus on victims is also linked to their "awakening." Genocide survivors and their families have begun to speak out both publicly and in court.

Jones has shown that from the perspective of gender and genocide, there are not only women-specific but also men-specific acts of violence and destruction that must be taken into account. Political and military gendercides clearly show gender-specific characteristics. In these often event-based genocides, battle-age unarmed men of the out-group are the main target because they are seen by the perpetrators as the out-group's most dangerous members: "Crucially, the most vulnerable and consistently targeted population group, through time and around the world today, is non-combatant men of 'battle age', roughly 15 to 55 years old."[28]

The killings normally follow a schematic sequence. First, the killers murder the non-combatant men[29] and get accustomed to killing. Second, if moral constraints have been overcome, the killing goes on in the form of a root-and-branch genocide or absolute slaughter. The Srebrenica massacre in 1995 was one such gendered massacre preluding the genocide, but there are other examples that follow this pattern, such as the male-selective mass killings in Rwanda, Iraqi Kurdistan, and Guatemala. Male extermination also preceded the purges of great genocidaires (Stalin in the 1930s and Pol Pot in the 1970s) and marked the first

25 Adam Jones, "Gendercide and Genocide," *Journal of Genocide Research* 2, no. 2 (2000): 191–192.
26 Jan Jordan, "Gender and Victimology: A Necessary Pairing," in *Women, Crime and Justice in Context*, eds. Anita Gibbs and Fairleigh Evelyn Gilmour (New York: Routledge, 2022), 27.
27 Amy E. Randall, "Introduction: Gender and Genocide Studies," in *Genocide and Gender in the Twentieth Century: A Comparative Survey*, 2nd ed., ed. Amy E. Randall (London: Bloomsbury, 2021), 1ff.
28 Jones, "Gendercide and Genocide," 191–192.
29 These battle-age men are unarmed civilians. As Jones noted, the mass murders of these men marked the "precursor" to several 20th-century genocides. The targeting of these unarmed men has been repeated throughout history and is discussed at length in Jones, *Gendercide and Genocide*.

phase of colonial mass murder in the Belgian Congo (around 1900) and Indonesia (in the 1960s). All of these genocidal enterprises caused a significant loss of millions of males.[30] In some genocides, however, the mass killing ended after these prelude-like murders of men, for example, in Burundi and Bangladesh.

We should note at this point that there is no universal pattern in how a gendercide always and only affects only women or men. Many past genocides indicate gender-specific forms and strategies because each genocide is unique,[31] and therefore there can be specifically gendered acts of genocide. Interestingly, Jones links genocide with structural violence, assuming that the gender dimension is particularly relevant here. His considerations go beyond genocide in war and refer to the structures existing in many societies that often lead to a high number of deaths among female persons. This group of sex-specific structural gendercide includes infanticide, neonaticide, feticide, and nutritional deficits to the detriment of female persons. These crimes may happen in war or peacetime. If the latter is the case, then genocidal violence may happen on a daily basis. This clearly challenges the understanding of genocide as an event. In many places, the abovementioned mass killings of women are crimes in process. If we assume that some of these crimes took place over the course of decades, or even centuries, it is reasonable to assume that the total number of female deaths probably exceeds the total number of deaths from any genocide to date. One need only think of the feticides in China and India, where sex-selective abortion has been commonly used for decades to prevent girls from being born. According to recent estimates, 30 million female births were prevented in India alone between 1980 and 2010.

There are other terms in science and legal policy that are worth mentioning in this context. “Femicide” is a term that goes back to the South African sociologist Diana E. H. Russell and has been widely used since the turn of the millennium. In 1976, Russell declared at the International Tribunal on Crimes Against Women that some women were killed simply because they were women. The gender-neutral term ‘homicide’ therefore obscured this gender-based dimension. In 1992, Jill Radford and Diana E. H. Russell published their book *Femicide*, giving more details on how to understand these killings of females by males. These killings are manifestations of patriarchal structures and males’ supremacy.[32] This understanding of the term triggered numerous sociological and criminological studies, and the term gradually caught on in many countries and regions with varying

30 Ibid., 189–191.

31 David Moshman, “Conceptions of Genocide and Perceptions of History,” in *The Historiography of Genocide*, ed. Dan Stone (Basingstoke: Palgrave Macmillan, 2008), 72.

32 Jill Radford and Diana E. H. Russell, *Femicide: The Politics of Woman Killing* (New York: Twayne Publishers, 1992), 6–9.

dynamics.[33] The Mexican anthropologist Marcela Lagarde went a step further and coined the term *feminicide* to indicate that these killings of women are state crimes since the state does not guarantee women's safety in private or public life due to structural and institutional violence. Widespread impunity is an accompanying factor.

It must be stated here that this social and historical understanding of genocides is very broad. Whether this is also justifiable in the legal sense will be clarified in the following section on the basis of the Genocide Convention.

Gender and the Genocide Convention

Having merged the terms genocide and gender and defined compound gendercide, we now return to the Genocide Convention. To what extent are gender aspects actually mentioned in this legal document, and which sexualized and gender-based acts of genocide may fall under the scope of its protection? The text of the Convention does not contain the following words anywhere: gender, sexual(ity), reproductive, gendercide, (wo)man, or (wo)men.[34] There is no recognition of femininities, masculinities, or other forms of gender identity or gender-specific kinds of harm.

Let us now take a closer look at each of the five forms of genocidal violence contained in Article 2 of the Convention – the core provision of that legal instrument. The first genocidal act is the *killing of the group* (Article 2 (a)). Some examples have shown that killing may follow a gendered strategy in genocide if it targets only men or only women. Focusing on a "subgroup" of the out-group (e.g., battle-aged men of the enemy group) is a gendered targeting. The Srebrenica massacre was a gendered massacre targeting men. Women are not spared from the most horrendous and cruel acts of violence, however. For instance, women were the objects of gender-specific targeting in Rwanda, where they were raped and sexually abused and mutilated. This gendered genocidal violence linked to war or armed conflict falls under Article 2 (a).

Many studies and scholars focus on "mass killings" when talking about genocide and just use the "gender lens" in order to identify gender-based targeting.

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33 While "femicide" is widely used in Latin America in politics, by civil actors, in the media, and in the academic field, the term remains poorly used in many other countries, for example Germany. See Julia Cruschwitz and Carolin Haentjes, *Femizide: Frauenmorde in Deutschland* (Stuttgart: Hirzel, 2022), 12–15.

34 Forced pregnancy is included in the Rome Statute of 1998 as a crime against humanity and a war crime (Article 7 and 8).

However, as we have seen from a sociological and politico-historical point of view, gendercidal extermination also happens through infanticide, feticide, etc. Does the Genocide Convention cover these crimes, and do the latter genocides fall within the understanding of international criminal law? The overriding requirement of the Convention is that a specific group ("ethnic, national, religious, and racial") is targeted. In some regions and societies, female persons are massively attacked. In China, India,[35] and Pakistan, female *infanticide* is a clear manifestation of a preference for male children. This is widespread structural violence with variation between communities and regions.[36] There are direct killings (e.g., poisoning, suffocation, drowning) and indirect killings (e.g., not feeding and letting the newborn girl die)[37] in the event that girls survive direct killings.[38] In China, female infanticide has a long history of up to 2,000 years. Poverty, cultural norms, kinship, and, to some extent, religious beliefs are the main factors that allowed this practice to continue.[39] Under communist rule, this practice slightly declined.[40] However, in the early 1980s, the practice of exterminating females returned.[41] One reason for its re-emergence was China's one-child policy. Since parents, especially city parents, were allowed only one child, families desired a son. Moreover, the method of killing also changed: it began to take place before birth by aborting the female fetus.[42] In India, millions of girls are "missing," too.[43] As such, this pre-natal killing method is not infanticide but *feticide*, thereby falling under Article 2 (d).

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35 Sabu George, Rajaratnam Abel, and B. D. Miller, "Female Infanticide in Rural South India," *Economic and Political Weekly* 27, no. 22 (1992): 1154.

36 Therese Hesketh, Li Lu, and Zhu Wei Xing, "The Consequences of Son Preference and Sex-Selective Abortion in China and other Asian Countries," *Canadian Medical Association Journal* 183, no. 12 (2011): 1375.

37 Family structures, kinship systems, and cultural norms converge and bring about structural violence like female infanticide. See Clara Chapdelaine-Feliciati, *Feminicides of Girl Children in the Family Context* (Leiden: Brill, 2018), 18, 21ff.

38 Ram Mashru, "It's a Girl: The Three Deadliest Words in the World," *The Independent*, January 18, 2012, https://web.archive.org/web/20131212082637/http://blogs.independent.co.uk/2012/01/16/it%E2%80%99s-a-girl-the-three-deadliest-words-in-the-world/.

39 Julie Jimmerson, "Female Infanticide in China: An Examination of Cultural and Legal Norms," *Pacific Basin Law Journal* 8, no. 1 (1990): 49–53.

40 Ibid., 48.

41 Along with this policy, birth control was realized by liberal or forced abortion.

42 According to research, men outnumber women by more than 30 million in China. Human Rights Careers, "What is Gendercide?," accessed August 10, 2022, https://www.humanrightscareers.com/issues/what-is-gendercide/.

43 In the past three decades, up to 12 million unborn girls have been deliberately aborted by Indian parents determined to ensure they have a male heir. See Jeremy Laurance, "The Full Extent of India's 'Gendercide'," *The Independent*, May 25, 2011, https://www.independent.co.uk/news/

Femicide is the gendered killing of numerous females worldwide. In 2018, 50,000 women died violently within their own four walls.[44] Africa and Latin America are considered femicide "hot spots," and Central America has the reputation of being a "death zone" due to the very high rate of female murder victims.[45] All these phenomena of gender-specific mass murder are based on deeply rooted traditional norms and patriarchal patterns of thought and behavior.

We see here two core features: a clear preference for sons/males and a strong devaluation of daughters/females. Females – whether in the womb or after birth – are attacked because of their biological/gender sex. The purpose is to reduce the number of females significantly. Yet, if the target group is women in general, Article 2 of the Genocide Convention may not apply – unless the acts of killing are directed against the women of a specific (!) national, racial, or other group. In general, femicides are attacks against female persons, regardless of their ethnic or national affiliation or social class. The violence is directed against women as such. Infanticides, neonaticides, and feticides are against the same victim group: females.[46] From a legal point of view, these gendercides are not genocides. Females are attacked as a social group, and this type of group is not mentioned in the Genocide Convention, as we have seen.

The second genocidal act is the "causing [of] serious bodily or mental harm to members of the group" (Article 2 (b)). This provision includes two alternatives – physical and psychological damage – and there must be *serious harm*. This is the case when the person is unable to lead a "normal and constructive life."[47] This provision is particularly relevant to gender-based genocidal violence. Various sexual assaults have probably accompanied most wars and genocides. Although rapes, which evidently happened in past wars, may cause serious harm, they be-

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world/asia/the-full-extent-of-india-s-gendercide-2288585.html; Sonia Vaze, "Un-Natural Selection: Female Feticide in India," *Public Health Advocate*, April 10, 2021, https://pha.berkeley.edu/2021/04/10/un-natural-selection-female-feticide-in-india/.

44 Cruschwitz and Haentjes, *Femizide*, 11–12.

45 European Parliament, "Femicide, Its Causes and Recent Trends: What Do We Know?," November 2021, 3–4, https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/653655/EXPO_BRI(2021)653655_EN.pdf.

46 Female persons are attacked because they are female, and about 200 million women are "missing" today. See European Parliament, "Report on Gendercide: The Missing Women?," June 28, 2013, accessed January 10, 2023, https://www.europarl.europa.eu/doceo/document/A-7-2013-0245_EN.pdf; Adam Jones, "Gendercidal Institutions against Women and Girls", in *Women in an Insecure World*, eds. Marie Vlachova and Lea Biason (Geneva: Centre for the Democratic Control of Armed Forces, 2005), 16–18.

47 Tanja Altunjan, *Reproductive Violence and International Criminal Law* (Den Haag: Springer, 2021), 161.

came a topic in academic research and legal discussions only in the middle of the 20th century. After the Second World War, the military tribunals dealt with rapes and sexual enslavement as Japanese soldiers had sexually enslaved thousands of so-called "comfort women."[48] Massive and systematic rapes also took place during the genocides in Yugoslavia and Rwanda. In Bosnia-Herzegovina, numerous "rape camps"[49] existed, causing physical and psychological harm to the female victims. NGOs like Medica Mondiale reported that over two decades after the war, most of the female rape survivors are still suffering from post-traumatic stress disorder (PTSD) and gynecological problems.[50] For the sake of completeness, it is necessary to mention that the rape of men and boys also falls under this provision. Reports show that rapes of male persons happened in Bosnia and in genocides elsewhere, but these rapes are highly stigmatized (they are "tabu in the tabu").

Other gender-specific genocidal acts that could cause serious harm and trauma include forced impregnation, forced pregnancy, and forced abortion. These acts are reproductive crimes that target female persons because of their ability to reproduce.[51] Forced impregnation and forced pregnancy are particularly dangerous for underaged girls. They are not yet ready for such a reproductive task due to their physical and mental development. The risks further increase when the perpetrators fail to provide access to adequate health care. Forced abortion as the unwanted termination of a pregnancy does not only imply the loss of the unborn itself. If it is done surgically and not according to medical standards, it may also endanger the life and health of women/girls. Some forms of abortion can impair or even destroy fertility and reproductive capacity.[52] Article 2 (b) is also relevant for several other acts of sexual violence causing serious harm and trauma in the same way, for example, sexual slavery and (forced) prostitution as well as forced sterilization. These

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48 Margaret D. Stetz, "Reframing the 'Comfort Women' Issue: New Representations of an Old War Crime," in *Genocide and Mass Violence in Asia*: *An Introductory Reader*, ed. Frank Jacob (Berlin: De Gruyter, 2019), 62–63.

49 Altunjan, *Reproductive Violence*, 143–144.

50 Medica Mondiale, "'We Are Still Alive': Research on the Long-term Consequences of War Rape and Coping Strategies of Survivors in Bosnia and Herzegovina," 2014, 35–37, accessed August 10, 2022, https://medicamondiale.org/fileadmin/redaktion/7_Service/1_Mediathek/1_Dokumente/2_English/Documentations_studies/141128_Research_We-Are-Still-Alive_CR-Medica-Zenica_medica-mondiale.pdf.

51 There are also a handful of trans men around the world who have been pregnant and given birth to children. It could well be that more trans men give birth in the future. MDR, "Können Männer Kinder austragen?," May 29, 2019, accessed September 25, 2022, https://www.mdr.de/wissen/schwanger-mann-gebaermutter102.html.

52 In such a case, it is not only Article 2 (b) but also Article 2 (d) that is relevant if the intent of the perpetrator extends to the destruction of reproductive capacity. However, it may only be genocide if forced abortion aims at the prevention of births.

acts may target men or women. Forced sterilization is the removal of reproductive capacity and, as such, a severe violation of a person's integrity if the person has not given their permission, even if the operation is performed according to medical standards.[53] It is thus also a measure to prevent births according to Article 2 (d). With regard to mental health, we should add here that all these reproductive crimes are highly traumatizing.

The third genocidal act is "[d]eliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part" (Article (c)). Lemkin and the Genocide Convention legislators had certain Nazi atrocities in mind when they included this form of genocide in the Convention. It relates to so-called "measures of slow death," such as camp detention or forced labor. The key condition is that the measure must be able to physically destroy the group. Punishable acts that fall into that category are the imposition of "a subsistence diet" on the group, the denial of access to health services, or the "systematic eviction" of members of the group from their lands and homes. In general, this provision captures all those measures that may cause a "slow death" by denying persons food, water, sanitation, or shelter or by "subjecting members of the group to excessive work or physical exertion."[54] Importantly, the measures must aim to destroy the group – be it biologically or physically. The "mere dissolution of the group" and even its forced relocation are not enough; these acts are "cultural genocide" and are not covered by the Genocide Convention. Women in Bosnia were held captive in various secret locations (basements, factories, hotels, etc.). Whether a group's detention was intentionally aimed to physically destroy the group is to be determined on a case-by-case basis.

The fourth genocidal act is "the imposing [of] measures intended to prevent births within the group" (Article 2 (d)). This provision is particularly relevant for sex-based genocidal violence attacking the capacity to reproduce. The targeted out-group is destroyed by removing, limiting, or irreversibly ending this capacity.

This provision covers a bundle of possible violent acts by restricting births through legal, physical, or social measures. This includes forced sterilizations (male or female persons), forced contraception, and forced abortions. Furthermore, the segregation of women and men of the out-group and enforcing prohibitions or limitations on marriages are possible acts falling under Article 2 (d); in these cases, men and women cannot come together, marry, and have children. The Nazis used sterilizations extensively as a method to prevent births among

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53 Altunjan, *Reproductive Violence*, 177.

54 UN Case Law Database, "Conditions of Life Calculated to Bring about Physical Destruction," accessed August 10, 2022, https://cld.irmct.org/notions/show/173/conditions-of-life-calculated-to-bring-about-physical-destruction.

people they judged unworthy of life,[55] for example, physically and/or mentally disabled people as well as non-Aryan Jews, Roma, and Sinti.[56] These genocidal acts were not unique historical events. History after 1945 shows that such measures have taken place in several countries. More than 200,000 mostly poor indigenous women were sterilized in Peru in the 1990s under Alberto Fujimori's rule.[57] Primarily Roma women were sterilized in Czechoslovakia, Hungary, and Sweden.[58] There are other examples of ongoing genocides through forced sterilization, such as the Uyghur women in China.[59] It is not necessary that the measures succeed in destroying the group: "The imposition of measures in itself . . . satisfies the actus reus."[60] The perpetrator must have the intention to prevent births.[61]

Significantly, forced impregnation and forced pregnancies may also fall within the scope of Article 2 (d). The forced impregnation of a woman of the out-group by a man of the in-group seriously violates the woman's reproductive freedom and has social consequences. For example, the child would unlikely be accepted by the out-group members because the father is a member of the in-group. This depends on the kinship system of the communities. In the case of sterilization and abortion, the situation is different. Here, the measures are aimed at preventing an out-group child from being "made" or at aborting an out-group child that has already been conceived.[62] Preventing an out-group child may be achieved by removing or damaging the woman's reproductive capacity. Moreover, sexual violence may result in

55 With regard to eugenics and genocide, see Kenneth L. Garver and Bettylee Garver, "Eugenics, Euthanasia and Genocide," *The Linacre Quarterly* 59, no. 3 (1992): 31–33; Michael A. Grodin, Erin L. Miller, and Johnathan I. Kelly, "The Nazi Physicians as Leaders in Eugenics and 'Euthanasia': Lessons for Today," *American Journal of Public Health* 108, no. 1 (2018): 53–54.

56 Serdar Ornek and Mehlika Ozlem Ultan, "Gypsies as Victims of Crime of Crimes," *International Journal of Social Sciences* 4, no. 1 (2015): 66 and 68.

57 Ñusta Carranza Ko. "Making the Case for Genocide: The Forced Sterilization of Indigenous Peoples of Peru," *Genocide Studies and Prevention* 14, no. 2 (2020): 97; Ainhoa Molina Serra, "(Forced) Sterilization in Peru: Power and Narrative Configurations," *Revista de Antropología Iberoamericana* 12, no. 1 (2017): 37–38.

58 Center for Reproductive Rights, "Body and Soul, Forced Sterilization and Other Assaults on Roma Reproductive Freedom in Slovakia," 2003, 14. https://reproductiverights.org/sites/crr.civicactions.net/files/documents/bo_slov_part1.pdf. For another very insightful analysis, see David Hutt, "Die beschämende Geschichte der Zwangssterilisation von Roma-Frauen in Europa," *Euronews*, August 6, 2021, accessed September 25, 2022, https://de.euronews.com/my-europe/2021/08/06/die-beschamende-geschichte-der-zwangssterilisation-von-roma-frauen-in-europa.

59 Rukiye Turdush and Magnus Fiskesjö, "Dossier: Uyghur Women in China's Genocide," *Genocide Studies and* Prevention 15, no. 1 (2021): 23–24.

60 Altunjan, *Reproductive Violence*, 165.

61 Ibid.

62 Ibid., 164–170.

a psychological unwillingness or incapability to become pregnant and give birth to a child. In Bosnia, women who were raped were stigmatized within their group and were less marriageable.[63] State-sponsored or forced interracial marriages may have this outcome too and therefore may be genocides in the sense of Article 2 (d). An example of this is the case of Uyghur women and Han Chinese men in China.[64]

The fifth genocidal act, according to Article 2 (e), is "the forcible transfer of children of the group to another group."[65] In other words, this covers cases where children are taken away from their communities.[66] During the Second World War, the Nazis forcefully separated Polish children to "Germanize" them.[67] Greek children were transferred to communist countries, and thousands of indigenous children have been taken from their families in Australia and Canada.[68] This is not like the immediate killing of persons, but it is the only form of "cultural genocide" acknowledged by the Genocide Convention. This genocide occurs through the destruction of the out-group's identity.[69] Children lose touch with their group, whose language(s), beliefs, and traditions are not given to them. They are enculturated and socialized according to the in-group. For their original communities, they and their descendants are "lost" or "stolen."[70]

Gendered Roles in Genocides

Having considered the five acts of genocide in detail, this section focuses on the individuals involved in the genocide. Men and women can fulfill different roles in genocides. Who are the perpetrators of genocides? Men? Women? Both? There are several dichotomies. Men mostly lead genocides, and women are mostly dis-

63 Ibid., 167.

64 Turdush and Fiskesjö, "Dossier," 29.

65 The provision does not require the use of violence or physical force.

66 Children are, in conformity with the Convention on the Rights of the Child, all persons under the age of 18.

67 Richard C. Lukas, "Did the Children Cry? Hitler's War against Jewish and Polish Children, 1939–1945," accessed August, 10, 2022, http://www.projectinposterum.org/docs/lucas2.htm.

68 In recent years, these "stolen generations" have been a constant topic in media reports and in civil society in Canada and Australia, but increasingly also in the academic world.

69 Altunjan, *Reproductive Violence*, 170–171.

70 Many publications use the word "stolen" to indicate the everlasting loss to the communities. Chris Cunneen, "Criminology, Genocide and the Forced Removal of Indigenous Children from their Families," *Australian & New Zealand Journal of Criminology* 32, no. 2 (1999): 125–128 and 130–131.

proportionally victims/survivors.[71] In the public sphere, genocide is associated very much with men as victims of massacre and women as victims of rape and other gendered genocidal violence.[72] Furthermore, women are seen as "passive victims of crimes," and men are "active perpetrators." The propaganda measures usually lead to the formation of a group of perpetrators and a group of victims. This often follows the gendered patterns that were already relevant in the preparatory phase of the genocide. There is also a perception of women as "bodies for reproduction" and men as "bodies for fight." The important question now is how this perspective can be combined with their classification into victims and perpetrators. The empirical data is insightful: the overwhelming majority of perpetrators are male, and the men of the in-group first attack males of the out-group. Gender-based genocidal violence perpetrated by and against males is a dynamic we find in several genocides. Some "gendercidal institutions," as Jones names them,[73] are worth mentioning here: forced labor and punitive raids, lynchings, and military recruitment. Statistics clearly show how male-effecting and male-destroying these crimes are leaving "gapping gaps" of males. This prompts significant questions: Are men more inclined to violence, and to genocidal violence in particular? Are men, by their nature, more violent than women? Or is it just a question of gender roles and gendering?

In general, it is mostly men who are perpetrators, and women do not directly participate in genocides that are happening in wars and armed conflicts. They are not killed, but they are victims of other forms of genocidal violence, for example, (sexual) enslavement and (forced) pregnancies, with different consequences.[74] This basic pattern has been preserved for hundreds of years, right up to the recent past. Why was there this exclusion of women from perpetration for a long time? Some argue that women are more sensitive, compassionate, and less aggressive. Another possible explanation relates to the status of women. In many places, women have been and are assigned typical tasks and behaviors. They are to bear and raise children, be devoted to their husbands, and take care of the family. This concern is a leitmotif that clings to women around the world. This role attribution is based on patriarchal structures, which prevents their active perpetration.

71 Allan D. Cooper, *The Geography of Genocide* (Lanham, MD: University Press of America, 2009), vii.

72 It is worth mentioning some recent works here, such as Elissa Bemporad and Joyce W. Warren, *Women and Genocide: Survivors, Victims, Perpetrators* (Bloomington, IN: Indiana University Press, 2018); Sarah K. Danielsson et al., *War and Sexual Violence: New Perspectives in a New Era* (Leiden: Brill-Schönigh, 2019).

73 Jones, "Gendercide and Genocide," 175–178.

74 Roger Smith, "Women and Genocide: Notes on an Unwritten History," *Holocaust and Genocide Studies* 8, no. 3 (1994): 316–317.

However, in the 20th century, the role of women in genocides significantly changed. It was critical feminists who questioned the role of women in macro crimes and freed them from the thought pattern of only being helpless victims without any influence. With their studies, they showed that women might be perpetrators too. They can act at different levels of genocide: as staunch instigators and commanders or as keen supporters. In general, women are more likely to be found as supporters. In fact, in the Nazi regime, hundreds of women supported and cheerled the crimes. Some women were even very willing accomplices and turned out to be real genocidal killers in a variety of ways.[75] Some of the women working in the health sector were deeply involved in "Aktion T4", a large-scale euthanasia project to kill the mentally and physically disabled. Others were accomplices in brutally murdering Jews and Roma people.

Feminist legal historians researching the Rwandan and Yugoslavian genocides found that women were directly or indirectly involved in mass atrocities. In Rwanda, some women were directly responsible for massacres and torture, while others facilitated rapes. Agathe Habyarimana, for example, the wife of President Juvénal Habyarimana, is considered a driving force behind the planning of the genocide. Pauline Nyiramasuhuko, Minister of Family and Women's Affairs for Rwanda in 1994, took over the logistics for the militias in Butare Province. She organized genocidal violence and ordered rapes.[76] Women were also active as journalists on the radical radio station "Radio-Télévision Libre des Mille Collines," where they used hate speech and published death lists to call for the extermination of "cockroaches," a synonym for Tutsi used by radical Hutu.[77] Many displaced persons sought protection in churches and monasteries, often in vain, and nuns (and priests) also took part in the genocide. Women drove the militias on with songs, provided them with beer and food, told them how to identify and find Tutsi in their area, plundered from the dead, and lured Tutsi children out of their hiding places with sugar cane.[78] These undeniable facts have not yet been adequately considered scientifically and legally. So far, only a few women have been convicted of the most serious crimes. The one-sided view of men as perpetrators often overlooks the fact that men are also vulnerable and can be victims of gendered genocidal violence too.

75 Wendy Lower, *Hitler's Furies: German Women in the Nazi Killing Fields* (New York: Houghton M. H., 2013), 120–122.

76 Sara E. Brown, *Gender and the Genocide in Rwanda: Women as Rescuers and Perpetrators* (Abingdon: Routledge, 2018), 32, 100.

77 One high-ranking politician who used this word in an incendiary speech was Leon Mugesera in 1992. BBC News, "Rwanda Jails Man Who Preached Genocide of Tutsi 'Cockroach'," April 15, 2016, accessed September 26, 2022, https://www.bbc.com/news/world-africa-36057575.

78 Brown, *Gender and the Genocide in Rwanda*, 99.

Legal Responses to Gendered Genocidal Violence

The previous sections have looked closely at Article 2 of the Genocide Convention and at gendered roles in genocide. This section explores the enforcement of the provisions of the Convention. There are two leading questions in this regard: Have genocidaires ever been convicted at all? To what extent has gender-based genocidal violence been adjudicated by international, national, and third-country national courts?

First, the Genocide Convention is legally binding for all states that signed and ratified this treaty. These states are obliged to prevent and prosecute genocidal violence. Moreover, the prohibition of genocide is part of customary international law obliging all members of the international community (*erga omnes*).[79] It has the status of *ius cogens*, which means that this fundamental principle must not be overridden by derogation under any circumstances. Second, for criminal prosecution and convictions, it is essential that there is a court. There have been notable developments in this regard in recent years. Although genocides are obviously part of human history, it was not until the 20th century that legal responses to this macro crime were found. This section focuses on judicial processing and law enforcement.[80]

International Tribunals

Genocides have appeared at different times and in different places around the world. However, a new approach emerged after the Second World War. The victorious powers set up military tribunals in Nuremberg and Tokyo that started seriously prosecuting high-rank mass murder. This breakthrough came with the so-called Nuremberg Principles, which are essentially still valid today. The basic idea is that crimes against humanity trigger *direct* criminal liability under international law. However, neither "genocide" nor "sexualized" or "gendered" violence was mentioned in the two statutes. Nobody had an idea of these types of violence. The Nuremberg tribunal discussed mass rapes and Wehrmacht brothels to a minimal extent, but the judges did not classify and judge them as separate crimes. The tribunal in Tokyo was more willing in this regard since there had

79 All states are legally bound by this, not only the contracting states.

80 There are other ways of dealing with genocides, for example, truth commissions or village courts (like the Gacaca courts in Rwanda).

been about 20,000 rapes in the course of the conquest of the Chinese city of Nanking.[81]

The Nuremberg tribunal was "a revolutionary step" in the history of international criminal law,[82] but none of the tribunals gave almost any great impetus to the prosecution of sexualized genocidal violence. The major change happened in the 1990s with two international tribunals: the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR). According to their statutes, these UN tribunals had priority over national courts (Article 9 para. 2 StICTY, Article 8 para. 2 StICTR), being territorially and temporarily limited, and had judicial competence for three crimes: war crimes, crimes against humanity, and genocide.[83] In criminal proceedings, tangible evidence is needed for the indictment and conviction of the alleged perpetrators. The problem with an international court is that national governments or state agencies may not cooperate sufficiently, for example, by not providing documents, not making archives accessible, etc. In consequence, witness evidence is usually the main evidence in an international trial. Each of the two statutes contains a provision for the protection of witnesses (Article 22 StICTY, Article 21 StICTR), which primarily applies in cases of rape and sexual assault. That is the legal basis. The interesting question is to what extent the courts have actually succeeded in applying these norms when convicting perpetrators and considering sexualized genocidal violence in the proceedings.

The majority of the ICTR's convictions were based on war crimes, and some of the violations were seen as torture. War crimes are committed at the bottom of the chain of command, normally by ordinary soldiers. The more difficult provisions are crimes against humanity and genocide, generally committed by high-ranking military or influential politicians, and the killing is planned or widespread. In *Prosecutor v. Jean-Paul Akayesu*, the judges found it proven that rapes were systematic and widespread in Rwanda and punished Akayesu for these rapes as crimes against humanity. This judgment was also a landmark decision with regard to gendered genocidal violence. For the first time, an international criminal court had punished violations and other sexually violent acts as genocide according to Article 2 para. 2 d) GC. The court saw enough evidence that

81 Diane Orentlicher, "The Tokyo Tribunal's Legal Origins and Contributions to International Jurisprudence as Illustrated by Its Treatment of Sexual Violence," *Nuremberg Academy Series* 3 (2020), 99–100.

82 Christian Tomuschat, "The Legacy of Nuremberg," *Journal of International Criminal Justice* 4 (2006): 830–831.

83 ICTY, "Mandate and Crimes under ICTY Jurisdiction," accessed August 10, 2022, https://www.icty.org/en/about/tribunal/mandate-and-crimes-under-icty-jurisdiction.

these acts of violence were aimed at preventing births within the group. This is psychologically and physically possible, as "the person raped refuses subsequently to procreate, in the same way that members of a group can be led, through threats or trauma, not to procreate."[84] The court added: "Sexual violence was a step in the process of destruction of the Tutsi group."[85] Akayesu was declared guilty of inciting, ordering, and supporting sexual violence. By introducing the notion of "genocidal rape" and acknowledging its consequences in a patriarchal society, this decision was an important advance. However, the small number of people convicted shows that criminal responsibility for this serious crime can rarely be proven.[86] In view of the high number of perpetrators,[87] this minimal prosecution is, of course, very unsatisfactory and worrying.

The *Prosecutor v. Pauline Nyiramasuhuko et al.* case is remarkable because a female genocidaire was convicted of gendered genocidal violence. Nyiramasuhuko was found guilty in court for ordering the militias to rape every Tutsi woman before killing them.[88] She was the first woman to be charged with genocide in an international court and with inciting rape as a form of genocide. In *Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze*, the court ruled that gender-specific propaganda was genocide. Ngeze was the editor of a magazine that targeted Tutsi women for propaganda purposes and spread sexist clichés. He was sentenced to life imprisonment. Nahimana and Barayagwiza had run a radio station together and were convicted of genocide for sexist propaganda.[89] Another woman had to answer to the ICTY: Biljana Plavšić, former

84 ICTR, "Judgment Akayesu Case, ICTR-96-4," September 2, 1998 (para. 508), accessed September 26, 2022, https://www.refworld.org/cases,ICTR,40278fbb4.html.

85 Ibid.

86 Kathrin Greve, *Vergewaltigung als Völkermord: Aufklärung sexueller Gewalt gegen Frauen vor internationalen Strafgerichten* (Baden-Baden: Nomos, 2008), 304.

87 In 2000, well over 120,000 alleged perpetrators were still in prison in Rwanda. See Ingrid Müller, "Sechs Jahre nach dem Völkermord sind 125000 Täter eingesperrt," *Tagesspiegel*, February 7, 2000, accessed September 26, 2022, https://www.tagesspiegel.de/politik/sechs-jahre-nach-dem-voelkermord-von-ruanda-sind-125-000-taeter-eingesperrt/121556.html.

88 ICTR, "Judgment and Cases, Case No. ICTR-98-42-T," June 24, 2011, para. 6200–6209, 1455–1456, accessed September 26, 2022, https://unictr.irmct.org/sites/unictr.org/files/case-documents/ictr-98-42/trial-judgements/en/110624.pdf.

89 ICTR, "Prosecutor v. Ferdinand Nahimana, Jean-Bosco Barayagwiza, Hassan Ngeze, Trial Chamber I, Summary of Judgment," December 3, 2003, ICTR-99-52-T, § 31, 28–31, accessed September 27, 2022, https://adsdatabase.ohchr.org/IssueLibrary/ICTR_Prosecutor%20v.%20Ferdinand%20Nahimana.pdf.

co-president of Republika Srpska, was accused of genocide,[90] among other things, but not gender-based violence. She was ultimately convicted of war crimes.[91]

National Courts

Guatemala is one of the few countries where gendered genocidal violence was the subject of legal proceedings. The armed conflict there, lasting from 1960 to 1996, was waged ideologically and ethnically. Indigenous people, who were already considered backward and inferior due to deep-rooted racism, came under particular scrutiny due to their alleged support of the guerrillas. In this way, a powerful image of the enemy was constructed – that of the "indigenous *guerrillero*."[92] Indigenous Maya civilians in rural areas were the main target of massive violence and, above all, genocidal attacks. State terror intensified when General José Efraín Ríos Montt imposed a "scorched earth" policy (*tierra arrasada*). A useful means was the militarization of the civil population by so-called civil self-defense patrols (Patrullas de Autodefensa Civil, henceforth PAC),[93] which carried out a large part of the "extermination work." The two Guatemalan truth commissions[94] documented the causes, course, and crimes of the war in detail and concluded that in the genocide that had taken place, over 80 percent of the victims were Maya. In fact, the state and the PACs were held responsible for over 90 percent of the crimes, including more than 600 massacres.[95] The Guatemalan genocide included brutal gendered violence. Many Maya women and children were targets of terrible sexualized violence, widespread rapes, and cruel killings, among other crimes.[96] It is likely that most of this violence is yet to be fully docu-

90 ICTY, "Indictment," Case No. IT-00-40-I, April 3, 2000, accessed September 27, 2022, https://www.icty.org/x/cases/plavsic/ind/en/pla-ii000407e.pdf.

91 Izabela Steflja and Jessica Trisko Darden, *Women as War Criminals* (Stanford: Stanford University Press, 2020), 17–19.

92 Matthias Epe, *Das Konzept des inneren Feindes in Guatemala: Aufstandsbekämpfung, Menschenrechtsverletzungen und Sicherheitspolitik im Zeitalter der neuen Kriege* (Berlin: Springer, 2017), 58.

93 CEH Guatemala, *Memoria del Silencio 1999*, Capitulo 2, VI, 181–183.

94 REMHI (Recuperación de la Memoria Histórica, in English: Recovery of Historical Truth) and CEH (Comisión para el Esclarecimiento Histórico; in English: Commission for Historical Enlightenment).

95 CEH, "Conclusions and Recommendations," 1999, 33–35, accessed September 27, 2022, https://hrdag.org/wp-content/uploads/2013/01/CEHreport-english.pdf; CEH Guatemala, *Memoria del Silencio 1999*, Capitulo 2, XXI, 314–316.

96 Victoria Sanford, Sofía Duyos Álvarez-Arenas and Kathleen Dill, "Sexual Violence as a Weapon during the Guatemalan Genocide," in *Women and Genocide: Survivors, Victims, Perpetrators*, eds. Elissa Bemporad and Joyce W. Warren (Bloomington, IN: Indiana University Press, 2018), 207–208.

mented. To this day, many women have not spoken about this highly stigmatizing and traumatizing form of violence.

However, Guatemala is one the few countries where – under Attorney General Claudia Paz y Paz Bailey[97] – a window of opportunity opened to punish genocidal and gendered violence. The first important criminal case was that of the Dos Erres massacre. The process began in 1994 and lasted 17 years.[98] Special forces called "Kaibiles"[99] were accused of having massacred over 200 people within three days in the village of Dos Erres in December 1982. Before the killings, women and girls were cruelly raped. Pregnant women were kicked to cause a miscarriage.[100] In August 2011, four military men were sentenced to 6,060 years imprisonment each.[101] In March 2012 and November 2018, two other soldiers (Pedro Pimentel Ríos and Santos López Alonzo) who participated in that massacre were sentenced.[102] In another trial, those responsible for violence against indigenous women were brought to justice. Another case relates to the Plan de Sánchez massacre, which took place in July 1982 in the village of Plan de Sánchez. Soldiers and PAC members mistreated and murdered over 250 Maya Achi, most of whom were women and children. In March 2012, a former military commissioner and four former members of the PAC were sentenced to 7,710 years imprisonment each.[103] The judges stated that the five defendants were responsible for the murder of 256 persons as well as for the systematic abuse and rape of women and children. The statements of the witnesses and experts revealed that the perpetrators had acted wilfully and cruelly.[104]

The Ixil-Maya genocide trial raised the issue of violence against indigenous women. Members of the Ixil indigenous group were tortured, raped, and murdered by the thousands in the 1970s and 1980s. Ríos Montt and former secret ser-

97 Paz y Paz Bailey took office in 2010 and was determined to hold those responsible for civil war violence accountable.

98 The Guatemalan authorities had dragged out the proceedings for years; they could only be continued and completed after the Inter-American Court ordered Guatemala to act.

99 The Kaibiles (an elite army unit) had the reputation for being "killing machines" during the civil war. Seventeen Kaibiles carried out the massacre in Dos Erres and were supported by 40 soldiers who cordoned off large parts of the area.

100 CEH Guatemala, *Memoria del Silencio 1999*, Capitulo 3, II, 53.

101 The long prison sentences are only symbolic. According to Guatemalan law, the prison sentence would end after 50 years.

102 "Corte da 6,060 años de prisión a ex kaibil," *El Economista*, March 15, 2012.

103 "Exparamilitares guatemaltecos condenados a 7.710 años de prisión por matanza," *El Economista*, March 20, 2012.

104 La República, "Guatemala confirma sentencia de 7.710 años de cárcel para exparamilitares," October 22, 2012, accessed August 10, 2022, https://www.larepublica.ec/blog/2012/10/22/guatemala-confirma-sentencia-de-7-710-anos-de-carcel-para-exparamilitares/.

vice chief José Mauricio Rodríguez Sánchez were accused of being responsible for the deaths of 1,771 people and over 1,400 rapes. Dozens of Ixil testified in court and gave evidence on how the massacre happened in 1982. Experts also had their say in court; for example, lawyer Paloma Soria stated that the massive rapes were not isolated instances but a war strategy aiming at the destruction of the social and cultural structure of the Maya community.[105] In fact, women were not only raped in the villages and hamlets but were also abducted to military bases where they had to serve as sex slaves.[106]

In May 2013, Ríos Montt was sentenced to 80 years in prison: 50 years for genocide and 30 years for war crimes. The court found that it was the dictator's objective to exterminate the Mayan population and considered it proven that Ixil women were the victims of the most atrocious crimes[107] and that Ríos Montt had full knowledge of the deeds.[108] What is special about this historic decision is the "centrality of gendered war crimes as part of the genocide."[109] The court linked the strategy of the destruction of the indigenous Ixil with sexual violence, creating "a judicial precedent that will likely be important in future international legal discussions of these types of crimes."[110] The historical significance of this judgment remains, even if the decision was overturned by the Guatemalan Supreme Court a short time later due to procedural errors.

Sexualized violence within the Guatemalan genocide was the main subject of the Sepur Zarco trial. In Sepur Zarco, a small Maya village in eastern Guatemala, the army set up an outpost for recreation in 1982 and enslaved over 70 women from surrounding villages. The women had to live near the barracks to provide various services at the military post, including cooking, cleaning, and sexual services. Sometimes they got something to eat for themselves and their children, but hunger and cold determined their daily existence. The captivity and sexual ex-

105 Matt Eisenbrandt, "Prosecution Experts Testify on Psychological, Cultural, Statistical and Gender Issues," *IJM (International Justice Monitor),* accessed August 10, 2022, https://www.ijmonitor.org/2013/04/prosecution-experts-testify-on-psychological-cultural-statistical-and-gender-issues/.

106 FIDH (Federación Internacional de Derechos Humanos), "Genocidio en Guatemala: Ríos Montt culpable," 2013, 18, accessed August 10, 2022, https://www.fidh.org/IMG/pdf/informe_guatemala613esp2013.pdf.

107 Ixil women were particularly vulnerable to reproductive violence, including sexual slavery, forced abortions, fetal killing, etc.

108 FIDH, "Genocidio en Guatemala," 17–18.

109 Elizabeth Oglesby and Diane M. Nelson, "Guatemala's Genocide Trial and the Nexus of Racism and Counterinsurgency," *Journal of Genocide Research* 18, no. 2–3 (2016): 138.

110 Ibid.

ploitation of women did not end until 1993.[111] It took almost another two decades for criminal proceedings to be initiated. In September 2011, 15 previously enslaved women raised their voices and filed a complaint. More than four years later, a court declared that there had been a "*femigenocidio*"[112] in Sepur Zarco and sentenced the two military officers accused to long prison sentences for (sexual) slavery, murders, and enforced disappearances.

Third-Country National Courts

Gender-specific acts of genocide may also be the subject of proceedings before the courts of third-country states with no connection to the genocidal state. These courts judge according to the so-called principle of universal jurisdiction. Genocidal acts committed in Guatemala during the civil war were tried in Spanish courts, but these trials did not result in a verdict. The first court to punish sexualized violence against women as part of a genocidal enterprise was the Frankfurt Higher Regional Court, which had to judge on a case of genocide against the Yezidi people.[113] On 30 November 2021, the judges convicted Taha Al J., an Iraqi member of the Islamic State (IS), to lifelong imprisonment for buying a Yazidi girl and her five-year-old daughter as slaves in 2015, keeping them captive in his household and abusing them. He let the child die of thirst in the presence of the mother. Therefore, he and others were found guilty of genocide and crimes against humanity resulting in death.[114] The judges also subjectively regarded the criminal offense of genocide as fulfilled. With this enslavement, Taha Al J. acted in the interests of IS; he acted with the intention of destroying the Yazidi religious minority.

111 MDPL (Movimiento por la Paz), "Caso Sepur Zarco, la lucha de las mujeres por la justicia," 2014, accessed August 10, 2022, https://www.mpdl.org/sites/default/files/160210-dossier-alianza-rompiendo-silencio.pdf.

112 Judgment Sepur Zarco case, High Risk Tribunal, February 26, 2016, C-01076-2012-00021 OF.2º, 34, accessed September 27, 2022, https://mujerestransformandoelmundo.org/wp-content/uploads/2020/07/sentencia_caso_sepur_zarco.pdf.

113 This was not the first genocide trial in Germany, but it was the first on the Yazidi genocide that took gender-based violence into account. The first genocide trail in Germany was against Onesphore Rwabukombe in 2014 and 2015. Judgments of the Higher Regional Court of Frankfurt, February 18, 2014, Az. 5-3 StE 4/10 – 4 – 3/10 and Judgment of the Higher Regional Court of Frankfurt, December 29, 2015, Az. 4-3 StE 4/10 – 4 – 1/15.

114 Judgment of the Higher Regional Court of Frankfurt, November 30, 2021, Az. 5-3 StE 1/20 – 4 – 1/20, accessed September 27, 2022, https://ordentliche-gerichtsbarkeit.hessen.de/pressemitteilungen/higher-regional-court-frankfurtmain-sentences-taha-al-j-to-lifelong-imprisonment.

Conclusion

In a way, the history of mankind is a history of genocides. There is hardly a place on Earth that has been spared from this devastating violence. Many scholars of various disciplines have provided detailed looks at various genocidal enterprises and identified the specifics of the most inhuman crime. While the Genocide Convention as a core legal document gives quite a practical definition, socio-political and historical research has shown that genocide may go far beyond direct bloodshed. Genocide may include indirect forms of "slow and silent death." Furthermore, it does not have to take place as a single event but can manifest as a process.

Genocide research has provided significant insights since the 1990s. In addition, Gender Studies, having an upswing at that time too, provided a new approach to the analysis of genocidal violence: the gender perspective. Seeing genocidal violence through a gendered lens became a useful tool to better understand the roots, forms, and consequences of such violent eruptions within specific situations that intensify the chances that violence is committed along the lines of existent or imagined gender identities. In fact, genocides reveal gender-based strategies and targets as well as actions, and a new term subsequently found its way into the political and academic world: gendercide. The extermination of battle-age men of the outgroup is often the prelude to political-military genocide. Then, more vulnerable people (women and children) are attacked. In armed conflicts, female persons or femininities are particularly vulnerable to sexual and reproductive crimes committed through rape and other forms of sexualized violence. However, many genocides against females do not occur as events in wars but are committed almost daily and in a normalized manner in "peacetime." This is the case with the widespread and ongoing femicides, infanticides, and feticides. The problem with this is that many of these mass killings hardly fall under the Genocide Convention's definition of a group because women are attacked as a group on the basis of their gender – not as members of a national, racial, religious, or ethnic group.

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Section II: **Forms**

Mohamed Adhikari

6 “Now We Are Natives”: The Genocide of the Beothuk People and the Politics of “Extinction” in Newfoundland

The genocidal destruction of the Beothuk, a hunter-gatherer people who inhabited much of Newfoundland, mainly by British settlers, is of particular interest because they occupy a special status in Canadian national mythology. The Beothuk are the only Indigenous people acknowledged to have suffered “extinction”[1] as a result of the colonization of Canada. Canadians, who are generally proud of their reputation for upholding the values of liberal democracy, are usually prepared to admit to this blot on their historical record. In Newfoundland settler lore, the Beothuk hold a singularly prominent position. Here, their demise has evoked ongoing expressions of remorse with strong undercurrents of romanticization, evident in a wide range of cultural productions, including novels, poems, plays, musical tributes, paintings, sculptures, public memorials, and scholarly output. In 1977, Senator Frederick Rowe, a prominent Newfoundlander, described it as a “guilt complex of the first magnitude,” while Indigenous scholar Maura Hanrahan recently characterized the Beothuk as “objects of romantic racism.”[2]

Many Canadians and Newfoundlanders would, however, contest the idea that this “extinction” was the product of genocidal violence and attribute it instead to the inadvertent spread of contagious diseases coupled with often unforeseen consequences of economic competition. A belief often evident in settler explanations is that the “extinction” was partly due to the Beothuk being a vestige from a primordial era – a “doomed race” unable to adapt to modernity.[3] Newfoundlanders have traditionally sought to displace much of the blame for the violence onto other parties, specifically Britain’s main imperial competitor in the region, the French, and the Beothuk’s main Indigenous rivals, their fellow Algonquian-speaking Mi’kmaq people, who inhabited the woodlands of the adjoining mainland to the south. Set-

1 I use quotation marks to indicate that this word is intensely controversial when applied to the Beothuk and that I do not subscribe to the “extinction” thesis.

2 Frederick Rowe, *Extinction: The Beothuks of Newfoundland* (Toronto: McGraw-Hill, 1977), 7 and 99; Maura Hanrahan, “Good and Bad Indians: Romanticizing the Beothuk and Denigrating the Mi’kmaq,” in *Tracing Ochre: Changing Perspectives on the Beothuk*, ed. Fiona Polack (Toronto: University of Toronto Press, 2018), 33.

3 See in particular Donald Holly, “A Historiography of an Ahistory: On the Beothuk Indians,” *History and Anthropology* 14, no. 2 (2003): 127–140.

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tler folklore has blamed the destruction of Beothuk society on the baseless allegation that the French armed and paid Mi'kmaq to kill Beothuk, an account now known as the Mi'kmaq mercenary myth.[4] Conventional settler mythology also holds that the Beothuk became "extinct" with the death in 1829 of Shanawdithit, a young female captive, supposedly the last Beothuk person alive. This is vehemently challenged, especially by people who today assert Beothuk identity or ancestry and other Aboriginal groups who claim Indigenous status in Newfoundland. They insist on the survival of Beothuk individuals after their societies had been destroyed. The politics of "extinction" is thus at the core of contemporary contestations around identity and indigeneity in Newfoundland.[5]

The Beothuk

The Beothuk were the descendants of one of the later of several waves of migration from the mainland over 5,500 years. They were concentrated along the coast during summer, where a rich variety of marine resources were available, while the forested interior, which was rugged, colder, and scarcer in food, served as productive hunting grounds in winter. Abundant caribou herds were hunted during their fall migration from coastal grasslands to the woodland interior when they were vulnerable to being trapped in stockades of felled trees and funneled through ambush points. Salmon, seal, and caribou meat and fat, as well as a wide range of other fish species and shellfish, formed the mainstay of their diet. Birds, eggs, other marine mammals, and fur-bearing species – including beaver, otter, marten, bear, and fox – were among their staples. Plant foods such as berries and tubers were foraged seasonally.[6]

4 Leslie Upton, "The Extermination of the Beothuks of Newfoundland," in *Sweet Promises: A Reader on Indian-White Relations in Canada*, ed. James Miller (Toronto: University of Toronto Press, 1991), 81–83; Jocelyn Thorpe, "Routes of Colonial Racism: Travelling Narratives of European Progress and Indigenous Extinction in Pre-confederation Newfoundland," in Polack, *Tracing Ochre*, 277–278.

5 Suzanne Owen, "Unsettled Natives in the Newfoundland Imaginary," in *Handbook of Indigenous Religion(s)*, eds. Greg Johnson and Siv Craft (Leiden: Brill, 2017), 221–233; Cynthia Sugars, "When the Beothuk Won't Speak: Michael Crummey's *River Thieves* and Bernice Morgan's *Cloud of Bone*," in Polack, *Tracing Ochre*; 54–74; Bonita Lawrence, "Unrecognized Peoples and Concepts of Extinction," in Polack, *Tracing Ochre*, 297–320.

6 Sean Cadigan, *Newfoundland and Labrador: A History* (Toronto: University of Toronto Press, 2009), ch. 1; Ingeborg Marshall, *A History and Ethnography of the Beothuk* (Montreal: McGill-Queens University Press, 1996), ch. 16; James Tuck, *Newfoundland and Labrador Prehistory* (Ottawa: Canadian Museum of Man, 1976).

The size of the Beothuk population at the start of colonization was likely to have been between 1,000 and 1,500, given the carrying capacity of the region’s sub-arctic boreal ecosystem. The Beothuk lived in economically independent bands of between 30 and 50 people, usually led by an older, respected male. A defining cultural ritual was the application of ochre to the face and body to affirm members’ identity as Beothuk. It was also applied to valued possessions, grave goods, and the deceased, signifying the deep spiritual and mythological significance with which the substance was imbued. The term “Red Indian” was thus often used to distinguish Beothuk from other Indigenous peoples on the island. They lived in conical structures of up to seven meters in diameter called mamateeks, constructed of wooden poles covered with layers of hide and bark. Beothuk built storehouses to stockpile caribou meat, blubber, eggs, and dried salmon, among other foodstuffs, as well as hides and furs.[7]

Contact during the 16th and 17th Centuries

While small numbers of Norse colonists briefly settled along the Newfoundland coast in the 11th century CE, Giovanni Cabot was the first navigator of the modern era to make landfall there in 1497. He found evidence of human habitation but saw no Indigenes. Within a few years, other European explorers started visiting the area, and fishing vessels frequented the Newfoundland coast between May and October in growing numbers primarily to exploit its exceptionally rich cod fishing grounds. There were regular sightings of, and brief contact with, Beothuk by subsequent expeditions, and fishing vessels came more regularly to the island from the mid-16th century onward. Exchanges during this period were limited to the coast and included small-scale, sporadic trade in furs as well as a good deal of misunderstanding that progressively destroyed mutual tolerance and easily escalated into aggressive behavior, especially on the part of Europeans.[8]

Early British interest in Newfoundland focussed on securing its valuable fishing resources, especially to the detriment of the French, who were dominant in the region prior to the 18th century. The navigator Sir Humphrey Gilbert first declared English sovereignty over Newfoundland in 1583, but it was not until 1713,

7 Marshall, *History and Ethnography*, chs. 18–21; Ingeborg Marshall, “Disease as a Factor in the Demise of the Beothuk Indians,” in *Change and Continuity: A Reader on Pre-Confederation Canada*, ed. Carol Wilton (Toronto: McGraw-Hill Ryerson, 1992), 138.

8 Upton, “Extermination of the Beothuks”, 68–69; Marshall, *History and Ethnography*, 13–16.

with the signing of the Treaty of Utrecht at the conclusion of the War of the Spanish Succession, that France recognized this claim.

Encounters during the 16th and 17th centuries were marked by a growing reluctance on the part of the Beothuk to engage with Europeans, and after a few violent exchanges early on, most fled at the sight of these intruders. There was good reason for Beothuk to fear Europeans, whose behavior was unpredictable, and interactions with them were thus highly stressful. Some Beothuk were likely kidnapped, most probably to be displayed as curiosities in Europe, a common practice among mariners of the time. Others were robbed of furs and hides by gun-toting interlopers. By the early 17th century, as many as 200 British fishing vessels, and probably as many also from other European states, visited Newfoundland waters annually, creating ample opportunity for animosity. Besides a predisposition for violence – sometimes even shooting at Beothuk on sight – it would not be far-fetched to suggest that Beothuk soon realized the danger of contracting infectious diseases from these visitors. Their primary response to the European presence was thus to withdraw from contact.[9]

For much of this period, Beothuk and Europeans – the latter consisting overwhelmingly of transients and a tiny number of settlers – co-existed without much contact or conflict, except for tensions derived from the need for fishermen to dry and cure their catch. Because they spent several weeks ashore, fishermen found it convenient to erect landing stages, cabins, and drying racks and to leave equipment and stores behind for future use. These structures attracted Beothuk interest since they could salvage useful metallic implements. The Beothuk were especially keen to obtain nails for harpoons, spearheads, pots, knives, hatchets, needles, and scissors, but also materials such as rope, nets, and canvas. European fishermen were infuriated by what they saw as theft, while the Beothuk probably regarded themselves as having a right to salvage objects abandoned on parts of their territory that had been occupied without their permission. Nonetheless, there were a few friendly encounters, mostly the bartering of European metal goods for furs.[10]

9 Donald Holley Jr., "The Beothuks on the Eve of their Extinction," *Arctic Anthropology* 37, no. 1 (2000): 80; Marshall, *History and Ethnography*, 37–39, 58 and 474; Ralph Pastore, "The Collapse of the Beothuk World," *Acadiensis* 19, no. 1 (1989): 56–57.

10 James Howley, *The Beothuks or Red Indians: The Aboriginal Inhabitants of Newfoundland* (Cambridge: Cambridge University Press, 2015) 15–18; Upton, "Extermination of the Beothuks," 71.

Intensifying Conflict through the First Half of the 18th Century

From the early 18th century, the contours of conflict across the island changed, forcing the Beothuk into retreat. They started suffering a marked decline as they found themselves pressured on several fronts, and their ability to subsist was increasingly compromised.

Firstly, groups of Mi’kmaq had been coming on transient stays to Newfoundland’s southern coast to hunt and fish for some time. Some started settling along its southern and western coastlines after being dislodged from their homeland by European settlers from the early 1700s onward. Whereas relations with the Mi’kmaq were reputedly amicable at first, they soon deteriorated into hostility over competition for resources. The Mi’kmaq got the better of the Beothuk in confrontations because they obtained firearms from French allies in Labrador. Thus, during the first half of the 18th century, Mi’kmaq settlements deprived the Beothuk of territory along Newfoundland’s southern and western coastlines.[11]

Secondly, sporadic conflict erupted with Labrador Inuit, who came to the Northern Peninsula in growing numbers through the 18th century to hunt fur-bearing species. In addition, Labrador Innu, who were culturally closely related to the Beothuk and were also known as Montagnais, started trapping in Newfoundland with the encouragement of French fur traders as adjoining mainland stocks of these creatures dwindled. Rivalry for access to fur animals on the island intensified through the century. Inuit and Innu alliances with the Mi’kmaq and the French escalated tensions with the Beothuk. As rivalry for resources on the Northern Peninsula sharpened, Beothuk habitation there was restricted and eventually eliminated.[12]

It needs to be noted, however, that all of the Indigenous peoples around the Gulf of St. Lawrence and along the Labrador littoral were ancestrally and culturally related, and despite sporadic conflict exacerbated by colonial intrusion, they engaged in a wide spectrum of social interactions. Mi’kmaq and Innu oral traditions place far greater emphasis on amicable relations between these Indigenous peoples, which included migration across the region, trading, cultural borrowing, intermarriage, and cross-cutting bonds of kinship, than colonial sources, which tend to segregate these groups with contrived spatial and cultural boundaries

11 Frank Speck, *Beothuk and Micmac* (New York: Museum of the American Indian, Heye Foundation, 1922), 25–30, 43–46; Christopher Aylward, “The Beothuk Story: European and First Nations Narratives of the Beothuk People of Newfoundland” (PhD Thesis, Memorial University, 2014), 155.
12 Howley, *The Beothuks*, 25 and 48; Marshall, *History and Ethnography*, 54–59.

and present them as being in continual conflict. The settler colonial archive thus underplays both Indigenous agency as well as the permeability of group boundaries. The Beothuk were part of a complex and layered set of regional relationships that included both conflict and reciprocity and which transcended the island.[13]

Thirdly, increasing numbers of European vessels visited the fishing banks off Newfoundland through the 18th century, swelling the presence of seamen who camped along the coast. By the mid-18th century, up to 12,000 seafarers, mostly British, came to the island yearly. The resident population remained small at first because economic prospects were limited, and the British government preferred preserving Newfoundland as a lucrative fishing ground without the expense of maintaining a civil administration. It thus discouraged settlement beyond the few outposts it needed to secure its claim to key fishing privileges. The settler population, however, grew steadily from little more than 500 in 1700 to about 10,000 by 1750 and around 25,000 by 1805, after which it advanced rapidly to approximately 60,000 by 1828 as possibilities for exploiting terrestrial resources opened up.[14]

There was a growing tendency, notable from about the 1720s onward, for fishermen to settle on the island. They fished for salmon in summer and trapped fur animals in the interior during winter. This put them in direct competition with the Beothuk for basic constituents of the latter's diet. As more immigrants settled on the island, fisheries started fanning out from the southeast, the main area of British settlement, along the northeastern shoreline. They spread westward into the Trinity and Bonavista Bay areas, further curtailing the foraging grounds of Beothuk. Whereas nearly all fishing had previously occurred offshore, commercial fisheries were now being established along rivers to exploit salmon on an ever-growing scale. Driven out of most of their traditional areas of habitation, the Beothuk progressively sequestered themselves in Notre Dame Bay and the Exploits River Valley area of northern Newfoundland.[15]

The Beothuk were much less prepared to interact or trade with colonists compared to other Indigenous groups, presumably because they perceived there to be little benefit to be had from it. The goods they most desired from Europeans could far more easily be obtained from abandoned fishery huts and through

13 Aylward, "Beothuk Story," 154–56, 179–80, 198–203, 247–256, 276–282 and 307; Patrick Brantlinger, "The Beothuk and the Myth of Prior Invasions," in Polack, *Tracing Ochre*, 133–34 and 138; Speck, *Beothuk and Micmac*, 18–29.

14 See the Statistics Canada website: https://www65.statcan.gc.ca/acyb02/1867/acyb02_1867001803-eng.htm and https://tinyurl.com/3vxbr3mm. See also Marshall, *History and Ethnography*, 22, 38 and 461 n. 50; Upton, "Extermination of the Beothuks," 73.

15 Marshall, *History and Ethnography*, 63.

stealth raids than modifying their economy and social organization to produce pelts. The Beothuk tended to become ever more insular and resorted to guerrilla attacks to damage and steal settler equipment as pressure on them mounted. Often, acts of sabotage and pilfering were the only indicators of a Beothuk presence to colonists.[16]

The 1720s witnessed a pronounced shift in Beothuk responses to growing European incursions as they started resorting to violent resistance. Increasingly hemmed into a restricted area, they were sufficiently stressed by the impacts of colonial penetration to move beyond simply trying to avoid these interlopers. Beothuk could no longer ignore colonists who muscled in on their salmon fishing grounds, killed off an alarming number of sea birds, and trespassed into their one remaining refuge to trap for fur. Nor could they passively accept the loss of resources that put their survival at serious risk. Beothuk now started resorting much more frequently to acts of reprisal against colonists and to taking revenge for acts of violence – sometimes years after the offense. Along the coast, resistance by Beothuk consisted mainly of taking or sabotaging fishing equipment and facilities, and in the interior, of targeting the traps and shelters of furriers. They periodically killed colonists, usually in revenge for violations they suffered. That such retribution was not always aimed at perpetrators but sometimes targeted colonists generally, and when the opportunity presented itself, inflamed settler fear, anger, and loathing toward the Beothuk.[17]

A notable development in the early 1720s is that Beothuk destroyed the weirs and nets and killed several workers at salmon fisheries along the Bonavista Bay frontier. The weirs and nets had prevented salmon from swimming upstream, where Beothuk harvested them. These attacks did not deter the owners of the fisheries, who responded by protecting their enterprises with armed guards. Nor did further acts of sabotage daunt others from entering the industry. The number of salmon fisheries continued to proliferate throughout the century, progressively excluding the Beothuk from a primary staple. By the 1770s, the Beothuk were almost completely barred from salmon runs by well-armed colonial competitors.[18] They were also reduced to intermittent and stealthy foraging along the Notre Dame Bay coast at considerable risk to their lives.

16 Ralph Pastore, “Archaeology, History, and the Beothuks,” *Newfoundland Studies* 9, no. 2 (1993): 269; Laurelyn Whitt and Alan Clarke, *North American Genocides: Indigenous Nations, Settler Colonialism, and International Law* (Cambridge: Cambridge University Press, 2019), 44–46 and 100.

17 Marshall, *History and Ethnography*, chs. 4 and 5.

18 Holley, “Eve of Destruction,” 82; Marshall, *History and Ethnography*, 62–67.

A similar process of exclusion occurred with regard to seabirds, which colonists harvested mainly for their feathers. Because seabird breeding colonies were located mainly on uninhabited coastal isles, settlers found it relatively easy to scare off or kill Beothuk as they were vulnerable when crossing open water. Not only were they ready targets, but their canoes were also easily damaged by shot. The Beothuk were reduced to the perilous practice of trying to access seabird colonies during heavy mists. Colonists slaughtered birds at such a rapid rate that this resource was nearly depleted by the third quarter of the 18th century. While seals remained plentiful, Beothuk access to them was obstructed by the European presence.[19]

Fur trapping also caused a great deal of tension as the number of trappers increased through the century. The laying of traplines and the erection of winter shelters often entailed deep incursions into Beothuk territory. The Beothuk's refusal to trade in furs or to trap for Europeans only served to facilitate the colonial penetration of their shrinking domain. The impact of trapping was severely felt by the Beothuk as it diminished an important food source at the same time as they were being excluded from marine resources. The Beothuk response to the activities of fur trappers was mainly to destroy or appropriate the traps and to try and frighten them off. Furriers were extremely vulnerable as they tended to work alone and in extreme isolation during winter. Yet very few were attacked.[20]

Economic competition between the two groups was in the nature of a zero-sum game, as gains for colonists almost invariably entailed losses of subsistence for the Beothuk. The drive for profit maximization by the former, who tapped into vast imperial commodity markets, encouraged the intensive exploitation of diminishing resources and thereby the progressive destruction of ecological niches on which the latter depended for survival. Their small numbers and modest weaponry meant that Beothuk were not able to mount effective resistance to settler encroachment, and their insurgency elicited potentially devastating fisher-furrier counter-attacks. That killings on both sides were often motivated by revenge for earlier acts of brutality helped escalate levels of violence. Beothuk attacks and sabotage enraged colonists as it made an already hard life under difficult conditions even more precarious for many. Settler violence was also driven by fear. Although the Beothuk were seldom encountered, their intermittent raids and killing of colonists ensured that Europeans generally felt vulnera-

19 Marshall, *History and Ethnography*, 67–68.
20 Ibid., 69–72, 76–77 and 80–83.

ble outside of settled areas. The Beothuk practice of severing the heads of those they killed as trophies further instilled deep disgust and hatred among colonists.[21]

Colonial authorities, both in Britain and locally, by and large ignored settler violence against the Beothuk. There was effectively no centralized authority on the island until 1729, when the officer in command of the Royal Navy’s North Atlantic squadron was co-opted to act as governor. Few governors served for more than a year or two and spent but a few weeks during summer in port at St. John’s, the main British settlement. There was thus little continuity of policy or oversight of activity on the frontier. This ad hoc arrangement made for growing lawlessness, especially toward the Beothuk, as the resident population grew. The further away colonists were from St. John’s, the greater their freedom to act unilaterally against Beothuk. And in the Notre Dame Bay and Exploits River area, there was no colonial administrative presence.[22]

Escalation to Exterminatory Levels of Violence

Unconstrained settler violence toward the Beothuk became much more evident in the latter half of the 18th century and intensified markedly to genocidal levels in its last quarter. This escalation coincided with permanent British settlement along the Notre Dame Bay coastline, forcing Beothuk foraging limits westward and inland. It is thus not surprising that there was an upsurge in sabotage and violent attacks by Beothuk from the 1760s onward as they sought to defend their last refuge on the island. This Beothuk resistance threatened newly established fishing and furring enterprises in the Notre Dame Bay area, resulting in a ferocious backlash by the colonists, which reached its peak in the 1780s and 1790s.

From the 1760s onward, hunters, fishermen, furriers, and bird cullers usually shot at or killed Beothuk, often even at women and children, whenever they crossed paths. Shooting at Beothuk in chance encounters was the principal pattern of settler violence. John Cartwright, who in 1768 led an abortive government-sponsored mission to make contact with the Beothuk, attested in his report to Governor Hugh Palliser that “Red Indians were ruthlessly massacred at every possible occasion by the barbarous furriers.” Palliser’s subsequent communique to his superiors in London reiterated that “killing prevails amongst our People to-

21 Marshall, *History and Ethnography*, 61–83 and 95–112; Rowe, *Extinction*, 99–116.
22 Upton, “Extermination of the Beothuks,” 73.

wards the Native Indians . . . whom our people always kill, when they can meet them."[23]

A second type of retaliation by frontiersmen was the hot pursuit of raiders, pilferers, and saboteurs. These reprisals occurred infrequently as the Beothuk were extremely adept at guerrilla tactics, and colonists were not able to predict when or where they might strike, with raiders usually long gone before the damage was discovered. Thirdly, the Beothuk were spread too thinly over rugged terrain and were too sequestered to make mass killing a regular occurrence. There were, however, periodic raids by armed squads of vigilantes that resulted in massacres. These forays ordinarily took place after the Exploits River had frozen over to provide easier access to the Red Indian Lake area, where the Beothuk coalesced during winter. Most of these attacks were clandestinely organized and seldom reported, and their participants were normally reluctant to talk about them. By the latter part of the 18th century, such attacks on Beothuk bands were devastating to their chances of survival as their population had shrunk markedly, and bands were under immense pressure merely to find enough sustenance to survive.[24]

Although some informants saw good reason to cover up their lawless behavior, others had no compunction about boasting of their misdeeds. There were times when settler hatred of Beothuk spilled over into an astonishing degree of open viciousness. Cartwright, for example, relates how a pregnant Beothuk woman who fell into the hands of a group of fishermen was disemboweled and tortured. Not only did the perpetrators later boast of their deed, they even displayed her severed hands as proof of their exploit. Circulating yarns of gory encounters with Beothuk became an integral part of Newfoundland frontier folklore. While these stories were usually embellished and sometimes exaggerated out of all proportion, their largely positive reception among colonists indicates a general lack of empathy toward the Beothuk and the degree to which they were dehumanized.[25]

The Beothuk did not, however, routinely kill settlers when they had the opportunity. Their most favorable chance for doing so was to attack trappers out in the field, but they declined to do so. Although Beothuk sometimes took random revenge on colonists, they at other times distinguished between those who had wronged them and those who had not. James Howley reported the good example of Thomas Rowssell, notorious for killing Beothuk, who was slain and decapitated

23 Howley, *The Beothuks*, 45, 47 and 50. See also Upton, "Extermination of the Beothuks," 74.
24 Howley, *The Beothuks*, 28; Marshall, *History and Ethnography*, 111 and 119.
25 Howley, *The Beothuks*, 34 and 265–288; Marshall, *History and Ethnography*, 101–102.

in 1790, while his brother George, who tolerated the Beothuk presence and sometimes even allowed them to take from his fish, was left in peace.[26]

In 1792, naval lieutenant George Pulling, with the approval of his superiors, took the initiative of investigating the nature of frontier relations in Newfoundland with a view to putting an end to hostilities and protecting the Beothuk. He produced a report corroborating widespread frontier violence against Beothuk based on both eyewitness and second-hand testimony. Pulling’s account covers the period from 1779 to 1792 when the frontier conflict was at its most sustained and ruthless. The report confirms that the violence consisted mainly of the murder of individuals and small groups of Beothuk but also of intermittent massacres and that an exterminatory mindset had developed among many frontiersmen by this time. As the brothers William and Richard Richmond, members of a 1790 raiding party, explained to Pulling, they were “fully resolved to kill everyone we saw both Big & small,” even though they self-servingly denied that anyone was killed when they attacked a band of about 30 Beothuk.[27]

Pulling collected evidence from several informants on the most infamous of the mass atrocities against Beothuk, a slaughterous raid in the winter of 1781 referred to as the “glorious expedition” by its main perpetrator, John Peyton Sr. As the most prominent owner of salmon fisheries in Notre Dame Bay, Peyton suffered significant financial loss as a result of Beothuk raids. He was also notorious for inciting and committing violence against Beothuk. In the winter of 1781, Peyton, together with two associates, set out on a three-day trek up the Exploits River to take revenge against the Beothuk. When they came upon a cluster of mamateeks housing what probably constituted an entire band of over 50 members along the eastern shore of Red Indian Lake, the three heavily armed men advanced on the unsuspecting community, firing “long guns loaded with buckshot” as they drove forward.[28] Many victims were killed or wounded as they ran screaming from their dwellings for the cover of the woods. The band was destroyed as many of those who managed to escape were wounded and left stranded in the middle of winter without adequate food, shelter, or clothing as their stores were plundered, mamateeks burnt down, and equipment destroyed. Peyton’s bloodlust was revealed when he encountered a Beothuk man who was so badly wounded that he was unable to stand,

26 Howley, *The Beothuks*, 267. For other examples see Aylward, “Beothuk Story,” 267–274; Ingeborg Marshall, *Reports and Letters by George Christopher Pulling Relating to the Beothuk Indians of Newfoundland* (St. John’s: Breakwater Books, 1989), 123.

27 Marshall, *Reports and Letters*, 123 and 125, emphasis in the original.

28 Whitt and Clarke, *North American Genocides*, 108.

though he tried to fight back with a broken trap. Peyton reportedly "wrested the trap from him & beat his brains out with it."[29]

Attempts at Contact, Conciliation, and Protection

Alongside the powerful punitive and exterminatory drives that animated settler sentiment toward the Beothuk, there was also a countervailing, largely ineffective, compassionate impulse within Newfoundland's elite strata. As the 18th century wore on, it became apparent to sympathetic observers, essentially a handful of British officials and immigrants with a humanitarian bent, that Beothuk society was under dire threat and that colonists were largely responsible for the conflict. This resulted in various attempts at initiating contact with Beothuk, conciliating them, and protecting them from further depredation. From the late 1760s, the governors of Newfoundland, starting with Hugh Palliser, periodically issued proclamations ordering residents to live in peace with Beothuk and threatening culprits with prosecution. These decrees were ignored and unenforceable, and no one was ever convicted of killing or maltreating Beothuk.

The first significant attempt at peace-making was initiated in 1768 by Governor Palliser after unusually intense conflict over the preceding decade. Palliser sent a mission headed by Lieutenant John Cartwright to seek out groups of Beothuk. Cartwright was extremely sympathetic toward the Beothuk, regarding the "wantonness of cruelties" against them to have been "almost incredible" and Beothuk hostility to be founded on a "just" and "noble resentment of wrongs." In his estimate, the English "fishers" displayed "inhumanity which sinks them far below the level of savages."[30] Cartwright led a 14-man squad to explore Beothuk territory and reach out to them. They made a roundtrip of ten days up the Exploits River Valley but encountered no Beothuk – probably because most were living along the coast at that time of year.[31]

From the mid-1780s through to the turn of the 19th century, a number of humanitarians made representations to the British government for the protection of the dwindling Beothuk population against settler violence. Petitions were submitted to the Colonial Office in 1784 by George Cartwright, a Labrador fishing entrepreneur who 16 years earlier had joined the excursion up the Exploits River led by his brother John; in 1786 by George Pulling, who six years later was to produce

29 Marshall, *Reports and Letters*, 104 and 137. Emphasis in original.
30 Howley, *The Beothuks*, 34.
31 Ibid., 29–45.

a second, much more comprehensive, submission; in 1792 by John Reeves, Chief Justice of Newfoundland; in 1797 by Governor William Waldergreave; and in 1799 by John Bland, Bonavista Bay magistrate. They all pointed to widespread frontier violence against Beothuk and the danger of their extinction. Their proposals included a combination of establishing a reserve for Beothuk in the Notre Dame Bay-Exploits River area, having navy patrols keep intruding colonists in check, sending peace missions into the interior, and appointing an official tasked with maintaining order. All of these suggestions were either ignored or rejected by the Colonial Office.[32]

The last state-led peace initiative toward the Beothuk came in January 1811 when Lieutenant David Buchan, together with 24 crew members, were sent into the Newfoundland interior by Governor Sir Thomas Duckworth to make contact with the Beothuk. The party traveled up the Exploits River, where the advance guard of about a dozen members surprised a sleeping Beothuk camp of three mamateeks housing at least 40 inhabitants. According to Buchan, the shocked Beothuk managed to recover their composure and welcomed the intruders with food and seeming affability. After more than three hours of friendly interchange, Buchan decided to return to his camp to fetch presents, leaving two of his men with the Beothuk and taking four Indigenes with him as gestures of mutual goodwill. When he and his men returned the next day, the deserted camp was in disarray, and nearby, they found the headless bodies of the two crew members left behind. By this time, their four Beothuk companions had absconded. Seventeen years later, the captive Shanawdithit, who was one of the children in the camp at the time, reported that they were temporarily taken captive by Buchan and that they feared he would return with a large force to capture or kill them. After an intense debate over how to react, they decided to kill the two men and hide in a remote, forested part of the interior.[33]

Although there were no further government-sponsored efforts to make contact with the Beothuk, the desire to do so remained alive within Newfoundland’s elite. No one was more committed to doing so than William Epps Cormack, an entrepreneur with an inclination toward scientific inquiry and philanthropy. In 1822 he set out with a Mi’kmaq guide, Sylvester Joe, across Newfoundland to look for Beothuk and gather information about the island’s natural resources. However, he came across no Beothuk on this grueling two-month-long trip as he traveled too far south. In October 1827, Cormack organized a second foray with three

32 Howley, *The Beothuks*, 48 and 58; Marshall, *History and Ethnography*, 113–121; Marshall, *Reports and Letters*, 17–19 and 45–50.

33 Howley, *The Beothuks*, 77–80 and 226–227; Speck, *Beothuk and Micmac*, 49–50.

Indigenous guides shortly after founding the Boeothick Institution [sic] to raise funds and muster public support for its aims of establishing friendly communication with Beothuk. Although Cormack traveled over 300 kilometers through the heart of Beothuk territory and came across abundant vestiges of their habitation, he again failed to find any Beothuk. Two searches over several months by three Indigenous scouts employed by the Boeothick Institution were launched in 1828, but these also proved fruitless. Cormack thus assumed that the Beothuk had died out – or were on the verge of doing so.[34]

Attempts at contact and conciliation failed because of Beothuk antipathy toward engagement with the colonists and the ineptness of many of the latter's initiatives. The well-intentioned efforts of a few humanitarians were nowhere near enough to compensate for the frontier sentiment that, in the words of the Reverend Moses Harvey, regarded "red men as vermin to be hunted down and destroyed."[35] Importantly, philanthropists did not in the least consider abandoning the settler project but wanted it to be conducted in a more humane fashion.

Shanawdithit

Although frontiersmen habitually killed Beothuk they chanced upon by the mid-18th century, at least eight women and children were taken captive.[36] The last of these, Shanawdithit, who was taken captive in April 1823 when in her early 20s, is of particular significance as she provided much of the first-hand testimony we have about Beothuk culture. She looms large in accounts of the Beothuk because she was taken to be the last surviving Beothuk, and Cormack made a belated effort to extract ethnographic information from her. She today holds an iconic status within Newfoundland settler paradigms as the "last of her race."[37]

Shanawdithit was seized when furriers chanced upon a small family group of emaciated Beothuk foraging along Notre Dame Bay. Her father drowned after falling through thin ice trying to escape across a river while she, her mother, and her sister were apprehended. Both her mother and sister, critically ill with tuberculosis, died soon thereafter. Shanawdithit, known to colonists as Nancy April –

34 Marshall, *History and Ethnography*, 181–200.
35 Howley, *The Beothuks*, 62.
36 Rowe, *Extinction*, 42; Marshall, *History and Ethnography*, 122–136.
37 Lianne Leddy, "Historical Sources and the Beothuk: Questioning Settler Interpretations," in Polack, *Tracing Ochre*, 199–208; Hanrahan, "Good and Bad Indians," 33–44; Marshall, *History and Ethnography*, ch. 14.

after the month in which she was captured – was sent to live with John Peyton Jr. on Exploits Island, where she worked as a domestic servant for five and a half years.

In September 1828, Shanawdithit was transferred to St. John’s and placed under the care of the Boeothick Institution and Cormack so that she could improve her command of English and serve as a source of knowledge about her community. His searches for Beothuk having proved futile, Cormack assumed that Shanawdithit was the only authentic source of information about Beothuk lifeways left. In the four months before Cormack became bankrupt and left Newfoundland, she helped him compile a list of Beothuk words and provided information about her experiences and about Beothuk material, cultural, and spiritual practices. In declining health due to tuberculosis, she died on 6 June 1829.[38]

Shanawdithit was clearly not the last living Beothuk. This assumption on the part of the settler establishment rested on the shaky basis that they had encountered no Beothuk during the searches organized by Cormack. Shanawdithit confirmed there to have been about a dozen members of her own band alive at the time of her capture, and there appears to have been the residue of another small band in the interior, as well as a few remnant groups living on other parts of the island and probably also on the mainland. It is very likely that these survivors joined Mi’kmaq, Innu, and Inuit communities. A few women were likely taken into settler households as servants or concubines. There were also several reports of sightings and encounters with Beothuk in subsequent years. There are many examples in the Mi’kmaq and Innu oral traditions of Beothuk being absorbed into their societies through intermarriage and kidnapping. What is clear, though, is that by the time of Shanawdithit’s capture, Beothuk society had ceased to exist as a viable social entity and, soon thereafter, as a distinct cultural one. However, although their society was destroyed, Beothuk individuals certainly survived.[39]

A Case of Genocide?

Although Beothuk society suffered from slow attrition rather than a spectacular collapse, its destruction was clearly genocide, for not only was Beothuk communal life entirely destroyed, but much of the harm inflicted on them by the settler

38 Marshall, *History and Ethnography*, 201–223.
39 Beverley Diamond, “Santu Toney, a Transnational Beothuk Woman,” in Polack, *Tracing Ochre*, 247–263; Mike Codato, “Hunger Pangs in a Cold Forest: A Reexamination of the Disappearance of the Beothuk,” *Totem* 1, no. 1 (1994): 53–55; Marshall, *History and Ethnography*, 224–226; Speck, *Beothuk and Micmac*, 55–69.

establishment was intentional. The destructive behavior of colonists, mediated through the peculiarly extractive nature of the Newfoundland economy – its culling of wild animals rather than working the land – progressively eroded Beothuk access to the necessities for life. At no point did settlers or the British government doubt their right to exploit the island's resources, nor did they consider the rights of Indigenous peoples in any meaningful way.

The turning point in the eradication of Beothuk society came in the middle decades of the 18th century when the colonial economy swung from being an enterprise mainly conducted by seasonal migrants to one dominated by residents. Importantly, this was when settlers started exploiting terrestrial and riverine resources – salmon, fur, and feathers – more intensively, depriving Beothuk of key sources of food. The likelihood of a genocidal outcome became increasingly evident to colonial observers through the latter half of the 18th century. In the 1770s, George Cartwright, for one, perceived the situation with crystal clarity:

> I fear that the race will be totally extinct in a few years, for the fishing trade is continually increasing, almost every river and brook which receives salmon is already occupied by our people . . . the bird islands are continually robbed . . . our furriers are considerably increased in number . . . [and] the breed of beavers is greatly diminished.[40]

From the mid-18th century, many fisher-furriers on the frontier took every opportunity to inflict violence on Beothuk they came across. They took the law into their own hands because they felt threatened by Beothuk, regarded this violence to be necessary, and believed that they were justified in their actions. A significant contributory factor to exterminatory violence against Beothuk was that settlers had little need for, or saw no prospect of, employing Beothuk labor. By the 18th century, colonists had also given up hope of establishing trading relations with Beothuk but were nonetheless exposed to the risk of sabotage, theft, and violence. Thus, in the words of Leslie Upton, for colonists involved in the extractive economy, "It made sound business sense to shoot [Beothuk]."[41] While direct violence played a prominent role in the demise of the Beothuk, their displacement from the productive coastal areas to the colder, rugged, and relatively resource-poor interior severely damaged their social fabric.[42]

40 Marshall, *History and Ethnography*, 32–33.
41 Upton, "Extermination of the Beothuks," 74 and 84–85.
42 For a prosecutorial exploration of charges of genocide that could theoretically be built against John Peyton Sr. and the British government, see Whitt and Clarke, *North American Genocides*, 100–116.

There is no evidence of communicable diseases having been used as an intentional tool of destruction or of their impact on Beothuk society except in the final stages of its decline. The poor health of latter-day captives confirms the significant role of tuberculosis in the destruction of the Beothuk. Buchan’s 1811 report remarked on the robust health of the Beothuk band he engaged. Yet Shanawdithit told Cormack that after their encounter with Buchan, 22 members of their band’s complement of 72 had died within two years and that by 1819, the collective had dwindled to 31 as a result of “hardship and want.” This suggests that Buchan’s party introduced tuberculosis, which was widely prevalent within the immigrant community, into an otherwise healthy band and that this played a pivotal role in the closing stages of the group’s destruction.[43]

The British government was complicit in this genocide because it was informed of the violence on numerous occasions but chose not to intervene. For the most part, the local administration, in so far as it existed, also ignored these violations except for a few half-hearted and ham-handed attempts at effecting some kind of reconciliation. There was an almost total lack of oversight of settler criminality in their dealings with Beothuk, with no perpetrator convicted of such violence. The Parliamentary Select Committee Report on Aboriginal Tribes of 1837, commissioned by the British government to assess the condition of Aboriginal peoples across the empire, effectively concedes that the Beothuk had suffered genocide:

> [In Newfoundland] it seems to have been for a length of time accounted a “meritorious act” to kill an Indian. On our first visit to that country the natives were seen in every part of the coast. We occupied the stations where they used to hunt and fish, thus reducing them to want . . . so that doubtless many of them perished by famine; we also treated them with hostility and cruelty, and “many were slain by our own people[.”] [. . .] Under our treatment they continued rapidly to diminish . . . . In the colony of Newfoundland it may therefore be stated that we have exterminated the natives.[44]

“Now We Are Natives”: The Politics of “Extinction”

Extinction differs from genocide in that the former implies the death of each and every member of a group, whereas the latter refers to the destruction of a social group as a functional entity but not necessarily of every individual in the collec-

43 Howley, *The Beothuks*, 77–78 and 226–228; Marshall, “Disease as a Factor,” 138–149.
44 British Parliamentary Papers no. 425, *Report of the Parliamentary Select Committee on Aboriginal Tribes (British Settlements)*, 1837, 4–5.

tivity. To characterize the obliteration of Beothuk society as an “extinction” would be to misrepresent the outcome of this genocide, as there clearly were survivors, albeit a relatively small number. How the ultimate fate of the Beothuk is construed – whether as extinction, near extermination, or genocide, for example – has far-reaching implications for the contemporary politics of identity in Newfoundland as it informs settler and Indigenous self-perceptions in conflicting ways and fundamentally influences the power dynamic between the two.

On the one hand, Newfoundland settler perspectives have tended to fixate on the symbolically powerful role of Shanawdithit as the last living Beothuk because this myth advances settler interests in a multitude of ways. The “extinction” thesis has served to justify settler occupation of the land, to support their aspirations of being recognized as its legitimate owners, and to invalidate existing First Nations’ assertions of indigeneity to the island. The basic argument rationalizing the occupation of the land is that with the “extinction” of the Beothuk, Newfoundland became *terra nullius*, and settlers could rightfully appropriate the land and its resources – not that colonists desisted from doing so before the “extinction.” Being able to date-stamp the death of the *last* Indigene definitively and being able to concretize it through the demise of a particular person appeals greatly to settler myth-making as it allows that event to be portrayed as a historical rupture that nullifies all Indigenous title to the land. It also follows that if all Indigenes are dead, there are also no present traumas, inequalities, or injustices to address in this regard. Further, any such demands that do arise can be dismissed as inauthentic or fraudulent. Recognizing the Beothuk, and only the Beothuk, as indigenous to Newfoundland thus has the very useful consequence of helping to delegitimize any other claims to indigeneity on the island. The romanticization of the Beothuk and denigration of existing Native peoples’ assertions of indigeneity suggests that the pervasive Euro-American tradition of regarding the only good Indians to be dead Indians still has resonance in modern Newfoundland.[45]

Conclusion

There are other ways in which the “extinction” thesis promotes settler entitlement and undermines Indigenous interests. Firstly, the mercenary myth, which was included in Newfoundland’s school history curriculum as late as the 1970s, seeks to weaken Mi’kmaq demands by portraying them as non-Indigenous, relatively recent arrivals who were deeply complicit in the destruction of the Beothuk. Secondly, the

45 Hanrahan, “Good and Bad Indians,” 42–44.

romanticization of the Beothuk and accompanying expressions of guilt and sorrow go some way toward salving settler consciences and portraying contemporary Newfoundland society as enlightened, just, and compassionate – and, dare one say, therefore worthy inheritors of the land. Thirdly, a tendency to present the “extinction” as an episode from the distant past, and much of it the result of unintended consequences, helps to sanitize colonial violence and depict settler dominance as a normalized state of affairs. Fourthly, it engenders the tendency within settler discourse to depict the Beothuk as an archaic holdover from a primordial epoch, preordained to die out in the face of the colonial encounter.[46]

On the other hand, Mi’kmaq and Innu communities living in Newfoundland hold that they, like the Beothuk, are indigenous to the island. While Mi’kmaq contend that southern Newfoundland was part of their ancestral territory prior to colonization, Innu insist that the Beothuk were little more than co-ethnics who happened to be living on the island with whom they had had close social relations since time immemorial. These assertions are supported by the archaeological record, linguistic evidence, cultural affinities, and oral tradition. It is worth reiterating that both Innu and Mi’kmaq oral traditions maintain that the Beothuk were not completely exterminated but that some survivors were absorbed into their societies, that others dispersed outward onto the mainland as far as New England, and that a few were assimilated into settler society. Those who adapted by joining colonial society would very likely have striven to hide their Beothuk heritage out of self-interest.[47]

There are a small number of people today who espouse Beothuk identity and seek to honor their heritage. DNA studies have confirmed the survival of Beothuk genes in the modern Newfoundland population. It is in particular a resurgence in the affirmation of Mi’kmaq identity and indigeneity to Newfoundland since the mid-1990s, despite various forms of repression by the dominant society, that has politicized questions around belonging, land claims, memorialization, the content of school history curricula, and other issues relevant to Aboriginal status.[48]

46 Brantlinger, “Myth of Prior Invasions,” 133; Hanrahan, “Good and Bad Indians,” 44–45; Holly, “Historiography,” 127–136; Thorpe, “Routes to Colonial Racism,” 270 and 277.

47 Elizabeth Penashue and Elizabeth Yeoman, “‘The Ones that were Abused’: Thinking About the Beothuk Through Translation,” in Polack, *Tracing Ochre*, 83; Aylward, “Beothuk Story,” 183–185, 197–208, 247–56, 263–64, 282, 290 and 308; Jeff Webb, “A Few Fabulous Fragments: Historical Methods in James P. Howley,” *Social History* 50, no. 101 (2017): 91.

48 Steven M. Carr, “Evidence for the Persistence of Ancient Beothuk and Maritime Archaic Mitochondrial DNA Genome Lineages Among Modern Native American Peoples,” *Genome* 63, no. 7 (2020): 349–355; Owen, “Unsettled Natives,” 229–230.

The all too ready assumption, if not insistence, on the part of the Newfoundland settler establishment that Shanawdithit's death marks the "extinction" of the Beothuk provides a good example of the deep-seated impetus within settler societies toward their indigenization – the assertion that they had been made or remade by the land in ways that gave them an intrinsic relationship with it. Writing at the end of the 1980s, the Canadian academic Terry Goldie drew attention to an undue concern, especially among those descended from earlier colonists, about the sort of lineage that qualifies residents as "native Newfoundlanders," a trait that betrays a desire to usurp the status of the Indigene. Goldie bluntly summarized the subtext of their discourse as "We had natives. We killed them off. Now we are natives."[49] The assertion of a separate Newfoundland identity among settlers and their resistance to being drawn into a non-descript Canadian nationality comes at the cost of the collective shame of having "killed off their natives."[50]

Nearly two centuries after the erasure of their society, the Beothuk still have a powerful presence in the social, political, and emotional lives of Newfoundlanders – mediated through their absence. Their spectral existence continues to haunt contestations around notions of self, society, and indigeneity on the island.[51]

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49 Terry Goldie, *Fear and Temptation: The Image of the Indigene in Canadian, Australian, and New Zealand Literatures* (Kingston: McGill-Queen's University Press, 1989), 157.

50 Suzanne Owen, "Unsettled Natives," 221.

51 Suzanne Owen, "The Demise of the Beothuk as a Past Still Present", *Journal of the Irish Society for the Academic Study of Religion* 2, no. 1 (2015): 119–20.

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7 *Volksgemeinschaft* to *Schicksalsgemeinschaft*: Nazi Violence as a Socially Integrative Force

Then the Lord rained brimstone and fire on Sodom and Gomorrah,
from the Lord out of the heavens. – Genesis 19:24.

In July 1943, the British Royal Air Force and the United States Army Air Forces launched Operation Gomorrah. The aptly-named attack rained incendiary bombs onto the port city of Hamburg, Germany's second-largest city. Factory worker Hermann Kröger described the events as "a rain of fire from heaven . . . [a] storm . . . a hurricane . . . a sea of fire."[1] Burning phosphorus scorched the city's inhabitants. Many who were not quickly incinerated suffocated under a blanket of smoke. Gas masks, bomb shelters, and fire-protective services proved ineffective against the fury of Allied bombs – in which 35,000 German civilians died, 125,000 suffered injuries, and countless more found the rubble or charred remains of their homes after the smoke cleared. Hamburg was but one of 131 cities and towns bombed, its population a fraction of the 600,000 casualties of the air war against Germany, one-fifth of whom were children.[2] The Nazi intelligence agency, the *Sicherheitsdienst* (Security Service), reported lamentations from the population: "The revenge of the Jews that is now coming is terrible . . ." and "the expulsion of the Jews should not have taken place, then they would not be working against us so much today."[3] The *Volksgemeinschaft* (People's Community) that had marched so confidently into Poland in 1939 had seemingly transformed during the war into a *Schicksalsgemeinschaft* (Community of Fate) bound together against the host of enemies ringed around Germany.[4]

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1 Cited in Martin Middlebrook, *The Battle of Hamburg: Allied Bomber Forces against a German City in 1943* (New York: Scribner, 1981), 258–259.

2 Mary Nolan, "Germans as Victims during the Second World War: Air Wars, Memory Wars," *Central European History* 38, no. 1 (2005): 8.

3 Cited in Peter Longerich, *"Davon haben wir nichts gewusst": Die Deutschen und die Judenverfolgung, 1933–1945* (Munich: Pantheon, 2007), 285.

4 For discussions of the merits and drawbacks in using the concept of "*Volksgemeinschaft*" for a historical analysis of Nazi Germany, see Ian Kershaw, "Volksgemeinschaft: Potenzial und Grenzen eines neuen Forschungskonzepts," *Vierteljahrshefte für Zeitgeschichte* 59, no. 1 (2011): 1–17; Martina Steber and Bernhard Gotto, "Volksgemeinschaft: Writing the Social History of the Nazi Regime," in *Visions of Community in Nazi Germany: Social Engineering and Private Lives*, eds. Martina Steber and Bernhard Gotto (Oxford: Oxford University Press, 2014).

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Germans lamented the revenge they thought visited upon them due to their nation's violent persecution of the Jews and the Holocaust – enormities that, for much of the Western public, are unique in their horrors and the most monstrous example of human cruelty of the twentieth century.[5] An important area of research has sought to answer a fundamental question: how could such violence happen, especially in the modern era and not during "barbaric prehistory"? One branch of inquiry argued that, in fact, the Holocaust arose not from some atavistic barbarism but from rationality and the Enlightenment itself. For Zygmunt Bauman, modernity's "norms and institutions . . . made the Holocaust feasible," and absent "modern civilization and its most central essential achievements, there would be no Holocaust."[6] In his estimation, intolerance, hatred, and a will to violence did not suffice to implement the almost industrially efficient genocide of Europe's Jews. Rather, the logics and apparatuses at the heart of Western civilization, the Enlightenment, and modernity transformed the pogroms of pre-modernity into a conveyor belt of death: a competent and extensive bureaucracy, modern science and technology, and instrumental rationality.[7] Thus, the potentiality of genocide lay latent in any modern nation-state as the darker, dialectical side of the Enlightenment. Other historians and intellectuals preferred to focus their inquiry on Germany itself as the only nation in Western or Central Europe to proceed down the path to genocide.[8] Various social and cultural pathologies allegedly fomented anti-Semitism to murderous levels or twisted Germany into a technologically advanced but ultimately pre-modern and authoritarian state catastrophically situated amid the civilized West. These pathologies ranged from intellectual mystics promulgating anti-Jewish mania to pre-industrial elites lording over a politically underdeveloped middle

5 The sociologist Jeffrey C. Alexander best explored the formation of this narrative in Jeffrey C. Alexander, "On the Social Construction of Moral Universals: The 'Holocaust' from War Crime to Trauma Drama," in *Cultural Trauma and Collective Identity*, eds. Jeffrey C. Alexander et al. (Berkeley, CA: University of California Press, 2004), 196–263. For an overview of the development of Holocaust Studies and Genocide Studies, see Daniel Blatman, "The Holocaust as Genocide: Milestones in the Historiographical Discourse," in *A Companion to the Holocaust*, eds. Simone Gigliotti and Hilary Earl (Hoboken, NJ: Wiley Blackwell, 2020), 95–114.

6 Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge: Polity, 1989), 87.

7 Marsha Healy, "The Holocaust, Modernity and the Enlightenment," *Res Publica* 3, no. 1 (1997): 35. See the first formation of this idea in Max Horkheimer and Theodor W. Adorno, *Dialectic of Enlightenment: Philosophical Fragments*, ed. Gunzelin Schmid Noerr, trans. Edmund Jephcott (Stanford, CA: Stanford University Press, 2002).

8 Historians have since opened the field of genocide studies to account for British and French atrocities, along with genocides occurring outside of Europe and in various contexts. Even in the case of the Holocaust, historians have documented the extensive participation of non-Germans in Eastern Europe in the persecution and murder of Jews.

class with a modernizing society and economy and pushing Germany down a *Sonderweg* (special path) of development.[9] Malformed Germany, having fallen off the path toward Civilization, had plunged humanity into its darkest depths.

The eventual demise of the *Sonderweg* concept in the historiography opened new areas of study that probed the peripheries of physical violence and identified symbols, speech, attitudes, and mindsets as important sites for the generation of violence.[10] Early studies united these factors into an all-pervasive Nazi propaganda machine capable of negating the autonomy of the German people and rendering them murderously anti-Semitic.[11] A later focus on discursive systems of propaganda and media circumscribed this impact to a smaller group of Nazi leaders and intellectuals.[12] Recent studies on language and linguistic violence interrogate the language of Nazism and its creation of categories of differentiation. Rather than accepting the Nazis' categorizations of inherent differences between peoples, historians consider how the regime's categorizations signified, symbolized, and created the categories themselves. Social, cultural, and legal policies of differentiation did not just create excluded target groups, such as sexual and religious minorities, they also erected boundaries around certain Germans selected for inclusion within the *Volksgemeinschaft*.[13] Furthermore, the so-called "spatial turn" uncovers the geographies of genocidal violence during the Holocaust. Historians have shown that the Holocaust "was a place-making event that saw the creation of new places – ghetto and camp – as well as the reuse (and reimagining) of existing places – the house, the room, the cattle car."[14] Yet, it was also a spatial, bodily experience. Ger-

9 Christopher R. Browning, *The Origins of the Final Solution: The Evolution of Nazi Jewish Policy, September 1939-March 1942* (Lincoln: University of Nebraska Press, 2004), 6. See George L. Mosse, *The Crisis of German Ideology: Intellectual Origins of the Third Reich* (New York: Schocken Books, 1964); Hans-Ulrich Wehler, *Das Deutsche Kaiserreich, 1871–1918* (Göttingen: Vandenhoeck and Ruprecht, 1973); David Blackbourn and Geoff Eley, *The Peculiarities of German History: Bourgeois Society and Politics in Nineteenth-Century Germany* (Oxford: Oxford University Press, 1984).

10 Helmut Walser Smith, "When the Sonderweg Debate Left Us," *German Studies Review* 31, no. 2 (2008): 225–240.

11 For example, Ernest Kohn Bramsted, *Goebbels and National Socialist Propaganda, 1925–1945* (East Lansing: Michigan State University Press, 1965).

12 This thesis was best advanced in Jeffrey Herf, *The Jewish Enemy: Nazi Propaganda during World War II and the Holocaust* (Cambridge, MA: Belknap, 2006).

13 Thomas Pegelow Kaplan, *The Language of Nazi Genocide: Linguistic Violence and the Struggle of Germans of Jewish Ancestry* (New York: Cambridge University Press, 2009). The seminal study is Viktor Klemperer, *The Language of the Third Reich: LTI – Lingua Tertii Imperii* (London: Athlone Press, 2000). More broadly, see Devin O. Pendas, Mark Roseman and Richard F. Wetzell, eds., *Beyond the Racial State: Rethinking Nazi Germany* (Cambridge: Cambridge University Press, 2017).

14 Tim Cole, "Geographies of the Holocaust," in *Companion to the Holocaust*, 333.

mans found themselves emptying various spaces – on German soil and elsewhere – of Jewish bodies and filling other spaces with them before emptying the space again in a vast process of remaking the biological geography of Europe. These spaces became, in established Nazi vocabulary, clean of Jews (*judenrein*) or free of Jews (*judenfrei*) and would eventually be suitable for the purified German community's colonization. New vocabularies helped make it possible to embark into new spaces and transform them into laboratories of violence.

The community to be formed through this violence, the *Volksgemeinschaft*, never became the reality the Nazi regime propagated. Yet millions believed in it, and millions more acted in a way that accorded it the status of a social practice in daily life. Sometimes adherence required coercion, while at other times, Germans actively chose to participate in what they considered to be the *Volksgemeinschaft* as a lived reality. Often there was strained tension between consent and coercion. Nevertheless, participation – forced or voluntary – contributed to the sense that the People's Community existed. Taking part in the National Socialist project to racially re-order Europe, whether in Germany itself or the soon-to-be conquered East, forged new bonds between Germans. The Third Reich inflicted violence on a scale hitherto unimaginable. It consumed individuals, tore apart families, and subjugated nations. This violence also generated new senses of camaraderie and companionship among many Germans.[15] But this sense of fellowship showed cracks before the war, and wide cleavages materialized as the war turned against Germany. With its broad knowledge and often first-hand witnessing of or participation in the fates of millions of Jews since 1933, the *Volksgemeinschaft* adopted the characteristics of a *Schicksalsgemeinschaft*. While the People's Community had always been part imagination, part reality, there was little that most Germans could do at the end of the war but cling to the Community of Fate and ride out the crumbling Nazi empire. As the Nazi Propaganda Minister Joseph Goebbels opined in 1943, "especially on the Jewish question we are so committed that there is no escape for us. And that is good. As experience shows, a movement and a *Volk* that have burned the bridges behind them fight much more unreservedly

15 The strongest case for this position can be found in the following works: Thomas Kühne, *Belonging and Genocide: Hitler's Community, 1918–1945* (New Haven, CT: Yale University Press, 2010); Thomas Kühne, *The Rise and Fall of Comradeship: Hitler's Soldiers, Male Bonding and Mass Violence in the Twentieth Century* (Cambridge: Cambridge University Press, 2017). For a dissenting view on how widespread the propensity of violence existed among the German population, see Jill Stephenson, "The Volksgemeinschaft and the Problems of Permeability: The Persistence of Traditional Attitudes in Württemberg Villages," *German History* 34, no. 1 (2016): 49–69.

than those who still have the possibility of retreat."[16] Whether the *Volksgemeinschaft* existed or not, the crimes of the nation had bound the German people together.

Historicizing the Holocaust

Although the Holocaust is now one of the most well-known historical events, its history after the fall of the Third Reich began with silence from most quarters of German society, though many of the communists or socialists persecuted by the Nazis were an exception. Cold War politics and the rebuilding of Germany stifled the horrific revelations made when Allied and Soviet soldiers liberated concentration camps. Silence persisted until a youthful and antiauthoritarian generation ushered in an unprecedented condemnation of their parents' generation. In 1979, public interest in the Holocaust erupted due to the airing of the eponymously-named television series as more than half of the West German adult population tuned in.[17] Public awareness of Germany's war crimes toward the Jews began to play a significant role in politics, the judicial system, and public education. The next decade brought a reckoning within academia during the so-called Historian's Dispute (*Historikerstreit*). The 1990s brought a sea change when a political scientist's controversial book and a traveling exhibition covering the Wehrmacht unleashed a storm of public discussion that finally shattered the myth that the genocidal atrocities of the Second World War could be circumscribed to the SS. Implicating ever larger numbers of ordinary Germans in the crimes of the Holocaust allowed historians to breach new territory to seek non-reductionist and cultural explanations for the ever-present question, "How could the Holocaust happen?"

In the late 1940s and 1950s, however, a blanket of silence in German society concerning the Holocaust served many purposes: overcoming trauma, rebuilding cities torn asunder during the war, and retaining government and military personnel across the Nazi-West German divide. The Allies publicized images of concentration camps and victims, but guilt and shame silenced many Germans. Fear of judicial consequences during the Nuremberg trials and de-Nazification processes muted many others. From a practical standpoint, the bureaucracy and government needed experienced personnel, as did the *Bundeswehr* (West German military) when it was reformed in 1955. The Allies realized the same during the

16 Joseph Goebbels, *Tagebücher, 1924–1945*, ed. Ralf George Reuth, vol. 5 (Munich: Piper, 1992), 1905.
17 Tony Judt, *Postwar: A History of Europe since 1945* (New York: Penguin, 2005), 811.

de-Nazification process; it would be nearly impossible to make Germany a functioning state again without accepting card-carrying Nazi party members. Even stalwart anti-Nazis such as West Germany's first chancellor, Konrad Adenauer, preferred a policy of "energetic beginning" rather than thoroughly confronting the recent past.[18] For their part, German historians concentrated on German victimhood. The eminent Friedrich Meinecke, in *The German Catastrophe*, included little to nothing about "slave labor, concentration camps, mass shootings, death factories, the murder of 6 million Jews."[19] German historians' linear narratives of a centuries-long ascent of the German nation lay tattered along with their territorially dismembered nation-state. As a deep silence concerning the war swept over Germans, most were content to focus their energies on rebuilding.

After the *Wirtschaftswunder* (economic miracle) of the 1950s, the following two decades witnessed a generational rupture in which young Germans increasingly criticized their parents' silence about the war. While cultural resentments exploded across Western Europe and the United States in 1968, "the silence of the fathers" became "a central component of the 1960s rebellion in West Germany."[20] Many young Germans suspected that silence bred complicity and that it continued to inhibit democratic growth in the new nation. Young Germans developed a new global consciousness as they reimagined Germany's place in the world: no longer an aggressive nation and a menace to Europe, but a peaceful state eschewing its militaristic past. For the first time, democratic political identities flourished, and the "recovery of the past was another form of the truth-telling central to the antiauthoritarian revolt."[21] At stake was one of the master narratives of the post-1945 era, the idea that 1945 marked such a stark breaking point with the German past that it was a *Stunde Null* (Zero Hour) "at which the clock of German history was reset to begin ticking anew."[22] The young generation looked around themselves and saw silent fathers who were former soldiers in the Wehrmacht that had carried war throughout Europe, war criminals unprosecuted in the Nur-

18 Aleida Assmann, "Memories of Nazi Germany in the Federal Republic of Germany," in *A Companion to Nazi Germany*, eds. Shelley Baranowski, Armin Nolzen and Claus-Christian W. Szejnmann (Medford, MA: Wiley Blackwell, 2018), 586.

19 Lucy Dawidowicz, *The Holocaust and the Historians* (Cambridge, MA: Harvard University Press, 1981), 58–59; Friedrich Meinecke, *The German Catastrophe* (Boston: Beacon Press, 1963); for a broader overview, see Nicholas Berg, *The Holocaust and the West German Historians: Historical Interpretation and Autobiographical Memory*, trans. Joel Golb (Madison, WI: University of Wisconsin Press, 2015).

20 Timothy Scott Brown, *West Germany and the Global Sixties: The Antiauthoritarian Revolt, 1962–1978* (Cambridge: Cambridge University Press, 2013), 13.

21 Ibid., 83.

22 Ibid., 84.

emberg trials, and former Nazi party members in positions of power in the government and military. The Zero Hour appeared less like a caesura with the past and more like the continuation of German history's darker aspects.

Change was also afoot among historians as a political divide came to a head in the *Historikerstreit* in the 1980s.[23] Conservative intellectuals such as Ernst Nolte, Andreas Hillgruber, and Klaus Hildebrand argued that enough time had passed to finally historicize the Nazi regime and its crimes, that the Holocaust was not truly unique in its iniquity in human history, and that Allied and Soviet policies and crimes against Germans placed the major combatant nations on an equal moral footing. The war against the Soviet Union, in this narrative, became a defensive maneuver against future Soviet aggression – and the moral and physical defense of Europe against the Bolshevik East. This narrative aligned significantly with the Nazis' own stated justifications for attacking the Soviet Union. Left-wing historians such as Hans-Ulrich Wehler, Martin Broszat, and Heinrich August Winkler opposed this characterization vociferously, as did most American historians of Germany. Most commentators on the debate found the conservative position morally untenable; the idea of a special historical mission for Germany to protect Europe from the East no longer resonated with most Germans. But for all the media coverage, the German public stood mostly on the sidelines, and the *Historikerstreit* predominantly remained a quarrel amongst intellectuals.

While German historians argued over the abstract and metaphysical aspects of the war, American historian Christopher Browning combined historical analysis and sociological group theory in *Ordinary Men* and spurred much of the later research on violence during the Holocaust. Browning narrated a horrific chain of violence and murder committed not by Nazism's ideological and racial elite, the SS, but by ordinary Germans. Sixty-three percent of the men in the subject of his study, Reserve Police Battalion 101, hailed from the working class, and most were too old to be considered fit for conscription in the regular army. The latter point indicated that their formative years occurred in imperial Wilhemine Germany and not amidst the turmoil of the Weimar Republic or during the Nazi regime.[24] In short, their sociological profile did not fit the average Nazi party member, and it certainly did not align with those most ideologically tuned toward constructing

23 The literature on the *Historikerstreit* is large and has been subsumed and integrated into the larger historiography, much like the narrative of the *Sonderweg*. Good starting points, however, are: Peter Baldwin, *Reworking the Past: Hitler, the Holocaust, and the Historians' Debate* (Boston, MA: Beacon Press, 1990); Rudolf Augstein, ed., *Historikerstreit: Die Dokumentation der Kontroverse um die Einzigartigkeit der nationalsozialistischen Judenvernichtung* (Munich: Piper, 1987).

24 Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (London: Penguin, 2001), 47–48.

a racial utopia in Eastern Europe. The oft-heard plea that many of the perpetrators had simply been following orders could not apply in this situation. Officers allowed the men to opt out of the killings if the order proved too difficult to bear. Yet the overwhelming majority of these 500 men engaged in the murder of 38,000 Jews from July 1942 to November 1943. They did not usher the victims into cold, impersonal, industrialized gas chambers. Rather, they stood mere feet from their victims as they shot them into mass graves. Browning found that the men were not brainwashed into becoming unthinking automatons, nor were they already homicidal sociopaths. Instead, many of the men initially found the killings arduous and difficult, but they gradually overcame their reservations; killing Jews brutalized the men, and brutalization led to the routinization of killing. All the while, these men felt they constituted a community unfortunately tasked with "dirty work."[25] To refuse to kill was to refuse one's share of the work, to foist this obligation upon one's comrades. Although the influence of National Socialist ideology and propaganda can never be negated, more common features of humanity may have contributed to violence and genocide: "the peer group exerts tremendous pressures on behavior and sets moral norms."[26] This reframing and the book's title itself beg a frightening question: "If the men of Reserve Police Battalion 101 could become murderers under such circumstances, what group of men cannot?"[27]

Political scientist Daniel Goldhagen posited an answer: in the special case of Germans, most were inherently capable of becoming murderers. The sensational public reception of his book *Hitler's Willing Executioners* showed the wide gap between the German public's acknowledgment of and interest in the Holocaust and historians' knowledge and research. Historians had embarked on contextualizing the Holocaust within a wider framework of genocide and violence across various societies, cultures, time periods, and geographies. In contrast, Goldhagen fascinated the German public with his thesis that the Holocaust erupted from a strain of murderous anti-Semitism particular to the German people. Unlike the police reservists who found themselves in extreme circumstances in a bloody war and initially struggled to murder, Goldhagen claimed that "'ordinary Germans' were animated by antisemitism . . . that led them to conclude that Jews *ought to die* . . . the perpetrators . . . did not want to say 'no'" to the killing orders.[28] Historians immediately criticized the work on a host of points, including

25 Ibid., 184.

26 Ibid., 189.

27 Ibid.

28 Daniel Jonah Goldhagen, *Hitler's Willing Executioners: Ordinary Germans and the Holocaust* (New York: Alfred A. Knopf, 1996), 14. Emphasis in original.

his reductionist monocausal view of the genesis of the Holocaust and his circular reasoning.[29] Nevertheless, in 1996, Goldhagen promoted his book on tour in Germany, and Germans promptly filled thousands of seats to hear the "phenomenon" and "superstar" speak.[30] In spite of public debates between Goldhagen and prominent historians who severely criticized him and exposed holes in his arguments, the crowds supported Goldhagen.[31] The German public had moved markedly away from the silences after 1945 and the shuffling of blame to the SS. The ordinary Germans of the war period were in the crosshairs, and many ordinary Germans of the 1990s felt a responsibility to acknowledge crimes that could not be circumscribed to a small group of perpetrators.

Five decades thus passed before the German public truly reckoned with the deeply unsettling knowledge that not only Hitler's political soldiers but also many ordinary Wehrmacht soldiers were responsible for the enormities of the war. Moreover, the touring Wehrmacht exhibition of 1995–1999 enflamed public debate in a way that even the Goldhagen debates did not.[32] The exhibition's overwhelming documentation and evidence destroyed the myth of the clean Wehrmacht, the notion that it was only higher Nazi leaders and the SS who engaged in genocidal atrocities.[33] That 20 million men had passed through the ranks of the Wehrmacht indicted a massive proportion of the war generation – and nearly every family in the 1990s had an older male family member who had willingly joined or was conscripted into the Wehrmacht. Among ordinary Germans, the Holocaust was no longer simply a stain on the nation but part of their family history.

While historians effectively rebutted and rejected much of Goldhagen's thesis, at least amongst themselves, the shattering of the clean Wehrmacht myth

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29 Historians' critiques were scathing and widespread. See Christopher R. Browning, "Daniel Goldhagen's Willing Executioners," *History and Memory* 8, no. 1 (1996): 88–108; Raul Hilberg, "The Goldhagen Phenomenon," *Critical Inquiry* 23, no. 4 (1997): 721–728; Gavriel D. Rosenfeld, "The Controversy that Isn't: The Debate over Daniel J. Goldhagen's 'Hitler's Willing Executioners' in Comparative Perspective," *Contemporary European History* 8, no. 2 (1999): 249–73; Fritz Stern, "The Goldhagen Controversy: The Past Distorted," in *Einstein's German World* (Princeton, NJ: Princeton University Press, 2016): 272–288.

30 Bernard Rieger, "'Daniel in the Lion's Den?' The German Debate about Goldhagen's 'Hitler's Willing Executioners,'" *History Workshop Journal* 43 (1997): 228.

31 Josef Joffe, "Das Goldhagen-Phänomen," *Süddeutsche Zeitung*, September 11, 1996; Volker Ullrich, "Goldhagen und die Deutschen," *Die Zeit*, September 13, 1996.

32 Hannes Heer and Klaus Naumann, eds. *Vernichtungskrieg: Verbrechen der Wehrmacht, 1941–1944* (Hamburg: Hamburger Edition, 1995); see the special issue "Verbrechen der Wehrmacht: Anmerkungen zu einer Austellung," *Mittelweg 36* 30, no. 5/6 (2021).

33 Wolfram Wette, *The Wehrmacht: History, Myth, Reality*, trans. Deborah Lucas Schneider (Cambridge, MA: Harvard University Press, 2007), 269–74.

prompted a broader chronological search for the origins of the Holocaust. Something akin to the *Historikerstreit* of the 1980s emerged among historians as Germans sought to place colonial atrocities of the imperial era within a culture of memory centered on the Holocaust.[34] Early debates focused on the origins of the willingness to commit violence. After all, in a mere twelve years, Nazi education and propaganda could not have inculcated so many men and women into Nazism's murderous ideology. Rather than pigeonholing Germans as having a culture riddled with murderous anti-Semitism, *à la* Goldhagen, historians considered whether Germany's colonial experiences during the Wilhelmine Empire – a relatively short stint from 1884 to 1918 – had drawn a line "from Windhoek to Auschwitz."[35] The colonial experience, this line of reasoning went, provided practical knowledge as well as sources of "inspiration" for the Holocaust, specifically regarding the subjugation of native peoples and the genocide of the Herero in German South West Africa (present-day Namibia). Historians found three parallels between the imperial colonial genocide of the Herero and the Third Reich's crimes: Germans considered themselves victims fighting in a racial war, the tempo of violence escalated gradually, and both Africans and Jews "were dehumanized ideologically and bodily."[36] Isabel Hull's *Absolute Destruction* showed a continuity of institutional practices within the military from 1870 to 1918, namely in the army's tendency to escalate conflict to extreme levels of violence in a bid to crush the enemy.[37] Hull's cogent analysis, however, did not extend beyond 1918. While she rightly emphasized the long memory of institutions, Birthe Kundrus noted the opposite, yet equally conceivable point: "people and institutions tend to forget."[38] Continuity in military personnel existed across the divide of 1918, but the period between the end of the First World War and the beginning of the Second experienced numerous upheavals, changes in government, and fluctuations in the relationship between civil and military authorities. Similarities between the Herero genocide and the Holocaust may simply indicate parallels rather than actual continuities.

34 Susan Neiman and Michael Wildt, eds., *Historiker straiten: Gewalt und Holocaust: Die Debatte* (Berlin: Ullstein, 2022).
35 Jürgen Zimmerer, *Von Windhuk nach Auschwitz? Beiträge zum Verhältnis von Kolonialismus und Holocaust* (Berlin: Lit Verlag, 2011).
36 Birthe Kundrus, "From the Herero to the Holocaust? Some Remarks on the Current Debate," *Africa Spectrum* 40, no. 2 (2005): 303–304.
37 Isabel V. Hull, *Absolute Destruction: Military Culture and the Practices of War in Imperial Germany* (Ithaca, NY: Cornell University Press, 2005).
38 Kundrus, "From the Herero to the Holocaust," 305.

Intense scrutiny of German colonialism in the 2000s overlapped with renewed interest in German suffering during the Second World War. Could a so-called *Schicksalsgemeinschaft* (Community of Fate) have been the answer to Germany's ability to hold out in the war against ever-diminishing odds of victory? The question of how Germany endured until the bitter end was not new and connected intimately with historiographic treatments of resistance (or lack thereof) against the Nazi regime, the fine line between consent and coercion, how the regime garnered public support, and the maintenance of military morale.[39] As this list of topics makes evident, however, historians often investigated the German home front as the site in which Germans failed to resist the regime sufficiently or were cowed into supporting it. Conversely, some worried that acknowledging German victimhood too closely approached far-right talking points or smacked of insensitivity to other victim groups. Serious investigations of the home front, however, have uncovered the profound changes beginning with the outbreak of war and overturned the longstanding notion that Germans lived in a "peacelike war economy" until 1944.[40] Consumer shortages, increased labor participation of women, longer working hours, and the threat and reality of bombs all caused fear among top Nazi leaders that the home front might collapse, as it did in 1917–1918.[41] At the same time, absentee rates of workers remained low, protests appeared almost non-existent, and, at least in 1943, propaganda buoyed Germans' hope that technologically advanced superweapons would stave off military defeat. Resignation set in after this last *deus ex machina* failed to turn the tide.[42] New research provides much-needed differentiation within the home front, moving away from viewing the German people at war as a monolithic bloc. Experiences differed between men and women, German and conscripted foreign labor, urban and rural inhabitants, the poor and middle class, the middle class and the wealthy.[43] The war fractured many German experiences, but it also assembled

39 For a useful historiographical essay concerning the immense amount of literature, see Ian Kershaw, *The Nazi Dictatorship: Problems and Perspectives of Interpretation*, 4th ed. (New York: Oxford University Press, 2000), 183–217.

40 Richard Overy, "The German Home Front Under the Bombs," in *Companion to Nazi Germany*, 232. See also the magisterial account of the economy in Adam Tooze, *The Wages of Destruction: The Making and Breaking of the Nazi Economy* (London: Allen Lane, 2006).

41 For coverage of the Allied bombing campaign's impact on the German population, see Richard Overy, *The Bombing War: 1939–1945* (London: Allen Lane, 2013).

42 For analyses of the end of the war, see Richard Bessel, *Germany 1945: From War to Peace* (New York: Simon and Schuster, 2009); Ian Kershaw, *The End: Germany 1944–1945* (New Haven, CT: Yale University Press, 2011).

43 The best work on this subject is probably Nick Stargardt, *Germany at War: A Nation under Arms, 1939–45* (London: Vintage, 2015).

social arrangements into completely new constellations that sometimes brought people together but sometimes presented new cleavages.

Though the field of German history is notoriously methodologically conservative, the methods of cultural history, first taking hold in the American academy during the 1980s and 1990s, have informed much of the work of the past two decades. Cultural history's attention to linguistics profoundly impacted *Täterforschung* (perpetrator research) by questioning the impact of racial ideology as causative of extreme and genocidal violence. For example, indoctrination into racial ideology alone cannot account for changes in gender ideals, the permissibility of violence, or the acceptability of killing non-combatants. Such examples were "made and remade through cultural practices and shaped the mindset of the historical actors."[44] Simply put, Nazi norms neither suddenly appeared nor subsumed pre-Nazi norms. Even concerning the Wehrmacht, historians argue over dating the beginning of the transition from "its older honor code to a radically different value system" to 1939 with the invasion of Poland or 1941 when the Wehrmacht steamrolled into the Soviet Union.[45] The key word here is transition. National Socialism was not merely a political ideology or a regime that espoused one. It was above all an expansive project to establish a new values system and morality to prepare the German people to racially re-order Europe. The project did not spring forth either with Hitler's ascension to the chancellorship on 31 January 1933 or with the invasion of Poland or the Soviet Union. 1933 to 1945 was a period of transition, of flux and formation, of reconfigurations of old and new.

The People's Community and Violence

Healing an allegedly fractured society beset by class and racial division was central to the project of National Socialism. The *Volksgemeinschaft* would exclude enemies and inferior peoples and meld together all fit Germans. Researchers' shift from answering "How could Hitler seize power in 1933?" to "How could the Holocaust happen after 1939?" prompted historians to view racial persecution, the Second World War, and the Holocaust as the defining features of Nazi Germany, a

44 Monica Black et al., "Forum: Cultural History and the Holocaust," *German History* 31, no. 1 (2013): 62.

45 David A. Harrisville, *The Virtuous Wehrmacht: Crafting the Myth of the German Soldier on the Eastern Front, 1941–1944* (Ithaca, NY: Cornell University Press, 2021), 27. For the earlier dating, see Alexander B. Rossino, *Hitler Strikes Poland: Blitzkrieg, Ideology, and Atrocity* (Lawrence, University of Kansas Press, 2003); Jochen Böhler, *Auftakt zum Vernichtungskrieg: Die Wehrmacht in Polen, 1939* (Frankfurt a.M., Fischer, 2006).

regime with the inherent potential for extreme violence and a drive to realize it.[46] Research now refocused attention on why, rather than how, Germans persisted in a hopeless war throughout 1944 and 1945 as defeat loomed ever more clearly. Furthermore, historians now scrutinize the role of civilians in the escalation of discriminatory violence in the years of peace and its perpetuation during the war. Ironically, as they paid more attention to the war years, historians questioned more than ever whether the seeds of ordinary Germans' participation in the Holocaust might lie in the period before the genocide began. Had years living in an atmosphere of Nazi-directed persecution – the violence often committed by SA or SS men rather than ordinary German citizens – forged a community of violence, a *Volksgemeinschaft* welded together through enthusiastic or tacit approval of violence? Did it make more sense to consider the *Volksgemeinschaft* a community of practice rather than the empty, propagandistic words of the regime?

Stepping away from early reductionist formulations of a German population locked in step with a totalitarian regime's marching orders provokes serious consideration of National Socialism's morality and values system. In this sense, the *Volksgemeinschaft* would manifest Nazism's race-centered system of morality, a "political-social order of norms and values."[47] Nazi morality existed as a bifurcating framework, denying moral consideration, empathy, and group membership to excluded populations. Most research has focused on physical manifestations of this exclusion: violent boycotts of Jewish goods and intimidation in the streets, the sterilization and euthanasia campaigns, *Kristallnacht* (the Night of Broken Glass), concentration camps, forced ghettoization, and the Holocaust itself. Yet it is malignant words, an apartheid-style codification of laws, repugnant visual caricatures and characterizations, and exclusionary social constructions – the symbolic violence – that often pave the way for physical violence.

The war provided the opportunity and environment to practice distinguishing the German from the Other more fully. While Browning's work showed how participating in violence could generate more violence, the notion of "comradeship" includes the more quotidian aspects of life that consumed most soldiers' days. Soldiers could build and maintain male identities even as they displayed "femininely coded affection: tenderness, empathy, caring, tolerance toward emotional breakdowns, moments or periods of weakness."[48] In the mostly male world

46 Helmut Walser Smith, "The Vanishing Point of German History: An Essay on Perspective," *History and Memory* 17, no. 1–2 (2005): 267–295.

47 Maren Röger, "Die Grenzen der 'Volksgemeinschaft': Deutsch-ausländische Eheschließungen, 1933–1945," in *Geschlechterbeziehungen und 'Volksgemeinschaft'*, eds. Klaus Latzel, Elissa Mailänder and Franka Maubach (Göttingen: Wallstein, 2018), 101.

48 Kühne, *Rise and Fall*, 292.

of the front, comradeship provided a framework in which men could create surrogate homes and families. At the same time, these bonds between men "demonstrated . . . independence from real women and real families – from civilian society and civilian morality."[49] As men performed aspects of both gender roles, comradeship became a militarized version of the *Volksgemeinschaft*. For all the ability of soldiers to switch back and forth between female and male codes of behavior, Nazi gender ideals on masculinity prescribed that "it was not the soft side of man that defined him, but his ability to overcome it."[50] Later in the war, fear brought men together. One soldier noted that if the war were lost, "we would be badly off. This foreign Jewish rabble would take horrible revenge on our people, given the fact that here hundreds of thousands of Jews have been executed in order to eventually establish calm and peace in the world."[51] The creation of the *Volksgemeinschaft* intertwined with violence through war and genocide, and then fears of revenge spurred further violence against the original victims. Fatalism, stoicism, and resilience propelled German soldiers to fight on in their bands of comradeship as their enemies continually pushed them back to the borders of Germany. There was little to do but soldier on with comrades bound together in their own communities of fate formed through months or years of battle.

While the traditional view held that military campaigning remained a masculine sphere of activity, there is growing evidence that women participated in comradeship in war zones as well. This seems most evident in the case of women working in the occupied East who cared for soldiers wounded at the front. The historian Julia Paulus provides the exemplary figure of Annette Schücking, a young judicial trainee who graduated from the University of Münster in 1941. Annette had not voluntarily participated in Nazi organizations, she grew up in a liberal family, and her correspondence with her parents during the war did not indicate any strong predilection toward Nazi ideology. Indeed, she suspected Nazi officials actively impeded her employment and the continuation of her judicial training in a bid to route her into war service. With her career aspirations stymied, Annette volunteered as a nurse's aide for the German Red Cross and then served in a soldier's home in German-occupied Ukraine and Russia. The regime modeled the residences as "islands of home" for soldiers, and the female caretakers would ideally act as model housewives, ensuring the spiritual care of the soldiers and working toward the "simple and functional, but pleasing and com-

49 Ibid., 293.
50 Ibid., 295.
51 Cited in ibid., 192.

fortable furnishings and design of the homes."[52] The educated and thoroughly middle-class Annette initially bemoaned the simplicity and routine nature of her employment. Soon, however, she began to appreciate the independence afforded to her in the East. No longer fettered by the traditional gender mores of German society, Germany's eastern expansion provided her with the chance to "give up being a lady" and acquire what she felt to be a kind of parity with the German soldiers for whom she cared.[53] She felt part of an intimate community of comradeship with her "sisters" but also with her "brothers," the soldiers for whom she fought for their "virtuousness."[54] Beginning in 1942, Annette was also party to discussions with soldiers about "resettlements," a euphemism for the deportation and murder of Jews and other non-German elements in the East.[55] Though this knowledge horrified her, Annette focused more on her new freedoms and opportunities. For Annette and the women around her, working in soldiers' homes in the East provided the space to test their resolve, discipline, and toughness, to set themselves on an equal footing with men, and to prove their fitness to join the supposedly egalitarian national community.

More broadly, half a million women acted as agents of empire to construct the *Volksgemeinschaft* in the occupied Eastern territories. They primarily operated as "nurses, secretaries, teachers, wives, Nazi Party activists, and resettlement advisors."[56] Like the feminine duties of the soldiers' home but writ large, women were to embody Germanness in a land deemed uncivilized and to "bear culture" to bring "order, hygiene, and efficiency" to the East.[57] Besides the role of nurse and caretaker of soldiers, women's most important duty lay in the Germanization of ethnic Germans resettled in the new territories. Many of these settlers appeared German only by virtue of political expediency. To SS racial scientists, they often appeared as nearly alien creatures lacking hygiene and even the German language itself. Many settlers had never lived in Germany, and their ancestors had emigrated to the East decades or hundreds of years before the Third Reich sought their *Heimkehr* (homecoming). The regime tasked German women with schooling these newly acquired peoples of German racial stock. Thus, German

52 Julia Paulus, "Frau mit vielen Männern": Geschlechterkonstruktionen einer Soldatenheimschwester aus "gutem Hause," in *Geschlechterbeziehung und Volksgemeinschaft*, ed. Latzel, 165.
53 Ibid., 168.
54 Ibid., 158.
55 Ibid., 162.
56 Wendy Lower, *Hitler's Furies: German Women in the Nazi Killing Fields* (Boston, MA: Houghton Mifflin, 2013), 38.
57 Elizabeth Harvey, *Women and the Nazi East: Agents and Witnesses of Germanization* (New Haven, CT: Yale University Press, 2003), 2.

women did not simply play an auxiliary role to soldiers as nurses. These women often did not consider their roles auxiliary anyway. Rather, they played an integral part in the construction of Germandom in the East. The regime tasked them with forming cultural Germans out of the amorphous racial clay that centuries of separation from the Reich had caused. Other women participated more directly in the darker sides of colonization: confiscation of Jewish and Polish property, euthanasia killings, and sometimes outright murder. Even the teachers' tasks cannot be glossed over as innocent instruction as field trips to psychiatric institutions invited young students to imagine the eugenic Nazi future and instructed them to feel no pity for the screaming "lunatics" and deformed victims placed on display.[58] More starkly than on the home front, the war in the East enmeshed women in all the facets of the National Socialist project.

Nazi leaders did not wish merely to extend the *Volksgemeinschaft* beyond Germany's original borders. Conquering, racial selection and breeding, and colonization could only take place in the East. The newly-conquered lands provided a laboratory without traditional conceptions of morality to test, refine, and build the *Volksgemeinschaft* itself. It provided an arena to right the wrongs of the past, and spatial organization occupied a special role in Nazi plans. According to Nazi theorists, generations of urban living and modernity had decayed the German body and spirit. The East would not be settled with cities, heavy industry, and the proletariat; rather, towns of 15,000 to 20,000 rural settlers would punctuate the landscape with smaller satellite villages surrounding them.[59] Although technocratically planned, these towns and villages would be comprised of "cells" built into "town organisms" that fashioned living communities "embedded in a landscape of farms, forests and lakes that rooted the community in nature and provided self-sufficiency in basic necessities."[60] The spirit of experimentation manifested itself most clearly in the case of Heinrich Himmler's Hegewald, a colony formed in Ukraine in 1942. While German forces removed Ukrainians from their homes and packed them on trains to become forced laborers in Germany, more than 10,000 ethnic Germans made their way to the laboratory comprised of 28 villages. Over the next year, German administrators failed to run the collective farms productively, and war-time exigencies regularly caused supply shortages. Soviet partisans attacked the settlement unceasingly. The

58 Lower, *Hitler's Furies*, 40.

59 Mechtild Rössler, "Applied Geography and Area Research in Nazi Society: Central Place Theory and Planning, 1933–1945," in *Hitler's Geographies: The Spatialities of the Third Reich*, eds. Paolo Giaccaria and Claudio Minca (Chicago, IL: University of Chicago Press, 2016), 185.

60 Joshua Hagen, "Social Engineering, National Demography, and Political Economy in Nazi Germany: Gottfried Feder and His New Town Concept," in *Hitler's Geographies*, 228.

settlers finally evacuated Hegewald in late 1943 as the Red Army pushed inexorably toward Germany.[61]

Nazi racial theorists hoped that a purified *Volksgemeinschaft* would eventually form a *Wehrgemeinschaft* (Defense Community), untainted by the Western values of the Enlightenment. German settlers would feel no compunction in exploiting an Eastern population reduced to helots, and they would defend the Reich's extended borders from any future threat from the "Asiatic" East. The Nazis did not simply intend a rapacious colonization that extracted resources destined for Germany proper. In this regard, Christian Ingrao has illustrated the case of Zamość in Poland, where the SS received free rein to institute a Nazi utopia. In less than a year, German forces expelled 100,000 Poles and Jews and settled Germans in their place. The SS ran the territory under the Nordicist and neo-Pagan *Gottgläubigkeit* (belief in God) religion, and all collective life and existence fell under its purview. The SS had final authority to resolve the validity or illegitimacy of births, perform ceremonies recognizing marriages' broader communal obligations, and establish the meaning of death itself. At the heart of it all was that the "new social order must . . . inculcate racial consciousness by infusing it with consciousness of a lineage composed of living, dead and future members of a family."[62] These *Sippen* (clans), bound by community and blood, would police the borders of Germany's empire as a biological "wall of people" acting as both plow and sword to agriculturally sustain the German people while also defending its borders. And border territories were the regions that decided the longevity, the fate, of a people.[63] In the short term, 5 or 10 million German colonists were needed. The world-historical revolution, however, would require the death of more than 25 million native inhabitants of the East, the expulsion of 31 million more, and hundreds of years as 600 million Nordic Germans saturated this emptied space through colonization and selective breeding.[64]

But the Nazi leadership predicated their grandiose project of restructuring the East on maintaining the stability of the home front – supposedly a lesson learned from Germany's collapse at the end of the First World War – and cracks in the *Volksgemeinschaft* quickly became evident. The case of wounded soldiers

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61 Wendy Lower, "Hitler's 'Garden of Eden' in Ukraine: Nazi Colonialism, Volksdeutsche, and the Holocaust, 1941–1944," in *Gray Zones: Ambiguity and Compromise in the Holocaust and Its Aftermath*, eds. Jonathan Petropoulos and John K. Roth (New York: Berghahn, 2006), 196–198.

62 Christian Ingrao, *The Promise of the East: Nazi Hopes and Genocide, 1939–43*, transl. by Andrew Brown (Cambridge: Polity, 2019), 198.

63 Theodor Oberländer, "Völkische Sozialpolitik und unsere Ostaufgabe," *Deutsche Monatshefte: Zeitschrift für Geschichte und Gegenwart des Ostdeutschtums* 7, no. 9/10 (1941): 365–368.

64 Ingrao, *Promise of the East*, 224.

and veterans returning from the front, disabled and in need of aid – and celebrated by the regime as heroes who had given all but their lives – is indicative of this. In 1942, one party member complained that trains transporting wounded soldiers back to Germany found no greeting from the public at the train station upon arrival.[65] Another party member prompted a months-long investigation into a spa at Garmisch-Partenkirchen, an alpine town in Bavaria. A female guest had allegedly made an off-hand remark that she could no longer find relaxation at the resort because the spa accommodated too many wounded and disabled soldiers. As the complaints escalated in the Nazi chain of command, local party leaders quickly disavowed any notion that anyone in their district would make such remarks about honorable wounded or disabled soldiers. Nevertheless, the army and the municipal police teamed up to raid various hotels and lodging facilities in the area in search of damning evidence. No evidence denigrating the soldiers could be found, nor did they uncover the woman who made the original comment.[66] In other cases, the public's attitude negatively impacted the day-to-day life of disabled veterans. Female travelers apparently routinely refused to give up their seats to disabled veterans, ignoring a law that set aside preferential seating on public transportation.[67] The travails of wounded and disabled soldiers provide an interesting litmus test for belief in and adherence to Nazi norms regarding soldiers as the pinnacle of German masculinity.

Among civilians, the perpetuation of traditional class divisions between the lower, middle, and upper classes continued to vex the Nazi leadership. Industrial workers reserved particular scorn for middle-class women skirting out of war duties or employment, especially after Joseph Goebbel's famous call in 1943 for total war and its "10, 12, and if necessary, 14 or 16 hours a day" of labor for the final victory.[68] After 1942, city dwellers increasingly evacuated to outlying rural areas as Allied bombers pounded major urban centers. Not only did this throw the various urban social classes together and raise tensions, but rural Germans housed them. Party reports showed simmering pressure between the "allegedly superior attitudes" of the urban refugees and the supposedly less-than-accommodating rural folk. These tensions boiled over so far that "only a very few [rural families] were willing to take in mothers with children."[69] One could hardly have expected

65 Bundesarchiv Berlin-Lichterfelde (henceforth BArch), NS 18/490.
66 BArch NS 18/521.
67 BArch R 58/176.
68 Joseph Goebbels, "Speech at Berlin Sportpalast" (February 18, 1943). This is the famous "Total War" speech. See also: Neil Gregor, "A Schicksalsgemeinschaft? Allied Bombing, Civilian Morale, and Social Dissolution in Nuremberg, 1942–1945," *Historical Journal* 43, no. 4 (2000): 1062.
69 Ibid., 1061.

harmonious relations: traditional attitudes persisted in rural areas where modern propaganda devices such as the radio held little power and centuries-old communal cohesion trumped the Nazis' biopolitical *Volksgemeinschaft*.[70] The evidence suggests that the concept of the *Volksgemeinschaft* encountered difficulty penetrating rural areas and that even the exigencies of war, evacuation, and the danger of bombing raids failed to forge strong communal ties between urban and rural Germans.

Thus, on the one hand, the *Volksgemeinschaft* remained propaganda. On the other, however, it became a lived, daily practice for many Germans, even if its extent must be heavily qualified. Practices that served to cement Germans' sense of belonging to the National Community also served to sever bonds with those deemed unfit. Germans could not have the benefits of the *Volksgemeinschaft* without its exclusionary aspects. Social practices that aligned with National Socialist values, whether physically or symbolically violent, brought Germans together sufficiently to wage war across Europe without any real threat to the regime. Social and racial bonds, as the Nazis claimed they existed, were never strong enough, however, to sustain the German war effort, to stitch together a fractured society, to meld together the home and war fronts. By 1944 – and certainly by 1945 – with Allied bombs raining down on German cities, millions of men dead or disabled, and the Soviet army driving inexorably toward the Reich's borders, it was a *Schicksalsgemeinschaft* that kept Germany fighting against all odds – a society of people thrown together into the same fate, complicit in their regime's crimes, and who did not expect the mercy not shown to the victims of Nazism. Whether various social groups desired to help each other became almost irrelevant. In the end, rural Germans, urbanites, soldiers, and the young and old were all thrown together in a hopeless situation where there existed little choice but to carry on.[71] German violence against Jews and minority groups brought many Germans into a fellowship with each other, even if it was a heavily qualified association. But it was the violence returned upon Germans that fastened together a crumbling society that lasted until the end of the war.

70 Stephenson, "Problems of Permeability," 59–63.

71 Some historians have characterized this as a *Schuldgemeinschaft* (Community of Guilt) that "feared the end of the war no less than its continuation." Stefan-Ludwig Hoffmann, "Germans into Allies: Writing a Diary in 1945," in *Seeking Peace in the Wake of War: Europe, 1943–1947*, eds. Stefan-Ludwig Hoffmann et al. (Amsterdam: Amsterdam University Press, 2015), 71.

Concluding Remarks

In his call for historians to take up the research agenda to historicize violence, Philip Dwyer argued "for a cultural, constructed interpretation of violence that not only involves understanding behaviors, but also narratives and discourses of violence that help both define and shape people's attitudes."[72] The Nazi regime espoused a narrative claiming their use of violence legitimate and its ends just: during the Weimer Republic, they combated communist revolutionaries threatening to plunge Germany into a Red nightmare; after the Nazi "seizure of power" in 1933, they overthrew the remnants of democracy and the vestiges of the stodgy imperial order that had never truly given voice to the *Volk*; they promulgated first laws, then practiced euthanasia to protect German blood from racial contamination; Hitler shook off the shackles of Versailles, invaded Poland to reclaim rightful German territory, and avenged German casualties of Polish atrocities, repudiations of the Allies' supposed conspiracy to keep Germany prostrate. Germany now found itself in a world-historic struggle between the Aryan race and its antithesis, the Jewish race. As Dwyer noted, "violence can arguably become a moral imperative and in the process become redemptive."[73] The circle of the Third Reich's enemies grew ever larger, ever stronger, and the number of Germans deserving of admission to the *Volksgemeinschaft* ever smaller. But biological races were eternal, and so was the war raging between them. Only violence could end the war forever and usher in utopia. National Socialist doctrine could justify virtually any amount of violence to secure the eternal, utopic future.[74]

Dwyer argued that identifying what constituted a transgression in society was "key to defining violence."[75] But where do transgressions fit into an ideology in which endless violence may be justified? This is all to say that violence is a historically contingent process. The Nazi regime sought a revaluation of beliefs, an overturning of conventional morality, and to turn the clock back to 1789 to nullify the turn toward liberalism, democracy, capitalism, and bourgeois values. Experience of the First World War and its aftermath heralded the widespread acceptance of vio-

72 Philip Dwyer, "Violence and Its Histories: Meanings, Methods, Problems," *History and Theory* 55 (2017): 7.

73 Ibid., 13.

74 For the importance of perceptions of time within National Socialist thought, see Johann Chapoutot, "How the Nazis Viewed History," *Vingtième Siècle. Revue d'histoire* 117, no. 1 (2013): 43–55; Johann Chapoutot, *The Law of Blood: Thinking and Acting as a Nazi*, trans. Miranda Richmond Mouillot (Cambridge, MA: Belknap Press, 2018); Christopher Clark, "Time of the Nazis: Past and Present in the Third Reich," *Geschichte und Gesellschaft* 25 (2015): 156–187.

75 Dwyer, "Violence and Its Histories," 15.

lence as a solution to political problems.[76] The Nazis capitalized on this more successfully than any other group in Europe. Yet none of this absolves the perpetrators of the Holocaust or the violence of the Third Reich. We can acknowledge the contingent nature of violence and what constitutes a transgression while still framing the actions within a broader morality. Germans certainly did so during the Third Reich. Overt anti-Semitic violence in the pre-war years never resonated strongly with average Germans. More persuasively, Germans' fear of revenge indicates pre-Nazi frames of reference for morality and the awareness that Germany's enemies and victims found National Socialist morality untenable. Transgressions – and violence itself – are historically but also culturally contingent. The Nazis attempted to morally redefine what would be considered transgressive in German society. At times they succeeded, or at least overcame Germans' reticence.

Above all, violence is a social practice, and it occupied a central space in the concept of the *Volksgemeinschaft*. It manifested in overt, physical violence, but the regime also symbolically propagated its purpose, form, and function. The SA looked at the Weimar period as a *Kampfzeit* (time of struggle) in which its members bonded through the violent struggle against Germany's internal enemies. The SS and SA participated in similar, though now state-sanctioned, violence during the initial months of the Nazi regime in 1933. Afterward, the regime required a façade of calm and order, but "violence by no means vanished . . . it was merely physically withdrawn from the streets."[77] This included institutionalized forms of incarceration, such as the concentration camp system, but also boycotts against Jewish businesses, the expropriation of Jewish property and livelihoods, and the attempted linguistic and bureaucratic construction of the *Volksgemeinschaft* that propagated a particularistic morality espousing no ethical duties to non-members.[78] Direct – but especially indirect – violence could hardly *not* have erupted in the quotidian affairs of everyday life.

For all of historians' emphasis on the bureaucratic and instrumentally rational attempt to simultaneously commit genocide and create the *Volksgemeinschaft*, what continues to shock is how irrationality and emotions can generate and perpetuate violence. A previous generation of intellectuals posited the connection between rationality, the Enlightenment, and the Holocaust. Certainly, this existed in

76 Richard Bessel, "Assessing Violence in the Modern World," in *On Violence in History*, eds. Philip Dwyer and Mark S. Micale (New York: Berghahn, 2020), 71.
77 Sven Keller, "Volksgemeinschaft and Violence: Some Reflections on Interdependencies," in *Visions of Community*, 230.
78 For an example of the participatory bureaucratic construction of the *Volksgemeinschaft*, see Eric Ehrenreich, *The Nazi Ancestral Proof: Genealogy, Racial Science, and the Final Solution* (Bloomington, IN: Indiana University Press, 2007).

the almost assembly-line-like murder in camps. But what of stoked fears that Jews controlled Germany during the pre-war years? What of feelings of inclusion and the commission of violence in the name of the *Volksgemeinschaft*? What are we to make of Germans huddled together during Allied air raids, bemoaning the "Jewish revenge" that now threatened to pummel German society and infrastructure into rubble? Fears and anxiety, arrogance and greed, hope and patriotism poured into the concept of the *Volksgemeinschaft* in peacetime, strengthened it during moments of victory, and transformed into a Community of Fate as the Reich collapsed around the German people.

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Théophile Leroy and Verena Meier

8 Technocrats and their Tools of Genocide: The Scientific-Police Complex and the Genocide of Sinti and Roma under the Nazi Regime, 1938–1943

Introduction

Genocides are, according to the definition of Raphael Lemkin, who is considered the founding father of this term, state crimes characterized by the intent to kill or destroy all or a part of members of a national, racial, or religious group with premeditation and deliberation.[1] Lemkin himself was a fierce supporter of recognizing the genocide against Sinti and Roma and enforced the inclusion thereof in the Nuremberg Trials.[2]

This contribution conceptualizes the term "genocide" as a state crime implemented in a division of labor. This definition of genocide applies not only to the state crimes Nazi Germany committed against the Jewish population in Germany as well as in occupied Europe but also to the Nazi persecution of Sinti and Roma.[3] Some scholars refer to this mass crime as the "Porrajmos," a term in the Romani language meaning "the Devouring."[4] Today, the broad consensus among scholars is that the persecution of Sinti and Roma under the Nazis culminated in a genocide. However, reaching this point has been challenging, as the power of former perpetrators and the ongoing overall societal discrimination of this minority remained very strong in postwar Germany. Only a few of the Nazi perpetrators who were responsible for persecuting Sinti and Roma were judicially prosecuted and convicted in East and West Germany for this specific complex of crimes after the war. Whereas the perpetrators were often amnestied and reintegrated into postwar German societies, the survivors

1 Raphael Lemkin, "Genocide," *The American Scholar* 15, no. 2 (1946): 227–230.
2 Letter by Raphael Lemkin to the Gypsy Lore Society in Liverpool from 2 August 1949, Liverpool University Library, Archives and Special Collections, GLS XV.34, 1949.
3 Wolfgang Wippermann, *Auserwählte Opfer? Shoah und Porrajmos im Vergleich: Eine Kontroverse* (Berlin: Frank & Timme, 2013), 141–146.
4 The term "Holocaust" could be applied to both genocides, though the denotation of this term is subject to ongoing discussions among scholars and activists. See Donald Niewyk and Francis Nicossia, *The Columbia Guide to the Holocaust* (New York: Columbia University Press, 2000), 45–52.

https://doi.org/10.1515/9783110781328-008

faced long continuities of antigypsyist[5] discrimination, which was also reflected in their problems with being recognized as victims of Nazi racial persecution and obtaining compensation.[6]

Only in 1982 was the genocide of Sinti and Roma officially acknowledged by the postwar German government when Federal Chancellor Helmut Schmidt declared: "The Nazi dictatorship inflicted a grave injustice on the Sinti and Roma. They were persecuted for reasons of race. These crimes constituted an act of genocide."[7] This public declaration only came after Sinti and Roma had organized a civil rights movement and demanded this acknowledgment.[8] Nevertheless, the genocide of Sinti and Roma under the Nazi regime remained a topic of little public and critical research interest until the 1990s. Michael Zimmermann's 1996 study *Racial Utopia and Genocide* was a ground-breaking systematic study of the Nazi persecution of Sinti and Roma in Germany and occupied Europe.[9] Even today, this work serves as a basic point of reference. In the mid-1990s, a public debate erupted between Yehuda Bauer, director of the Research Center of Holocaust Studies at Yad Vashem, and Romani Rose, head of the Documentation and Cultural Center of German Sinti and Roma as well as of the Central Council of German Sinti and Roma.[10] Bauer argued that the Nazis perpetrated a genocide on

5 A working definition by the Alliance against Antigypsyism can be found online: Alliance against Antigypsyism, "Antigypsyism: A Reference Paper," accessed July 15, 2022, http://antigypsyism.eu/reference-paper/.

6 Karola Fings, "Schuldabwehr durch Schuldumkehr: Die Stigmatisierung der Sinti und Roma nach 1945," in *Sinti und Roma: Eine deutsche Minderheit zwischen Diskriminierung und Emanzipation*, ed. Oliver von Mengersen (Bonn: Bundeszentrale für politische Bildung, 2015), 145–164; Deutscher Bundestag, *Bericht der Unabhängigen Kommission Antiziganismus Perspektivwechsel – Nachholende Gerechtigkeit – Partizipation*, accessed July 15, 2023, https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/heimat-integration/bericht-unabhaengige-kommission-Antiziganismus.html.

7 Cited in Initiative European Holocaust Memorial Day for Sinti and Roma by the Central Council of German Sinti and Roma and the Documentation and Cultural Center of German Sinti and Roma, accessed December 24, 2022, https://www.roma-sinti-holocaust-memorial-day.eu/recognition/the-recognition-of-the-nazi-genocide-of-the-sinti-and-roma/.

8 Daniela Gress, "Protest und Erinnerung: Der Hungerstreik in Dachau 1980 und die Entstehung der Bürgerrechtsbewegung deutscher Sinti und Roma," in *Sinti und Roma: Der nationalsozialistische Völkermord in historischer und gesellschaftspolitischer Perspektive (Dachauer Symposien zur Zeitgeschichte)*, eds. Karola Fings and Sybille Steinbacher (Göttingen: Wallstein, 2021), 190–219.

9 Michael Zimmermann, *Rassenutopie und Genozid: die nationalsozialistische «Lösung der Zigeunerfrage»* (Hamburg: Christians, 1996).

10 Yehuda Bauer, "'Es galt nicht der gleiche Befehl für beide': Eine Entgegnung auf Romani Roses Thesen zum Genozid an den europäischen Juden, Sinti und Roma," in *Blätter für deutsche und internationale Politik* 11 (1998): 1380–1386; Romani Rose, "'Für beide galt damals der gleiche

Sinti and Roma but that this was distinct from the Holocaust in its motivation to annihilate. He thus maintained the singularity thesis of the Shoah.

This contribution focuses on the role played by two key institutions decisively involved in the shaping of persecution policies toward Sinti and Roma that led to their dislocation and destruction: the criminal police and the Racial Hygiene Research Center (*Rassenhygienische Forschungsstelle*, RHF). The aim of this chapter is to define the links and relationships between these two structures by focusing on the tools, ideas, and methods they used to implement the genocide against Sinti and Roma on a continental scale. Racial censuses, registration procedures, data gathering, selection process – all these operations were only possible through the active participation of these two institutions. Zimmerman described this genocidal process as a "scientific-police complex."[11] By highlighting the career of police officers and racial scientists involved in the treatment of families labeled as "Gypsies," this study unveils the perpetrators' networks and the labor division that made the genocide possible and achievable. An emphasis will be put on the main agents from the Reich-wide institutions in Berlin.[12]

Sources from the "scientific-police complex" are scarce as perpetrators from the highest criminal police office burned almost all their files in the last weeks of the war when the Allied troops were approaching the Berlin and Brandenburg metropolitan area.[13] Only a few collections of the personal files of the local criminal police stations can be found in archives today, as most of them were destroyed after the war or after the 1960s when investigations against the perpetrators were closed.[14] Researchers consider this type of source to be a "key document for the genocide of Sinti and Roma."[15] Criminal police personal files are a "mirror image of

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Befehl': Eine Entgegnung auf Yehuda Bauers Thesen zum Genozid an den europäischen Juden, Sinti und Roma," in *Blätter für deutsche und internationale Politik* 4 (1998): 467–472.

11 Zimmermann, *Rassenutopie.*

12 For more literature on the European level, see Ilsen About and Anna Abakunova, *The Genocide and Persecution of Roma and Sinti: Bibliography and Historiographical Review* (Berlin: International Holocaust Remembrance Alliance, 2016).

13 Interrogation of Erich Otto Bahrke, former criminal police officer of the "prevention" department of the RKPA, in the course of the RSHA-trial investigations, February 2, 1966, Landesarchiv Berlin (LAB), B 057, Nr. 449, fol. 21. This entire department was evacuated to Drögen in August 1943 and had previously been in Fürstenberg.

14 Karola Fings and Frank Sparing, *Rassismus – Lager – Völkermord: Die nationalsozialistische Zigeunerverfolgung in Köln* (Cologne: Emons, 2005), 19; 392.

15 Karola Fings and Frank Sparing, "Vertuscht, verleugnet, versteckt. Akten zur NS-Verfolgung von Sinti und Roma," in *Besatzung und Bündnis. Deutsche Herrschaftsstrategie in Ost- und Südosteuropa: Beiträge zur nationalsozialistischen Gesundheits- und Sozialpolitik* 12, ed. Christoph Dieckmann (Berlin: Verlag der Buchläden, 1995), 181–201.

police activity" and illustrate the adaptation of the criminal police to specific requirements and regulations regarding the treatment of Sinti and Roma over an extended period of time.[16] The criminal police also created special registers such as a photograph register ("*Lichtbildkartei*") or fingerprint collections for "Gypsies." Most of these collections have not survived, but some have been transmitted to archives.[17] Genealogies and other racial-anthropological material from medical professionals are now kept in the Federal Archives in Berlin (reference number R 165). They comprise thousands of working materials and racial research conducted by the RHF, divided into four main sections (registration, photography, anthropometry, and genealogy). In fact, the latter material was transferred back to the Federal Archives in 1981 by Sinti and Roma survivors and civil rights activists after they raided the Tübingen University archives, where Sophie Erhardt, a former racial anthropologist of the RHF, was teaching after the war and used the racist material that the Federal Archives had lent to her.

This contribution puts the genocide of Sinti and Roma in the realm of fresh perpetrator research, in which structural, institutional, and societal contextualization are considered when focusing on the perpetrators and their role in crimes against the persecuted. Frank Bajohr argued that perpetrators never acted in an isolated way but were always embedded in networks of perpetrator collectives that worked based on a division of labor.[18] The term "technocrats" is used to refer to these perpetrator networks within the state apparatus, which exercised political violence through technical means. The choice of this term allows us to insist on the technical and bureaucratic expertise of police officers and racial scientists in the

16 Ernst-Heinrich Ahls, *Polizeiliche Kriminalakten (KpS)* (Wiesbaden: Bundeskriminalamt, 1988), 23.
17 The largest collection of 810 personal files, without almost any gaps, can be found in the Landesarchiv Nordrhein-Westfalen, Rheinland Department, in Duisburg. The second largest collection of 587 files from the Magdeburg criminal police office can be found at the Landesarchiv Sachsen-Anhalt in Magdeburg. The Landesarchiv Berlin holds 174 criminal police files on persecuted Sinti and Roma, constituting only a small proportion of the original collection. The latter are accessible online through the Arolsen Archives. During the investigations against perpetrators of the "scientific-police complex" in the 1960s, personal files from other criminal police departments were still available, such as Bochum, Flensburg, Hamburg, Hannover, Karlsruhe, Kassel, Kiel, Lübeck, and Munich. See Fings and Sparing, *Rassismus – Lager – Völkermord*, 392. Verena Meier, "Kriminalpolizei und Völkermord: Die nationalsozialistische Verfolgung von Sinti und Roma in Magdeburg und die Aufarbeitung dessen unter den Alliierten sowie in der DDR" (thesis in progress at the Center for Research on Antigypsyism at the University of Heidelberg). Patricia Pientka analyzed the Berlin files on her study on the communal detention camp at Berlin-Marzahn: see Patricia Pientka, *Das Zwangslager für Sinti und Roma in Berlin-Marzahn. Alltag, Verfolgung und Deportation* (Berlin: Metropol, 2013).
18 Frank Bajohr, "Neuere Täterforschung," in *Docupedia-Zeitgeschichte*, accessed July 15, 2022, http://docupedia.de/zg/bajohr_neuere_taeterforschung_v1_de_2013.

use of technological tools of identification and the handling of large racial population files in the implementation of persecution measures. It should be noted, however, that their genocidal violence was not reduced to paperwork alone. Many of these male and female perpetrators put the persecuted in situations where they violently enforced their powers, for instance, in their compulsory interrogations or in implementing deportation measures. These perpetrators relied on tools and ideas that dated back to the time before 1933. According to Lemkin, genocides are characterized by "a distinct criminal intent" and "a distinct technique of commission."[19] This chapter thus raises the question of when a radical threshold was reached and when state authorities used older tools and ideas for genocidal practice and violence against persecuted Sinti and Roma.

The Criminal Police: Institutionalized Antigypsyism, the Roots of the Persecution, and its Culmination in a Genocide

Institutional Structures, Ideologies, and Logics of Actions

Antigypsyism had a long tradition within the criminal police, which had already been responsible for persecuting people designated as "Gypsies" long before the National Socialist (NS) regime. Leo Lucassen demonstrated very convincingly in his socio-historical studies and his discourse analysis of search notices by the police that the term "*Zigeuner*" ("Gypsy") was a regulatory term used by state and non-state actors such as the police, municipal offices, welfare or employment offices, or churches. This term served to regulate people marked as "Other" by state regulators as early as the 18th century when the police in the modern sense did not even exist.[20] At the end of the 19th century, "criminal biology" and "criminal anthropology" became increasingly important ideas in the field of criminology. Criminality was also regarded as being rooted in "racial" or biological condi-

19 Raphael Lemkin, The Significance of the Concept of Genocide in the Trial of War Criminals, undated, Columbia University Library, RLC 5–20.

20 Leo Lucassen, "'Harmful Tramps' Police Professionalization and Gypsies in Germany, 1700–1945," *Crime, Histoire & Sociétés / Crime, History & Societies* 1, no. 1 (1997): 29–50; Leo Lucassen, *Zigeuner: Die Geschichte eines polizeilichen Ordnungsbegriffs in Deutschland 1700–1945* (Cologne/Weimar/Vienna: Böhlau, 1996).

tions.[21] Furthermore, around the same time, specific structures within the police were established in Germany to focus on this group of alleged criminals. In 1899, an "Information Service for the Security Police with Regard to Gypsies" (*Nachrichtendienst für die Sicherheitspolizei in Bezug auf Zigeuner*) was established at the Munich police directorate, and a "Gypsy Person Index" – a voluminous census register compiling the data collected on the "Gypsy" population, including civil status, reports, and family ties – was set up under the service's head, Alfred Dillmann, and published in 1905.[22] According to Dillmann, the "Gypsies" were not an ethnic group but a sociological category covering all people who move with their families, without distinction of ethnicity or nationality.[23] A turn to a more racialized conceptualization of the term within the police apparatus appeared during the Weimar Republic.[24]

The genesis of institutional structures for the surveillance of Sinti and Roma can be traced back to the evolution of the identification service (*Erkennungsdienst*) and the technology of dactyloscopy within the criminal police apparatus.[25] These served as the basis for determining the general identity of a person, but from their origin, they were used as tools for surveillance of Sinti and Roma in particular. After a conference of criminal police representatives from different states of the German Empire in 1911, the Munich police department took over the role of the supraregional "Gypsy Information Service."[26] During the Weimar Republic, these main features of the criminal police structure were further developed in the course of the modernization of the police. Regarding the treatment of "Gypsies," it was highlighted that the work was structurally based on two main pillars: a reporting service for "Gypsies" and "Travellers" ("*Landfahrer*"), which

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21 Peter Widman, "The Campaign against the Restless: Criminal Biology and the Stigmatization of the Gypsies, 1890–1960," in *The Roma: A Minority in Europe: Historical, Political and Social Perspectives*, eds. Roni Stauber and Raphael Vago (Budapest: Central European University Press, 2007), 19–29.

22 Alfred Dillmann, *Zigeuner-Buch, herausgegeben zum amtlichen Gebrauch im Auftrag des Staatsministeriums des Innern vom Sicherheitsbüro der königlichen Polizeidirektion München* (Munich: Dr. Wild'sche Buchdruckerei, 1905).

23 Lucassen, "Harmful Tramps," 40.

24 Juliane Tatarinov, *Kriminalisierung des Ambulanten Gewerbes: Zigeuner- Und Wandergewerbepolitik Im Späten Kaiserreich und in der Weimarer Republik* (Frankfurt a.M.: Peter Lang, 2014).

25 Wagner, *Volksgemeinschaft*, 96–107.

26 Fabian Frese and Joachim Schröder, "Die 'Dienststelle für Zigeunerfragen' der Münchener Kriminalpolizei," in *Die Münchener Polizei und der Nationalsozialismus*, eds. Polizeipräsidium München and Kulturreferat der Landeshauptstadt München (Essen: Klartext Verlag, 2013), 103–111.

meant a supraregional exchange of information, and an identification service with a broad usage of dactyloscopy.[27] This tendency can also be observed on a broader European scale in the 1920s and 1930s. In 1923, the International Criminal Police Commission (ICPC) was founded, and between 1927 and 1936, they discussed the creation of an "International Central Service for the Suppression of the Gipsy Nuisance," which was supposed to be a Central Service that would "collect and record all data concerning gipsies, or persons nomadising after the manner of gipsies."[28] Within the ICPC, the German criminal police also pushed forward their experience in surveillance. In 1935, at the annual ICPC meeting in Vienna, Dr. Bader, a representative of the Baden Ministry of the Interior, expressed his satisfaction with the results of these police reforms and stated that the centralization of data on "Gypsies" throughout the region had made it possible to compile 5,000 to 6,000 individual files since the introduction of a special identity card in the Baden region in 1922.[29]

Thus, the technological evolution of the identification service as well as a superregional reporting service and the bureaucratic cooperation of the different criminal police offices of the various states in the period of the Weimar Republic was closely linked to the surveillance of people designated "Gypsies" or "Travellers."

Before the NS regime got into power, the surveillance of Sinti and Roma by the criminal police was strong but still highly dependent on regional measures. In 1936, the criminal police was centralized by the Nazi authorities, and local legislations were eliminated in favor of the establishment of the *Reichskriminalpolizeiamt* (RKPA, Reich Criminal Police Office) in Berlin that, from then on, issued the central directives that were implemented at the local level. The *Kriminalpolizeileitsstellen* (KPLSt) were founded as intermediate institutions to organize and mediate police work between the central superordinate RKPA and the regional subordinate *Kriminalpolizeistellen* (KPSt).

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27 Polizeidirektion München, Begleitschreiben zum Entwurf zu einer neuen Vereinbarung der deutschen Länder über die Bekämpfung der Zigeunerplage, May 7, 1926, USHMM, RG-14050M, Aussenstelle Dahlwitz-Hoppegarten records, ZB 6272, fol. 11v.

28 ICPC 140/5/36, concerning the establishment of the "International Central Service for the Suppression of the Gipsy Nuisance" as a part of the "International Bureau on the seat of the Federal Police Directorate in Vienna," March 18, 1936, The National Archives UK (thereafter TNA), Mepo 3/2047.

29 "The Repression of the Gypsy Calamity. Report on the results of a gypsy check carried out in 1934" by Dr. Bader, ministerial advisor in Karlsruhe, to the International Criminal Police Commission, p. 2, no. 9, 11th ordinary session, 1935, *Archives Générales du Royaume, Brussels (AGR), F1700 738*.

The decree of Heinrich Himmler, Reichsführer SS and Chief of the German Police, of 16 May 1938 ordered the establishment of the Reich Central Office for Combating the Gypsy Menace (*Reichszentrale zur Bekämpfung des Zigeunerunwesens*) by incorporating the "Gypsy Police Office" at the police directorate in Munich into the Reich Criminal Police Office with effect from 1 October 1938.[30] This order supplemented the circular on the reorganization and centralization of the state criminal police of 20 September 1936. After its incorporation within the RKPA, the Reich Central Office became a centralized data collection institution for the persecution of Sinti and Roma.[31] With the transfer, 17,951 criminal police personal files were handed over from Munich to the Reich Central Office.[32] In addition, there was also an exchange at the personnel level. For example, "Gypsy" police experts and identification practitioners such as *Kriminalinspektor* Josef Eichberger, *Kriminalkommissar* Wilhelm Supp, and *Kriminalinspektor* Josef Schegg moved from Munich to Berlin and made a significant contribution to the transfer of knowledge.[33] Compared to the Munich "Gypsy Police Office," the tasks and goals of the Reich Central Office were determined much more by racial-biological paradigms.

A paradigmatic shift in the persecution of Sinti and Roma was initiated with a circular issued by the Reichsführer SS and Chief of the German Police on 8 December 1938. The goal was "solving the Gypsy question by the essence of race."[34] For these purposes, cooperation with the Racial Hygiene Research Center and the identification and "racial-biological" assessment of all persons who fell under the stigmatizing designation were ordered. In the preliminary remarks to the circular, it is noted that most of the persons in question were already known to the Reich Central Office in December 1938.[35]

30 Runderlass des Rf.-SS u. Ch.d Dt. Pol., May 16, 1938, in *Kriminalpolizei – Sammlungen für die kriminalpolizeiliche Organisation und Tätigkeit geltenden Bestimmungen und Anordnungen: Zum prakitschen Handgebrauch für alle Kriminal-, Gendarmerie- und Gemeinde-Polizeivollzugsbeamte, Staatsanwälte usw.* (Berlin: Kameradschaft Verlagsgesellschaft Gersbach & Co., 1937), Abschnitt VIII "Zigeunerunwesen", A.3, sheet 9.

31 Verena Meier, "The 'Prevention Department' within the Criminal Police: An Example of Learning Administrations and the Core of Organizing Transports of Sinti and Roma to Concentration Camps," in *Deportations in the Nazi Era: Sources and Research,* eds. Henning Borggräfe and Akim Jah (Berlin: De Gruyter, 2023), 181–204.

32 Reichskriminalpolizeiamt, *Jahrbuch des Reichskriminalpolizeiamtes für das Jahr 1938* (Berlin: RKPA, 1939), 27.

33 LAB, B 057-01, Nr. 449, fol. 187–188; Fese/Schröder, "Dienststelle."

34 Runderlass des Rf.-SS u. Ch.d Dt. Pol. vom 8.12.1938, German Federal Archives (Bundesarchiv), henceforth BArch), R 58/9560; Reichskriminalpolizeiamt, *Jahrbuch 1938,* 27. Translation by the authors.

35 Ibid.

The structural reorganization also manifested on the local levels. Between December 1938 and the summer of 1939, the 14 intermediate *Kriminalpolizeileitstellen* established "Departments for Gypsy Questions" (*Dienststelle für Zigeunerfragen*) in the "prevention" departments, and on the level of the *Kriminalpolizeistellen*, specific case officers were assigned to this subject.[36] This facilitated the exchange in a centrally orientated structure of the criminal police. Zimmermann highlighted that this reorganization, within a few months, paved the way for a highly effective "combat of the Gypsy nuisance," as a clear hierarchy of orders as well as distribution of responsibilities had been established and conflicts of interest within the police apparatus dissolved.[37] From then on, the bureaucratic architecture of the criminal police was efficiently adjusted to track and persecute Sinti and Roma from a hierarchical labor division perspective.

Many of these criminal police officers had been experts in the field of identifying and sharing personal information of people wanted within their state or across borders.[38] *Kriminalinspektor* Josef Eichberger[39] and *Kriminalkommissar* Wilhelm Supp[40] both worked for the identification or reporting service before being transferred to the Reich Central Office. After the war, these perpetrators characterized their work in the Reich Central Office as continuous tasks from their previous field, thereby downgrading their responsibility for racial persecution.[41]

Policing and Incarceration

During the period of the German Empire and the Weimar Republic, a central aim of the police apparatus was to restrict the movement of Sinti and Roma, as they stigmatized them as "criminals" who were crossing different state borders and

36 Zimmermann, *Rassenutopie,* 109; *Meier, "The 'Prevention Department'"*, 186–189.

37 Ibid., 110.

38 Interrogation of Karl Lorenz (*Kriminalpolizeistelle* Kassel), January 27, 1966, and Peter Kenten (*Kriminalpolizeistelle* Kasel), March 4, 1966, LAB, B 057-01, Nr. 449, fol. 65–67, 108.

39 Eichberger had worked for the criminal police in Munich since 1930 and also for the *Erkennungsdienst.* In 1937, he was transferred to the *Zigeuner-Polizeistelle München.* Staatsarchiv München, SpK Karton 344 Eichberger, Josef: Schreiben Eichbergers an die Spruchkammer IV München, July 22, 1948.

40 Supp had been a case officer in the *Kriminalnachrichtendienst (Meldedienst)* and in the tracing department at the *Kriminalpolizeileitstelle Nürnberg-Fürth* from 1935 to 1941. The *Zigeunerdienstsstelle* was a subordinate institution. He transferred to the RKPA in February 1941 and became its manager. See Bayerisches Hauptstaatsarchiv (henceforth BayHStA), LKA, Nr. 219 (Personalakte Supp LKA Bayern).

41 Interrogation of Wilhelm Supp in October 1963, LAB, B Rep. 057-01, Nr. 2692 (Wilhelm Supp), fol. 2713–2714.

thus had to be tracked and controlled by the police. In the early 1930s, many cities had already established communal detention camps for Sinti and Roma in order to facilitate police control. Under the centralized police apparatus of the NS regime, another step toward radicalization was to restrict movement and verify identities. With an urgent note, the so-called *"Festsetzungserlass*," the Reich Main Security Office (*Reichssicherheitshauptamt*, RSHA), in which the RKPA was incorporated as Office V, ordered on 17 October 1939 the registration of Sinti and Roma between 25 and 27 October 1939.[42] This registration required the same data the information service had gathered since the late 1920s but would be enriched by "racial-biological" registration. This measure aimed at a complete registration of all Sinti and Roma by the criminal police within the German Reich in preparation for deportations to Poland.[43] Furthermore, Sinti and Roma were forced in these days of central registration to acknowledge and sign that they would not leave their current place of residence. Thus, their freedom of movement was removed, and racial identity cards were implemented. Their identity was to be checked, and they were given a special "Gypsy identity card,"[44] which became a racial marker to classify Sinti and Roma according to different racial criteria: "full-blooded Gypsies," "Gypsies of mixed blood," and "persons wandering about in the manner of Gypsies."[45]

Another important factor in the persecution of Sinti and Roma was the mandate given to the criminal police to transfer the persecuted to concentration camps.[46] Similar to the Gestapo's "protective custody" (*Schutzhaft*), it was detention for an indefinite period of time without prior judicial proceedings, without judgment, and without legal protection for the person to be detained.[47] The "Basic De-

42 Urgent instruction by the RSHA – Diary No. RKPA. 149/1939-g-of 17.10.1939 concerning Gypsy registration, State Archives Sachsen-Anhalt (Landesarchiv Sachsen-Anhalt) (henceforth LASA), C 30 Osterburg A, No. 161, fol. 29–30.

43 Karola Fings, "Gutachten zum Schnellbrief des Reichssicherheitshauptamtes – Tgb. Nr. RKPA. 149/1939 -g- – vom 17.10.1939 betr. 'Zigeunererfassung' ('Festsetzungserlass')," accessed July 15, 2022, https://sintiroma.org/images/sinti-roma/zr_2020_karola_fings_gutachten_festsetzungserlass.pdf.

44 An example can be viewed in the digital collection of the Deutsches Historisches Museum, Berlin, Inv.-Nr.: LD 2006/36, accessed October 30, 2022, https://www.dhm.de/lemo/bestand/objekt/lg001872.

45 Fings, "Gutachten," 4.

46 Patrick Wagner, *Volksgemeinschaft ohne Verbrecher: Konzeptionen und Praxis der Kriminalpolizei in der Zeit der Weimarer Republik und des Nationalsozialismus* (Hamburg: Christians, 1996).

47 Karl-Leo Terhorst, *Polizeiliche Überwachung und polizeiliche Vorbeugungshaft im Dritten Reich: Ein Beitrag zur Rechtsgeschichte vorbeugender Verbrechensbekämpfung* (Heidelberg: C. F. Müller Juristischer Verlag, 1985), 4–7.

cree on Preventive Crime Control by the Police" issued by the Reich Ministry of the Interior on 14 December 1937 established a uniform Reich-wide regulation for "police preventive detention" as well as "police planned surveillance" and extended it to "asocials."[48] With this decree, the criminal police were given the legal basis for more "freedom of action" and thus increasingly took over the functions of the judiciary.[49] This turn to a particular conceptualization of "prevention" can be traced back to Erich Liebermann von Sonnenberg of the Berlin criminal police. During the Weimar Republic, he developed the concepts of "professional" and "habitual criminals." As deputy director of the Berlin criminal police, he initiated the "police preventive detention" on a local level as early as November 1933. At the initiative of the *Kriminaldirektor* Paul Werner, former director of the LKA in Baden and deputy director of the RKPA, this model of "police preventive detention" became Reich-wide legislation with the aforementioned decree on 14 December 1937.[50]

Enforcing "Racial-Biological" Paradigms

Following this decree, special "prevention" departments were established at all levels of the criminal police between 1938 and 1940.[51] Thus, the criminal police under the NS regime could be described as a "learning administration" that was structurally reorganized according to the implementation of persecution measures.[52] In the structural organization of the RKPA, this was manifested in the "prevention" department to which the Reich Central Office was attached. The office directors of the latter were staff members from Bavaria, such as *Kriminalkommissar* Wilhelm Supp[53] and *Kriminalinspektor* Josef Eichberger,[54] whereas some of the directors of the overall "prevention" department could be linked to Liebermann von Sonnenberg in Berlin. For instance, *Kriminalrat* Dr. jur. Richard Zaucke[55] was trained under Liebermann von Sonnenberg at the Berlin criminal police. Others, such as the director of the "prevention" department, *Kriminaldirektor* Heinrich Böhlhoff,[56]

48 Wolfgang Ayaß, *"Asoziale" im Nationalsozialismus* (Stuttgart: Klett-Cotta, 1995).
49 Terhorst, Polizeiliche Überwachung, 4–7, 56–59.
50 Wagner, *Volksgemeinschaft*, 258–259.
51 Interrogation of Kurt Wedeking, January 13, 1966, LAB, B 057-01, Nr. 449, fol. 119a–119k.
52 Meier, "'Prevention Department'."
53 BayHStA. Landeskriminalamt (LKA), Nr. 219 (Personalakte Supp LKA Bayern).
54 Staatsarchiv München (henceforth StA Munich), SpK Karton 344 Eichberger, Josef.
55 BArch, R 9361-III, Nr. 231879; BArch R 9361-III/ 565086; LAB, B 057-01, Nr. 3379 (Dr. Richard Zaucke).
56 BArch, R 601/1814; LAB, B Rep. 067-01. Nr. 660 (Heinrich Böhlhoff).

and his deputies, *Kriminalrat* Dr. jur. Hans Maly[57] and *Kriminalrat* Johannes Otto,[58] seem to have generated expertise for these positions by having been in leading positions at local criminal police stations or working for the police administration in the Ministry of the Interior.

In the order of May 1938, the field of the *Reichzentrale*'s activity was defined as follows: "Registering all Gypsies residing in the German Reich and making all applicable provisions in the field of combating Gypsies. In particular, it shall evaluate the experience gained in combating the gypsy plague and the knowledge gained through racial-biological research."[59] After 1938, "racial paradigms" dominated the work of the criminal police, so, besides using dactyloscopy and traditional tools of the criminal police to identify and register accused criminals, racial categorizations of the persecuted were highly relevant. For this purpose, the criminal police cooperated with a newly created racial institution, the Racial Hygiene Research Center, headed by Dr. Robert Ritter.

The Racial Hygiene Research Center and the Building of a Racial Database

Creation of the Research Center and its Roots in Racial Sciences

The creation of the Racial Hygiene Research Center (*Rassenhygienische Forschungsstelle*, RHF) within the Reich Health Office (*Reichsgesundheitsamt*, RGA) in the spring of 1936 constituted a decisive structural caesura in the genocidal process targeting Sinti and Roma.[60] Until the outbreak of the Second World War, the RHF not

57 State Archives Nordrhein-Westfalen (Landesarchiv Nordrhein-Westfalen) (henceforth LA NRW), Abteilung Rheinland, NW 1.049, Nr. 72.383, Entnazifizierungsakte Hans Maly; BArch, R 9361-III/2178; BArch, R 9361-III/541944; LAB, B 057-01, Nr. 2005 (Dr. Hans Maly).

58 LAB, B 057-01, Nr. 2290 (Johannes Otto), fol. 543; 565.

59 Runderlass des Rf.-SS u. Ch.d Dt. Pol. vom 16.5.1938. Translation by the authors.

60 On the RHF, see Eve Rosenhaft, "Wissenschaft als Herrschaftsakt: Die Forschungspraxis der Ritterschen Forschungsstelle und das Wissen über 'Zigeuner'," in *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, ed. Michael Zimmermann (Stuttgart: Franz Steiner, 2007), 329–353; Karola Fings, "Die 'gutachtlichen Äußerungen' der Rassenhygienischen Forschungsstelle und ihr Einfluss auf die nationalsozialistische Zigeunerpolitik," in *Zwischen Erziehung und Vernichtung: Zigeunerpolitik und Zigeunerforschung im Europa des 20. Jahrhunderts*, ed. Michael Zimmermann (Stuttgart: Franz Steiner, 2007), 425–459.

only focused on Sinti and Roma populations but also targeted other groups like Baltic Germans, mixed-marriages of German, Polish, and Galician Jews and non-Jews, and Jenish "asocials and criminals" to find out their "hereditary value . . . and their influence on the German population [*Volkskörper*]." Ritter highlighted that other institutions like the police or racial researchers had given up on the task of fully understanding the family relations of Sinti and Roma in the German Reich as the situation had been so complex.[61]

By aggregating genealogical, photographic, anthropometric, and biological data in their Berlin-Dahlem offices, RHF researchers implemented new tools and methods inherited from racial science to classify, order, and network the information collected on Sinti and Roma living in Germany. The endeavors of the RHF to create such a centralized racial database were deeply connected to the development of eugenics, genetics, and heredity sciences in the political and medical discourses of the Weimar Republic. In the wake of Otmar von Verschuer's, Alfred Lenz's, and Eugen Fischer's theses, German racial hygiene researchers supported a hereditary conception of criminal behaviors and specifically targeted Sinti and Roma. Founded in 1927, the Kaiser Wilhelm Institute of Anthropology, Human Heredity, and Eugenics (*Kaiser-Wilhelm-Institut für Anthropologie, menschliche Erblehre und Eugenik*, KWI) was dedicated to the promotion of research on racial hygiene and reflected the strong diffusion of the hygienist and racial conception of human populations within German academia since the 1920s.[62] Studying the career trajectories of researchers who worked at the KWI provides information about the profound interrelationship between their political beliefs and their scientific hypotheses, as is the case for the biologist Karin Magnussen.[63] Close ideological and scientific connections existed between this institute and the RHF as many doctoral students working at the KWI were later recruited by the RHF, such as Eva Justin and Adolf Würth.[64]

After studying medicine, biology, and anthropology at the University of Freiburg and then in Berlin, Würth became Fischer's assistant at the KWI in 1931 and started his doctoral research on fingerprints and hand anatomy. In 1937, he be-

61 Robert Ritter, Arbeitsbericht, BArch R 187/399.

62 Benoit Massin, "Apprendre à classer et à sélectionner. L'enseignement de l'eugénisme, de l'hygiène raciale et de la raciologie dans les universités allemandes (1930–1945)," *Revue d'Histoire de la Shoah* 183 (2005): 265–388.

63 Vojin Saša Vukadinović, "". . . in Erinnerung an die schöne Zeit in Dahlem" Karin Magnussen, reichsdeutsche Rassenforscherin und bundesdeutsche Biologielehrerin," in *Rassismus, Von der frühen Bundesrepublik bis zur Gegenwart*, ed. Vojin Saša Vukadinović (Berlin: De Gruyter, 2023), 67–122.

64 Hans-Walter Schmuhl, *The Kaiser Wilhelm Institute for Anthropology, Human Heredity, and Eugenics, 1927–1945: Crossing Boundaries* (Dordrecht: Springer, 2008), 360.

came an assistant at the RHF and carried out racial investigations on the Sinti and Roma living in southern Germany, around Karlsruhe, with the active cooperation of the Baden state criminal police.[65] He worked under the supervision of the newly appointed head of the RHF, Robert Ritter.[66] From 1930 on, Ritter worked at the Psychiatric Clinic of the University of Tübingen and studied the inheritability of criminality among children with eugenic theories. In 1925, his colleague and mentor, Robert Gaupp, published a study advocating the sterilization of "mentally and morally diseased and inferior people."[67] Therefore, although the RHF was created under the Nazi regime, the careers of its researchers and the mentalities, networks, tools, and methods they mobilized to identify Sinti and Roma were decisively rooted in the rise of German anthropological racial science during the Weimar Republic.

Additionally, the RHF could rely on previous research in the manner of "Gypsy-loreism," e.g., in linguistics or social sciences. One example is the writer and hobby photographer Hans Weltzel from Dessau-Roßlau, who had close amicable relations with Sinti families of the region, learned the Romani language, created pedigrees, and photographed them.[68] Ritter requested his research material, and survivors testified Weltzel's active complicity with the RHF when he and his wife, as well as Ritter and Justin, visited the Buchenwald concentration camp to question Sinti and Roma inmates about their family histories. Furthermore, the RHF received material from churches and religious organizations. The Naumburg Missionary Assistance Association gave their files on the "Gypsy" Protestant mission in Friedrichslohra in the 1830s to the RHF in March 1939, and Justin later used it for her doctoral thesis from 1943.[69]

65 Joachim S. Hohmann, *Robert Ritter und die Erben der Kriminalbiologie: "Zigeunerforschung" im Nationalsozialismus und in Westdeutschland im Zeichen des Rassismus* (Frankfurt a.M.: Peter Lang, 1991), 276.

66 Tobias Joachim Schmidt-Degenhard, *Robert Ritter (1901–1951): Zu Leben und Werk des NS-"Zigeunerforschers"* (Tübingen, Universität Tübingen, 2008).

67 Michael Wildt, *Generation des Unbedingten: Das Führungskorps des Reichssicherheitshauptamtes* (Hamburg: Hamburger Edition, 2002), 317.

68 Eve Rosenhaft, "Genocide and the Ethics of Scholarship: The Photographer Hanns Weltzel," *Website of the Wiener Holocaust Library*, accessed July 15, 2023, https://acrobat.adobe.com/link/review?uri=urn:aaid:scds:US:49485182-07aa-4f48-bc14-ce27878284cb.

69 Verena Meier, "'Neither Bloody Persecution nor well Intended Civilizing Missions Changed their Nature or their Number': A Postcolonial Approach to Protestant 'Zigeuner' Missionary Efforts in the Nineteenth and Twentieth Centuries," *Critical Romani Studies* 1 (2018): 86–126.

Racial Census and Building Databases

In a conference at the University of Tübingen in September 1937, Würth argued for the necessity to label the "Gypsy" population to enhance the application of Nuremberg racial laws against Sinti and Roma. Using rhetoric focused on the obsession with protecting German blood, he explained the methods used by the RHF to assess their racial affiliations and promoted a biological and racial approach to the "Gypsy question."[70] Hereditary genealogy and biological anthropology were the two main disciplines Ritter and his colleagues mobilized to set up a stable racial classification of all Sinti and Roma living in Germany, for which RHF scientists systematized the use of the forced racial census.

From the spring of 1937 on, with the logistical support and local knowledge of criminal police forces, the RHF's "mobile working groups" organized racial investigations on the ground in numerous German cities and gathering places where Sinti and Roma lived. Before that, the RHF had registered some Sinti and Roma prisoners who were already incarcerated. The aim was to collect social, biological, genealogical, blood, and anthropometric data of the censused individuals and gather the documentation in Berlin to build a centralized racial database. The members of the RHF's mobile working groups worked closely with the local police departments, where criminal police officers had been systematically gathering personal data since the late 1920s through their identification service.

Between 1937 and 1938, racial censuses conducted in several cities along the Rhine, such as Cologne, Heidelberg, Mannheim, Freiburg, and Magstadt, led to the complete racial examination of more than 1,000 Sinti.[71] The case of Karlsruhe is emblematic of the establishment of the "scientific-police complex" premises and unveils the close networks between criminal police officers and RHF racial researchers. In 1936, Ritter was allowed by Paul Werner, then director of the Baden criminal police, to use the Karlsruhe police archives on the surveillance of "Gypsies" for the preparation of his habilitation thesis. At that time, Werner was highly interested in Ritter's criminal biology research, and the two had close working and personal relationships.[72] In 1937, when Werner was made responsible for "crime prevention fighting" policies within the newly created RKPA in Berlin, Würth, Ritter's collaborator, moved to Karlsruhe and started to gather biological materials on local Sinti families living in the area. In April and August 1938, Würth conducted two racial surveys

70 Adolf Würth, "Bemerkungen zur Zigeunerfrage und Zigeunerforschung in Deutschland," *Verhandlungen der Deutsche Gesellschaft für Rassenforschung* 9 (1938): 95–98.

71 "Hilfskarteien: Sinti aus Süddeutschland, Rheinland, Mitteldeutschland," 1937–1940, BArch, R 165/6.

72 Wagner, *Volksgemeinschaft*, 273–274.

and summoned the Sinti families to the Karlsruhe police headquarters. These operations led to the identification of 79 individuals.[73] The data collected in Karlsruhe was later sent to RHF offices to complete family trees, morphological tables, and blood sample results.

Karl Moravek's career illustrates the transfer of staff and ideas as well as the way the RHF integrated previous racial inquiries into its database on Sinti and Roma. Moravek had written his Ph.D. thesis about the "racial status" of Roma in Burgenland (Austria) in 1939.[74] His thesis supervisors introduced NS racial hygiene ideologies to the University of Vienna. Afterward, he joined the RHF, transferred his data collection on Roma from Burgenland to this institution, and became the head of the mobile working group and census of Roma in Leipzig and Halle (Saale) in 1940.[75] A transcript of an examination in the latter city reveals that RHF members first asked questions about family relations and checked the respondent's answers with information they had already gathered. The transcript states that family members were interrogated individually. After that, all family members were asked to enter the room together for the anthropological examination, but the purpose was not revealed to them. At least one criminal police officer was present at all times and disciplined the examined.[76] At the conference in 1937, Würth had already highlighted that the use of family genealogy and biological anthropology was the basis for achieving a racial inventory of all Sinti and Roma living in Germany.[77]

The RKPA not only relied on the data that the RHF gathered independently through such censuses but also proactively asked the RHF for "racial" examinations so that they knew whether they could apply some regulations of Himmler's decree from 8 December 1938 to Sinti and Roma. On 20 May 1939, a group of Romanian traders were arrested during a police operation in a hotel in Vienna. As the designated experts, Dr. Robert Ritter and Dr. Hans Odenwald traveled there and reported their examination results back to the Reich Central Office.[78] They categorized them as "Gypsies" and warned that they could "intermix with German blood" because of their good economic status and unclear family relationships. The Reich Central Office then ordered the *Kriminalpolizeileitstelle* in Vienna that these foreigners were to be expelled

73 RHF individual identification cards (*Messkartei*) for Karlsruhe, 1938, BArch, R 165/4 and 5.
74 Hohmann, *Robert Ritter,* 271–275.
75 Ibid.
76 Undated file note by Karl Moravek, BArch, R 165/208, 3.
77 Würth, "Bemerkungen, 96.
78 RHF to RKPA, June 8, 1939, USHMM, RG-14050M, Aussenstelle Dahlwitz-Hoppegarten records, ZB 6289. A.11, fol. 464.

from the country in accordance with Himmler's decree.[79] When Ritter remarked that there were 122 of them in Vienna and thus many more than the 14 who had been arrested, the *Kriminalpolizeistelle* Vienna also gave residency bans to the others.[80] In January 1940, the RKPA ordered all civil administrations not to issue any permits for itinerant trade for "foreign Gypsies," as several such people had had to be expelled from Austria the previous year.[81] Thus, the RHF's "expert" knowledge was crucial for how the Reich Central Office defined Sinti and Roma people, applied the existing regulations to them, and ordered new ones for the public administrations. These powers of definition by the "scientific-police complex" had a fatal impact on the trajectories of those labeled "Gypsies" when deportation orders were implemented.

Technocrats and their Tools: Deportations of 1940 and 1943

In May 1940, the identification material gathered by the RHF was used by the German police authorities to organize the first collective deportation transports of Sinti and Roma from Western Germany to occupied Poland.[82] Paul Werner was the overall logistical coordinator of the deportation, Würth was present during the police discussions in preparation for the deportation operation in May 1940,[83] and Josef Eichberger was present at the provisional assembly space in Hohenasperg and performed organizational tasks presumably until the deportees reached their final destinations in the *Generalgouvernement*.[84] Other members of the

79 Reich Central Office to KPLSt Vienna, June 1, 1939, USHMM, RG-14050M, Aussenstelle Dahlwitz-Hoppegarten records, Z ZB 6289. A.11, fol. 463. Ritter informed the Reich Central Office of the situation before Odenwald sent the official letter to the RKPA.

80 KPLSt Vienna to Reich Central Office, October 25, 1939, USHMM, RG-14050M, Aussenstelle Dahlwitz-Hoppegarten records, Z ZB 6289. A.11, fol. 468.

81 Note RKPA, January 1940, USHMM, RG-14050M, Aussenstelle Dahlwitz-Hoppegarten records, Z ZB 6289. A.11, fol. 461.

82 Zimmermann, *Rassenutopie*, 167–175.

83 Benno Müller-Hill, *Tödliche Wissenschaft: Die Aussonderung von Juden, Zigeunern und Geisteskranken, 1933–1945* (Reinbek: Rowohlt, 1984), 153–154.

84 Interrogation of Antonie B. in the course of investigations against Josef Eichberger, August 11, 1966 BArch Ludwigsburg, B 162/25242, 1, 8; "Bescheinigung" für Heinrich Birkenfelder, ausgestellt im Sammellager Hohenasperg (Vorderseite), Datenbank des Dokumentations- und Kulturzentrums Deutscher Sinti und Roma, accessed July 15, 2022, https://www.sintiundroma.org/de/set/021008/?id=141&z=9; Schreiben der Kriminalpolizeistelle Darmstadt an die Kriminalpolizeileitstelle Frankkfurt a.M., May 27, 1949, 1.1.0.6/82335691/ITS Digital Archives, Arolsen Archives.

Reich Central Office personally present to organize the deportations were Dr. Josef Ochs[85] in Cologne and Dr. jur. Richard Zaucke in Hamburg.[86] For the first time, local police forces and racial scientific authorities collaborated on the ground to coordinate a regional deportation operation. Although these first collective deportations were implemented at a regional level, the involvement of an RHF researcher in the selection process highlights the growing influence of Ritter's institute in shaping persecution policies and policing practices toward Sinti and Roma.

By February 1941, the RHF had issued 10,000 "expert reports" (*gutachtliche Äußerungen*), and with the conquest of new territories, the RHF racial database grew and expanded.[87] Indeed, the German authorities projected their own conception of "Gypsies" onto Sinti and Roma living in these annexed spaces and started to gather genealogical data. The transfer of knowledge and practices occurred in annexed Alsace, where, in the summer of 1942, the Strasbourg criminal police organized a racial census.[88] Police officers – who were mainly former Karlsruhe policemen – used the same methods and registration forms to identify the persecuted.[89] The organization of such a racial census also took place in Prague during the summer of 1942, evidencing the collection and transfer of identification data of Sinti and Roma in Western and Eastern German-ruled territories.[90]

Furthermore, a transfer of knowledge and personal was exercised from the peripheries to the center and vice versa. For a short period, lower- and medium-rank criminal police officers from the *Kriminalpolizei(leit)stellen* assisted in the Reich Central Office so that there was a constant flow of staff.[91] In the case of Vienna and annexed Austria, *Kriminalrat* Zaucke was transferred from the RKPA in Berlin to the *Kriminalpolizeileitstelle* in Vienna at the beginning of 1941.[92] He

85 Fings and Sparing, *Rassismus,* 210.

86 Hans Hesse, *. . . wir sehen uns in Bremerhaven wieder . . . Die Deportation der Sinti und Roma am 16./20. Mai aus Nordwestdeutschland* (Bremerhaven: Stadt Bremerhaven, 2021), 60 and 72.

87 Robert Ritter, "Die Bestandsaufnahme der Zigeuner und Zigeunermischlinge in Deutschland," in *Der Öffentliche Gesundheitsdienst* 6 (1941): 477–489, 611/3/10, Wiener Library, London. Translation by the authors.

88 Strasbourg criminal police to the Mulhouse criminal police, June 28, 1942, Archives départementales du Haut-Rhin, 3AL3 24077.

89 *Ministerialblatt des Reichs- und Preußischen Ministers des Innern* 99, no. 51 (1938): 2105–2110.

90 Michal Schuster, "The Dycha Family from the Village of Hrušky: Microhistory of the Nazi Genocide of the Roma and Sinti in the Czech Republic," *S:I.M.O.N. Shoah: Intervention. Methods. Documentation* 8, no. 2 (2021): 72–85.

91 List of officers transferred to the Reich Central Office, June 27, 1941, USHMM, RG-14050M, Aussenstelle Dahlwitz-Hoppegarten records, ZB 6256 8AE.

92 Interrogation of Dr. Richard Zaucke in the investigations for the RSHA trial, August 7, 1969, LAB, B 057-01, Nr. 3379.

later described himself as the "right hand" of the director of this criminal police office, whom he had known from their time at the LKA Berlin before 1933, and his special task was to reorganize the Vienna criminal police according to the Berlin model.[93] On 8 October 1941, shortly after his transfer to Vienna, he accompanied his boss, *Kriminaldirektor* Kappenhengst, to the communal detention camp for Roma and Sinti in Lackenbach, where he met with the camp director. In several meetings in Vienna and Lackenbach, they discussed the preparations for the deportations to Lodz.[94]

In December 1942, a new threshold in the radicalization of the persecution measures was crossed when Heinrich Himmler ordered the deportation of all remaining Sinti and Roma living within the Reich to Auschwitz-Birkenau.[95] On 15 January 1943, leading staff members of the "scientific-police complex" met in a conference in order to discuss the implementation of the deportations and, ultimately, the "solution to the Gypsy question." Among them were *Kriminaldirektor* Heinrich Böhlhoff, *Kriminalkommissar* Wilhelm Supp, *Kriminalkommissar* Albert Wiszinsky, and *Kriminalinspektor* Josef Eichberger, as well as Robert Ritter and Eva Justin from the RHF.[96] The main agreements reached at this conference were that "mixed-race Gypsies" were to be deported, while those exempted were to be forcefully sterilized in order to achieve their extinction within a generation. Karola Fings has argued very convincingly that this conference can be regarded as a "'Wannsee Conference' on the Extermination of the Gypsies." She also underlined the entanglements with the organizations and plannings of the deportation of the Jewish population in Europe by these Nazi officials, as members of the Department for Racial and Ethnic Policy within the Security Service or the Race and Settlement Main Office (*Rasse- und Siedlungshauptamt*) also participated in this conference. They were "strategists and practitioners . . . equipped with experience in the killing of European Jews. Mass sterilization and the displacement of millions of people were just as much a part of their sphere of action as the 'racial' selection of individuals for an eventual decision on, for example, their Germanization or extermination."[97]

93 Ibid.

94 Florian Freund et al., *Das Ghetto in Lodz* (Vienna, 2013) 63, accessed July 14, 2022, https://zeitgeschichte.univie.ac.at/fileadmin/user_upload/i_zeitgeschichte/Publikationen/Endbericht-Lodz_ro.pdf.

95 Karola Fings, "A 'Wannsee Conference' on the Extermination of the Gypsies? New Research Findings Regarding 15 January 1943 and the Auschwitz Decree," *Dapim: Studies on the Holocaust* 27 (2013): 174–194.

96 Ibid., 176.

97 Ibid., 178.

Within the German Reich and its annexed territories, the identification and racial classification of so-called "Gypsies" became major selection criteria for deportations. The role of the "scientific-police complex" is also evident on the margins of German territory. During the racial census in Strasbourg in the summer of 1942, 105 persons were identified as "Gypsies" by the Strasbourg police.[98] However, it appears that the deportation convoy organized from Strasbourg to Auschwitz-Birkenau in March 1943 only comprised 61 individuals.[99] In fact, the common characteristic of this group of deportees from Strasbourg was that they had all previously been spotted by the "police-scientific complex" in the pre-war years in Germany, but those not deported had not been racially registered in the RHF files as they had lived in France before the war.[100] As an example, all the names of the Rosenbach family members arrested in Alsace and deported from Strasbourg in 1943 appeared in an RHF genealogical tree dated 1942.[101] The case of the Rosenbach family illustrates the circulation of genealogical data between the Strasbourg criminal police and the RHF offices regarding Sinti and Roma living in Alsace.

Local studies on the persecution measures and implementation of deportation orders have further demonstrated that the final selection of the deportees was in the hands and judgments of the local *Kriminalpolizei(leit)stellen*.[102] The Reich Central Office was responsible for forwarding the racial reports of the RHF to the *Kriminalpolizeileitstellen*.[103] The urgent instruction from 29 January 1943 made it clear that the *Kriminalpolizeileitstellen* were in charge and that no request for incarceration had to be made at the RKPA in order to achieve a speedy implementation of the transports to Auschwitz-Birkenau.[104] Some groups were exempt from deportation, including "purebred Sinti and Lalleri Gypsies." The local criminal police also had the freedom to exclude people from deportation; for example, those in so-called mixed marriages with partners classified as "German-blooded" or those engaged in compulsory work in factories considered important for the war effort.[105]

98 Arrest cards of the Strasbourg criminal police, 1940–1944, Archives départementales du Bas-Rhin, 757D 68–107.

99 Entry register (men and women) of the so-called "Gypsy Camp" (*Zigeunerlager*) of Auschwitz-Birkenau, March 22, 1943, 1.1.2.1./530981-2 and 531497-8/ ITS Digital Archive, Arolsen Archives.

100 Théophile Leroy, "'Gypsies' in the Police Eye: Identification, Census and Deportation of Sinti and Roma from Annexed Alsace, 1940 to 1944," in *Deportations in the Nazi Era: Sources and Research,* eds. Henning Borggräfe and Akim Jah (Berlin: De Gruyter, 2023), 205–226.

101 Page 7 of the Rosenbach genealogical materials, 1942, BArch, R 165/160.

102 Fings and Sparing, *Rassismus,* 295–296.

103 LAB, B 057-01, Nr. 989 (Josef Eichberger), fol. 1025.

104 Transcript of urgent instruction of the RSHA, V A 2 no. 59/43 g, January 1, 1943, IfZ, MS 410, fol. 385–391.

105 Fings and Sparing, *Rassismus,* 288.

In the case of exemptions from deportations, people were to be forcefully sterilized, as the conference participants agreed on 15 January.[106] The forced sterilization of those exempted from deportation has to be seen as a genocidal practice as well. The British Attorney General to the Nuremberg Trials in fact bolstered the charge of genocide in Count III of the Indictment, which listed the deliberate and systematic genocide of Jews but also Sinti, Roma, and others. Regerring to the techniques, he highlighted that "various biological devices to achieve the genocide" had been applied, including "sterilization, castration, and obstructions to marriage and progenation."[107] In total, less than 1% of the approximately 30,000 Sinti and Roma living in the German Reich – excluding the annexed territories – were exempted from deportation or forced sterilization.[108]

In post-war investigations, members of the Reich Central Office downplayed their involvement in the deportations of 1943, arguing, for instance, that they had only sent racial reports made by the RHF to the subordinate criminal police departments.[109] The division of labor was crucial for the implementation of the deportations, and the leading criminal police officers of the RKPA were in fact the ones who paved the way for this genocidal practice by sending out deportation orders from the center to the peripheries. As early as 1961, Raul Hilberg, a pioneer of Holocaust research, argued for the relevance of the bureaucratic administration and the division of labor for genocidal violence in the Shoah and the cumulative radicalization of the destruction process.[110] With regard to the genocide perpetrated against the Sinti and Roma under the Nazi regime, it was also the interconnection between networks of agents and institutional structures, a long history of antigypsyism, a new intent to exterminate, as well as situational dynamics of violence that were crucial for the radicalization of violence toward a genocide.[111]

106 Fings, "A 'Wannsee Conference'."

107 Special release No. 1, Office US Chief of Counsel, Public Relations Office, July 27, 1946, Columbia University Library, RLC 4–8.

108 Fings and Sparing, *Rassismus,* 295.

109 See, for instance, the interrogation of *Kriminaldirektor* Heinrich Böhlhoff during the investigations against him: February 1, 1960, LA NRW, Abt. Rheinland, Rep. 118, Nr. 517, fol. 7.

110 Raul Hilberg, *The Destruction of the European Jews* (Chicago: Quadrangle, 1961).

111 Michael Wildt argued that these interconnections should be considered when analyzing the mass violence of the NS regime; see Wildt, *Generation*, 23.

Conclusion

Since the beginning of the 20th century, criminal police had elaborated multiple attempts to create a central file register and to build a coordinated and unified network of data exchange on Sinti and Roma populations. Technological innovations, such as fingerprinting and photography, were among the new tools mobilized by criminal police departments to record, identify, and repress the presence of German Sinti and Roma. The development of these police methods contributed to the emergence of a new perception of "Gypsies," inherited from the progress of criminal biology. With the NS regime's seizure of power, racial biological paradigms increased in the way data was collected by police authorities.

Three schools of thought or practice were important during the centralization of the criminal police in 1936 and the formation of the "scientific-police complex" after 1938. First, the long-lasting Munich tradition of the identification and reporting service that pushed forward the creation of local and supraregional information services and dactyloscopic treatments of Sinti and Roma even before the Weimar Republic and ended up as the Reich Central Office. Second, the Berlin tradition of Erich Liebermann von Sonnenberg and the specific notion of "prevention" with transfers to concentration camps in Prussia as early as 1933. Third, Paul Werner's "racial-biological" paradigms and his close links with Dr. Robert Ritter and his colleagues, such as Adolf Würth, and their scientific definition of the "Gypsy" dating back to 1937/38.

The emergence of the RHF as a central institution specifically dedicated to the registration of Sinti and Roma and composed of racial anthropologists constituted a turning point in the state's treatment of this population. The building of a racial database, the organization of racial censuses, and the mobilization of genealogical tools reflected the new methods used to spot German Sinti and Roma and unveiled the hereditary conception of the "Gypsy" category that made genocidal policies toward them possible. The implementation of deportation measures illustrates how the racial materials gathered by the RHF – with the support of criminal police departments – played a decisive role in the selection process on a local level. The collection of racial data on a group whose characteristics were defined by the perpetrator's eye led to a pre-genocidal situation in which all the tools developed over the years were mobilized to achieve the destruction of an entire group on the basis of their ascribed "race." The decree signed by Heinrich Himmler in December 1938 stating that the "Gypsy question" had to be solved in the light of the “essence of that race”[112] can thus be seen as a threshold when the tools and ideas that had existed before turned into genocidal policies and actions. The situational context of the war further constituted a setting in which mass violence radicalized in general.

Above all, it was a network of perpetrators that willingly and intentionally radicalized the persecution into genocidal violence. The “intent to kill” of this network of perpetrator collectives was manifested in the years between 1938 and 1943 when genocidal ideas were put into practice. This network was further characterized by great mobility and the transfer of knowledge, personal, and practices in order to implement the measures on a wide geographical scale. Furthermore, this network of perpetrators and their role in radicalizing persecution measures makes it clear that there were many entanglements with other state crimes, such as the Shoah or the resettlement programs of “ethnic” Germans. Future research on the history of transfers or a *histoire croisée* could thus be very insightful in this respect.

In postwar German society, the perpetrators maintained powerful positions and continued to influence the general population’s attitude toward the minority as well as the compensation procedures of victims and the prosecution of perpetrators. None of the perpetrators of the “scientific-police complex” was convicted in a trial.[113] Officers from the criminal police apparatus often remained within police forces after 1945, and members of the Reich Central Office – like Wilhelm Supp and Josef Eichberger – started working for the Bavarian LKA in the postwar years, specializing in this group of people again.[114] Paul Werner worked for the Baden-Württemberg Ministry of the Interior and supported postwar regulations against Sinti and Roma from the realm of civil administration.[115]

Even today, police work remains characterized by structurally embedded forms of antigypsyism, e.g., when specific forms of crimes are attributed to them

112 Runderlass des Reichsführer-SS und Chef der deutschen Polizei zur Bekämpfung des Zigeunerplage, December 8, 1938, Ministerialblatt des Reichs- und Preußischen Ministeriums des Innern, 1938, Nr. 51, 2105–2106, in *Deutsches Kriminalpolizeiblatt,* 20.3.1939, BArch, R 58/9560.

113 Ulrich F. Oppermann, *Zum Umgang der deutschen Justiz mit an der Roma-Minderheit begangenen NS-Verbrechen nach 1945: Das Sammelverfahren zum “Zigeunerkomplex” (1958–1970)*, accessed July 15, 2022, https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/heimat-integration/antiziganismus/opfermann-nsg-verfahren.pdf?__blob=publicationFile&v=2.

114 Eveline Diener, *Das Bayerische Landeskriminalamt und seine “Zigeunerpolizei”: Kontinuitäten und Diskontinuitäten der bayerischen “Zigeunerermittlung” im 20. Jahrhundert* (Frankfurt a.M.: Verlag für Polizeiwissenschaft, 2021).

115 Wagner, *Volksgemeinschaft*, 11.

or suspected criminals are labeled in ethnic terms.[116] In 2010, a journalistic investigation revealed the existence of an ethnic file on Sinti, Roma and Travellers compiled by the French Gendarmerie since at least the 1990s.[117] This file, entitled "Minorities of non-sedentary ethnic origin", is kept within a "Central Office for Combating Itinerant Crime". Furthermore, this group's genetic data has now been gathered, and researchers claim that these people are not distinct by their "race" but by their genetic makeup, which just constitutes a semantic shift from "racial" paradigms to genetic.[118] The majority of this research is conducted in the field of criminology and is of interest to the police apparatus. Despite Auschwitz, therefore, the stigmatization and criminalization of Sinti and Roma continue in new guises.

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116 Markus End, *Antiziganismus und Polizei* (Schriftenreihe des Zentralrats Deutscher Sinti und Roma, vol. 12 (Heidelberg: Zentralrat Deutscher Sinti und Roma, 2019).

117 Franck Johannès, "La gendarmerie détient un fichier Roms illégal", 7.10.2010, *Le Monde*, accessed March 15, 2023, https://www.lemonde.fr/societe/article/2010/10/07/la-gendarmerie-detient-un-fichier-roms-illegal_1421548_3224.html.

118 Veronika Lipphardt, Gudrun A. Rappold, and Mihai Surdu, "Representing Vulnerable Populations in Genetic Studies: The Case of the Roma," *Science in Context* 34 (2021), 69-100.

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Grzegorz Rossoliński-Liebe

9 The Genocidal Violence of the Organization of Ukrainian Nationalists and the Ukrainian Insurgent Army

Introduction

The Organization of Ukrainian Nationalists (*Orhanizatsiia Ukraïns'kykh Natsionalistiv*, OUN) and its Ukrainian Insurgent Army (*Ukraïns'ka Povstans'ka Armiia*, UPA) were the most violent 20th-century Ukrainian nationalist movement. Their violence became genocidal, and it substantially influenced the history of Ukraine, the history of Ukrainian and Polish Jews, the history of the Holocaust, Polish history, and the history of East Central Europe and the Soviet Union. Because the Ukrainian nationalists were anti-Soviet, resisting and being defeated by the Soviet Union, and because the German occupiers committed worse crimes in Ukraine than the Ukrainian nationalists, Cold War historians such as John Armstrong, Ukrainian and Polish dissidents, and German historians of Eastern Europe denied or marginalized the violence of this movement or portrayed them as an anti-Soviet "liberation movement."[1] The denial of the collaboration of the Ukrainian nationalists in the Holocaust was interrelated with the denial of the fascistization of Ukrainian nationalism and of the creative invention of a genuine form of Ukrainian fascism that fostered genocidal violence in Ukraine.[2]

Although Jewish historians who survived the Holocaust in western Ukraine, such as Philipp Friedman, Shmuel Spector, and Aharon Weiss, were already investigating the genocidal violence of the Ukrainian nationalists in the 1950s,[3] their

1 Grzegorz Rossoliński-Liebe, "Ukrainian Nationalists and the Jews during the Holocaust in the Eyes of Anticommunist, Soviet, German, Jewish, Polish, and Ukrainian Historians: Transnational History and National Interpretations," *Moreshet* 19 (2022): 341–371.

2 Grzegorz Rossoliński-Liebe, *The Fascist Kernel of Ukrainian Genocidal Nationalism*, The Carl Beck Papers in Russian & East European Studies No. 2402 (Pittsburgh: The Center for Russian and East European Studies 2015); Grzegorz Rossoliński-Liebe, *Stepan Bandera: The Life and Afterlife of a Ukrainian Nationalist: Fascism, Genocide, and Cult* (Stuttgart: Ibidem, 2014).

3 Philip Friedman, "Ukrainian-Jewish Relations during the Nazi Occupation," in Philip Friedman, *Roads to Extinction: Essays on the Holocaust*, ed. Ada June Friedman (New York: Jewish Publication Society of America, 1980), 176–209. First published in *YIVO Annual of Jewish Social Science* 12 (1958–1959): 259–263.

https://doi.org/10.1515/9783110781328-009

research was rejected first by Cold War historians and later by the Ukrainian historians in independent Ukraine and German historians of Ukraine and Eastern Europe.[4] While Ukrainian historians deliberately denied the violence of the Ukrainian nationalists, German historians concentrated on the violence committed by the German occupiers. These selective approaches to the histories of the Second World War and Holocaust in Ukraine did not allow many Ukrainian, German, and Polish historians to understand the nature and the extent of the violence used by the Ukrainian nationalists before, during, and after the Second World War. However, the genocidal violence of Ukrainian nationalists is essential to understand the modern history of Ukraine, the history of the Holocaust and fascism in East Central Europe, and the history of collaboration in the Age of Extremes.

A very fruitful approach to studying the violence of the Ukrainian nationalists is Saul Friedländer's concept of integrated history. In contrast to German historians, who concentrated on the German perpetrators and the "German aspects" of the Holocaust, Friedländer pleaded for the investigation of all involved actors, analyzing their perspectives and the documents that they left.[5] Besides me, three other historians – Omer Bartov, John-Paul Himka, and Kai Struve – have applied this concept to investigate the violence in western Ukraine in recent years. While Bartov wrote the history of Buczacz, Himka and Struve investigated the pogroms in Ukraine in 1941. All of them showed how the Ukrainian nationalists and ordinary Ukrainians collaborated with the Germans in the Holocaust.[6] A decade before them, the Polish historian Grzegorz Moytka showed how the OUN and UPA murdered Poles in 1943 and 1944, and Jeffrey Burds and Alexander Statiev showed how the Ukrainian nationalists murdered civilians during the brutal conflict with the Soviet Union.[7]

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4 Rossoliński-Liebe, "Ukrainian Nationalists and the Jews."

5 Saul Friedländer, "An Integrated History of the Holocaust," in *Years of Persecution, Years of Extermination: Saul Friedlander and the Future of Holocaust Studies*, eds. Paul Betts and Christian Wiese (London: Continuum, 2010), 21–29.

6 Omer Bartov, *Anatomy of a Genocide: The Life and Death of a Town Called Buczacz* (New York: Simon & Schuster, 2018); John-Paul Himka, "The Lviv Pogrom of 1941: The Germans, Ukrainian Nationalists, and the Carnival Crowd," *Canadian Slavonic Papers* 53, no. 2–4 (2011): 209–243; Grzegorz Rossoliński-Liebe, "Der Verlauf und die Täter des Lemberger Pogroms vom Sommer 1941: Zum aktuellen Stand der Forschung," *Jahrbuch für Antisemitismusforschung* 22 (2013): 207–243; Rossoliński-Liebe, *Stepan Bandera*; Kai Struve, *Deutsche Herrschaft, ukrainischer Nationalismus, antijüdische Gewalt: Der Sommer 1941 in der Westukraine* (Berlin: De Gruyter, 2015).

7 Grzegorz Motyka, *Ukraińska partyzantka 1942–1960: Działalność Organizacji Ukraińskich Nacjonalistów i Ukraińskiej Powstańczej Armii* (Warsaw: Rytm, 2006); Alexander Statiev, *The Soviet Counterinsurgency in Western Borderlands* (Cambridge: Cambridge University Press, 2010); Jeffrey Burds, "AGENTURA: Soviet Informants' Networks and the Ukrainian Underground in Galicia, In this chapter, I will focus on the radical form of Ukrainian nationalism and explain how the OUN and UPA used genocidal violence to achieve their political goals. This outlines three central aspects of the history of genocidal violence in East Central Europe. First, it demonstrates how violence was used to establish ethnically homogenous states with fascist regimes. Second, it shows that violence was absolutely central for minor nationalist movements that claimed to "liberate" their countries. Third, it makes clear that the concentration on the main perpetrator (in this case, Nazi Germany) is insufficient to obtain a comprehensive understanding of genocidal violence during the Holocaust.

Multiethnic Ukraine between East and West

Ukraine appeared as a state only in 1991, but the Ukrainians shaped the history of what today is known as Ukraine for centuries. Although the modern Ukrainian identity took shape only in the late 19th century, pre-modern Ukrainians, who were known as Ruthenians or Cossacks, lived in the Kingdom of Galicia-Volhynia, the Polish-Lithuanian Commonwealth, the Habsburg Empire, the Russian Empire, the Second Polish Republic, and the Soviet Union. Because of the numerous colonizations by and interactions with Poland, Austria, and Russia, as well as the settlement of Jews, Ukraine became a multiethnic territory. While western Ukraine was inhabited by Ukrainians, Poles, and Jews, central and eastern Ukraine was the home of Ukrainians, Russians, Jews, and Poles. Because of their political history, western Ukraine and east-central Ukraine were, by the beginning of the Second World War, two different states rather than one united country. The OUN and UPA felt at home only in western Ukraine, which can best be described as the regions of eastern Galicia and Volhynia.[8]

Eastern Galicia and Volhynia were inhabited by Ukrainians, Poles, and Jews for centuries. Although Ukrainians made up the majority of the population in these two regions, they were less present in cities such as Lviv than in villages

1944–1948," *East European Politics and Societies* 11, no. 1 (1996): 89–130; Jeffrey Burds, *The Early Cold War in Soviet West Ukraine, 1944–1948*, The Carl Beck Papers in Russian & East European Studies No. 1505 (Pittsburgh: The Center for Russian and East European Studies, 2001); Jeffrey Burds, "Gender and Policing in Soviet West Ukraine, 1944–1948," *Cahiers du Monde russe* 42, no. 2–4 (2001): 279–320.

8 A full multiethnic history of Ukraine has still not yet been written. For a discussion of this subject, see Andreas Kappeler, "From an Ethnonational to a Multiethnic to a Transnational Ukrainian History," in *A Laboratory of Transnational History: Ukraine and Recent Ukranian Historiography*, eds. Georgiy Kasianov and Philipp Ther (Budapest: Central European University, 2009), 51–80.

and small towns. Before the Second World War, Jews amounted in both regions to about 10 percent of all inhabitants, Poles about 25 percent in eastern Galicia and 15 percent in Volhynia, and Ukrainians 60 percent in eastern Galicia and 70 percent in Volhynia.[9] As a result of the first and second partitions of the Polish-Lithuanian Commonwealth in 1772 and 1793, eastern Galicia was incorporated into the Habsburg Empire and Volhynia into the Russian Empire, which also held southern, central, and eastern territories of Ukraine. This geopolitical order remained until the First World War. In November 1917, Ukrainians proclaimed a state in Kyiv and in November 1918 in Lviv, but they did not succeed in keeping either of them. In 1921, eastern Galicia and Volhynia were officially incorporated into the Second Polish Republic, and almost all other Ukrainian territories constituted the Ukrainian Soviet Socialist Republic.[10]

As a result of the new political order, during the interwar period, about 20 percent of all Ukrainians lived in the Second Polish Republic and 80 percent in the Ukrainian Socialist Soviet Republic. Poland was a multiethnic state which discriminated against Ukrainians and other minorities and treated them as second-class citizens.[11] During the 1920s, the Ukrainians in Soviet Ukraine were exposed to the policy of "Ukrainization" and the New Economic Policy, which improved the economy, strengthened the use of the Ukrainian language, and promoted Ukrainian culture in public life. However, this changed dramatically in the early 1930s. The collectivization of agriculture caused a famine, which resulted in the deaths of 2.5–3.9 million people in Soviet Ukraine in 1932/33.[12] The OUN functioned, during the interwar period, only in Poland.[13]

9 Christoph Mick, *Kriegserfahrungen in einer multiethnischen Stadt: Lemberg 1914–1947* (Wiesbaden: Harrasowitz, 2010), 10.

10 Frank Golczewski, *Deutsche und Ukrainer 1914–1939* (Paderborn: Schöningh, 2010), 240, 264, 270–271, 414–421.

11 Jerzy Tomaszewski, *Ojczyzna nie tylko Polaków: Mniejszości narodowe w Polsce w latach 1918–1939* (Warsaw: Młodzieżowa Agencja Wydawnicza, 1985), 194–198; Joanna Michlic, *Poland's Threatening Other: The Image of the Jew from 1880 to the Present* (Lincoln, NE: University of Nebraska Press, 2006), 69–108.

12 John-Paul Himka, "How Many Perished in the Famine and Why Does It Matter?" *BRAMA*, February 2, 2008.

13 Rossoliński-Liebe, *Stepan Bandera*, 103–104, 244.

Internal Politics, Racism, Antisemitism, and Fascism

Before the Ukrainian veterans of the Great War established the OUN in Vienna in 1929, they had created the Ukrainian Military Organization (UVO, *Ukraïns'ka Viis'kova Orhanizatsiia*) in Prague in 1920. Unlike the OUN, the UVO did not become a mass movement but functioned as a terrorist organization with aspirations to transform into a mass movement. The Ukrainian veterans who created the UVO and OUN were Yevhen Konovalets', Andrii Mel'nyk, Mykola Stsibors'kyi, Roman Sushko, and Richard Iaryi. Before they established the UVO, they served in the Austro-Hungarian army and later fought against the Poles, Bolsheviks, and the anti-revolutionary Russian White Army as soldiers of the Ukrainian People's Army (*Armia Ukraïns'koï Narodnoï Respubliky*, AUNR) and the Ukrainian Galician Army (*Ukraïns'ka Halyts'ka Armiia*, UHA).[14]

The Ukrainian veterans of the First World War, who had established the UVO and OUN, were born around 1890. After the war, they lived in Germany, Lithuania, Italy, Czechoslovakia, and Switzerland. The younger generation of Ukrainian nationalists involved in the UVO and OUN in the late 1920s and early 1930s were born around 1910. This generation was called the Bandera generation after Stepan Bandera. In general, they were more eager than the older generation to use genocidal violence, to transform Ukraine into an ethnically homogenous state. The most important members of this generation besides Bandera were Yaroslav Stets'ko, Stepan Lenkavs'kyi, Volodymyr Ianiv, and Roman Shukhevych.[15]

The younger generation began to control the homeland executive of the OUN in the early 1930s, while the older generation kept leading the leadership in exile. The first leader of the UVO and OUN was Yevhen Konovalets'. After his assassination in Rotterdam by the NKVD agent Pavel Sudoplatov in 1938, Mel'nyk was elected the leader of the OUN. Although officially subordinated to the leadership in exile, the younger generation were pursuing their own politics. Especially after Bandera began to lead the homeland executive, they assassinated a number of Polish and Ukrainian politicians who tried to reconcile the Poles and Ukrainians. The OUN was also planning a Ukrainian revolution which was supposed to become a mass uprising of the Ukrainian population against the authorities of the Polish state. However, this plan failed as Bandera and 800 other OUN members

14 Rossoliński-Liebe, *The Fascist Kernel*, 6.

15 Rossoliński-Liebe, *Stepan Bandera*, 69.

were arrested in June 1934 for assassinating the Polish Interior Minister Bronisław Pieracki.[16]

During the 1920s, 1930s, and the early 1940s, the OUN members understood themselves as both nationalists and fascists. They did not perceive a contradiction between these two notions. Dmytro Dontsov, who never belonged to the UVO and OUN but impacted them substantially, was already arguing in the early 1920s that Ukrainian nationalism and Ukrainian fascism were closely related phenomena. In the article "Are We Fascists?" (*Chy my fashysty?*), published in 1923 in *Zahrava*, Dontsov explained the nature of Italian fascism and repeated several times: "If this is the program of fascism, then according to me – we are the fascists!" Yet as much as Dontsov admired fascism, he did not want to be accused of copying it: "Because we stay on a national platform and the fascists on an international one – we cannot be fascists." Thus, on the one hand, Dontsov claimed that Ukrainian nationalism was fascist. On the other hand, he emphasized the uniqueness of Ukrainian nationalism and argued that it should not be regarded as part of international fascism. In the early 1920s, Dontsov also rejected "fascism" as a name for the Ukrainian movement because the Italians had used it already.[17]

Racist antisemitism appeared in Ukrainian nationalist discourses in the late 1920s and began to dominate in the second half of the 1930s. The OUN ideologist Volodymyr Martynets' was one of the most important Ukrainian promoters of racist antisemitism. In the brochure *The Jewish Problem in Ukraine*, published in 1938 in London, he made it clear that he admired the Nuremberg Laws passed in 1935 and felt that Ukrainians needed similar racist regulations. Martynets' argued that Jews were an alien race in every country in which they lived and thus were a problem for a number of countries around the globe. Those Jews who had assimilated in countries such as Italy and Germany endangered them no less than non-assimilated Jews because they could contaminate the blood of the people. According to Martynets', no other nation had a more serious problem with the Jews than the Ukrainians because no other country had more Jews living in it than Ukraine.[18]

Martynets' demanded that Ukrainians should begin dealing with this problem immediately and not wait until they established a state.[19] He argued that the "Jewish problem" could be solved only by means of isolation and racial policies. Because Ukrainians did not have a state, they could not pass racist laws and thus should practice isolation and separation. Jews should have their own schools, newspapers,

16 Ibid., 117–119.

17 "Chy my fashysty?" *Zahrava* 1, no. 7 (1923): 97–102.

18 Volodymyr Martynets', *Zhydivs'ka probliema v Ukraïni* (London: Williams, Lea & Co., 1938).

19 Ibid., 1–3.

restaurants, cafes, theatres, brothels, and cabarets and should not use Ukrainian ones. Intermarriage between Jews and Ukrainians had to be stopped. This isolation of the "Jewish race" would allow the Ukrainians to achieve two goals. First, the "Jewish race" would not corrupt the Ukrainian race and cause the deterioration of its racial values. Second, isolation would decrease the number of Jews in Ukraine and finish their "parasitic existence." Ukrainians would then begin taking up such professions as tavern owners, doctors, professors, and traders.[20]

Racism in the context of Ukrainian nationalism was related to the idea of independence (*samostiinist'*). Racist Ukrainian thinkers argued that Ukraine should become an independent state because it was inhabited by a particular race that needed an independent nation-state to develop all of its features. In 1904, Mikhnovs'kyi presented some points of his political program in the "Ten Commandments of the UNP" for the Ukrainian National Party (*Ukraïns'ka Narodna Partia*, UNP). In the third commandment, he claimed, "Ukraine for Ukrainians!" and in the tenth, "Do not marry a foreign woman because your children will be your enemies . . ."[21]

This discourse was brought forward by the Ukrainian geographer Stepan Rudnyts'kyi, who defined the "natural territory" or "living space" of the Ukrainian nation. He argued that "race" was, after "national territory," the second most important feature of the Ukrainian nation.[22] He claimed that the "Ukrainian race is beautiful" and that the Ukrainians possessed some important features, such as the "ability to live and struggle for the existence of a particular race." "The Ukrainian race," Rudnyts'kyi continued, "is very valuable. Tall height (Ukrainians belong to the tallest nations in Europe and on Earth) and a huge chest circumference (perhaps the biggest in Europe) while being slender and agile make a Ukrainian very suitable for all physical work."[23]

During the interwar period, several Ukrainian nationalist ideologists discussed how to use ethnic and political violence to establish a homogenous nation-state. One of the most important of these ideologists was Mykhailo Kolodzins'kyi, who trained Ukrainian nationalists together with the Croatian Ustaše in a camp in Italy in 1933/34. In this camp, Kolodzins'kyi met Ante Pavelić and began writing "The War Doctrine of the Ukrainian Nationalists," a document that elaborated on the concept of an "uprising" against the "occupiers" of Ukraine. If, with regard to

20 Ibid., 8–16.
21 Roman Koval, "Heroi, shcho ne zmih vriatuvaty Bat'kivshchyny," in *Samostiina Ukraïna*, ed. Roman Koval (Kyiv: Diokor, 2003), 9.
22 Stepan Rudnyts'kyi, "Do osnov ukraïns'koho natsionalizmu," in *Chomu my khochemo samostiinoï Ukraïny*, ed. L. M. Harbarchuk (Lviv: Vydavnytsvo Svit, 1994), 297.
23 Ibid.

the Poles, Kolodzins'kyi assumed both expulsion and mass killings, with regard to the Jews, he planned only murder:

> The OUN uprising is intended to destroy all living hostile elements in the Ukrainian territory . . . Slaughtering a half million Jews during the uprising will not be possible, as some nationalists say. Obviously, the hatred of the Ukrainian people for the Jews will be particularly horrible. We do not intend to temper this hatred; on the contrary, we should inflate it because the more Jews are killed during the uprising, the better for the Ukrainian state, [and also] because the Jews are the only minority whom we will not be able to denationalize.[24]

Genocidal Violence of the OUN and UPA

The violence of the Ukrainian nationalists can be divided into five stages: 1921–1939, September 1939, June-July 1941, August 1941-beginning of 1943, 1943–1944, and 1944–1955. The violence became genocidal only in 1941, but Kolodzins'kyi and other leaders of the OUN already anticipated ethnically homogenizing Ukraine by means of violence in the middle of the 1930s. The violence altered during the 1920s, 1930s, and 1940s because the Ukrainian nationalists adapted to current political circumstances. Ukrainian nationalists were also not the only force that used genocidal violence in western Ukraine. Two other powers who did this as well were the German National Socialists and the Soviet Union. Both helped the Ukrainian nationalists to homogenize Ukraine. The latter destroyed the OUN and UPA.

During the interwar period, in the first stage of violence, the UVO and OUN tried to assassinate a number of Poles, Ukrainians, Jews, and Russians. Some targets, such as Józef Piłsudski, were attacked because they were significant statesmen of the "occupying" Polish state. Others, such as Tadeusz Hołówko, head of the Department for Eastern Affairs in the Ministry of Foreign Affairs, and Henryk Józewski, governor of Volhynia, were committed to Polish-Ukrainian reconciliation. Ukrainians such as high school director Ivan Babii and the journalist and political activist Sydir Tverdokhlib did not approve of the measures of the OUN and cooperated with the Polish authorities. After Bandera became the leader of the homeland executive, a number of OUN members, such as Yakiv Bachyns'kyi and Maria Kovaliukivna, were murdered by the organization. The most important person assassinated by the OUN was the already-mentioned Polish Interior Minis-

24 Voienna doktryna ukraïns'kykh natsionalistiv, OUN Archives in Kyiv, f. 1, op. 2. Spr. 466, 136–137.

ter Bronisław Pieracki.[25] The actual number of people killed by the Ukrainian nationalists in Poland is not known, but it was at least several hundred. By 1922, the UVO had already set 2,200 Polish farms on fire.[26] In 1937 alone, the OUN carried out 830 violent acts against Polish citizens or their property. Of these offenses, 540 were classified by the Security Service of the Polish Interior Ministry as anti-Polish, 242 as anti-Jewish, 67 as anti-Ukrainian, and 17 as anti-communist.[27]

The second stage of violence began with the outbreak of the Second World War on 1 September 1939 and lasted until the Nazi invasion of the Soviet Union on 22 June 1941. When Germany attacked Poland in 1939, the OUN considered beginning a revolution and establishing a Ukrainian state. However, the Ribbentrop-Molotov Pact interfered with these plans. On 17 September 1939, the Red Army attacked Poland from the East and occupied eastern Galicia and Volhynia within a few days. Nevertheless, in the first three weeks of September, armed nationalist groups assumed power locally in towns and announced their desire to cooperate with Germans. In September 1939, the OUN murdered approximately 2,000 Poles in eastern Galicia, about 1,000 in Volhynia, and an unknown number of Jews and political opponents.[28]

In Yavoriv, a small town about 50 kilometers west of Lviv, German troops, together with Ukrainian militiamen wearing yellow-and-blue armlets, destroyed the local synagogue and humiliated, tortured, beat, murdered, and otherwise mistreated the Jews.[29] In the village of Sloviatyn, which was attacked by OUN troops on 17 and 18 September 1939, 49 Poles and one Ukrainian, who tried to help the Poles, were killed. Among the victims were men, women, and children.[30] Although the main target groups of the OUN were Polish soldiers, policemen, and Poles who were settled in Volhynia after 1918 by the Polish government, many

25 "Wyrok," TsDIAL (Tsentral'nyi derzhavnyi istorychnyi arkhiv u L'vovi), f. 205, spr. 3125, 33–35; Władysław Żeleński, Akt oskarżenia przeciwko Stefanowi Banderze . . ., Warsaw, 2 October 1935 (published as a booklet), 54–56.

26 Golczewski, *Deutsche und Ukrainer*, 434–435.

27 Timothy Snyder, "The Life and Death of Western Volhynian Jewry, 1921–1945," in *The Shoah in Ukraine: History, Testimony, Memorialization*, eds. Ray Brandon and Wendy Lower (Bloomington, IN: Indiana University Press, 2008), 83–84.

28 Motyka, *Ukraińska partyzantka*, 70 and 72; Władysław Siemaszko and Ewa Siemaszko, *Ludobójstwo dokonane przez nacjonalistów ukraińskich na ludności polskiej Wołynia 1939–1945*, vol. 2 (Warsaw: Wydawnictwo von Borowiecky, 2000), 1034–1037; Struve, *Deutsche Herrschaft*, 107–117.

29 AŻIH 301/1912, Izrael Manber, 213; AŻIH 301/1612, Nadel Chaim, 112; AŻIH 301/1614, Jakub Sauerbrunn, 1.

30 Struve, *Deutsche Herrschaft*, 114.

Polish and Jewish civilians, like in Yavoriv and Seliatyn, were killed by the Ukrainian nationalists in September 1939.[31]

The next wave of violence began after the German attack on the Soviet Union. The OUN prepared for this event meticulously. When the Soviets incorporated eastern Galicia and Volhynia into Soviet Ukraine in October and November 1939, several hundred OUN members left these territories and stayed in Cracow and other parts of the General Government. In 1940, the OUN split into the OUN-B (led by Stepan Bandera) and the OUN-M (Andrii Mel'nyk). Both factions collaborated with the German military intelligence organization Abwehr and the Wehrmacht and were involved in the preparation of Operation Barbarossa. In collaboration with the Abwehr, the OUN-B formed the battalions Nachtigall (with 350 soldiers) and Roland (with 330). Both were made up of Ukrainian soldiers led by German and Ukrainian officers.[32] The OUN-B also established special task forces (*pokhidni hrupy*) that united about 800 members.[33]

In April 1941, the leadership of the OUN-B organized the Second General Congress in Cracow, at which the organization was further fascistized. The leadership officially announced Stepan Bandera as the Ukrainian *providnyk* (equivalent to the German *führer* or the Italian *duce*),[34] employed the fascist salute of raising the right arm "slightly to the right, slightly above the peak of the head" while calling "Glory to Ukraine!" (*Slava Ukraini!*) and responding "Glory to the Heroes!" (*Heroiam Slava!*),[35] and introduced the red and black flag symbolizing blood and earth *(Blut und Boden*). The leadership also declared it would combat all democratic and communist Ukrainian parties and organizations and emphasized that Jews, Poles, and Russians were the "enemies of the Ukrainian people."[36]

While helping the Germans to prepare Operation Barbarossa, the OUN-B worked out the "Ukrainian National Revolution" without coordinating it with the Nazi leadership. The Ukrainian National Revolution was intended to begin on the

31 Ibid., 115.

32 John A. Armstrong, *Ukrainian Nationalism* (New York: Columbia University Press, 1963), 74; Ivan Patryliak, *Viis'kova diial'nist' OUN (B) u 1940–1942 rokakh* (Kyiv: Instytut Istoriï Ukraïny, 2004), 274–288.

33 Motyka, *Ukraińska partyzantka*, 93.

34 The other Ukrainian term for leader – *vozhd´* – was reserved for Andrii Mel'nyk after the Second General Congress of the OUN on 27 August 1939. To distinguish its *Führerprinzip* from that of the OUN-M, the OUN-B called Bandera *providnyk*. For more on this congress, see Golczewski, *Deutsche und Ukrainer*, 943–944.

35 "Postanovy II. Velykoho Zboru Orhanizatsiï Ukraïns'kykh Natsionalistiv," TsDAHO (Tsentral ´nyi derzhavnyi arkhiv hromads´kykh obiednan´ Ukrainy), f. 1, op. 23, spr. 926, 199.

36 "Postanovy II. Velykoho Zboru Orhanizatsiï Ukraïns'kykh Natsionalistiv," TsDAHO f. 1, op. 23, spr. 926, 190–193.

same day as Operation Barbarossa. It had two interrelated aims. The first was to establish a Ukrainian state with Bandera as its *providnyk*. The second was to transform the territory of this state into an ethnically homogenous country. For this reason, the leadership of the OUN-B in Cracow wrote very detailed instructions, which were passed to Ivan Klymiv, who headed the OUN in Soviet western Ukraine. The document was called the "Instructions for the Prewar Period, the Time of War and Revolution, and the First Days of State Building."[37] In June 1941, the OUN-B and OUN-M counted 20,000 members and 30,000 sympathizers. The OUN-B had more members than the OUN-M.[38]

As Operation Barbarossa and the Ukrainian National Revolution began on 22 June 1941, the OUN-B members, organized in special task forces, accompanied the Wehrmacht, which was defeating the Red Army and conquering Ukraine. The members of the task forces helped the local OUN leaders to organize the Ukrainian militia and establish city administrations in numerous cities, towns, and villages in western Ukraine. On 30 June 1941, Yaroslav Stets'ko proclaimed the Ukrainian state and asked Adolf Hitler, Benito Mussolini, Ante Pavelić, and Francisco Franco to accept it.[39] At the same time, the OUN-B, together with the German occupiers, organized numerous pogroms in western Ukraine and helped the Einsatzkommandos of Einsatzgruppe C to conduct the first mass shootings. To involve the local population in the anti-Jewish violence, the German occupiers and the Ukrainian nationalists used the corpses of over 8,000 political prisoners whom the NKVD had murdered before they retreated from Ukraine. During the pogroms, about 20,000 Jews were murdered in western Ukraine.[40]

The biggest pogrom in western Ukraine took place in Lviv. It began on 30 June 1941 in the afternoon, a few hours before Stets'ko proclaimed the Ukrainian state, and lasted until the evening of 2 July. The Ukrainian militiamen seized Jews on the streets and in their homes and took them to one of the four prisons in which the NKVD had left the corpses of the murdered political prisoners. The Jews were forced to carry them from the prison buildings to the yards where the Wehrmacht organized the *Leichenschau* (public viewing of the corpses). Both the

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37 "Propahandyvni vkazivky na peredvoiennyi chas, na chas viiny i revoliutsiï ta na pochatkovi dni derzhavnoho budivnytstva," TsDAVOV (Tsentral´nyi derzhavnyi arkhiv vyshchykh orhaniv vlady ta upravlinnia Ukrainy) f. 3833, op. 1, spr. 69, 23–28.

38 John-Paul Himka, *Ukrainian Nationalists and the Holocaust: OUN and UPA's Participation in the Destruction of Ukrainian Jewry 1941–1944* (Stuttgart: Ibidem, 2021), 178.

39 Grzegorz Rossoliński-Liebe, "The 'Ukrainian National Revolution' of Summer 1941," *Kritika: Explorations in Russian and Eurasian History* 12, no. 1 (2011): 90–99.

40 Himka, "The Lviv Pogrom of 1941," 209–243; Rossoliński-Liebe, "Der Verlauf und die Täter des Lemberger Pogroms," 207–243.

Ukrainian militiamen and the Wehrmacht soldiers implied that the local Jews were responsible for killing the prisoners. In this way, they involved local Ukrainians in the public violence against the Jews. Angry Ukrainians forced the Jews to sing Soviet songs, hit them with all manner of objects, such as stones and sticks, or kicked them and punched them with their fists. For two and a half days, the streets of Lviv were full of angry Ukrainians, injured and dead Jews, and Wehrmacht soldiers who filmed these scenes and instructed the local population on how to kill and mistreat the Jews.[41]

Kurt Lewin, who was forced to work in the Brygidki prison, was especially afraid of

> an elegantly dressed man in a beautiful embroidered shirt, frequently worn by Ukrainian patriots, who beat with an ironclad cane. After a while, he beat only against the heads. With every hit he wrenched off strips of skin. He put some people's eyes out, wrenched off ears. When the cane broke, he immediately took a large charred piece of wood and smashed my neighbor's skull. The skull broke and the brain splattered in all directions, also on my face and clothes.[42]

Eliyahu Yones, who was seized by German soldiers together with other Jews on 7 July 1941 and was ordered to spread lime on the earth in one of the yards of the Brygidki prison, was overwhelmed by the extreme stench of decomposing corpses. He noticed that the ground under his feet was as soft as gum, had cracks five centimeters wide, and could not absorb the number of corpses being buried in the yard.[43] On 25 June 1941, the Wehrmacht and the OUN-B organized another pogrom in Lviv in honor of Symon Petliura, who had been killed by Sholom Schwartzbard in Paris on 25 May 1926. A French court acquitted Schwartzbard for this murder because he argued that he had avenged his family members who had been murdered during the pogroms in Ukraine in 1917–1920. These were the largest anti-Jewish massacres prior to the Holocaust. More than 50,000 Jews were murdered in these pogroms.[44]

The third stage of the OUN violence began in August 1941, when the Germans incorporated eastern Galicia as Distrikt Galizien into the General Government and Volhynia into the Reichskommissariat Ukraine. In this stage, which lasted in Volhy-

41 Struve, *Deutsche Herrschaft*, 304–378.
42 Kurt Lewin, *Przeżyłem: Saga Świętego Jura w roku 1946* (Warsaw: Zeszyty Literackie, 2006), 58–59.
43 Eliyahu Yones, *Die Straße nach Lemberg: Zwangsarbeit und Widerstand in Ostgalizien 1941–1944*, ed. Susanne Heim (Frankfurt a.M.: Fischer Taschenbuch Verlag, 1999), 24–25.
44 Rossoliński-Liebe, *Stepan Bandera*, 79 and 218; Henry Abramson, *A Prayer for the Government: Ukrainians and Jews in Revolutionary Times, 1917–1920* (Cambridge, MA: Harvard University Press, 1999), 134–139.

nia until the end of 1942 and eastern Galicia until the spring of 1943, about 800,000 Jews were murdered in western Ukraine. This was half of all Jews killed in Ukraine during the German occupation, although western Ukraine was much smaller than central and eastern Ukraine.[45] In central and eastern Ukraine, more Jews survived because they had more time to flee, the occupation was shorter, and, most important, there was no OUN or UPA in this part of the country. When the Einsatzgruppe finished the mass shootings in late 1941, the systematic murder of Jews began. Of the 500,000 Jews alive in eastern Galicia by the end of 1941, about 250,000 were murdered in the Bełżec extermination camp and about 250,000 in the surroundings of their ghettos. In Volhynia, all Jews, about 200,000, were killed in mass shootings.[46]

The organizers and main perpetrators of the Holocaust in Ukraine were the German occupiers, but they could not have killed over 90 percent of the western Ukrainian Jews without the help of Ukrainian nationalists and ordinary Ukrainians. Although the leadership of the OUN-B, including the *providnyk* Bandera and his deputy Yaroslav Stets'ko, were detained in Berlin and Sachsenhausen, many Ukrainian nationalists joined the Ukrainian police established by the Germans in August 1941 and helped the German occupiers to kill Jews. They guarded the ghettos, helped to deport the Jews to Bełżec, helped to conduct the mass shootings, and searched for Jews hiding in the ghettos, countryside, and the woods. Because they outnumbered the German policemen, their assistance in the Shoah was essential. By helping the Germans to kill the Jews, the Ukrainian nationalists implemented their own goal of national homogenization through genocide – one could also say homogenizational genocide or genocidal homogenization. Ukrainian nationalists were transforming Ukraine into a homogeneous territory and eliminating the "enemies of the Ukrainian people," as they called the Jews.[47]

Although the Nazis wanted to purge the Ukrainian police from the OUN in August 1941 due to the political conflict with Bandera, many OUN members remained in the police, concealing their association with the organization. Volodymyr Pitulei, commander of the Ukrainian police, retained many OUN members in the police force, despite the German order to replace them. According to the

45 Alexander Kruglov, "Jewish Losses in Ukraine, 1941–1944," in: *The Shoah in Ukraine: History, Testimony, Memorialization*, eds. Ray Brandon and Wendy Lower (Bloomington, IN: Indiana University Press, 2008), 273 and 285–286.

46 Kruglov, "Jewish Losses in Ukraine," 273–283. For the Holocaust in eastern Galicia and Volhynia in general, see Dieter Pohl, *Nationalsozialistische Judenverfolgung in Ostgalizien: Organisation und Durchführung eines staatlichen Massenverbrechens* (Munich: Oldenburg, 1997); Shmuel Spector, *The Holocaust of Volhynian Jews 1941–1944* (Jerusalem: Achva Press, 1990).

47 Grzegorz Rossoliński-Liebe, "Ukraińska policja, nacjonalizm i zagłada Żydów w Galicji Wschodniej i na Wołyniu," *Zagłada Żydów: Studia i Materiały* 13 (2017): 57–79.

OUN-B member Bohdan Kazanivs'kyi, there were even many OUN-B members among the commandants of the police school in Lviv in which new policemen were recruited.[48] Eliyahu Yones, who worked in the Kurowice slave-labor camp, wrote in his memoirs that the Ukrainian policemen at his camp were Ukrainian nationalists who were proud to wear blue uniforms and Ukrainian caps.[49] In the spring of 1942, there were over 4,000 Ukrainian policemen in the General Government.[50] In 1942, there were 12,000 Ukrainian policemen and only 1,400 Germans in Volhynia.[51]

When the majority of the Jews in Volhynia and eastern Galicia were killed in late 1942 and early 1943, the OUN-B established the UPA to expel and kill the Poles. This was the fourth stage of violence. In March and April 1943, about 5,000 Ukrainian policemen deserted the police force in Volhynia and joined the UPA. The UPA kept killing Jews who had escaped the ghettos and survived by hiding in the woods, villages, and towns. In some regions, the Ukrainian nationalists were even more antisemitic than the German occupiers, causing some Jews to flee from the woods to German forced labor camps. Because the UPA intended to kill all the Jews, only a few thousand survived by the time they were liberated by the Red Army in the summer of 1944.[52] Possibly 80,000 Jews tried to survive the last stage of the occupation of western Ukraine, but more than 60,000 were killed by the German occupiers, Ukrainian nationalists, and ordinary Ukrainians.[53]

However, the main target group of the Ukrainian nationalist in the fourth stage of violence was the Polish population. The UPA conducted a genocide of the Poles in Volhynia in 1943 and in eastern Galicia in 1944. They murdered about 100,000 Poles and forced even more to leave western Ukraine. While the majority of the Jews in western Ukraine were murdered by both the German occupiers and the Ukrainian nationalists, the killing and expelling of the Poles was a purely OUN-B project. The OUN-B and UPA applied various methods to murder the Poles.

48 Bohdan Kazanivs'kyi, *Shliakhom Legendy: Spomyny* (London: Ukraïns'ka Vydavnycha Spilka, 1975), 263–266.

49 Yones, *Die Straße nach Lemberg*, 85–86.

50 Gabriel N. Finder and Alexander V. Prusin, "Collaboration in Eastern Galicia: The Ukrainian Police and the Holocaust," *East European Jewish Affairs* 34, no. 2 (2004): 105–106.

51 Timothy Snyder, "The Causes of Ukrainian-Polish Ethnic Cleansing 1943," *Past and Present* 179 (2003): 210.

52 Omer Bartov, "Wartime Lies and Other Testimonies: Jewish-Christian Relations in Buczacz, 1939–1944," *East European Politics and Societies* 26, no. 3 (2011): 496–497.

53 Rossoliński-Liebe, *Ukraińska policja, nacjonalizm i zagłada Żydów*, 74.

In contrast to the Jews, most Poles were not shot by bullets but hacked to death with axes and hatchets or killed with knives and pitchforks.[54]

Numerous supporters and random Ukrainians were involved in the murder of the Poles by the OUN-B and the UPA. One of the most common methods to kill Poles was to mobilize Ukrainian peasants and order them to surround a village while a group of Ukrainian nationalists went inside to kill the civilians. People who escaped from the village were caught by the peasants and murdered by them.[55] The Ukrainian nationalists were prepared to murder all Poles who would not leave the "Ukrainian territories," including women and children. They frequently returned on the second or third day after an attack and looked for survivors in order to slaughter them. The UPA regularly demanded that Ukrainians in mixed marriages kill their spouses and children.[56] Poles had lived in Volhynia and eastern Galicia for decades or even centuries and were often bilingual. The UPA partisans frequently could not identify Poles by language. If they could not learn who was Polish from local Ukrainians, they asked the suspect to pray in Ukrainian.[57]

Given that Ukrainian and Polish culture had been intermingled in eastern Galicia and Volhynia for centuries, murdering Poles affected the Ukrainian population. Both the OUN-B and the UPA began issuing directives requiring Ukrainian partners in mixed families to murder their nearest and dearest. Some of the Ukrainians living in such families ignored these requirements; others, however, out of fear of dire consequences, obeyed.[58] In order to intimidate the Poles and force them to leave Ukraine, Ukrainian nationalists committed many acts of pathological sadism. In May 1943 in the village of Kolonia Grada, for example, UPA partisans killed two families who could not escape as all the others had after they realized that the UPA was attacking the neighboring village of Kolonia Łamane. The partisans killed all the members of these two families, cut open the belly of a pregnant woman, removed the fetus and her innards, and hung them on a bush,

54 Motyka, "Ukraińska partyzantka," 284.

55 Jared McBride, "Peasants into Perpetrators: The OUN-UPA and the Ethnic Cleansing of Volhynia, 1943–1944," *Slavic Review* 75 (2016): 630–654.

56 Motyka, *Ukraińska partyzantka*, 346–347.

57 Ibid., 341.

58 Despite the existence of solid documentation on this type of crime, there has been no academic study of the subject. However, Artur Brożyniak has produced a popular work on the subject: Artur Brożyniak, "Rasowa czystość po banderowsku – zbrodnie OUN-UPA na rodzinach mieszanych," *Glaukopis: Pismo społeczno-historyczne* 31 (2014): 127–134.

probably to leave a message for other Poles who had escaped the attack and might come back to the village.[59]

UPA partisans applied the skills they obtained as Ukrainian policemen during the Holocaust. They would sometimes give candy to Polish children and generally be very polite to the population in order to calm them. They would ask the Poles to go to a meeting, and then they would either take small groups from the meeting and shoot them or burn the entire Polish population of a village in a barn or other building. They would attack on Sundays when the Polish villagers were gathered for a service in a church and either throw grenades into the church, burn it down, or enter and murder everyone inside. They would dig a large grave, take groups of Poles to it, and either shoot the Poles or murder them with sharp implements beside the grave or in it. In July 1943, one of the bloodiest months of the "cleansing," the UPA attacked 520 localities and killed between 10,000 and 11,000 Poles.[60]

Although the leaders of the UPA officially distanced themselves from fascism, forbidding the use of the fascist greeting and announcing a desire for democratization, the mass violence practiced by the UPA and their racist interpretation of nationalism indicate that no democratization occurred within the movement. The "democratization" was mainly a strategic move to start collaborating with the Allies because the Germans were losing the war and the OUN and UPA needed a new ally.[61]

This fifth and last stage of violence began in the summer of 1944, when the Red Army came to western Ukraine and when western Ukraine became a part of Soviet Ukraine again. Ukrainian nationalists regarded Russia and the Soviet Union as their main political opponent and decided to fight against it despite the disparity of forces. Consequently, Soviet military detachments began a wide-ranging operation of liquidating the nationalist underground, aimed not only at members of the OUN and UPA partisans but also at their families, followers, or those accused of supporting the nationalists. Whereas during the brutal conflict with the Soviet security forces, the OUN and the UPA killed about 20,000 civilians and 10,000 of the security forces, their opponents accounted to have murdered 153,000 people in western Ukraine, imprisoned 134,000, and deported 203,000 into

59 Motyka, *Ukraińska partyzantka*, 323; Siemaszko and Siemaszko, *Ludobójstwo dokonane*, vol. 1, 621.

60 Motyka, *Ukraińska partyzantka*, 328–329, 331, 334, 337–340.

61 Rossoliński-Liebe, *Stepan Bandera*, 398–403.

the interior of the Soviet Union. Given that Ukrainians fought on both sides, this conflict was to be considered a civil war.[62]

People in western Ukraine were in a very difficult situation. On the one hand, they were attacked by the Ukrainian nationalists if they took positions in the administration. On the other, they could be arrested, killed, or deported if they supported the Ukrainian nationalists. The Soviet forces applied brutal methods to defeat the nationalist underground in Ukraine. In the early stage of fighting against the OUN and UPA, they recruited many local Ukrainians and Poles who served in the destruction battalions (*istrebitel'nye batal'ony*). From 1946, they relied more on the secret forces because the units of Ukrainian nationalists became smaller. They used torture to obtain information, practiced public executions, and deported the nationalists' families to force them to surrender. This, however, only radicalized the violence of the Ukrainian nationalists and alienated them.[63]

In the center of a village in the Rivne region in June 1944, the OUN-UPA hanged a local peasant suspected of collaboration. They then "hacked the corpse of the hanged bandit to pieces with an axe." In the Lviv region in August 1944, OUN and UPA members gouged out the eyes of members of two whole families, one by one in front of the others, and then hacked them to pieces in front of the villagers.[64] On 3 May 1946 in the village of Mil's'k, the perpetrators tortured two officials to death, "taking out their eyes, cutting them with knives, burning their bodies with iron, hitting them with a ramrod."[65] They frequently used axes, hatchets, and other tools, as they had during the genocide in 1943 in Volhynia and in 1944 in eastern Galicia. In the town of Sernyky in the Rivne region, five people from the family of a collective farm were slaughtered with a hatchet in 1948.[66]

The Ukrainian nationalists frequently worked with texts and symbols. On 3 September 1944 in Staryi Lysets', six people were killed. A sign was then posted on a fence: "For the betrayal of the Ukrainian nation, all will die in the same way."[67] On 11 September 1944, a couple named Marżenko and their four-year-old daughter were killed. The perpetrators left the following note: "Death to the informers of the NKVD – the enemies of the working people. Death to the Bolshevik

62 Motyka, *Ukraińska partyzantka*, 657; Katrin Boeckh, *Stalinismus in der Ukraine: Die Rekonstruktion des sowjetischen Systems nach dem Zweiten Weltkrieg* (Wiesbaden: Harrassowitz, 2007), 366.

63 Rossoliński-Liebe, *Stepan Bandera*, 295–311.

64 Ibid., 106.

65 Motyka, *Ukraińska partyzantka*, 517.

66 Ibid., 549.

67 Ibid., 472.

fascists, imperialists, and capitalists."[68] On 24 December 1944 in Volia Vysots'ka, 18 families were killed. The inscription "For the betrayal of the Ukrainian nation. Death to the NKVD informers" was left on the bodies.[69] On 31 July 1944, about 20 bandits raided the village of Verbovets' and went to the house of Teodor Protsiuk. He was not at home, but the bandits found his wife and four children between the ages of four and thirteen. They killed all the children and fatally wounded his wife. Next, they went to the adjacent house of Ivan Ulin, strangled him, and left the following inscription on his corpse: "All traitors and NKVD employees will die such a dog's death." Finally, they went to the home of Ivan Kuchera, another member of the village administration, and asked him to give them a ride to the next village. They killed him 300 meters from the village and left the inscription "The Revolutionary Army" on his corpse.[70]

Conclusion

The OUN and UPA were the most violent Ukrainian nationalist movement in the 20th century. Their main political goal was to establish an ethnically homogenous Ukrainian state. To achieve this goal, the OUN allied with Nazi Germany, collaborated with Fascist Italy and the Croatian Ustaše, and conceptualized a Ukrainian form of fascism. Although it succeeded in proclaiming a state in Lviv, eight days after the beginning of Operation Barbarossa, Adolf Hitler did not approve of these political aspirations and arrested the movement's leadership, including Bandera and Stets'ko. However, despite this political conflict, the OUN helped the German occupiers to murder 800,000 Jews in western Ukraine, and it murdered about 100,000 Poles in Volhynia in 1943 and eastern Galicia in 1944 without any help from the German occupiers. By murdering Jews as Ukrainian policemen or administration staff and killing Poles, the OUN was implementing its political goal of establishing an ethnically homogenous Ukrainian state, which, however, it never achieved. Between 1944 and 1955, the Soviet authorities destroyed the OUN and UPA in western Ukraine and kept mocking the Ukrainian nationalists after the collapse of the Soviet Union.

Because of Soviet propaganda and the lack of appropriate research methods, the violence of the Ukrainian nationalists was perceived as marginal for a long time. Historians wrongly assumed that the National Socialists murdered the Jews

68 Ibid., 473.
69 Ibid.
70 GARF (Gosudarstvennyi arkhiv Rossiiskoi Federatsii) f. 9478, op. 1, d. 131, 293.

in Ukraine alone, without or with only marginal help from the Ukrainian nationalists. Others perceived the members of the OUN and UPA as anti-Soviet and anti-German freedom fighters. Only in the last two decades have historians such as Grzegorz Motyka, Omer Bartov, John-Paul Himka, Kai Struve, Jeffrey Burds, and Jared McBride demonstrated that the violence of the OUN and UPA was genocidal and that the movement considered violence as an important instrument to implement its policy. Because the studies on the OUN and UPA were fragmented, an additional step was required to connect these studies and demonstrate that the movement did not kill just a few thousand Jews, Poles, and Ukrainians but was involved in the murder of 800,000 Jews and over 100,000 Polish and Ukrainian civilians without any help from the Germans or other powers.

The genocidal violence of the Ukrainian nationalists demonstrates that the OUN and UPA should be taken seriously when conceptualizing the history of Ukraine. The genocidal violence of the Ukrainian nationalists is also an integral aspect of the history of the Holocaust in Ukraine, the history of the Ukrainian and Polish Jews, the history of the Poles in eastern Galicia and Volhynia, Soviet history in western Ukraine, and the history of fascism in Ukraine and East Central Europe. The marginalization or denial of the genocidal violence of the Ukrainian nationalists is unjustified from an academic point of view. On the political level, the denial of the genocidal violence of the OUN and UPA, as well as of the creation of Ukrainian fascism by the OUN in the 1920s, 1930s, and 1940s, has contributed, especially in the last two decades, to the radicalization of conflicts within Ukraine and between Ukraine and Russia, Poland, and Israel. It also hampered the process of inventing a democratic identity and emancipating from Russia.

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Kristin Platt

10 Extreme Violence and Desecration in the Armenian Genocide

In considering which forms of violence are characteristic of genocide, institutionalized and professionalized forms are usually named. Building on this, it becomes essential in the study of genocidal processes to recognize the interdependencies of organizations and inter-organizational processes, worldviews and structural orders, situational dynamics, and individual actors. Thus, the term “institutionalized violence” is commonly used to emphasize systematic planning and political intent. The acts of extreme violence observed in the Armenian genocide (1915/16), however, have often been interpreted in research as indications that “old hatreds” or “religious enmity” played a causal role. The emphasis on “affect-driven violence” was often used to imply a low level of institutionalization and to relativize the political intentions as a whole. The assumed difference between the “cold” systematic nature of the violence of genocide and the “emotionalized” violence of minor institutionalized pogroms or massacres has rarely been opposed, although acts of the most extreme cruel violence have occurred in every genocide. Perhaps it should be emphasized at the outset that we do not speak of genocide as an act of violence characterized by a particular totality or extremity. Genocide is not distinguished from other acts of collective violence, especially from massacres in war, by the number of dead, or by a particular form of cruelty, but above all by the intention to erase a community from the future of a nation. Nevertheless, it is striking that genocides are characterized by a particular space of possibilities of the cruel. Various approaches have been provided in violence research to explain the “irregularity” of such excessive acts of violence: from the figure of dynamic “escalation” to “forward panic”;[1] in each case, when excessive acts of violence can be observed, a momentary lack of planning and a low level of systematicity (and intention) is assumed. It is noteworthy that, when it comes to the challenge of assessing extreme violence, the focus of research is mainly on the processes of dehumanization but also on acts of violence in prehistory and early history or in antiquity in order to be able to deepen the aspect of a possible “traditionalization” and “ritualization.”

In the following, the tendency to interpret the excessiveness of violence as a sign of missing institutional actors or institutionalizations of intentions is contra-

1 Randall Collins, “Emotional Dynamics of Violent Situations,” in *Framing Excessive Violence: Discourse and Dynamics*, eds. Daniel Ziegler, Marco Gerster and Steffen Krämer (Basingstoke: Palgrave Macmillan, 2015), 17–37.

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dicted. Moreover, it is also asked what function episodes of excessive violence have in genocidal processes. The following chapter is therefore based on two observations. Firstly, it is striking that elements of the violent situation are understood as aspects of the respective violence. For example, due to the institutionalization of the perpetrators (as police or military personnel), it is concluded that it is institutionalized, "regular" violence, whereby the excessiveness of the violence is then assumed to be an indication of the excessiveness and irregularity of the perpetrators. Secondly, it is taken into account that excesses of violence form independent, self-contained sequences. This observation is already a first argument for evaluating violent excesses in genocidal processes differently than it is usually done. The present discussions start from the fact that specific visualizations are reconstructed in situations of extreme violence. Above all, it is assumed that these are public acts and, moreover, acts that are explicitly addressed to the public.

Pre-modern Violence?

Violence is primarily considered a "means" of genocidal politics, aiming at the exclusion, expulsion, and extermination of the other group. Not least, Zygmunt Bauman drew attention to the fact that physical violence should not be seen as a means but as an element of different practices. These practices include the definition of belonging and non-belonging, the enforcement of "ethnic, religious, linguistic, cultural homogeneity," the construction of "joint historical memories" and a shared cultural heritage, the establishment of new laws, the institutionalization of special units, and the enforcement of enemy patterns.[2] While it is widely accepted that genocidal processes must be seen as very complex social processes involving different groups of actors and to be framed within ideological identity politics and social goals, it is surprising that attempts to explain extreme violence are dominated by the idea that atrocities can only be explained by the pathologies of individual perpetrators. Cruelty is considered to be an indication of individual intentions or a particularly intense personal "delusion"; this characterizes most notably the research within the scope of the more recent "perpetrator research."[3]

In the difficulties that can be noted in seeing cruel assaults as a form of violent action regularly used in genocide and war, the classical thinking of violence

2 Zygmunt Bauman, *Modernity and Ambivalence* (Cambridge: Polity, 1991), 64.

3 Christopher Browning, *Ordinary Men: Reserve Police Battalion 101 and the Final Solution in Poland* (New York: Harper Collins, 1992); Gerhard Paul, ed., *Die Täter der Shoah: Fanatische Nationalsozialisten oder ganz normale Deutsche?* (Göttingen: Wallstein, 2002).

from a perspective of theories of power plays a role. Even Hannah Arendt, who recognized that violence in modernity requires explanation and attempted to differentiate violence from power, stopped short of seeing violence in an ends-means context. Can one not even interpret “the history of warfare in our century” as the “growing incapacity of the army to fulfill this basic function” so that acts of violence result?[4] For Arendt, violence is “incapable of speech”;[5] it is a technique. The meaningfulness of violence results from the purpose for which it is used. Where there is cruelty, it is an indication of a missing or destroyed political order.[6]

While, on the one hand, it can be critically noted that realized processes of violence are always verbalized, not only in their ideological justifications but also in the organization itself, on the other hand, it must be asked whether or not cruelty is precisely violence’s “own” language: as it has certain cross-cultural intelligibility in the images and figures it uses. Extreme cruelty is characterized by a particular ambiguity between destruction and the creation of images of the destroyed. It should also be observed that acts of extreme cruelty, when they occur in genocide, are not single acts but are repeated. Moreover, they are not acts that take place in secret but are committed in public.

In addition to Arendt’s argument that cruelty is an indication of a decayed authority structure, a “catharsis thesis” is especially common: Here, the relationship between violence and catharsis, which can be ultimately linked to Sigmund Freud and Réne Girard, possibly follows the search for a “meaning” of violence above all. Girard opposed the idea that violence is regarded as irrational, as well as the idea of seeking violence in relations of conflict or guilt and innocence. For Girard, there is always something unconscious in violence. It allows, once directed against a concrete victim, one’s desires for violence to be appeased.

> The metamorphosis from peaceable citizens into raging beasts is too terrifying and too transitory for the community to accept it as issuing from within itself. As soon as calm has been miraculously restored, the past tumult will be looked upon as a supreme example of divine intervention. Angered at discovering himself ignored or misrepresented, a god has made known his wishes in a thoroughly godlike manner. Having accepted a final victim, a victim of his own choice in which he may also be incarnated, he silently withdraws from the scene. He will be as benevolent from afar as he was terrible in propinquity.[7]

4 Hannah Arendt, *On Revolution* (London: Penguin, 1963).

5 Ibid., 19.

6 Ibid., 44.

7 René Girard, *Violence and the Sacred* (New York: Continuum, 2005), 143.

The first act of violence reconciles the individual with the community, and it reconciles communities. The victim is "purified" through violence because the victim transforms into a "sacred victim."[8]

It can be assumed that one of the essential processes integrated into excessive violence is the dehumanization of the victims. The final purpose of the cruelty aimed at the individual is the concrete killing, a killing that is prolonged and that can be witnessed during the execution. Extreme violence draws primarily on the visibility of the mutation of the being and the body of the other. Psychologist and conflict researcher Herbert C. Kelman has already examined the conditions under which this becomes possible in terms of the alteration of moral thresholds. Concerning situations of state violence, Kelman assumed that the dehumanization of the victims, the denial of the "identity" of a person, makes it possible for an empathic relationship to no longer be established with the group of victims.[9] In addition, classic approaches from developmental psychology can be drawn upon. For example, psychologist Albert Bandura and his research teams have identified the cognitive mechanisms that determine moral action. The learning of moral norms regarding right and wrong actions is accompanied by the emotional states of coherence or satisfaction. In processes of dehumanization, moral self-judgment mechanisms are suspended.[10] According to Bandura, the effect of dehumanization is related to relationships between individuals and groups and fields of action in social and political systems. Dehumanization describes a general process that is not dependent on particular social framings or political structures but rather is associated with generalized hostility.

Also frequently cited are Martha Nussbaum's studies on the relationship of dehumanization with emotions.[11] She focused on the concept of objectification and differentiated seven levels of dehumanization:

1. Instrumentality: The objectifier treats the object as a tool of his or her purposes.
2. Denial of autonomy: The objectifier treats the object as lacking in autonomy and self-determination.

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8 René Girard, *Das Ende der Gewalt: Analyse des Menschheitsverhängnisses* (Freiburg: Herder, 1983), 50.

9 Herbert Kelman, "Violence without Restraint: Reflections on the Dehumanization of Victims and Victimizers," in *Varieties of Psychohistory*, eds. George Kren and Leon Rappoport (New York: Springer, 1976), 282–314.

10 Albert Bandura, "Selective Moral Disengagement in the Exercise of Moral Agency," *Journal of Moral Education* 31, no. 2 (2002): 101–119.

11 Martha C. Nussbaum, *Upheavals of Thought: The Intelligence of Emotions* (Cambridge: Cambridge University Press, 2001).

3. Inertness: The objectifier treats the object as lacking in agency, and perhaps also in activity.
4. Fungibility: The objectifier treats the object as interchangeable (a) with other objects of the same type, and/or (b) with objects of other types.
5. Violability: The objectifier treats the object as lacking in boundary- integrity, as something that it is permissible to break up, smash, break into.
6. Ownership: The objectifier treats the object as something that is owned by another, can be bought or sold, etc.
7. Denial of subjectivity: The objectifier treats the object as something whose experience and feelings (if any) need not be taken into account.[12]

Perhaps it is precisely in the attempt to work with the concept of objectification that the possible limits of classical theories of dehumanization become clear. This includes the consideration of whether the recognition of the other as (another) human being is actually suspended in violence. Thus, the question is to consider whether one of the most striking examples of dehumanization could be read in a completely different way. For example, after the "Anschluss" of Austria to the German Reich, male Viennese Jews were forced to clean pro-Austrian slogans from the sidewalks in the course of "rubbing parties." Was this not in fact a matter of public humiliation following the seizing of public power, as well as a deliberate infliction of suffering directed against the humanity of the other, rather than an act of objectification?

In the development of sociological research on violence since the mid-1970s, different parameters of classical social theories have gradually been tested. A significant step was seen in the work of the German sociologist Heinrich Popitz.[13] Popitz initially derived forms of violence from describing different forms of power. Nevertheless, in describing killing – although most theories of violence still deal with impersonal "violence" rather than concrete "killing" – he recognized that killing is detached from embeddings in certain forms of power.[14] It has a logic of its own, consisting of the relationship between the absolutely terrible and the absolutely supreme. Killing is not only an act of absolute power. It is the symbol of the "residual" victory over the other and thus an act that breaks up the space of the political into spaces of political ideologies or religions. With the killing, the "triumph" over the other is shown, the killing following at the same time

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12 Martha C. Nussbaum, "Objectification," *Philosophy and Public Affairs* 24, no. 4 (1995): 257.
13 Heinrich Popitz, *Phänomene der Macht: Autorität – Herrschaft – Gewalt – Technik* (Tübingen: Mohr, 1986); Heinrich Popitz, *Phenomena of Power: Authority, Domination, and Violence*, eds. Göttlich Andreas and Jochen Dreher, trans. Gianfranco Poggi (New York: Columbia University Press, 2017).
14 Ibid., 32–34.

legal as well as personal legitimations, but it also opens, with its destruction of the integrity of the victims, a reinforcement of the integrity of the perpetrator.

With these remarks, presented here merely as propositions, a way is opened to the suggestion of Émile Durkheim to see violence not at the limits of power and order but at the core of the respectively valid moral conception in groups. Randall Collins also included this aspect in his reflections, describing an "overt brutality" that can be understood following Durkheim and would happen where boundaries between groups become relevant.[15] Collins distinguished "overt brutality" from "callousness": "brutality routinized and bureaucratized, cruelty without passion."[16]

In Collins's interpretive approach, based on a civilizational differentiation, cruelty is no longer associated with a process or the idea of a situation. Collins discusses an idea of sacrifice, which he sees as religious and interprets as a pre-modern connotation. His analysis excludes the totalitarian and fascist ideologies of the 20th century, although both ideologies had integrated strong religious figures that interacted in close association with national figures. To be sure, Collins also sees forms of cruelty regularly in modern societies. However, for him, these are not at the center of modern violent processes. Extreme violent processes may be explained as institutionalizations of traditional war hunts, victimization practices, or punishment practices. It is also clear from the fact that Collins states that atrocities are usually carried out in an inconspicuous manner and are difficult to justify that he does not see cruel violence as a possible characteristic of "modern" violence.

> Modern society has seen an abrupt decline in ferocity. Torture, mutilation, exemplary punishment have disappeared as ideals; while these practices still occur they do so privately and secretly—in the hidden interrogation rooms of police stations, in the personal interaction between guard and prisoner—rather than as the explicit, ceremonial enactments fundamental to the social order. Executions are now to be humane and relatively painless, and are carried out in private; their justification is generally held to be of a rational, educative, warning nature, not passionate vengeance. Ferocity in war becomes atrocity, to be hidden, or even expiated, not gloried in. The heads of male-factors are no longer displayed on spikes, but buried from view.[17]

In the examination of genocides, but also in many aspects of the Holocaust, it can be seen that the atrocities have by no means been banished from visibility. In the investigation of the genocide in Srebrenica or even the immense violence in the Congo, this can very easily be made clear. Especially with regard to the Armenian

15 Randall Collins, "Three Faces of Cruelty: Towards a Comparative Sociology of Violence," *Theory and Society* 1, no. 4 (1974): 415–440.

16 Ibid., 419.

17 Ibid., 431.

genocide, the atrocities can be traced in almost all reports by embassy staff, travelers, military personnel, or missionaries of various European nations.

In a private letter to the Legation Councillor in the Foreign Office, von Rosenberg, the director of the German Christian Charity-Organisation for the Orient (*Christlicher Hilfsbund im Orient*; an association of the protestant churches), Friedrich Schuchardt, sent a report by the Swedish missionary Alma Johansson about the events in Musch and Mamuret ul Asis:

> Masses of these bearers, made up of children, old people, and those who had been extempted, died along the way due to the cold and deprivation. Whenever anyone fell down from weakness, he was beaten by the gendarmes riding with them until he either attempted to walk again or fell down dead. . . . The women were taken with the children to the next villages, locked by the hundreds into houses, and burned. Others were thrown into the river. Yes, even higher officers always came to visit us now, and they proudly told the same stories. . . . The worst tortures began there at the beginning of May. The people who were arrested were clamped into pieces of timber, their feet were shod with nails like horses, their beards, eyelashes, their fingernails and teeth were pulled out, they were hanged upside down, and similar things were done to them. Naturally, many of them died, but some of them received medical treatment and were sent to the missionaries and so we saw what had happened. In order that the screaming could not be heard during the tortures, drums and pipes were played around the jail. Some of them confessed to things during this terrible suffering simply to confess something in the hope of being freed.[18]

Schuchardt also sent a report by the German missionary and later doctor Magdalena Didszun, who recounted the beginning of the deportation from Hadjin:

> The list is headed by women who were only a few days or even hours away from giving birth or who had just given birth and requested permission for some extra time, which was not granted, and so many of them were completely ruined because they were forced to give birth in an open field under terrible pain and deprivation. The crippled, lame, and blind were partly treated in the same manner. . . . The wife of an Armenian pastor was terribly beaten because she was unable to give up a book demanded from her as it had been burned. The protestant wife of a preacher, who was in jail with her, took care of her and testified that she had to be carried out from time to time by four people. [. . .] Glowing coals were put under people's clothes, needles stuck under their fingernails, etc. Similar things happened in Schimakle.[19]

18 *Der Direktor des Deutschen Hülfsbundes für christliches Liebeswerk im Orient Friedrich Schuchardt an den Legationsrat im Auswärtige Amt Rosenberg, Constantinopel, den 22. November 1915* (The Director of the German Aid Society for Christian Charity in the Orient Friedrich Schuchardt to the Legation Counsellor in the Foreign Office Rosenberg, Constantinople, 22 November 1915), Documents from the Political Archives of the German Foreign Office (www.armenocide.net: 1915-11-22-DE-001). Translation by Vera Draack.
19 Ibid.

The question of whether it is precisely the extremity of this violence that leads to the systematic nature of the processes of violence being ignored can already be raised here. The extremity of violence lies in the transgression of what we see as the human risk in violence because the cruelty makes the possibility of surviving impossible. The violent situation becomes "hell"; it is perceived and recounted because the narrative can connect to existing narratives, but also because the perpetrators do not have to be named. Extreme violence is about nothing but violence and death itself. The cultural and religious stories of violence are reconstructed narratively in order to be able to describe the situation and "understand" it. It is noteworthy that the more extreme the violence, the more the attempt to clarify the political contexts of its causes is abandoned. Does not extreme violence, in the irrationality attributed to it, have more to do with hatred and enmity, with extraordinary emotions?

The conviction that modern society is based on a taming of violence seems to allow only for the solution that Collins formulated and is frequently encountered in the literature – which finds empirical examples only with great difficulty: that in extreme violence, something traditional must express itself, a traditional affect, at least an unconscious cultural heritage. For, in fact, the techniques and images of cruelty "resemble" each other. However, the fact that we know the staged scenes of cruelty and mostly do not even have to look at them anymore to complete them in our imagination says nothing about whether the power mechanisms behind these stagings are identical.

The arguments that work with the figure of institutionalized versus traditional, unregulated violence also explain why cruel acts in genocides have received little attention from researchers so far. This is because cruelty seems to contradict the systematic policy of persecution with which genocides are carried out. The logic and practices in genocides are developed outside the individual perpetrator. They do not seem to be triggered by the transgression of physical boundaries but by a pure, politically motivated will to exterminate.

What is overlooked, therefore, is that even if cruelty follows "old" practices, they by no means repeat "old" functions in genocide. Cruelty indeed leaves behind images that we think we recognize because they can be connected to historical, religious, or traditional stagings. Nevertheless, not only the intentions but also the practices are modern, institutionalized – and "cold."

Excessive Violence in the Armenian Genocide

Narratives of violence against women dominate the Armenian genocide. This cruelty has also been described in contemporary sources: the rape and extreme injuries and mutilations, the cutting open of the bellies of pregnant women, and the disfigurement of unborn children. Repeatedly, there was systematic torture or burning of living persons. The memoirs of the survivors also testify to how excessive the violence against children was.[20]

It is not the intention of this contribution to describe the practices of violence in detail because the question of the representation in scientific analysis is not least directly related to the ambivalences of violence itself. Cruelty challenges questions of understanding, but it also challenges questions of fascination, which the situations can evoke because they seem reduced to violence. No one has identified the relationship between fascination with violence and the relativization of violence as accurately as Elias Canetti, who describes a "feeling of superiority to the dead"[21] that can develop in situations of political violence. "The feeling of strength, of standing alone against the dead,"[22] brings together the perpetrator and bystander. They are united in the confrontation with the killing and the dead, and it is the power they can both take in the situation that leads to the transformation of the situation: from an experience of killing and death to an experience of one's survival and overcoming of death.

> The moment of survival is the moment of power. Horror at the sight of death turns into satisfaction that it is someone else who is dead. The dead man lies on the ground while the survivor stands. . . . He sees himself standing there alone and exults in it; and when we speak of the power which this moment gives him, we should never forget that it derives from his sense of uniqueness and from nothing else.[23]

In the view of death, one's agency is magnified because one's own authority to act is strengthened by the power to stand outside of death itself. In doing so, the perpetrator can perceive the killing as abhorrent[24] because this shift to the level of the final threshold of life and death obscures the political intentions and makes the perpetrator invisible as a murderer.

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20 Mihran Dabag and Kristin Platt, *Verlust und Vermächtnis: Überlebende des Genozids an den Armeniern erinnern sich* (Paderborn: Ferdinand Schöningh, 2016).

21 Elias Canetti, *Crowds and Power* (New York: Farrar, Straus and Giroux, 1984), 650.

22 Ibid., 286.

23 Ibid., 285.

24 Ibid., 58.

In this respect, any scholarly writing of excessive cruelty runs the risk of repeating the minimization and displacement of the individual victims as well as the relativization of the act. The depiction of violence can lend a fascination to the extreme, and the transgression is also directly rooted in the fact that cruelty in public processes of violence does not only follow the purpose of committing violence. This purpose is closely accompanied by the objective of "image making." The risk that the scientist can step into the role of the voyeur, and that the situation under investigation could become a sensation, is indeed taken here as grounds to refrain from the concrete depiction of acts of violence. However, this observation at the same time underpins the hypothesis that cruelty is not primarily aimed at dehumanization but rather has to do with social and political knowledge on the one hand and cultural images on the other. Not only do the images of violence play a role, as would be argued in approaches that emphasize the transmission of violent practices, but also the images of the self. Violence strengthens these notions of one's self because with the victory over death, the notion of the self reaches a moment of uniqueness[25] and eternity.

In this context, one can ask which proximity to violence is considered a transgression. Thereby, the question of "understanding" is close at hand. Does understanding fail in the face of particularly excessive violence?[26] Does scientific analysis fail here? The basic framework for understanding violence is characterized by the possibility of recognizing a connection between means and goal, as Hannah Arendt emphasized.[27] Another response looks at the forms of violence institutionalized in rules and practices of power and order in a given society. In doing so, it becomes clear that the boundaries of understandable and permissible violence are measured by the structures of a perpetrator society, not by the experience of the victims.

Jean Améry also failed to break with this perspective. Although he saw the transgression in the form of violence itself, he assigned the moment of "transgression" to the generalized experience of a world trust: "But only through torture did he [the human] learn that a living person can be transformed so thoroughly into flesh and by that, while still alive, be partly made into a prey of death. Whoever has succumbed to torture can no longer feel at home in the world."[28] The

25 Ibid., 285.

26 Liebsch and Mesink ask this question from a socio-philosophical perspective: Burkhard Liebsch and Dagmar Mensink, "Vorwort," in *Gewalt Verstehen*, eds. Burkhard Liebsch and Dagmar Mensink (Berlin: Akademie Verlag, 2003), 7–20.

27 Hannah Arendt, *On Violence* (San Diego: Harcourt Brace Jovanovich, 1969).

28 Jean Améry, *At the Mind's Limits: Contemplations by a Survivor on Auschwitz and Its Realities* (New York: Schocken, 1986), 40.

possible answer to the question of the transgression of "permissible" force can be oriented to legal issues, such as the applicable law of war and criminal law. Atrocities are associated with the collapse of a state monopoly on using force, the emergence of lawless spaces, and the loss of normative orders. This creates a possible contradiction with the need to reconstruct executive interactions in the study of genocide trials. At first glance, atrocity demands considering individual willingness to use violence and individual "intention to use violence." Jan Philipp Reemtsma called the violence that purposefully seeks to destroy the body "autotelic violence." This appears challenging or even impossible to explain because it is described as senseless: "this type of violence has become foreign to us"[29] as it is considered incompatible with Western self-understanding and reliance on state monopolies on violence. Reemtsma uses the term to describe violence performed for the sake of killing, which goes against rules and norms but does not want to be legitimized either.

For an understanding of violence in genocide, which is based on the endeavor to determine rational motives, systematic planning, and ideological intentions, brutalized violence consequently forms a contradiction. Where extreme violence is enacted, no precise objectives seem to be pursued. However, following the discussion above on whether extreme violence in genocide fulfills a function of dehumanization and thus of a "prelude" to genocide, the opposite can be explored: the consideration that cruelty belongs precisely to genocide. In the current scholarly controversies attempting to redefine the function(s) of dehumanization,[30] there is a specific denial that extreme cruelty serves to overcome empathy.

Thus, it is debated whether the assumed connection can be maintained, that dehumanization must first occur to make murder possible – a connection primarily associated with the concentration camps. Not least because of the density of research on the perpetrators in "*Einsatzgruppen*," this assumption is now difficult to sustain.[31] As conditions that lead individuals to become perpetrators in genocide – and this means that they kill repeatedly, routinely, and systematically – aspects of self-definition and understanding of the mission, and certainly also particular desensitization and routinization, now come into view. In studies that argued against the thesis of the dehumanizing phase as a precondition, it is emphasized that the morals and norms of action were not determined by psychologi-

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29 Jan Philipp Reemtsma, *Trust and Violence: An Essay on a Modern Relationship* (Princeton, NJ: Princeton University Press, 2012), 64.

30 Johannes Steizinger, "The Significance of Dehumanization: Nazi Ideology and Its Psychological Consequences," *Politics, Religion & Ideology* 19, no. 2 (2018): 139–157.

31 Johannes Lang, "Questioning Dehumanization: Intersubjective Dimensions of Violence in the Nazi Concentration and Death Camps," *Holocaust and Genocide Studies* 24, no. 2 (2010): 225–246.

cal relations but by the social and political conditions of the respective group. In general, there was no objectifying attitude toward the victims. Also, the feelings during the actions and the attitudes toward the victims were not free of intersubjective emotions (such as hatred and contempt).[32] Moreover, it could not be shown that humanization had limited the cruelty.[33] The victims would have been instrumentalized, not dehumanized.

Based on these objections, not only is a critical approach to the thesis of moral disintegration necessary,[34] but new considerations must also be introduced into the ongoing discourse that relates directly to practices of violence. Particular attention must be paid to dealing with the physicality of violence as well as the visuality of cruelty. Cruelty follows its own procedural course. Dehumanization is not a condition of cruelty, but it may not be the immediate goal either because violence does not leave behind a non-human but the image of another human: a distorted death, a disfigured living, a humiliated and exposed individual. Is the capacity to inflict cruelty a general human capacity of a human to act, a capacity that is institutionally formed or that arises in a situation of violence?

In order to understand cruelty, it is necessary to link the acts of cruel violence to ideological elements rather than the dynamics of violent situations. Above all, it should be noted that a horribly injured person is still recognized as a human being: they are shown, in part, exhibited. We do not need to look to understand the image of cruelty because we know the images of barbarity.

Thus, what Elias Canetti observed very precisely becomes relevant: that the transfer to a situation of life and survival, the imagination of the triumph over one's death, makes it possible to see cruelty, to participate in cruelty. The cruelty is thereby made possible not by dehumanizing the victims but by exalting one's own self and the mythical idea of self-strengthening through the death of the other. Cruelty makes the border between death and life immediately visible. It delays dying and challenges the individual to understand death. The death of the other becomes an extension of one's own life.

> Horror at the sight of death turns into satisfaction that it is someone else who is dead. The dead man lies on the ground while the survivor stands. It is as though there had been a fight and the one had struck down the other. In survival, each man is the enemy of every

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32 Ibid.

33 Ibid., 241.

34 Albert Bandura, *Moral Disengagement: How People Do Harm and Live with Themselves* (New York: Worth Publishers, 2016); Albert Bandura, "Moral Disengagement in the Perpetration of Inhumanities," *Personality and Social Psychology Review* 3, no. 3 (1999): 193–209; Nick Haslam, "Dehumanization: An Integrative Review," *Personality and Social Psychology Review* 10, no. 3 (2006): 252–264.

> other, and all grief is insignificant measured against this elemental triumph. Whether the survivor is confronted by one dead man or by many, the essence of the situation is that he feels unique. He sees himself standing there alone and exults in it; and when we speak of the power which this moment gives him, we should never forget that it derives from his sense of uniqueness and from nothing else.[35]

In the Armenian genocide, but also in other genocides, as well as in the Holocaust, there were periods of extreme cruelty. These periods were repeated, and one can recognize in them certain forms of ritualization. At the same time, these acts mostly came to be carried out outside massacres, so the thesis of escalation does not apply. Furthermore, in the phases of extreme violence, the moral legitimation frames of the perpetrators remained in place; they were not put to the test. On the contrary, they were confirmed. This can be explained if we take into account that the violence was public, that it followed specific visualizations, that it further exhibited regularity, and that genocidal politics, in essence, already represents a transgression of the conceivable.

In the Armenian genocide, acts of extreme cruelty occurred in several regions, but especially in Diyarbakir. In April 1915, the Armenian quarter in Diyarbakir was sealed off, and some 300 public figures were arrested, including representatives of political parties and churches.[36] This was followed by arrests of state officials, lawyers, prominent intellectuals, merchants, bankers, and landowners.[37] Immense torture was carried out against those arrested. The urban public and numerous representatives of mosques and government officials were all witnesses to the torture.

In Diyarbakir, the Armenian community had already been subjected to extreme violence in 1894–96 as part of the Hamid massacres. Under the impression of possibly well over 25,000 dead, the Armenian community remained stricken with great insecurity. Diyarbakir's Armenian and Aramaic communities had already experienced a decline in importance since the 1840s. The High Porte's attempt to expand Turkish governance in the territories of present-day Anatolia was based on the strengthening of Turkish nationalism and the establishment of a Turkish national ideology that declared the territories of historic western Armenia to be the heartland of Turkishness. Until the First World War, the majority of the population in the provinces of South Anatolia was non-Turkish. The policies pursued by the Young Turks aimed at permanently changing the demographic balance. Population policies, i.e., resettlements and expulsions, were also part of

35 Canetti, *Crowds and Power*, 285.
36 Raymond Kévorkian, *The Armenian Genocide: A Complete History* (London: I.B. Tauris, 2011), 360.
37 Ibid., 361.

the Ottoman governments' policies in the 19th century. The Young Turk movement did not only want to change the demographic balance. It also sought to erase the historical and cultural traces of Armenian life and history in the country. The Turkish government's policy was accompanied by the deliberate use of Kurdish aspirations to strengthen its influence in the region, mainly over the issue of land ownership. After the 1890s, villages repeatedly passed into Kurdish ownership. A clarification of the question of power was increasingly sought after 1909 through negotiations with the Kurdish tribes and new appointments of valis or targeted assassinations of Kurdish tribal leaders.

When a nationwide mobilization began in 1914 with Turkey's entry into the First World War, the mobilization in Diyarbakir introduced a new form of violence into an already politically heated urban atmosphere. Goods from Armenian stores and factories were confiscated over the legitimization of the military measures; people still employed in official positions (banks, post office) lost their posts. On 19 August 1914, the market was deliberately set on fire. Within five hours, some 1,200 stores owned by Armenians were destroyed.[38] The following weeks were marked by public, targeted agitation, mainly aimed at constructing the image of Armenians as rich, as "different," as strangers, in whose hands were businesses and land. The unique complexion of politics in Diyarbakr is evident in the fact that Dr. Reshid, who took over the power of the government in Diyarbakr in March 1915, was a leading figure of the Committee of Union and Progress. The incumbent governor was deposed, and a large number of posts in the police and judiciary were filled. Circassian brigands, whom Reshid had selectively recruited, were deployed. These units, known as "Kassab Taburu" (The Butcher's Battalion), amounted to approximately 300 men each, organized under 12 battalion lines.[39] However, members of the Diyarbakir police and political parties were also involved in the violence.

On 16 April 1915, a wave of arrests began, and from 19–21 April, members of political parties, social and cultural associations, and public life were targeted for arrest; this was followed in May by the arrest of not only public service employees, lawyers, bankers, manufacturers, merchants, and artisans, but also the priests and community leaders of the Armenian Church, the Armenian Catholic Church, and the Armenian Protestant Church.

> The above named, a good many of the Armenian higher class, and a large number of those who had already been imprisoned were subjected to all possible sorts of flogging and tor-

38 Thomas K. Mugerditchian, *The Diyarbekir Massacres and Kurdish Atrocities* (London: Gomidas Institute, 2013), 11.
39 Ibid., 23–25.

> tures. Hagop Bozo and some of his associates were shoed and compelled to run like horses. They drove red-hot horseshoes in the breast of Mihran Bastajian and his associates. They forced some others to put their heads under big presses, and then by turning the handles they crushed the heads to pieces. Others they mutilated or pulled their nails out with pincers. In other more slow cases, they first pulled the nails with pincers, then pressed the fingers under a heavy press, after which they cut the fingers one by one. Darakji Hagop was operated on his private parts. Others were flayed alive. Some were taken to the slaughterhouse, killed and their flesh distributed as if for sale to the butchers! Police Ohan and his friends were crucified and had long nails driven through their hands and feet . . . . Such were the tortures and excruciating pain and agony of the victims so that the survivors offered all that they had left them. They begged and implored their tormentors not for their lives, but for a rifle shot that would put a quick end to their earthly existence.[40]

In the weeks that followed, the violence spread. Massacres occurred in the surrounding villages, and deportations from Diyarbakir began. There were repeated public killings of selected individuals, including women, whose bodies were displayed. The extreme violence in Diyarbakir stands out again in its heightening violent murder of Armenians in the Ottoman Empire.

The extreme transgression unquestionably had a political objective. Thus, the Committee of Union and Progress needed to establish a comprehensive situation of violence that was visible and audible. This was intended to intimidate the Kurds of the region in order to prevent possible Armenian-Kurdish solidarity. However, it was undoubtedly also meant to enable the violence that followed.

In order to understand that violence should and does work to mobilize violence, it is necessary to consider the nature of torture, which consists in the disfigurement of the tortured, combining injury and exposure to distort the bodies of the victims into the grotesque. This involves the infliction of pain in order to be able to represent the pain. Therefore, a mechanism can be observed that is intended to work precisely against dehumanization: the tortured person is supposed to emerge as a human being in pain; they are supposed to become visible in their identity, not as an individual, but as a representative of the group on behalf of which he is tortured. The distortion of the bodies is thereby transferred into situations that follow an aesthetic of the demonic. The torture is not aimed at obtaining information or producing a truth but serves to prove that in the torture, the "truth" of the being of the tortured comes out. From the tortured body it

40 Ibid., 35. On the history of the genocide in Diyarbakir, see Hilmar Kaiser, *The Extermination of Armenians in the Diarbekir Region* (Istanbul: Istanbul Bilgi University Press, 2014); Ümit Üngör Uğur, *The Making of Modern Turkey: Nation and State in Eastern Anatolia, 1913–1950* (Oxford: Oxford University Press, 2012); Joost Jongerden and Jelle Verheij, eds., *Social Relations in Ottoman Diyarbekir, 1870–1915* (Leiden: Brill, 2012); Kévorkian, *The Armenian Genocide*.

emerges that the tortured is the demon. Torture turns the victim into a demon. It makes him the enemy.

Last but not least, the sexualization in genocidal violence should be noted, the humiliation of the men who have to watch the rape of their wives or the murder of their children.[41] In the violence, power is enacted, humiliation is legitimized, and a new social order is established. The public space in which the cruel scenes take place becomes the legitimation of violence because the spectators, and indeed all the participants, become witnesses to the exposure of the hostile nature of the tortured. The excessiveness is legitimated in the torture itself because in it, the truth emerges for the spectator. The horror is no longer one of violence. A shift takes place in the excessiveness. It is not the violence as such that is perceived to be cruel. The horror is described as a glimpse into the abyss of humanity that is opened up by the encounter with the other, with the ideological evil. The torture turns the Armenian into a demon. It is not the one who performs the violence who carries the destructiveness in themselves. In the extreme violence of the sheer torture, a shift takes place. The other is the fundamental evil who carries the destruction.

To this end, we can once again quote Canetti, who sees violence as a practice of bringing the other into one's own order.

> There is nothing that man fears more than the touch of the unknown. He wants to see what is reaching towards him, and to be able to recognize or at least classify it. Man always tends to avoid physical contact with anything strange. In the dark, the fear of an unexpected touch can mount to panic. Even clothes give insufficient security: it is easy to tear them and pierce through to the naked, smooth, defenceless flesh of the victim.[42]

The forms of violence that can be described as religious or prehistoric are always about deliberate, targeted re-staging. Creating a public sphere involves sacrificial framing that seemingly shifts the violence away from political goals and focuses entirely on the victims.

The excessive violence that came to light in the Armenian genocide can therefore be seen as "preparation" on the one hand and, on the other, as playing an essential role in legitimizing the action. It reshapes violence from violence against a political enemy or against an enemy in a political space to violent action against a fundamental enemy that stands in absolute opposition to one's own self. Moreover, the cruelty construes something like a "necessary sacrifice" since, at the end

41 In this respect, too, events differed in Diyarbakir, which, unlike other places from which deportations were made, was not located in the immediate war zone. See Mugerditchian, *The Diyarbekir Massacres*, 47.
42 Canetti, *Crowds and Power*, 7.

of the violence, there is supposed to be the experience of one's own survival. The ritualization of extreme violence seeks to subordinate the act of violence to a higher, sacred purpose. Extreme violence thus leads to a depersonalization of the victims, the erasure of their individual persons, and the reduction of their physical nature, but it does not dehumanize; it transforms. With these observations, attention is no longer directed to the possible function of extreme violence but to the concrete manifestations of extreme cruelty and thus to the visualization of figures of the demonic, of the fundamentally other, of the enemy who is no longer political.[43] The humanity of the other is not negated, but its social being, its social subjectivity, and its social existence are denied.[44]

Violence and Presentation

The interpretation of the challenges in understanding extreme atrocity proposed here ignores other possible psychological responses. This contribution has solely concentrated on social and cultural aspects, not least because, concerning the violence in the Armenian genocide, it is also a question of how the recurrence is to be assessed, in particular about the genocidal violence against Pontos Greeks (1919–1924) and against the Kurdish population in Dersim (1937–1938). After all, looking at the individual periods, it seems possible to assume a "landscape of violence" in general, which would ultimately mean shifting the violence from the respective political intentions to a "culture of violence."

Indeed, such an interpretation can also be used to avoid addressing questions about the distinct political continuities and actualizations in Ottoman Turkish politics. That extreme cruelty raises the question of continuities yet nevertheless seems to follow the attempt to understand the cruel acts: the argument becomes accessible that the violence is re-staged as a traditional practice in the region. On the other hand, a "cultural tradition" does not make the practice of violence more likely at all because violence is not an automatic response to a political purpose but a comprehensive, multilayered organization between planning, intention, institutionalized action, and personal transgressions. Ultimately, it must always be acceptable to the individual perpetrator.

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43 In this respect, one should agree with Adrienne de Ruiter, "To Be or Not to Be Human: Resolving the Paradox of Dehumanisation," *European Journal of Political Theory* 22, no. 1 (2021), https://doi.org/10.1177/1474885120984605.

44 Lang, "Questioning Dehumanization."

The events of 1938 in Dersim were preceded by a series of massacres of the Kurdish population and resettlements. From the perspective of Turkish nationalism, Dersim has always described a unique geographical space: a space of the indeterminate, the dangerous, the opaque.[45] In the genocide in Dersim, a variety of highly aggressive demonizations and enemy constructions stand out. The "Kurdish gangs" were stylized into "beasts" in the political speech of public discourse. The violence that dominated the genocide in Dersim can be characterized by the term "overkill." Witness accounts, including those of the perpetrators, indicate that Kurdish men who were killed with machine-gun salvos were stabbed again with bayonets or burned. Women and children were killed and violated, and their bodies were robbed.[46] People were tortured and then shot and drowned, stabbed and shot, stabbed and burned. This form of overkilling fulfills a task that is ambivalent from the outside but makes sense in genocide because it allows the perpetrator to deny their own actions as murder and simultaneously accept them as such. The extreme violence is unbelievable for the individual; it is unreal, outside the describable, and hardly compatible for the perpetrator with the role of a young family man or an old veteran. On the other hand, the multiple killing underlines the necessity of violence because it has produced the demonic character of those to be killed.

The extreme violence in genocide is not the result of brutalization, much less an escalation or dynamization of conflict processes. This becomes clear when one seeks an explanation for the numerous beheadings and the handling of the heads, which were carried away and displayed as proof of death.[47] However, not only were the heads carried away and photographed, but so were the decapitated bodies that remained.[48] Thus, the interpretation that the form of beheading reconstructs an "old" punitive policy or an even older "signing" of enemies no longer presents itself. Interestingly, the violence in Dersim is also about the production of a perpetrator-public. The cutting, collecting, and taking of heads and the portraiture and self-portraiture reinforced the perpetrators' self-perception. The violence becomes mythical through its demonstrative visualization – in doing so, it modifies the perpetrator and the act.

The perpetrator is not the perpetrator of the killing of Kurds. It is no longer about bandits at all. With the deed, he does not join the previous operations but a history that lies in the memory of the young Turkish nation. The perpetrator is

45 Ozlem Goner and Joseph T. Rebello, "State Violence, Nature, and Primitive Accumulation: Dispossession in Dersim," *Dialectical Anthropology* 41, no. 1 (2016): 33–54.

46 Faik Bulut, *Dersim Raporları* (Istanbul: Evrensel Basım Yayın, 2013), 345–347.

47 Ibid., 311–313.

48 Ibid., 357.

the master of life and death. This needs publicity – a publicity that both conceals and exonerates. Brutalization is a form of marking the other and of bringing the "truth" of being to the fore. Through the violence itself, the cruelty is inextricably linked to the exaltation of the perpetrators. With the images of this violence, the continuity of the particular historical periods of violence is purposefully presented and produced by the perpetrators: the perpetrator thereby becomes a historically effective perpetrator, part of a history that surpasses his individual self.

Conclusion

The political violence implemented by the nationalist policies of the Committee of Union and Progress and Kemalist Turkey is outstanding for its systematic and public nature, the processes of radical discrimination against otherness, and the actualized cruelty, especially the unrestrained murder of women and children. In the Armenian genocide, all traces of Armenian life were destroyed, from the geography of the regions to social and economic life. In this framework, the desecrations, which not only affected the corpses of those who had just been killed or the sacred buildings and objects, must be addressed. Cemeteries were desecrated, and bodies were pulled from their graves. Close connections between identification (of the other as a demonic other) and depersonalization, the destruction of social entities, and the strengthening of nationalist ideologies, perpetrator trafficking, and publicity were established.

This relativizes the thesis of dehumanization in genocide as a prerequisite for being able to kill. A negation of the individuality of the victims in the violence can be proven, but a transfer into another "identity" (as a demonic enemy). This depersonalization is not a precondition for being able to kill; it is the purpose of killing. What it enables is a sense of solidarity among the perpetrators: the cruelty introduces into the violence a mythicization in which the perpetrators feel an exaltation of their own selves, and the knowledge of moral transgression can be legitimized. Extreme violence allows perpetrators to occupy a role in a cultural and historical narrative because it authorizes in a particular way. This authorization is not function-related, but it concerns narratives of generation, of accomplishing a historical task; it concerns existence, the very question of life and death.

When we read the memoirs of perpetrators, it is crucial not to explain the killing but the ability to kill recurrently. In order to be able to examine the activities of, for example, gendarmerie units or the military in particular, from the point of view of their "recurrence" and thus their duration, that is, to extend the question of "why" a person kills concerning the consideration of why a person kills repeatedly, one will perhaps first look for figures of analysis that make it possible to examine the structural elements of a situation. Particular attention is paid to social orders, group hierarchies, a particularly non-contradictory belief, or stable authority structures. Going beyond this, the study of violent practices allows us to identify situational understandings and definitions, examine interactions, and understand that rituals and routines of action are negotiated.

If one approaches the question of the individual's capacity for violence from a micro-sociological and social-psychological perspective, as it is done here, then one explicitly positions oneself critically toward ideas of regulating action through strict rules and norms.[49] Thus, it must be explicitly emphasized here that there is a common interpretation of the situation – this includes common emotions: hatred, frustration, pride, and anger. Last but not least, a general narrative is created, which is also based, among other things, on the construction of having proven oneself together in and through the offense. The certainty of social recognition by the public, the certainty that the accomplished deed will be recognized as a deed for the national community, must also be mentioned.

In collective violence research, there is the concept of the "phantom community," within which is the idea that people follow an imagined knowledge in situations in which they act. The atrocity of the violence against Armenians made the violence itself more likely. This is not because the perpetrator was "desensitized" or the acts were normalized but because violence is consciously constituted as a violent event with the symbolic and social meaning constructed in the violent situation. Once again, violence is not a "means." The practices of killing transfer killing into a symbolic order.

Violence is realized as political violence, specifically directed against the victim group to destroy the victim group's identificational, cultural, and political coherence through the violation and destruction of their private, social, and cultural spheres. The individual forms, the persecution of individuals as religious others, as social or political others, the sexualized violence, the destruction of sacred places, the vilification of the other religion as "infidel," the desecration of cemeteries, and the desecration of the dead are practices that are not developed situationally. They are learned and practiced. They follow images.

Therefore, from the perspective of genocide research, it would have to be added that violence must be practiced and understood. When people are driven down a canyon to be drowned, this does not arise out of the situation. The path must be planned, as must the removal of the bodies – the biggest problem in

49 According to Collins, structures, norms, or beliefs only have meaning in retrospect, when the reflection or legitimation of actions and behaviors is about their rationalization.

genocide. When people who have been murdered are left in the open, this not only reflects contempt but also enables a displacement for the perpetrators. The one who has no value in death can be killed.

The interactive negotiations in a violent situation bring into play perceptions and cognitions that allow the violent situation to be viewed as an action situation, i.e., a situation that involves a call to action and allows individuals to recognize themselves as competent actors (because they have been selected, trained, and empowered to discipline and overcome themselves). In systematic, institutionalized violent situations, perpetrators can consider their actions as an affirmation of moral and personal autonomy. This encompasses extreme acts of cruelty. Extreme atrocities combine both symbolic effects (cohesion of groups of perpetrators) and positional relations (gaining power by the perpetrators). They are not in opposition to the institutionalized character of violence, but in the institutionalized situation of violence, they strengthen the possibility of not experiencing the required action as a break with one's moral understanding; this is because cruelty shifts violence from the everyday to the extraordinary, from the immediate to the symbolic.

Genocide changes situations, relationships, and the present permanently. This occurs not "by means of" violence but "in" violence. The violence in genocide is a mediation between symbolic and structural relations. Only in this way does it become evident why violence is chosen to achieve a radical change to orders and lives.

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Section III: **Impact**

Kaitlin Reed

11 "We Are a Part of the Land and the Land Is Us": Settler Colonialism, Genocide, and Healing in California

Introduction

In 1979, Hupa and Cherokee scholar Jack Norton lamented over both the consequences and unfinished business of the California Indian genocide.[1] While the state-sanctioned killing of California Indians occurred well over a century ago, the impacts of that violence continue to be felt in Indian country. Norton writes:

> In two hundred years of brutal occupation they have *repeatedly committed genocide in one form or another.* Its patterns, its pervasiveness, its massive conspiracy is so common and well understood that its horror is diffused. It is so embedded in clichés of white manifest destiny, that the magnitude of the crime is transformed into inevitability or high moral principles . . . The American citizens have inherited the patterns, the scheme and the *business of making America great.* And to accomplish this task, the policies of two hundred years of white supremacy and destiny have been embraced and accepted by society.[2]

The genocide that founded California is erased from state curricula and the consciousness of its settlers. However, Norton understands genocide, much like settler colonialism, as a process that is often ongoing and that can take many forms. The building of the American nation-state and the State of California were fundamentally dependent upon violence against Indigenous people – and continue to be so. In other words, the United States was born out of genocide. The "business of making America great," as Norton phrased it in 1979, was a business of Indian killing and the plunder of natural resources justified by white supremacy and manifest destiny.

Thirty-seven years later, in 2016, the Trump administration came into power, relying on the campaign slogan "*Make America Great Again.*" Embodying American exceptionalism, this slogan perpetuates an American mythology predicated on the ideological construction of the United States as morally righteous and di-

1 This chapter is included with permission from the *Humboldt Journal of Social Relations*, by whom it was first published: Kaitlin Reed, "We Are a Part of the Land and the Land Is Us," *Humboldt Journal of Social Relations* 42 (2020): 27–49.

2 Jack Norton, *Genocide in Northwestern California: When Our Worlds Cried* (San Francisco, CA: The Indian Historical Press, 1979), 125, emphasis added.

https://doi.org/10.1515/9783110781328-011

vinely ordained. This narrative also erases the violence required to create the United States – and the ongoing structural violence of U.S. occupation on stolen Indigenous land. Historian Ned Blackhawk (Western Shoshone) argues, in his award-winning book *Violence Over the Land*, that American exploration and conquest required violence to organize economies and settlements. This is because "people do not hand over their land, resources, children, and futures without a fight, and that fight is met with violence."[3] This violence must then be institutionalized to maintain systems of domination over Indigenous peoples. In other words, "violence and American nationhood, in short, progressed hand in hand."[4] The United States, as we know it today, would not exist without the genocidal measures inflicted upon Indigenous peoples and the expropriation of Indigenous lands; indeed, what Norton points out – and Trump misses completely – is that the construction of America's "greatness" rests on racial capitalism, land theft, and settler colonial violence.

This essay seeks to understand the interconnections between settler colonialism and genocide – with an explicit focus on land dispossession and environmental destruction – and what that means for California Indians today. Settler colonialism is a historical and ongoing structure of Indigenous land dispossession. Scholars have varied viewpoints on the relationship between settler colonialism and genocide. Historian Roxanne Dunbar-Ortiz argues that settler colonialism is "inherently genocidal" because it is predicated on the elimination of Native peoples.[5] Patrick Wolfe, however, argues that settler colonialism is "not invariably genocidal" as elimination can occur without constituting genocide.[6] While we cannot conflate these terms, I argue that settler colonialism produces what Tony Barta calls "relations of genocide" that manifest via settler colonial orientations to land that are predicated on both violence and human-centric hierarchies. Throughout my analysis, I suggest that the kinship-oriented relationships with land held by Indigenous peoples, as well as the theorization of land within Indigenous Studies, work to complicate and expand contemporary notions of genocide.

The State of California epitomizes settler colonial genocide as its very existence emanated from the genocide of Native peoples. On 18 June 2019, California Governor Gavin Newsom acknowledged and apologized for the genocide against California Indians. Specifically, he stated: "It's called a genocide. That's what it

3 Roxanne Dunbar-Ortiz, *An Indigenous Peoples' History of the United States* (Boston, MA: Beacon Press, 2014), 8.
4 Ned Blackhawk, *Violence Over the Land: Indians and Empires in the Early American West* (Cambridge, MA: Harvard University Press, 2006), 9.
5 Dunbar-Ortiz, *An Indigenous Peoples' History*, 9.
6 Patrick Wolfe, "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 387.

was. A genocide. [There’s] no other way to describe it and that’s the way it needs to be described in the history books. . . . And so I’m here to say the following: I’m sorry on behalf of the state of California.”[7] While this is certainly an improvement on the American exceptionalist rhetoric of the Trump administration – especially considering that the United States Federal Government has never acknowledged genocide against Native Americans in any form[8] – acknowledgments and apologies must come with action. In line with Dina Gilio-Whitaker’s critique of acknowledgment, Hupa scholar Stephanie Lumsden tweeted the following shortly after Newsome’s acknowledgment of genocide.

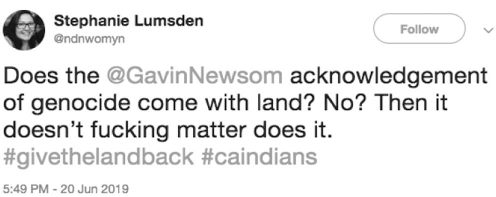

Fig. 1: Tweet by Stephanie Lumsden, 20 June 2019.

With humor and wit, Lumsden articulates a connection between the historical land dispossession of California Indians, genocide, and the ongoing project of settler colonialism. Contemporary inequalities experienced by California Indians – and, indeed, Native peoples throughout Turtle Island – can all be traced back to land and the dispossession thereof. Or, as Hupa scholar Brittani Orona phrases in the short documentary *History of Native California*: “We are a part of the land, and the land is us.” Indigenous studies scholar and political ecologist Clint Carroll argues that all contemporary social, political, and economic issues in Indian country “come back to the issue of land and the degree of our connection to it.”[9] The theft of Native lands continues to be justified through the legal fiction of the Discovery Doctrine and ideological constructions of Manifest Destiny. The destruction of Native lands continues in the name of capitalistic resource extraction and economic development. The ongoing project of settler colonialism – aimed at the

7 Quoted in Taryn Luna, “Newsom Apologizes for California’s History of Violence Against Native Americans,” *Los Angeles Times*, June 18, 2019, https://www.latimes.com/politics/la-pol-ca-gavin-newsom-apology-california-native-american-tribes-061818-story.html.
8 Dina Gilio-Whitaker, *As Long as Grass Grows: The Indigenous Fight for Environmental Justice, From Colonization to Standing Rock* (Boston, MA: Beacon Press, 2019).
9 Clint Carroll, *Roots of Our Renewal: Ethnobotany and Cherokee Environmental Governance* (Minneapolis, MN: University of Minnesota Press, 2015), 12.

dispossession of Indigenous lands and the erasure of Indigenous people – is founded on genocide.

This contribution is organized into three key sections. The first section examines the consistent denial of the California Indian genocide by both historians and the broader American public. The second section provides a brief historical narrative of the California Indian genocide for the potentially unfamiliar reader. This section does not set out to *prove* that a genocide did occur, as this has already been rigorously documented by numerous scholars. The third section makes a significant departure and explores the theoretical underpinnings of settler colonialism and genocide. Here, I explore the notion that healing from the California Indian genocide requires both land reparations and ecological restoration. Put simply, we must call for decolonization. Decolonization, as Eve Tuck and K. Wayne Yang argue, is not a metaphor, nor does it have a synonym; decolonization "in the settler colonial context must involve the repatriation of land . . . that is, *all* of the land, and not just symbolically."[10] Thus, one cannot talk about healing without talking about land; that connection is deeply rooted. To heal from the genocide, California Indian communities need land reparations. That is not to say that communities without land bases are incapable of healing from the traumas of settler colonial genocide, but rather that the theft of land was an important component of genocide and therefore the restitution of lands must be an important component of healing from genocide. And thus, I argue, to heal a people from genocide, one must also heal the land – because we are a part of the land, and the land is us.

Denial of the California Indian Genocide: "Yes There Was, It Was Genocide"

In this pithy blog post title by Dr. Cutcha Risling Baldy, a Hupa, Yurok, and Karuk scholar as well as the Department Chair of Native American Studies at Humboldt State University, she humorously preempted the widespread denial – by students and historians alike – of the California Indian genocide. In this post, Risling Baldy discusses the skepticism she faces from students when they finally learn that a genocide occurred in California and that the very formation of the state is tied to this genocide.[11] And yet, even professors of history deny that such a genocide oc-

10 Eve Tuck and K. Wayne Yang, "Decolonization Is Not a Metaphor," *Decolonization: Indigeneity, Education & Society* 1, no. 1 (2012): 7.

11 Cutcha Risling Baldy, "In Which We Establish That There Was a Genocide Against Native Americans, Yes There Was, It Was Genocide, Yes Or This Is Why I Teach Native Studies Part 3 curred. When Maidu/Navajo student Chiitaanibah Johnson spoke up in a history course led by Maury Wiseman, a history professor at California State University (CSU), Sacramento, to argue that a genocide occurred in California, Wiseman allegedly claimed that genocide was not an appropriate word to describe what happened in California because Native people primarily died of disease.[12] Historians cling to this narrative, referred to by Dunbar-Ortiz as a terminal narrative: “Commonly referred to as the most extreme demographic disaster – framed as natural – in human history, it was rarely called genocide until the rise of Indigenous movements in the mid-twentieth century forged questions.”[13] By attributing Native American demise to disease, scholars avoid culpability and reinforce the notion that Native Americans are biologically inferior and not meant to survive into the age of modernity.

Historians – and the broader American public – simultaneously mitigate and espouse the violence that occurred to Indigenous peoples. James Fenelon and Clifford Trafzer provide six key reasons why historians – and the American citizenry – deny, dismiss, or distort genocide against California Indians (and Native Americans more broadly):

(a) the difficult analysis of genocide in California because of the *lack of precedent*;
(b) *general denial* among scholars, historians, and sociopolitical forces;
(c) an inability to establish *intentionality* (critical to proving genocide);
(d) the inapplicability of *contemporary models*;
(e) a lack of temporal sequencing between *systems* (e.g., missions to U.S. Indian policy); and
(f) a failure by descendants and *beneficiaries of genocidal policies* to *take responsibility* (similar to throughout the United States generally).[14]

Fenelon and Trafzer provide a detailed analysis of all six reasons that historians use to refute the reality of the California Indian genocide despite extensive historical documentation. Rather than reiterating that analysis here, I would suggest

Million,” *Sometimes Writer-Blogger Cutcha Risling Baldy*, September 8, 2015, https://www.cutcharislingbaldy.com/blog/in-which-we-establish-that-there-was-a-genocide-against-native-americans-yes-there-was-it-was-genocide-yes-or-this-is-why-i-teach-native-studies-part-3-million.

12 While it is technically true that many California Indians did, in fact, die of disease, Wiseman’s argument severely simplifies the complexity of genocide. If one is sick during a genocidal event, one does not stop to care for onself. You hide, you run, you pray. The question is more complicated than, “Did you die of the flu?” (Risling Baldy).

13 Dunbar-Ortiz, *An Indigenous Peoples’ History*, 40.

14 James V. Fenelon and Clifford E. Trafzer, “From Colonialism to Denial of California Genocide to Misrepresentations: Special Issue on Indigenous Struggles in the Americas,” *American Behavioral Scientist* 58, no. 1 (2014): 13.

that there remains an underlying thematic connector between these points of disagreement. The California Indian genocide was essential to the creation of California as both state and contemporary property ownership configurations (as well as water and other natural resources). The centrality of genocide to the settler's way of life is a daunting epistemic realization.

The justification and rationalization of the genocide in California, committed by settlers, is perpetuated to this day. It is found in its absence: absence from school curricula, absence from tourist leaflets, absence from thought. However, from my experiences as an educator within the university structure, students are hungry for this information. Even students who are not enrolled in my courses seek me out to obtain historically accurate information about the history of California. While drafting this article in a cafe, a student approached me to share that one of her professors also denied that a genocide took place in California and, much like Maury Wiseman, claimed that we had merely died of disease. California Indians are screaming out the truth, but "the collective silence on this genocide is so loud."[15]

The task at hand is not to prove that a genocide occurred in California, as this has been rigorously documented by many. Two recently published texts on this are Brendan Lindsay's *Murder State: California's Native American Genocide, 1846–1873* and Benjamin Madley's *An American Genocide: The United States and the California Indian Catastrophe*.[16] Each text provides detailed historical accounts of genocide and explicitly analyzes them within the context of the UN Genocide Convention definition. While these lauded texts are rife with historical evidence, California Indian scholars are challenging historical representations of genocide in California. Stephanie Lumsden, for example, makes a very important methodological critique of Madley's *An American Genocide*. Lumsden argues that "Madley is methodologically upholding a settler narrative of disavowal that locates genocide exclusively in the past."[17] The Freudian concept of disavowal is characterized by "simultaneous acknowledgement and denial" that "allows [for] the rejection of some perception of reality because, if accepted as real, that perception would threaten the integrity of an existing worldview."[18] The slavery and genocide of California Indians challenges

15 Risling Baldy, "In Which We Establish That There Was a Genocide Against Native Americans."
16 Brendan C. Lindsay, *Murder State: California's Native American Genocide, 1846–1873* (Lincoln, NE: University of Nebraska Press, 2012); Benjamin Madley, *An American Genocide: The United States and the California Indian Catastrophe* (New Haven, CT: Yale University Press, 2016).
17 Stephanie Lumsden, "American Genocide: Historical Methodologies of Settler Disavowal," Native American and Indigenous Studies Association, Los Angeles, May 19, 2018, 3.
18 Deborah L. Madsen, "Tragic Wisdom and Survivance," in *Conversations with Remarkable Native Americans*, ed. Joëlle Rostkowski (Albany: State University of New York Press, 2012), xix–xviii.

settler colonial ideologies of terra nullius and manifest destiny and, indeed, the very legitimacy of the liberal democratic settler state. While scholars are now beginning to address the historical evidence of the California Indian genocide, it remains a purely historical phenomenon within their scholarship. Similar to how settler colonialism is often perceived as an event that is now over, genocide is temporally bounded by historians. Lumsden, however, stresses:

> What must be remembered then, is that the genocide enacted by the settler state against California Indian peoples continues to frame the material conditions of our lives and that the disavowal of that relationship is necessarily incomplete . . . By locating California Indian genocide in a fixed moment in time Madley, intentionally or not, limits how we might understand the logics of elimination as they are deployed by the state in the contemporary moment.[19]

Native peoples in California continue to live with the impacts of genocide. Lumsden's scholarship demonstrates the ways in which the incarceration of Native peoples continues the work of settler colonialism by displacing Indigenous jurisprudence, physically removing Native peoples from their land, and "much like the early practices of genocide in California, it keeps Native people from reproducing Indian identity, culture, land, and children."[20] I argue throughout this essay that this is also done through the continued dispossession and contamination of Indigenous lands.

Works such as Norton's *When Our Worlds Cried: Genocide in Northwestern California*, in contrast to works such as Madley's, center the Indigenous experience and conceptualize genocide as a pattern of violence – rather than a phenomenon temporally bound in the past. Moreover, Norton wrote about genocide in California well before it became trendy, and thus his text significantly predates contemporary historical scholarship on the California Indian genocide. Norton was the first scholar to use the UN Genocide Convention definition to frame his evidence of the California Indian genocide. California Indian scholars are still relying on this text. In a Spring 2017 issue of *News from Native California*, Brittani Orona reviewed the book and reflected on the importance of finding this text as a young historian and how it helped guide her through college and eventually her doctoral work in Native American Studies:

> The impact of Jack Norton's work, however, has stayed with me well into my academic career. I continually reach for the book to better understand how we survived the unspeakable violence that nearly destroyed our worlds. I marvel at what my ancestors survived

19 Lumsden, "American Genocide," 11–12.

20 Stephanie Lumsden, "Reproductive Justice, Sovereignty, and Incarceration: Prison Abolition Politics and California Indians," *American Indian Culture and Research Journal* 40, no. 1 (2016): 33.

> under such intense hatred and evil . . . . We survived and we must, as Norton asserts, continue to carefully discern every act of violence and to bear witness to the truth of that violence.[21]

Like Orona, I also found power and motivation within this text. Additionally, Norton helped shape my scholarship during my formative years of graduate school and encouraged me to make ideological connections between settler violence against Indigenous bodies and settler violence against Indigenous lands and recognize the ways in which this violence is continually reproduced today.

The California Indian Genocide: Brief Historical Narrative

California Indians experienced three distinct waves of genocide. Spanish missionization, the first wave of the California genocide, lasted from 1769–1820. The second wave ranged from 1821 to 1845, between the end of the missionization period and the Mexican-American War. The third and final wave of the California genocide coincided with the Gold Rush; this genocide lasted from 1846–1873.[22] It is estimated that the death toll of California Indians between 1770 and 1900 was over 90% of the population, which decreased from 310,000 to less than 20,000.[23] Some California Indian scholars suggest this figure was significantly higher than 310,000 and may have been closer to one million.[24]

The Spanish Catholic missionization of California lasted from 1769 to 1820. Spanish priests summoned soldiers to round up California Natives to construct adobe brick missions under slave-like conditions; many were forced to reside within mission walls and practice Spanish Catholicism. Deborah Miranda, in her tribal memoir *Bad Indians*, defines missions as follows: "Massive Conversion Factory centered around a furnace constructed of flesh, bones, blood, grief, and pristine land and watersheds, and dependent on a continuing fresh supply of human

21 Brittani Orona, "Review of *Genocide in Northwestern California: When Our Worlds Cried* by Jack Norton," *News from Native California*, Spring 2017, 33–34.
22 Sara-Larus Tolley, *Quest for Tribal Acknowledgement: California's Honey Lake Maidus* (Norman, OK: University of Oklahoma Press, 2006).
23 Sherburne F. Cook, "Historical Demography," in *Handbook of North American Indians*, ed. Robert F. Heizer (Washington, DC: Smithsonian Institution Press, 1978), 91–98.
24 Deborah Miranda, "Extermination of the Joyas: Gendercide in Spanish California," *GLQ: A Journal of Lesbian and Gay Studies* 16, no. 1–2 (2010): 253–284.

beings, specifically Indian, which were in increasingly short supply."[25] Resistance, however, loomed large. California Indians continued to practice their ceremonies under the guise of Christianity, and some tribes, such as the Kumeyaay, destroyed the missions altogether. During the second wave, from the end of missionization to the start of the Mexican-American War, trading and ranching increased throughout the region; as a result, many California Indians were sold into slavery to be exploited for their labor, and diseases began to ravage Native communities.[26] While slavery and disease certainly had negative impacts for Indigenous California, Forbes argues that "generally speaking, the Spanish and Mexican period had very little overall cultural impact upon Indian people aside from the great population reduction."[27] This speaks to both the resiliency of California Indians, but also the extreme measures taken by the United States Federal Government and the State of California to eradicate California Indians and solve the Indian Problem.

The infamous California Gold Rush – celebrated as a feat of American ingenuity and perseverance – resulted in the destruction of Native California communities and environments. "The Gold Rush was an instrumental event in the economic history of California, setting the tone, mind-set, fervor, and conditions for the exploitation of other resources and the mistreatment of minorities."[28] The Gold Rush marks a legacy of American colonialism that relegates Indigenous lands and bodies as wastelands while simultaneously glorifying a constructed "California Story" – a narrative of 19th-century California history as a heroic tale of how the West was won.

> Violence against peaceable Indians was to be deplored – so went the emerging California Story – but as an inferior civilization stuck in the past they were destined to extinction anyway . . . . This revisionist view of the past quickly became incorporated into the teaching of history in schools and museums, the commemoration of significant events and people, and the development of the state's cultural identity in magazines, travelogues, adventure stories, and public gatherings.[29]

This story rationalized "Settler colonialism, exculpated white Americans for nineteenth- and twentieth-century violence, and erased Indigenous People from the

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25 Deborah Miranda, *Bad Indians: A Tribal Memoir* (Berkeley, CA: Heyday Books, 2013), 16.
26 Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (New York: Houghton Mifflin Harcourt, 2016); Tolley, *Quest for Tribal Acknowledgement*.
27 Jack D. Forbes, "The Native American Experience in California History," *California Historical Quarterly* 50, no. 3 (1971): 239.
28 M. Kat Anderson, *Tending the Wild: Native American Knowledge and the Management of California's Natural Resources* (Berkeley, CA: University of California Press, 2005), 91.
29 Tony Platt, *Grave Matters: Excavating California's Buried Past* (Berkeley, CA: Heyday Books, 2011), 57.

historical and contemporary scene."[30] From classrooms to State Senate meetings, the California Story continues to endure.

In response to such widespread historical amnesia, California Indians continue to tell their stories and produce educational materials that counteract public curricula predicated on lies. In reality, the Gold Rush resulted in "massacres, slavery, and the environmental raping of the land."[31] And, of course, Jack Norton's work continues to be a foundational text on the California Indian genocide. He argues that Northwestern California represents a

> relatively small geographical area [and] is a microcosm of the brutal savagery of the white anglo-saxon transient, who came to rape a land and a people. Those shibboleths of *inevitable conflict,* the *greatest good for the greatest number*, and *the destiny of the white man*, are the ramblings of a violent national attitude that brought death, destruction and dishonor upon the western hemisphere.[32]

Norton recounts numerous massacres, replete with gruesome detail. He argues that gold and greed are what "ignited the brutality, savagery, and filthiness of those early white men."[33] Contemporary scholars, such as Madley and Lindsay, have built upon the work of Norton and others.[34] Lindsay focuses on the ways in which the California Indian genocide was fueled by preexisting racism, facilitated through democratic procedure, and advertised through media.[35] Madley's work constitutes a year-by-year recounting of the California Indian genocide; he analyzes the state and federal decision-makers, the organization and funding of the genocide campaign, and the roles of vigilantes, volunteer state militiamen, and US soldiers.[36]

The formation of the State of California was predicated on violence and founded through genocide. One of the very first laws passed by the nascent legis-

30 William J. Bauer Jr., *California through Native Eyes: Reclaiming History* (Seattle: University of Washington Press, 2016), 5.

31 Chag Lowry, Kate Droz-Handwerker, Rain Marshall, Ron Griffith, Fawn White, and Lonyx Landry, *Northwest Indigenous Gold Rush History: The Indian Survivors of California's Holocaust* (Arcata, CA: Humboldt State University Center for Indian Development, 1999), 1.

32 Norton, *Genocide in Northwestern California*, xi.

33 Ibid., 38.

34 Robert F. Heizer, ed., *The Destruction of California Indians: A Collection of Documents from the Period 1847 to 1865 in Which Are Described Some of the Things That Happened to Some of the Indians of California* (Lincoln, NE: University of Nebraska Press, 1974); Norton, *Genocide in Northwestern California*; Clifford E. Trafzer and Joel R. Hyer, eds., *"Exterminate Them": Written Accounts of the Murder, Rape, and Slavery of Native Americans During the California Gold Rush, 1848–1868* (East Lansing, MI: Michigan State University Press, 1999).

35 Lindsay, *Murder State.*

36 Madley, *An American Genocide.*

lature was the 1850 Act for the Governance and Protection of the Indians. Unfortunately, this law did neither. First and foremost, this act stripped California Indians of legal rights, including the ability to testify against a white person in court.[37] Furthermore, this act "facilitated removing California Indians from their traditional lands, separating at least a generation of children and adults from their families, languages, and cultures (1850–1865), and indenturing Indian children and adults to Whites."[38] Norton argues that this law amounted to slavery.[39] Included in Norton's book is an excerpt from a letter written by the Superintending Agent of Indian Affairs in the Northern California District, George M. Hanson, in 1861. In the letter, a man testifies to Hanson regarding the kidnapping of two Indian children:

> [The man] who testified [said] that "it was an act of charity on the part of the two to hunt up the children and then provide homes for them, because their parents had been killed, and the children would have perished with hunger." My counsel inquired how he knew their parents had been killed? "Because," he said, "I killed some of them myself."[40]

While this law certainly constituted slavery, it also paved the way to state-sponsored genocide. "California's systems of Indian servitude – directly linked to murderous kidnapping raids and massacres, the forcible removal of children from their tribes, and frequently lethal working conditions – would become a major component of California genocide."[41] Following the passage of the 1850 Act, the California Congress passed legislation creating two militias – one voluntary and one compulsory – to exterminate California Indians; these genocidal campaigns were funded by both the State of California and the United States Federal Government.[42] The most extreme death toll of California Indians resulted from American colonization; between 1846 and 1870, the California Indian population plunged from 150,000 to less than 30,000.[43]

In the following two years, 1851 and 1852, U.S. Indian Commissioners negotiated 18 treaties with California Indian tribes, reserving 11,700 square miles (7.5 million acres) of land – roughly 7.5% of the State of California.[44] The President submitted the treaties to the Senate on 1 June 1852, but the legislature was determined that

37 "An Act for the Government and Protection of Indians," 1850.

38 Kimberly Johnston-Dodds, *Early California Laws and Policies Related to California Indians* (Sacramento, CA: California Research Bureau, 2002), 5.

39 Norton, *Genocide in Northwestern California*, 44.

40 Ibid., 49.

41 Madley, *An American Genocide*, 161.

42 Ibid., 174–175.

43 Cook, "Historical Demography"; Madley, *An American Genocide*; Tolley, *Quest for Tribal Acknowledgement.*

44 Johnston-Dodds, *Early California Laws and Policies.*

the golden paradise of California would not be left in Indian hands. The treaties were rejected by the Senate during a secret session, and the documents were placed under an injunction of secrecy. The 18 treaties were not revealed to the public – or even the respective tribal nations – until 18 January 1905, after the injunction was removed.[45] Many California Indian tribes were never informed that the treaties had not been ratified and were forced to renegotiate treaties, leaving them with much smaller land bases.[46] Many tribes never received land bases or federal recognition.[47] This is the process by which Indigenous peoples were dispossessed of their ancestral territories. This era of California Indian history was characterized by the systematic eradication of Indian rights to lands and waters.

The genocide of California Indians and the appropriation of lands (via unratified treaties and outright theft) are linked in intent and harm. As a project, settler colonialism must rid the land of the Indigenous population to acquire new lands. The large-scale eradication of Native peoples – while simultaneously refusing to ratify treaty negotiations – both meet the goals of settler colonialism. Moreover, those who managed to survive the historical era of direct mass killing continued to struggle to survive because of a lack of a land base. And in addition to land theft, many lands throughout California have been targeted for natural resource extraction or development or have experienced environmental destruction in one capacity or another. Therefore, we must understand both mass killing and land theft as central to the genocide of California Indians and the ongoing project of settler colonialism. This essay now turns to a theoretical discussion of the relationships between settler colonialism and genocide, with an explicit focus on land.

It All Comes Back to the Land: Relationships between Settler Colonialism and Genocide

Yurok elders say that as long as the River is sick, Yurok people will never be healthy. All that sustains us comes from, or depends upon, the River. We exist in a reciprocal relationship with the River, and the health of Yurok people is fundamentally tied to the vitality of salmon and the Klamath River. But over a century of neglectful and abusive behaviors that have disregarded the River's wellbeing has led to contamination and injury. From deadly dams to clear-cutting forests to

45 Ibid.
46 William B. Secrest, *When the Great Spirit Died: The Destruction of the California Indians, 1850–1860* (Sanger: Word Dancer Press, 2003).
47 Tolley, *Quest for Tribal Acknowledgement.*

massive agricultural diversions, drastic declines in water quantity/quality have reduced salmon runs on the Klamath River by as much as 95%.[48] And, in 2002, tragedy struck when Yurok people witnessed the largest fish kill in American history when over 70,000 salmon died along the lower Klamath River. This was genocide. We often only use the word genocide for people, but within Yurok epistemology, salmon are also people, understood as relatives or ancestors. To us, the fish kill was genocide.

Nor was this an isolated event. Tasha Hubbard argues that the strategic and systematic slaughter of buffalo constitutes an act of genocide; “in other words, destroy the buffalo, and one destroys the foundation of Plains Indigenous collectivity and their very lives.”[49] Nick Estes argues that it took settlers nearly a century to exterminate the estimated 25 to 30 million buffalo, “forcing the survivors of the holocaust, much like their human kin, west of the Mississippi River.”[50] Violence against Indigenous bodies has been paralleled as violence against the natural world and non-human kin. Thus, attempts to destroy buffalo are attempts to destroy buffalo people, and attempts to destroy salmon are an attempt to destroy salmon people. Given the reciprocal and familial relationships that Native peoples have formed with their places and non-human kin, the severing of these relationships represents profound cosmological and epistemic violence.[51] To heal from settler colonial and genocidal violence in California, therefore, it is crucial to center and prioritize land return (decolonization) and ecological restoration. Violence against the land is violence against Indigenous peoples – because we are the land, and the land is us. By healing the land, we heal ourselves.

All Indigenous political struggles always come back to the issue of land. And by land, I am not referring to the settler compartmentalization of land as composed of topsoil, subsoil, and bedrock; rather, throughout this essay, land refers to the entire biosphere that Native peoples maintain relationships with, including land, air, water, etc. Contemporary problems that Native American communities face, such as higher rates of disease, poverty, violence, suicide, drug abuse, and language loss, among others, “are all political problems when viewed within the

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48 Theresa May, Suzanne Burcell, Kathleen McCovey, and Jean O’Hara, *Salmon Is Everything: Community-Based Theater in the Klamath Watershed* (Corvallis, OR: Oregon State University Press, 2014).

49 Tasha Hubbard, “Buffalo Genocide in Nineteenth-Century North America: ‘Kill, Skin, and Sell’,” in *Colonial Genocide in Indigenous North America*, ed. Andrew Woolford (Durham, NC: Duke University Press, 2014), 294.

50 Nick Estes, *Our History Is the Future: Standing Rock Versus the Dakota Access Pipeline, and the Long Tradition of Indigenous Resistance* (London: Verso Press, 2019), 78.

51 Tuck and Yang, “Decolonization Is Not a Metaphor.”

context of settler colonialism . . . . The root causes of these problems are all found in the political economy of settler colonialism, which is inextricably linked to the exploitation of indigenous lands."[52] This means that the various social, political, economic, and environmental threats facing Indian country are not the problem but merely symptoms of a structure of oppression designed to eliminate Native people. This structure is called settler colonialism.

Settler colonialism is a form of colonialism wherein settlers create a new home for themselves on land apart from their homeland. This form of colonialism differs from traditional extractive forms of colonialism wherein the colonial power seeks to extract natural resources and human bodies for wealth accumulation and labor (e.g., the Berlin Conference); within settler colonialism, the imposing settler state insists upon "settler sovereignty over all things in their new domain," thereby legalizing settler colonial institutions while simultaneously criminalizing Indigenous ecological practices and relations to land.[53] The primary goal, then, is to expropriate Indigenous territories and replace Indigenous peoples with settlers. To do so, settlers are "discursively constituted as superior and thus more deserving over these contested lands and resources" through ideological justifications and legal fictions such as terra nullius, manifest destiny, and the Doctrine of Discovery.[54] But this process is never fully complete. Anthropologist Patrick Wolfe argues that settler colonialism is not an event that occurred in the past and is over now; rather, it is a structure that must be continually perpetuated and reproduced.[55] Thus, settler colonialism is fundamentally about the elimination of Indigenous populations to replace them[56] – to then reproduce settler colonial structures and populations.[57]

Numerous scholars have written about the inherently violent nature of settler colonialism. Yet, despite its emphasis on elimination, Wolfe argues that settler colonialism is "inherently eliminatory but not invariably genocidal."[58] Published in the *Journal of Genocide Research*, Wolfe's often-cited essay explores the relationship between genocide and the settler colonial tendency he names the logic of extermination. The logic of extermination refers to the "summary liquidation of

52 Carroll, *Roots of Our Renewal*, 12.

53 Tuck and Yang, "Decolonization Is Not a Metaphor," 5.

54 Dean Itsuji Saranillio, "Settler Colonialism," In *Native Studies Keywords*, eds. Stephanie Nohelani Teves, Andrea Smith, and Michelle Raheja (Tucson, AZ: University of Arizona Press, 2015), 284.

55 Wolfe, "Settler Colonialism." The example I give to my students is that every morning that I wake up and the deed to Yurok ancestral territory belongs to Green Diamond Timber Company or the Redwood National Park, settler colonial land dispossession is reproduced.

56 Wolfe, "Settler Colonialism."

57 Maile Arvin, "Pacifically Possessed" (Ph.D. diss., University of California, San Diego, 2013).

58 Wolfe, "Settler Colonialism," 387.

Indigenous peoples” and the “dissolution of native societies.”[59] This is accomplished through myriad strategies, including land dispossession, miscegenation, child abduction, religious conversion, and, of course, mass killing. While Wolfe concedes there are commonalities between settler colonialism and genocide, namely the “organizing grammar of race,”[60] he argues that they must not be conflated. His rationale is that 1) the elimination of Native peoples can occur without genocide, and 2) genocides have occurred in the absence of settler colonialism.

The relationship between settler colonialism and genocide is contentious within Indigenous and genocide studies discourse. While relying on Wolfe’s articulation of settler colonialism as a structure, many Native scholars have differed from Wolfe, specifically regarding the relationship between settler colonialism and genocide. For example, Dunbar-Ortiz argues that, since its beginnings, “[Euro-American settler colonialism has had] genocidal tendenc[ies],” and as a structure, settler colonialism is “inherently genocidal in terms of the genocide convention.”[61] Gilio-Whitaker and Robles argue that the settler colonial logic of elimination is “fundamentally genocidal because it seeks to wipe away every trace of the original inhabitants and replace them with invading populations.”[62] But for Wolfe, the process of elimination can occur without constituting genocide.

How to draw the boundaries of what and what does not constitute genocide has been a critical point of contention within genocide studies discourse. Coined by a prosecutor for the Polish Republic named Raphaël Lemkin in the mid-20th century, the term “genocide” combines *genos*, the Greek word for tribe or race, and *cide*, Latin for killing.[63] Lemkin is credited for the impetus of the United Nations’ 1948 Convention on the Prevention and Punishment of the Crime of Genocide, also referred to as the Genocide Convention. However, in his book *Redefining Genocide: Settler Colonialism, Social Death, and Ecocide*, sociologist Damien Short argues that legal definitions of genocide – and genocide studies scholars – conveniently ignore Lemkin’s links between genocide and colonization and his articulations of “genocide’s inherently colonial character.”[64] Of course, this should not be surprising as it was nation-states themselves that were responsible for crafting and subsequently

59 Ibid., 388.
60 Ibid., 387.
61 Dunbar-Ortiz, *An Indigenous Peoples’ History*, 8–9.
62 Dina Gilio-Whitaker and Rebecca Robles. “When Is Genocide Over in San Juan Capistrano?” *Voice of Orange County*, August 20, 2019, https://voiceofoc.org/2019/08/gilio-whitaker-robles-when-is-genocide-over-in-san-juan-capistrano/.
63 Damien Short, *Redefining Genocide: Settler Colonialism, Social Death and Ecocide* (London: Zed Books, 2016).
64 Ibid., 3.

approving the Genocide Convention. Nation-states that acquired their wealth through colonization are unlikely to articulate colonization, and specifically settler colonialism, as a mode of genocide.[65] However, what is key to point out is that even the very initial theorizing of the concept of genocide has always articulated intrinsic relationships between it and colonization. I suggest that this is uniquely magnified in the context of settler colonialism because of the necessity for settler land acquisition and the elimination of Native populations. This is especially true in California, as previous westward removal policies employed by the federal government became futile when they reached the coast. Therefore, it is critical that historical processes of colonization and contemporary modes of settler colonial reproduction figure into our analysis and understanding of what constitutes genocide and, even more importantly, how to heal from it.

There must be a new conception of genocide. Writing about the experiences of Indigenous Australians, Barta argues that this new conception must embrace what he refers to as "relations of genocide." He uses this concept to describe a society whose very existence and perpetuation necessarily result in "remorseless pressures of destruction [on a whole race, that is] inherent in the very nature of the society."[66] Because the United States required stolen land merely to exist, genocidal relationships with Indigenous people are an inherent characteristic of the settler state. Moreover, Barta's conception of genocidal relations "removes from the word the emphasis on policy and intention which brought it into being."[67] Many genocide studies scholars conflate intent with motive and thus "require that groups be intentionally targeted *because of who they are* and not for any other reason such as economic gain."[68] Within the context of settler colonialism, the logic of extermination is driven merely by the desire for land acquisition; thus, in this line of argumentation, settler colonialism is not inherently genocidal as it lacks the clear intent to eliminate a group of people.

This is where the disconnection between genocide and settler colonialism occurs, for Wolfe at least. However, this is problematic because, as Short points out, "the primary driver of colonial genocide is an expansionist economic system, which rationally requires more and more territory to control and exploit."[69] The

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65 Four major settler states – the United States, Canada, Australia, and New Zealand – did not initially sign the UN Declaration of the Rights of Indigenous People in 2007.

66 Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, eds. Isidor Walliman and Michael N. Dobrowski (Westport, CT: Greenwood Press, 2000), 240.

67 Ibid., 238.

68 Short, *Redefining Genocide*, 16.

69 Ibid., 24–25.

result of this was not only the direct physical killing of California Indians but also land appropriation and the removal of California Indians from their traditional homelands, thereby separating them from their non-human relations, sacred sites, and cultural practices. Rather than spend intellectual energy to disprove the reality of the California Indian genocide on a definitional technicality – which is arguably not a worthwhile academic endeavor, nor does it contribute to the larger project of healing from the settler colonial violence that took place here – Barta suggests we seek to understand the ways in which genocidal violence, or the repercussions thereof, continue to play out in our society. Barta’s recognition of the ways in which genocide continues to shape the present responds to Lumsden’s critique of methodologically relegating genocide to the past. By interrogating the produced relations of genocide, we can recognize the ways in which logics of extermination are perpetuated and reproduced.

Settler colonial land dispossession and settler colonial relationships to land facilitate what Barta refers to as “relations of genocide.” Settler society is constructed on top of Indigenous societies, or, as Potawatomi scholar Kyle Powys Whyte puts it, “settler ecologies have to be inscribed into indigenous ecologies.”[70] Therefore, we must understand the continued separation of Indigenous peoples from their ancestral homelands and environmental destruction as a perpetuation of profound violence. In light of Barta’s critique of intentionality as a critical component of what constitutes genocide, Short suggests that “if we take the *genos* in genocide to be a social figuration which forms a comprehensive culture . . . then *genocide is the forcible breaking down of such relationships* – the destruction of the social figuration.”[71] While numerous scholars have examined the ways in which settler colonial dispossession works to break down relationships between Indigenous peoples and, in that way, constitutes genocide, these lines of analysis operate within a Western worldview that ideologically separates human beings from nature in the construction of social relationships. This human-centric epistemology does not consider other species, or relations, or the agency of the natural world. How is our notion of genocide – or the forcible breaking down of relationships – altered when our position of analysis considers a kinship-oriented relationship to and with land?

Within Indigenous worldviews, Earth is universally understood as a living entity, and all creation is related. As many Indigenous communities and Native American studies scholars have argued, Native communities maintain complex

70 Kyle Powys Whyte, “Indigenous Experience, Environmental Justice and Settler Colonialism.” in *Nature and Experience: Phenomenology and the Environment*, ed. Bryan E. Bannon (London: Rowman & Littlefield, 2016), 171.

71 Short, *Redefining Genocide*, 36.

and dynamic relationships with their land bases. Our creation stories tie us to the places we originated. Our languages emerged from our homelands. Our lands and waters provide our material and spiritual needs but are fully integrated members of our communities, serving critical roles such as grocer, educator, pharmacist, counselor, and friend. And perhaps most importantly, within Indigenous epistemologies, land possesses agency. It is not a commodity that can be bought, sold, or owned by human beings.[72] Indeed, land holds both metaphorical and material power for Native peoples because it provides the basis not only for physical existence, but also for identity and spirituality; thus, “the importance of land stretches far beyond its role as the space on which human activity takes place; for Natives it is a significant source of literal and figurative power.”[73] Within Native studies, land has been theorized as “the living entity that enables indigenous life.”[74] And if land enables Indigenous life, the dispossession or contamination of those lands threatens Indigenous life.

For Indigenous peoples, environmental injustice began with the invasion and colonization of our lands. Not only must Indigenous environmental justice struggles be analytically framed by colonization, settler colonialism itself, as a structure, constitutes an environmental injustice.[75] Contrary to Indigenous relationships to land ensconced in relationship and reciprocity, settler colonial ecology compartmentalizes and controls land through the construction of property. Land, then, is transformed into a non-living object to be utilized for human consumptive purposes and wealth accumulation. Humans, within this socioecological context, are devoid of familial relationships with land or non-human kin. Moreover, familial relationships with land built on reciprocity and mutual respect are marked as “pre-modern and backward. Made savage.”[76] Native relationships with land are demarcated as uncivilized/pagan, as well as wasteful because they were not fueled by profit. Settler depictions of Native relationships with land are then employed by settlers to justify the dispossession and appropriation of those same lands. Unsurprisingly, then, Na-

72 For example, in the Kanaka Maoli (Native Hawaiian) language, in the word for land, *ko’u ‘āina*, the “o” is a possessive that indicates inherent status; it is also found in the words for my body (*ko’u kino*) and my parents (*ko’u mākua*). Thus, within Kanaka Maoli epistemology, one cannot own land, just as one cannot own their parents or body parts – these are inherent parts of one’s existence. Haunani-Kay Trask, *From a Native Daughter: Colonialism and Sovereignty in Hawai’i* (Monroe, ME: Common Courage Press, 1993).

73 Stephanie Nohelani Teves, Andrea Smith, and Michelle Raheja, “Land,” in *Native Studies Keywords*, eds. Stephanie Nohelani Teves, Andrea Smith, and Michelle Raheja (Tucson, AZ: University of Arizona Press, 2015), 59.

74 Ibid.

75 Whyte, “Indigenous Experience.”

76 Tuck and Yang, “Decolonization Is Not a Metaphor,” 5.

tive lands are also targeted for environmental destruction necessary to maintain settler lifestyles, serving as what Traci Brynne Voyles terms sacrifice zones, "or landscapes of extraction [that] allow industrial modernity to continue to grow and make profits."[77] Uranium mining, nuclear testing, and toxic waste storage, to name but a few practices, are all disproportionately sited on Native lands.[78] Gilio-Whitaker argues that "the origin of environmental injustice for Indigenous peoples is dispossession of land in all its forms," and thus settler colonialism must be understood as a "genocidal structure that systematically erases Indigenous peoples' relationships and responsibilities to their ancestral places."[79] In addition to settler colonial land dispossession, we must also understand the institutionalization of colonial relationships to land via a private property regime *and* the ongoing environmental injustices experienced by Native peoples as relations of genocide.

Such injustices include the contamination of our ecosystems. Tlingit scholar Anne Spice argues that "colonization is the foundation of environmental decline."[80] Specifically, Spice uses the example of environmental toxins found in our lands, waters, and bodies to illustrate her connection between environmental spoliation and settler colonialism. Firstly, Spice points out that the discourse around 'toxics' – stemming from the Greek word for a bow – in the environment often lacks intentionality or agency. They just happen to be there. How convenient, given the emphasis on intent in the definition of genocide. Instead, Spice encourages us to rethink this passive understanding of toxics.

> Toxicity is violence. More specifically, it is settler colonial violence. Toxicity and the invasive infrastructures it spills from separate us from the land by damaging our relations to it. If our lands are toxic, the more we engage in our cultural practices, the more we risk harming our bodies. Toxicity turns our relations against us. It kills us through connection. It eliminates us as Indigenous peoples by making Indigenous practices dangerous. Don't eat the fish, don't drink the water, don't gather the berries. It does the work of settler colonialism by destroying to replace. Our ways of sustaining ourselves, our local economies, our food provision, our medicine, are cleared for the expansion of an economy based primarily on oil and gas. Here, the pipeline spills and toxic emissions, while perhaps "accidents," are not without direction or intent. Trace the poison arrow back through its flight path, to the archer. Who is holding the bow?[81]

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77 Traci Brynne Voyles, *Wastelanding: Legacies of Uranium Mining in Navajo Country* (Minneapolis, MN: University of Minnesota Press, 2015), 10.
78 Winona LaDuke, *All Our Relations: Native Struggles for Land and Life* (Cambridge, MA: South End Press, 1999).
79 Gilio-Whitaker, *As Long as Grass Grows*, 36.
80 Anne Spice, "Processing Settler Colonial Toxicities: Part I," *Footnotes*, June 16, 2018, https://footnotesblog.com/2018/06/16/processing-settler-toxicities-part-i/.
81 Anne Spice, "Processing Settler Colonial Toxicities: Part II," *Footnotes*, June 23, 2018. https://footnotesblog.com/2018/06/23/processing-settler-toxicities-part-ii/.

And who is left with arrow wounds? Gone are the days of child abduction and violent boarding school education, but deterrents from practicing our cultures remain. Basket weavers risk the ingestion of poisons as they run strands of grasses through their mouths. As we gather materials in our forests, we must wonder when the last time the United States Forest Service sprayed atrazine from above was. We watch the algae swell – fed by myriad pesticides and herbicides – and choke once clear rivers.

And yet, there seems to be a reluctance to use the term "genocide" to describe the type of ecological and cosmological violence Indigenous peoples experience in the present. As Short argues in his book, when Indigenous people "invoke the term genocide to describe their present-day experiences it is often derided. And yet . . . [their] use of the concept is often more accurate and precise than that espoused by many scholars."[82] Ecological violence lacks the intent so crucial to substantiating a claim of genocide. Daniel Brook argues that "[environmental] genocide is not (usually) the result of a systematic plan with malicious intent to exterminate Native Americans, it is the consequence of activities that are often carried out on and near the reservations with reckless disregard for the lives of Native Americans."[83] However, I urge us to entertain Spice's criticism of the lack of agency and intentionality associated with environmental destruction and ask who is holding the bow. Who benefits from environmental spoliation, and who suffers the consequences? By differentiating environmental violence as non-genocidal, we limit our ability to understand the ways in which relations of genocide continue into the present.

Some scholars maintain this differentiation by describing the ecological violence experienced by Indigenous peoples as ecocide rather than genocide. The distinction between genocide and ecocide stems from a worldview that ideologically separates human beings from nature, failing to recognize the interconnection and interdependency between people and ecosystems. In reality, we are a part of the land, and the land is us. Moreover, the concept of ecocide is rife with historical baggage and limitations that, in my view, prevent it from fully articulating present-day Indigenous experiences. Coined by Professor Arthur W. Galston in 1970 to condemn the environmental destruction of Operation Ranch Hand during the Vietnam War, ecocide was originally intended to describe wartime situations wherein the environment was specifically targeted as the victim. The use of the term has broadened since entering the popular lexicon and is now used to describe a large variety of environmental problems, including critiques of settler colonial land dispossession

82 Short, *Redefining Genocide*, 6.
83 Daniel Brook, "Environmental Genocide: Native Americans and Toxic Waste," *American Journal of Economics and Sociology* 57, no. 1 (1998): 105–106.

and destruction of Indigenous cultures. But, unlike genocide, ecocide is not recognized as an international crime, and, therefore, creating a distinction between genocide and ecocide is of little use to Indigenous peoples. At best, such a distinction is nonsensical for Indigenous peoples; at worst, it obfuscates the genocidal consequences of ecocidal behavior. For California Indians, the destruction of our nonhuman relatives or our ancestral territories constitutes genocide. Both concepts of genocide and ecocide stem from a settler colonial worldview that ideologically separates humans from nature. While understanding the varying methods or modes of genocide is significant in explaining our experiences to settler populations and sympathetic academics, when everything is taken into consideration, the primary task at hand remains healing from what occurred here.

Conclusion

Both people and the land must heal from genocide. The land – and its trees, rivers, and rocks – witnessed the genocide that occurred. The land experienced great violence during the California genocide. The environmental destruction endured during the Gold Rush in California has left long-lasting impacts that continue to impact Native peoples today. To begin healing from the genocide that tried to destroy our lands and our peoples, we must engage in community environmental restoration. This is not to devalue other critical methods of healing – such as language revitalization, cultural restoration, and mental health treatments to address what Anishinaabe scholar Lawrence Gross refers to as “post-apocalypse stress syndrome.”[84] Rather, I suggest that by engaging with community-centered environmental restoration projects, we can restore relationships with each other and with our environments. If we understand genocide as the forcible breaking down of relationships, healing from genocide necessitates the rebuilding and strengthening of relationships Indigenous peoples have had with the natural world since the beginning of time. For example, Coleen Fox et al. demonstrate how river restoration “has the potential to not only restore ecosystem processes and services, but to repair and transform human relationships with rivers.”[85] Again, I am reminded that if our

84 Lawrence W. Gross, “Cultural Sovereignty and Native American Hermeneutics in the Interpretation of the Sacred Stories of the Anishinaabe,” *Wicazo Sa Review* 18, no. 2 (2003): 128.

85 Coleen A. Fox, Nicholas James Reo, Dale A. Turner, JoAnn Cook, Frank Dituri, Brett Fessell, James Jenkins, Aimee Johnson, Terina M. Rakena, Chris Riley, Ashleigh Turner, Julian Williams, and Mark Wilson, “‘The River Is Us; The River Is in Our Veins’: Re-Defining River Restoration in Three Indigenous Communities,” *Sustainability Science* 12 (2017): 521.

river is sick, our people will never be healthy. The process of working together to rectify historical wrongs can have transformative powers.

However, when we discuss how we will heal from the California Indian genocide, the onus is often placed on Native peoples – as if we are the only people that must heal from the genocide that took place. Madley argues that "the question of genocide in California under US rule also poses explosive political, economic, educational, and psychological questions for all US citizens. Acknowledgment and reparations are central issues."[86] While the wellbeing of Native communities must be prioritized, to be sure, it is important to point out that, much like the descendants of genocide survivors, the beneficiaries of that genocide, and specifically descendants of the perpetrators, also hold historical traumas that they must work through, process, and heal from. Unfortunately, there remains a pervasive denial of the California Indian genocide, and many historians are unable to come to terms with this reality. And while I agree with Madley that the California Indian genocide poses critical questions for all citizens, an acknowledgment of what occurred does not aid the healing process as contemporary settlers continue to benefit from the California Indian genocide via the continued occupation of unceded Indigenous territory. The acknowledgment of genocide is akin to the now in-vogue land acknowledgments offered by universities and other institutions. A land acknowledgment is a political statement that encourages non-Native people to recognize that they are on Indigenous lands, often said before events or gatherings. Anishinaabe scholar Hayden King, who wrote the land acknowledgment at Ryerson University, says he now regrets writing it because it "effectively excuses [non-Natives] and offers them an alibi for doing the hard work of learning about their neighbors and learning about the treaties of the territory and learning about those nations that should have jurisdiction."[87] Often, land acknowledgments problematically thank the original stewards, despite not having permission, and use past tense verbs to describe Native people's relationship with that place, despite it being ongoing. Much like Lumsden's critique of Governor Newsom's acknowledgment of the California Indian genocide, if it does not compel one to do anything about it – like return *stolen* land – it does not do anything for Native people.

On 18 June 2019 – the day he formally apologized to Native Americans on behalf of the State of California – Governor Newsom issued Executive Order N-15-19,

86 Madley, *An American Genocide*, 9.

87 CBC Radio, "'I Regret It': Hayden King on Writing Ryerson University's Territorial Acknowledgement," *CBC Radio*, January 18, 2019, https://www.cbc.ca/radio/unreserved/redrawing-the-lines-1.4973363/i-regret-it-hayden-king-on-writing-ryerson-university-s-territorial-acknowledgement-1.4973371.

which, in addition to documenting his formal apology, required the Governor's Tribal Advisor to establish a "Truth and Healing Council." To be composed of California tribal representatives and/or delegates, the purpose of the Council is "to provide Native Americans a platform to clarify the historical record and work collaboratively with the state to begin the healing process."[88] While I remain hopeful that this Council will prove useful to tribal communities in some capacity, my frustration with the settler state persists. The genocide against California Indians is not "Native history" – it is California's history. The State already has access to these historical records because the State compiled them in 2002.[89] Moreover, California Indians have been clarifying the historical record for a very long time. Jack Norton's seminal text *When Our World Cried: Genocide in Northwestern California* was published over forty years ago. Even white historians have put our truth in books and used the violence perpetuated against California Indians to sell more copies and secure tenure for themselves. The truth is widely available – but what is the State of California going to do with our truth?

I implore the Truth and Healing Council to advocate for land return and ecological restoration. The dispossession and destruction of our lands were central to the California Indian genocide; therefore, their return and restoration must play a central role in healing from that same genocide. Powerful examples of healing with California[90] are occurring throughout Indian country.[91] The return of stolen land is possible. Healing is possible.

88 State of California, "Truth and Healing Council," accessed May 15, 2020, https://tribalgovtaffairs.ca.gov/truthandhealing/index.html.

89 See Johnston-Dodds, *Early California Laws and Policies*.

90 In a report compiled by Cutcha Risling Baldy and Carrie Tully to advocate that Humboldt State University return the Jacoby Creek Forest to the Wiyot Tribe, they outline numerous examples of land repatriations in California, including the Tásmam Koyom (or Humbug Valley, CA) to the Maidu Summit, Blue Creek (in Klamath, CA) to the Yurok Tribe, Sogorea Te' Land Trust (in Oakland, CA) to the Ohlone Tribe, Kuuchamaa Mountain and Ah-Ha Kwe-Ah-Mac' village (in Tecate, CA) to the Kumeyaay-Diegueño Land Conservancy, and Old Woman Mountains (in San Bernardino, CA) to the Twenty-Nine Palms Band of Mission Indians. See Cutcha Risling Baldy and Carrie Tully, "Working For and Toward Land Return of Goukdi'n (Jacoby Creek Forest)," November 2019, https://www.cutcharislingbaldy.com/uploads/2/8/7/3/2873888/working_for_and_toward_land_return_of_goukdi%E2%80%99n___jacoby_creek_forest___1_.pdf.

91 Across the nation, more land is being returned across the nation by universities, missions, governments, non-profits, and even individuals. Ibid. Two notable entities include Brown University and the Jesuit St. Francis Mission. The State of Oregon passed the Western Oregon Tribal Fairness Act in 2018 to return 17,000 acres to the Cow Creek Band of Umpqua Indians and 15,000 acres to the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. And, despite sustaining a financial loss from the transaction, a plumber in Colorado named Rich Synder returned his land to the Ute Tribe because it was right.

Returning stolen land to Indigenous peoples is a growing movement with international and national examples. The movements for decolonization in education, research, and policy must necessarily include the return of land to Indigenous peoples.[92] In a significant and groundbreaking moment, on 21 October 2019, the City of Eureka returned Tuluwat Island – a site of both world renewal and genocidal violence (sometimes called "Indian Island") – to the Wiyot Tribe in northwestern California. This was "the first time in the history of our nation that a local municipality has voluntarily given back Native land absent an accompanying sale, lawsuit, or court order."[93] A ceremony was held to celebrate the return. Tribal leaders and city officials called for "more collaboration, more community-building, more healing, and more returning land."[94] Let this beautiful example give us momentum and propel us into a decolonized future.

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Erika Silvestri

12 Private Remembrance and Public Commemoration of the Nazi Euthanasia Program in German Society

Introduction

On 14 July 1933,[1] just six months after Adolf Hitler's appointment as Chancellor, Minister of the Interior Wilhelm Frick issued the *Gesetz zur Verhütung erbkranken Nachwuchses*, a law on the prevention of the birth of people with hereditary diseases, which came into force in January 1934 and provided for the forced sterilization of individuals whose offspring would have hereditary physical or mental damage. According to Götz Aly, the number of sterilized individuals in the first seven years of the National Socialist Third Reich would have been around 350,000.[2] The same ministry issued the strictly confidential[3] decree *Meldepflicht für mißgestaltete usw. Neugeborene* on 18 August 1938, obliging all physicians and midwives to register children under the age of three in whom one of the listed serious hereditary diseases was suspected. As Kühl states, the start of the Second World War with Germany's invasion of Poland is directly linked to the killing of the disabled, a precondition for the extermination of the Jews and other persecuted minorities.[4] In fact, with the invasion of Poland, Hitler not only declared war on the outside of the German nation but, in parallel, also on the inside,[5] decreeing the start of the Aktion T4 program.

Significantly, the order that started the operations of what was called "merciful death" was only put in writing in the autumn of 1939,[6] although it had previously

1 The Concordat with the Catholic Church was approved on the same day. To avoid complications with the Vatican, the law was not published until 25 July, and it became effective on 1 January 1934.
2 Götz Aly, *Die Belasteten: "Euthanasie" 1939–1945. Eine Gesellschaftsgeschichte* (Frankfurt a.M.: Fischer, 2013).
3 It was not published in the official Gazette of the Ministry.
4 Stefan Kühl, *For the Betterment of the Race: The Rise and Fall of the International Movement for Eugenics and Racial Hygiene* (New York: Palgrave Macmillan, 2013), 124–125.
5 Klaus Dörner, *Der Krieg gegen die psychisch Kranken: Nach "Holocaust" Erkennen, Trauern, Begegnen* (Cologne: Psychiatrie Verlag, 1980).
6 According to Henry Friedlander, this occurred in October 1939.

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been issued informally: "Reichsleiter Bouhler and Dr. Brandt, M.D. are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons who, according to human judgment, are incurable can, upon a most careful diagnosis of their condition of sickness, be accorded a mercy death."[7] Having personally signed it on letterhead, Hitler backdated it to 1 September 1939, the same day the German armies invaded Polish territory. No law concerning euthanasia was ever enacted by Nazi Germany, so we can define it as an authorized permission that served as the program's legal basis and clearly represents the willingness to handle it as a "private matter."

When the T4 program was officially discontinued in the summer of 1941, the killing of disabled children and adults continued. It is estimated that more than 10,000 children and young people were killed between 1939 and 1945.[8] In the summer of 1939, Hitler entrusted Brandt and Bouhler with the responsibility for the adult killing operations, granting his Chancellery the direction of both euthanasia programs. The project management offices were located at Tiergartenstrasse 4, Berlin, and for this reason, the first phase of the adult euthanasia program was given the code name "Aktion T4." Six institutes were allocated for the purpose, each with responsibility for a specific geographical area: Brandenburg an der Havel, Grafeneck, Hartheim, Pirna-Sonnenstein, Bernburg an der Saale (which replaced Brandenburg in September 1940), and Hadamar (which replaced Grafeneck in December 1940). The patients' families received one letter from the delivery institution when the transfer had already taken place and two from the killing center: an arrival notice (when the victim had already been killed) containing the request not to visit their relative and the notice that death and cremation had taken place.

The *Trostbriefe* (letters of condolence) were standardized and bore inaccurate dates of arrival and death, bogus reasons for death, and sometimes even an incorrect place name. If relatives requested the deceased's remains, the institutions sent them an urn with random ashes. After reversing their function from therapy to death centers, a total of more than 70,000 people were killed in these institutions from January 1940 to August 1941.[9] The order to suspend euthanasia operations was issued on 23 August 1941 and would take immediate effect from the following day. The program entered its "wild phase," in which physicians assumed total decision-making control, even to the extent of being able to determine the methods of killing.

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7 Adolf Hitler, "Order to Bouhler and Dr. Karl Brandt to Increase the Authority of Physicians to Perform Euthanasia (Doc. PS-630)," Nuremberg Military Tribunal (NMT) 01, Medical Case – USA v. Karl Brandt, et al.

8 Aly, *Die Belasteten.*

9 Henry Friedlander, *The Origins of Nazi Genocide: From Euthanasia to the Final Solution* (Chapel Hill, NC: University of North Carolina Press, 1995), 25.

While child euthanasia continued with the creation of special wards, in this second phase, the doctors killed adults as they had done with children up to that point: through the administration of drugs or by letting them starve to death.

This essay will reflect on the perception and commemoration of genocidal violence relating to Nazi euthanasia in the private and public dimensions of German society. In Berlin, the first memorial plaque dedicated to the memory of the victims was installed in 1989, and an official memorial was only built in 2014, the last memorial dedicated to a group of victims of the crimes of National Socialism built in the German capital city. Why did a public debate on the crime arise so late, and why was it so hard for private memories to emerge in the sphere of public memorialization?

The first part of this essay will illustrate how genocidal violence affected the families of the victims and caused the formation of an inherited trauma that determined specific responses and relational dynamics. By means of excerpts from interviews conducted by the author with victims' relatives,[10] the characteristics and effects of the genocidal violence on the second and third generations will be defined in order to show how these were interiorized and passed on from one generation to the next, generating specific traumatic reactions and attempts to overcome it. The second section will then present a recognition of the different stages of Nazi euthanasia commemorations to illustrate German society's difficulty with processing this crime.

Private Perceptions of the Crime: The Effect of Genocidal Violence on Later Generations

The effects of genocidal violence not only affect the lives of direct victims but also involve the group to which they belong: their families and individuals who, for various reasons, identify with them or are connected to them at different levels. The resulting trauma, as has been extensively studied with regard to Holocaust survivors and their descendants, can be directly inherited by the generations fol-

10 I used the same interview-scheme as for narrative-biographical interviews: see in particular the works of Gabriele Rosenthal. This interview technique works with an initial narrative question, which leaves the interviewee free to choose the main themes. This personal choice constitutes a valid first element for the subsequent analysis. In the second part, more specific questions are asked, but always with reference to the main narrative. In the last part, the interviewer asks questions concerning topics that did not emerge during the interview. All interviews were conducted in English and German. The translation of the extracts is by the author.

lowing that of the victims and give rise to a "traumatic memory"[11] capable of influencing both the private and public spheres, intervening in the formation of "collective memory"[12] and in the public debate on the crime. In the specific case of the Nazi euthanasia program, the trauma inherited by the families is to be regarded as an indirect trauma since the few survivors, i.e., those who were still in the program's institutions and hospital wards after the end of the war, in most cases did not return to their homes. As such, they did not share with their families the story of what they experienced, nor the pain and trauma that followed.[13] The effects of genocidal violence have therefore also acted indirectly on the victims' families. In order to be able to identify and analyze them, it must be kept in mind that they originate from the absence of witnesses, that is, from the void left in the family units, from the silences and the omissions following the discovery of the victims' fate, and from the ways in which their memory was preserved.

This essay presents the partial results of research still in progress. The data collected so far allow some partial analyses to be made and some reflections to be shared. The analysis of the information gathered during the interview work and presented here focuses on three lines of investigation:

1. How and with what characteristics did genocidal violence influence the families of the victims of the Nazi euthanasia program?
2. What differences can be found in the response mechanisms to violence or the traumatic memories of violence in the second and third generations?
3. How has the individual identity of the victims' relatives been influenced and/or affected by their personal connection with them or by the consequences of the violence on the family group?

11 Nigel C. Hunt, *Memory, War and Trauma* (Cambridge: Cambridge University Press, 2010). The literature on trauma inherited by children of Holocaust survivors is extensive. See, for example, Martin S. Bergmann and Milton E. Jucovy ed., Generation of the Holocaust (New York: Basic Books Inc., 1982). Eva Hoffman, After such Knowledge (New York: PublicAffairs, 2004). Bernice Eisenstein, I was a child of Holocaust Survivors (New York: Riverhead Books, 2006). See also the works of Marianne Hirsch about the concepts of "Postmemory" and "Postgeneration".

12 Numerous studies have focused on the concept of "collective memory," but it is impossible not to cite the foundational contributions of Maurice Halbwachs, *La Memoire Collective* (Paris: Presses Univ. de France, 1950) and Jan Assmann, *Das kulturelle Gedachtnis: Schrift, Erinnerung und politische Identitat in fruhen Hochkulturen* (Munich: C.H. Beck, 1992).

13 On the transmission of trauma in families of victims and perpetrators, see the works of Angela Moré. For example: Angela Moré, "Die unbewusste Weitergabe von Traumata und Schuldverstrickungen an nachfolgende Generationen", Journal für Psychologie 21 no. 2 (2013): 1–34. www.journal-fuer-psychologie.de/index.php/jfp/article/view/268. Angela Moré, "Die psychologische Bedeutung der Schuldabwehr von NS-Tätern und ihre implizite Botschaft an die nachfolgende Generation", Gruppenanalyse 21 no. 2, (2011): 139–156.

I began the search for German families who had a relative interned and killed in an institute connected to the Nazi euthanasia program in any territory in the Third Reich from 1939 until the end of the war by contacting the museums/documentation centers of the former clinics that were active in the plan's implementation. In each family, my contact-coordinator is the one whom I always call the "main interviewee," i.e., the one who carried out the research to reconstruct the story of the murdered family member. The reflections in this text are related to four core interviews,[14] which I identify by the name of the main interviewee of each family:
- Julia F.
- Barbara S.
- Jörg W.
- Hannah B.

From each interview, there emerged, in different ways and forms, a traumatic attitude toward one's family history, to which each generation related in a personal way, allowing themselves to be modified or not by the consequences of the violence. From the global observation of the first nucleus of testimonies, I identified some mechanisms that allow common tendencies to be described:
1. the presence of a "family secret,"
2. the active role of the youngest generations, who discovered that secret and decided to reconstruct the story,
3. the "antagonist" role of the oldest generation, who created a hiding space made of silence, contributing to the shaping of a traumatic heredity,
4. the closure of the traumatic circle when the painful story is discovered and the truth is rebuilt,
5. the presence of coincidences and affinities between the younger generation and the victim, and
6. the production of "memory objects."

The interviewees all stated that they perceived something undeclared and unresolved, capable of generating complex feelings, coming from a past event that they neither knew nor knew how to explain, yet they felt was clearly related to violence. In some cases, such as Julia's, this atmosphere may refer to the presence of objects that belonged to the victim in the house without the family giving details of her/his life and death. Barbara said she still remembers a strange feeling she had during her childhood when she knew nothing about her family's past

14 The interviews, conducted by the author in 2019 and 2020, are conserved in the author's private archive.

("I felt a shadow over the family"[15]), a dark shadow that she could not explain but that reached out to her and her little brother.

For everyone, the turning point seems to have been adolescence, when the unrevealed secret united those who discovered it with the history of the family, investing them with a new role. "I always knew that someone in the family had done something bad to someone else," Julia told me, "but I only later realized that it had to be me to realize what it was exactly."[16] It is, therefore, the later generations who discovered the secret of their murdered relative's story and decided to start a quest to reconstruct it. This active role was determined by a delegation from a relative from the previous generation: "It was a kind of delegation,"[17] Barbara explained about the moment in which her father taught her to read the graphic style in use during the Nazi period, without which she would not have been able to read her great-aunt's letters. By reconstructing her grandfather's story in great detail, Julia accomplished what her father, the victim's son, had failed to do. Hannah and her sister retraced their father's steps, continuing where he seemed to have given up: "We wanted to support him,"[18] they told me. All of the interviewees showed a tenacious willingness to break the taboo of silence regarding the National Socialist past, trying whenever possible to question their grandparents or older relatives about their memories of the Second World War period.

When Barbara, as a child, came across a book about some persecuted Jewish children, she could not put it into context, and this upset her. She then turned to her mother for help and tried, in this way, to obtain information that her mother was unwilling to give her. This tenacity seems to be the manifestation of strong generational tension. Why did the interviewees break this taboo, forcing the whole family to confront their burdensome past?

Vittorio Cigoli explains how every generational transition necessarily entails a transgression, to be understood not as a rejection of authority but as a will to overcome and resolve.[19] It is precisely the latest generations that have to make the effort to go beyond what has been given in the generational exchange, actively inserting themselves in the process of discovery and creating new solutions through their own actions. The process of exchange and transmission between generations is thus always separative, i.e., subject to elaboration. This elaboration, which the interviewees carried out by reconstructing their family histories, has the value of repairing the evil and the violence done and received before they were born.

15 Interview with Barbara S., Berlin, May 2019.
16 Interview with Julia F., via Skype, May 2019.
17 Interview with Barbara S., Berlin, May 2019.
18 Interview with Hannah and Gina B., August 2019.
19 Vittorio Cigoli, *L'Albero della discendenza* (Milan: Franco Angeli, 2006), 96.

If it is true that they inherited a trauma, or a traumatic memory, it is also true that they simultaneously contributed to overcoming it: "It was a way to show to myself that I was different to my grandparents and my family and that I'm interested in finding out the truth and that I don't care about family taboos,"[20] Jörg clearly told me during his interview.

In my opinion, it is the connection of these family stories with Nazi euthanasia that allows the latest generations to break the taboo: they discovered themselves to be "exceptions" because they have a direct link to the victims and did not feel connected only to the perpetrators, like other Germans. This bond is also the channel that allows them to identify with the victims. In her recent book,[21] Barbara speaks directly with her great-aunt, consoles her, argues with her, and finds comfort in her. "I felt I was a continuum of her because they didn't trust me,"[22] she told me, explaining how she felt incapable of carrying out the research work, fearing the harsh judgment of experts, historians, and psychiatrists.

The latest generations have also felt the need to transform the results of their research into a more or less tangible object and, in this way, to make it usable. Julia created a website dedicated to her grandfather, thanks to which I learned about the story, and recently published a book.[23] Barbara wrote a book about her great-aunt's story, and before she completed her research, she painted a series of pictures in which the photograph of the woman, which had affected her so much, is elaborated and decomposed, superimposed, and recomposed. Hannah created a cycle of paintings dedicated to her grandmother's story, which she exhibited in many cities and some of the clinics where the victim was hospitalized. Jörg greeted me with a large binder full of papers, parts of old diaries, and photographs of people he associated with his great-uncle. These "memory objects" have a high symbolic value, manifesting at the same time the existence of the victim, her/his history, and the decisive role of the grandchildren who brought that denied memory back to life. They are not merely containers of a private memory but constitute themselves as individualities, as subjects. It is precisely as subjects that they act, enabling remembrance, thus mediating between oblivion and presence.

Entrenched in a resolute silence, the victims' closest relatives, in most cases, tried not to talk about the fate that befell their loved ones. This seems all the more incomprehensible when one considers that, among the victims, we find the sons and daughters, brothers and sisters, fathers and mothers of people who, for deca-

20 Interview with Jörg W., Berlin, March 2019.

21 Barbara Stellbrink–Kesy, *Unerhörte Geschichte* (Berlin: Verlag am Turm, 2020).

22 Interview with Barbara S., Berlin, June 2019.

23 Julia Gilfert, *Himmel voller Schweigen: Fragmente einer Familiengeschicthe* (Dresden: Ultra Violett Verlag, 2021).

des, did not ask questions or try to understand how and why they had died in a psychiatric clinic. Jörg's story is emblematic in this respect: his grandmother felt so responsible for dropping her little brother to the ground that she probably felt she was the cause of the little boy's psychiatric problem. In the years following the war, she even started calling him by a different name, thus also abolishing his real identity. Jörg is still looking for a photograph of his great-uncle because the family has not preserved any pictures of him. When Barbara asked about the woman portrayed in the photograph that had made such an impression on her, no one in the family could identify her (the victim), and nothing had been written on the back. Why these removals occurred is complex to explain. The factors at play are multiple and closely linked to each other to the point that they create a dense web of pain and silence, similar and yet different at the same time for each family unit. Families certainly experienced a sense of guilt for not helping their loved ones or understanding what was happening to them.

Barbara has often highlighted the responsibility of her relatives, who decided to close the doors of their house to her great-aunt on several occasions, causing many admissions to psychiatric clinics and worsening the woman's condition: "I can't help thinking that that house was so big . . . There wasn't anywhere, not even a room?"[24] What her great-niece implicitly defines as "guilt" has its climax at the end of the story, when the victim's sister takes her back to the clinic where she will be killed. Hannah is sure that her grandfather was not aware of the risk, nor did he comprehend in time what would happen to his wife. The documentation shows that he was constantly present at all stages of his wife's recovery: he wrote numerous letters, which his granddaughters still preserve, to the directors of all the clinics where she was admitted, asking for news about his wife and begging for her return home. One of the letters comes from Poland: the man sent it just a month after he left Germany for war. The grandmother's family expressed their closeness and interest, but this was not enough to prevent, over the years, the emergence of a guilty consciousness and the passing of a strong form of fear related to the illness. During the war, the victim's daughter never spoke of her mother being admitted to a psychiatric clinic. Her constant fear was her teacher asking her where her mother was: she feared that in spite of her image as a "perfectly Aryan" child, someone might seek her sterilization for health reasons. After the war, she continued not to talk about her mother for fear that others might consider her a potential mental patient. Hannah told me that she suffered from the anguish of becoming schizophrenic, like her grandmother, throughout her youth. A clear manifestation of her trauma is a recurring

24 Interview with Barbara S., Berlin, June 2019.

thought from that period: "If I say to someone that I'm feeling bad, they will take me to a clinic, and in the clinic, they will bring me to death. So, I said nothing."[25]

No household has emerged unscathed from the willingness of the youngest generation to reconstruct the history of the victims. Relationships between members of the same household have strengthened, for better or worse: those who were particularly close now feel even closer, while those who had a difficult relationship have put a greater distance between them. The generation that carried out the research has redeemed itself and embodies its own personal resistance to the indifference of other generations.

Jörg directly declares his distance from the rest of his family and the Nazis, close in guilt: "More and more, I also felt that it was my obligation to my uncle to remember him. That was the only thing I could do for him. The Nazis murdered him, and my family collaborated in such a way that they made him forgotten, so he didn't exist any longer. I had to go on with the research to bring him back to memory, back to my family, back to life."[26] If his family had erased the memory of the victim, killing him in the eyes of his grandson for a second time, it was Jörg who brought him back to life. "I have done my work," Julia told me during the interview, "and now the others have discovered they have a father, an uncle, a grandfather." The family's fragmented identity has reassembled into a stronger identity: "There is some kind of peace now, in the family."[27]

While telling their family histories, the interviewees pointed out that some situations experienced during their research remain "unexplained." Julia described a day when, wanting to visit the city cemetery where she had discovered a gravestone placed by the family in memory of her grandfather, she entered the home of a friend who had offered to accompany her. Sitting in the living room, she felt a strange sense of familiarity and seemed to know that house very well. Only later did she find out that her grandfather had lived exactly there. Hannah and her sister told me that over the years, for work reasons and without knowing it, they had visited clinics and institutions to which their grandmother had been admitted. Barbara's story is also full of coincidences, which she recounts with great astonishment: for example, it was in the one chest she decided to keep for herself, among the objects in her father's house, that her great-aunt's letters had been hidden.

These coincidences seem to signal a willingness to correspond between the victims' life and that of the interviewees. The feeling, on the part of the grandchildren, was that they had been "chosen" (I was "the only one" capable of doing this; I felt

25 Interview with Hannah and Gina B., August 2019.
26 Interview with Jörg W., Berlin, July 2019.
27 Interview with Julia F., via Skype, May 2019.

like I was "the one"; it was a kind of "election"), the only ones capable and perhaps also the only ones worthy of playing a role that clearly differentiates them from the other members of their family and brings them closer to the victims.

The fact that there were no SS in the family is not, for Jörg, an absolution or proof of a lack of adherence to Nazism: "All were Nazis to a greater or lesser degree,"[28] he told me. When Barbara spoke about her great-uncle, who was condemned to death and executed for spreading news about the killing of Jews in the East, she stressed at the same time his political ambiguity, reminding me of his membership of the Völkisch movement. For the interviewees, in other words, with the exception of the murdered relatives, their families were more or less fervent Nazi followers, more or less aware, but no less responsible.

Thus, identification is, perhaps, necessary in order to shake off the burden inherited by every subsequent German generation, whose consciences are still in check from what happened during the war. Karl Jaspers declared this almost prophetically as early as 1946:

> For what our family members do, we feel a certain complicity. It is a co-responsibility that cannot be expressed objectively. Indeed, we would not admit to holding someone responsible on the basis of kinship alone. But when one of our family commits a bad deed, due to the fact that we are of the same blood, we are inclined to feel guilty in a certain sense too. That is why we are also willing to make amends for that bad deed depending on the conditions and manner in which it took place and depending on who the victim was, even though we are not morally and legally responsible for it.[29]

More than just a history to be reconstructed, Jörg, Julia, Barbara, and Hannah were faced with a problem to solve, resulting from the effect of the violence suffered by their murdered relatives. This was the "sacred dilemma of conscience" of every German born after the Second World War: to continue to carry the guilt inherited from Nazi Germany on their shoulders or to demonstrate, not only to others but also to themselves, that they can claim the right to feel legitimately related to the victims, and thus to do justice to them.

> It is distinctly easier for me to identify with my great-grandmother than with her husband or with my grandfather. The identification with perpetrators is for me an impossibility, although I recognize that perpetrators, too, belong to my family history. It is often a more

28 Interview with Jörg W., Berlin, August 2020.

29 Karl Jaspers, *La questione della colpa* (Milan: Raffaello Cortina Editore, 1966), 81–82. Translation by the author.

> comfortable way out, both in terms of memory politics and within the family, to resort to identification with the victims and to airbrush the perpetrators out of sight.[30]

The Last Memorial: *Erinnerungskultur* and Public Debate on "Aktion T4"

In an interesting analysis of the reception of the Aktion T4 program in post-war Germany, Jürgen Peiffer identifies five successive phases, ably describing the tendencies of removal, repression, and the slow emergence of a public debate, which is still ongoing.[31] Following the phases of this development helps us to understand how peculiar the transition from collective silence on the nature and responsibility of this crime to the official, albeit late, recognition by German research institutes of participation in medical experimentation on victims and their use in the creation of anatomical collections had been. Peiffer and his essay are interesting examples of all the contradictions, responsibilities, omissions, and "selective memory" attitudes that characterized the German scientific world toward its active role during the National Socialist period for decades.[32] In 1963, Peiffer wrote another essay dedicated to Julius Hallervorden, together with the daughter of Ernst Rüdin, Edith, in which he mentioned the study of Franz Seitelberger. Seitelberger's work, published in 1954, is based on the brain analysis of three "Kutschke boys": Alfred, Günter, and Herbert, two brothers and a cousin affected by the same illness, murdered in Brandenburg–Görden between 1942 and 1944 for research purposes. It is perhaps superfluous to emphasize that Peiffer never stated that he had cited a work based on such a criminal action in his publications on the topic.

Peiffer defines the first phase (1945–1950), which was characterized by widespread collective silence, as a period in which denouncing participation in the T4 program was equivalent to carrying out "*Nestbeschmutzung*," literally "fouling one's own nest," a metaphorical expression to define the way in which the at-

30 Andreas Hechler, "Diagnoses That Matter: My Great-Grandmother's Murder as One Deemed "Unworthy of Living" and Its Impact on Our Family," *Disability Studies Quarterly* 37, no. 2 (2017), https://dsq–sds.org/index.php/dsq/article/view/5573.

31 Jürgen Peiffer, "Phases in the Postwar German Reception of the "Euthanasia Program" (1939–1945) Involving the Killing of the Mentally Disabled and its Exploitation by Neuroscientists," *Journal of the History of the Neurosciences* 15, no. 3 (2006): 210–244.

32 Götz Aly has ably described Peiffer's "faulty memory": Götz Aly, "To Prevent Further Unfounded Aly Construction," in *Recognizing the Past in the Present: New Studies on Medicine Before, During and After the Holocaust*, eds. Sabine Hildebrandt, Miriam Offer, and Michael A. Grodin (Oxford: Berghahn Books, 2021), 298–326.

tempt to investigate and publicly disseminate information about the killings that had taken place in psychiatric clinics up to a few years earlier was also regarded.

Indeed, there had been attempts to create a public debate on the euthanasia program as early as 1946/1947, when Eugen Kogon published the first report on the killing methods used by the physicians involved.[33] In 1947, Dorf Sternberger also wrote an article on the subject,[34] in which he cited Alexander Mitscherlich and Manfred Mielke's work *Das Diktat der Menschenverachtung*.[35] In 1946, Mitscherlich was called upon to head a commission that had the task of monitoring the doctors' trial (*Nürnberger Ärzteprozess*), which took place in Nuremberg from 9 December 1946 to 20 August 1947. Alice von Platen and Mielke himself (together with whom, in 1947, Mitscherlich edited the publication of the documentation collected during the trial for the publisher Lambert Schneider) were also part of the commission.

Although the doctors' trial put in the spotlight the experiments carried out on prisoners in the camps and especially on non-German victims, thus facilitating the escape into anonymity of many members of the medical profession who had participated in the T4 operations on hundreds of thousands of German citizens,[36] the first authors of texts on the Nazi euthanasia program all attended the trial and all tried to spread the news about the crime promptly, although with little success. Leo Alexander, who was medical advisor to US prosecutor Telford Taylor, compiled a report first published in July 1949 in *The New England Journal of Medicine*, entitled "Medical Science under Dictatorship," which gave details on the euthanasia program.[37] The general attitude of the work, however, overshadowed the active role of the medical profession by underlining the adherence to the Nazi ideal as the primary cause of physicians' criminal behaviors: "In their eagerness to establish the link with Nazism, the prosecutors and the judges largely ignored the degree to which racist and eugenic thought had become well established, if not dominant, in medical thinking in Germany even before the Nazis' seizure of power."[38]

33 Eugen Kogon, "Ärzte als Knechte des Todes," *Frankfurter Hefte* 2 (1947): 123–124.

34 Dorf Sternberger, "Dokumente und Berichte: Weitere Dokumente zu den Geisteskranken–Morden," in *Die Wandlung*, eds. Karl Jaspers, Werner Krauss, and Alfred Weber (Heidelberg: Carl Winter Verlag, 1947), 251–267.

35 Alexander Mitscherlich and Manfred Mielke, *Das Diktat der Menschenverachtung: Eine Dokumentation* (Heidelberg: Verlag Lambert Schneider, 1947).

36 Michael R. Marrus, "The Nuremberg Doctors' Trial in Historical Context," *Bulletin of the History of Medicine* 73, no. 1 (1999): 106–123.

37 Leo Alexander, "Medical Science under Dictatorship," *The New England Journal of Medicine* 241 (1949): 39–47.

38 Robert Proctor, *Racial Hygiene: Medicine under the Nazis* (Cambridge, MA: Harvard University Press, 1988), 38.

In 1948, Alice von Platen published the first work entirely dedicated to the euthanasia program, *Die Tötung Geisteskranker in Deutschland: Aus der Deutschen Ärztekommission beim Amerikanischen Militärgerich*, in which she presented extensive documentation from the trial and questioned, for the first time, the reasons that led renowned physicians and scientists, including international ones, to carry out murderous actions on obviously non-consenting patients.[39] The work was completely ignored and only rediscovered in the 1990s when it was also translated into English and Italian. The same fate befell Mitscherlich and Mielke, whose work *Medizin ohne Menschlichkeit: Dokumente des Nürnberger Ärzteprozesses* initially aroused no interest, was republished in 1960, and then again in 1996, when it finally gained some recognition. Alexander, Mitscherlich, Mielke, and von Platen had all studied medicine, psychiatry, and psychology. Their attempts to disseminate what had been presented at the doctors' trial were not taken up at all by the German medical profession, nor by the psychiatric profession. In fact, the entire German public opinion refused to investigate either what had happened or the motives and responsibilities.

From 1951 to 1961, more or less what Peiffer refers to as the second phase, the timid willingness to question medical responsibility in the euthanasia program only concerned the ethical question of helping to die. The debate was then taken to a strictly philosophical (Max Barella), theological (Martin Niemöller, Paul Gerhard Braune, Jochen Fischer, Ernst Wolf), or medical level. In this decade, some physicians who had taken part in the euthanasia program reappeared to claim the medical validity of the Nazi law on the sterilization of individuals carrying hereditary diseases or of euthanasia itself. In 1962, Werner Catel, one of the three medical experts who selected cases for child euthanasia and obtained a chair in Pediatrics at the University of Kiel in 1954, wrote and published a book in which he claimed the utility of euthanasia measures.[40] The work received enormous criticism, but although Catel's role in the Reich Committee was well known, he was never condemned for his active participation in the criminal operations. Two years later, in an interview with *Der Spiegel*, justifying his belief in the need for "limited euthanasia" for children suffering from "incurable idiocy," he described them as "*seelenlose Wesen*" (soulless beings) and "*Monster*" (monsters): "*Hier ist die Rede nicht von Menschen, sondern von Wesen, die lediglich von Menschen ge-*

39 Alice Platen-Hallermund, *Die Tötung Geisteskranker in Deutschland: Aus der Deutschen Ärztekommission beim Amerikanischen Militärgericht* (Frankfurt a.M.: Frankfurter Hefte, 1948).
40 Werner Catel, *Grenzsituationen des Lebens: Beitrag zum Problem der begrenzten Euthanasie* (Nürnberg: Glock und Lutz, 1962).

zeugt wurden, die aber selber keine mit Vernunft oder Seele begabten Menschen sind oder je werden können."[41]

In the same interview, when the interviewer asked him how many children in the entirety of Germany (not only in the Federal Republic, where Catel lived) would be subject to the measures he hoped for, Catel replied by giving the figure of 16,000, which he calculated by multiplying the annual birth rate provided by the Institute of Human Genetics in Münster in 1958 by eight.

In 1961, the German Pediatric Society (*Deutsche Gesellschaft für Kinderheilkunde*) was the first German medical/scientific association to declare officially that in no way could bringing an end to a life defined as "not worth living" be compatible with medical professional ethics. The years from 1965 to 1988 included cycles of lectures on euthanasia killings at the University of Tübingen and at the Freie Universität Berlin, but it was only with the fall of the Berlin Wall in 1989 that a turning point occurred. With the exception of a few significant contributions, such as those of Ernst Klee[42] and Götz Aly,[43] it was the opening of the federal archives and the discovery of documentation on approximately 30,000 patients that allowed the compilation of lists of victims.

41 "Here we are not talking about human beings, but about beings who were merely begotten by human beings, but who themselves are not and can never become human beings endowed with reason or a soul." Werner Catel, "Aus Menschlichkeit Töten?," *Der Spiegel*, February 18, 1964, https://www.spiegel.de/politik/aus-menschlichkeit-toeten-a-5ca32135-0002-0001-0000-000046163174?context=issue.

42 Ernst Klee, *Euthanasie im NS-Staat—Vernichtung "lebensunwerten" Lebens* (Frankfurt a.M.: Fischer, 1983); Ernst Klee, *Dokumente zur "Euthanasie"* (Frankfurt a.M.: Fischer Taschenbuch-Verlag, 1985).

43 Götz Aly, "Menschen, die lachen und weinen konnten," in *Von der Aussonderung zur Sonderbehandlung: Lehren und Forderungen für heute. Dokumentation aus Anlass des 40. Jahrestages der Massen-Abtransporte aus den Alsterdorfer Anstalten* (Hamburg: GEW–Landesverband Hamburg, 1983), 22–30; Götz Aly, "Der Mord an behinderten Hamburger Kindern zwischen 1939 und 1945," in *Heilen und Vernichten im Mustergau Hamburg: Bevölkerungs- und Gesundheitspolitik im Dritten Reich*, eds. Angelika Ebbinghaus, Heidrun Kaupen–Haas, and Karl Heinz Roth (Hamburg: Konkret Literatur Verlag, 1984), 147–155; Götz Aly and Karl Heinz Roth, *Die restlose Erfassung: Volkszählen, Identifizieren, Aussondern im Nationalsozialismus* (Berlin: Rotbuch Verlag, 1984); Götz Aly, "Der saubere und der schmutzige Fortschritt," in *Reform und Gewissen: "Euthanasie" im Dienst des Fortschritts. Beitrage zur Nationalsozialistischen Gesundheits—und Sozialpolitik*, eds. Götz Aly, Karl Friedrich Masuhr, Maria Lehmann, Karl Heinz Roth, and Ulrich Schultz (Berlin: Rotbuch Verlag, 1985), 9–78; Götz Aly, "Medizin gegen Unbrauchbare," in *Aussonderung und Tod—Die klinische Hinrichtung der Unbrauchbaren: Beitrage zur nationalsozialistischen Gesundheits—und Sozialpolitik* 1, eds. Götz Aly et al. (Berlin: Rotbuch Verlag, 1985); Götz Aly, *Totgeschwiegen: 1933–1945: Die Geschichte der Karl-Bonhoeffer–Nervenklinik* (Berlin; Edition Hentrich, 1988); Götz Aly, *Aktion T4 1939–1945: Die "Euthanasie"—Zentrale in der Tiergartenstrasse* (Berlin: Edition Hentrich, 1989).

With access to the new documentation, through which individual and institutional responsibilities were brought into sharper focus, important German scientific organizations, such as the Max Plank Society, commissioned groups of historians, including non-German ones, to investigate their past for the first time.[44] Research on local history increased, and memorials and exhibition sites were opened in former killing centers such as the Hadamar clinic.

Jan Assmann has precisely defined the concept of "memory figures," which collective memory needs in order to constitute itself and give rise to public discourse. These memory figures, which have the value of foundational symbols, must have a link to a well-defined place and time and must be able to refer to the identity of a specific social group: "Just as thinking may be abstract, remembering is concrete."[45] The formation of a shared memory of the Nazi euthanasia program has come up against the lack of symbolic images, the public absence of direct witnesses of the crime, and the impossibility of defining a homogeneous victims' group. We have no pictures of the violence, and just a few photographs are known, taken by inhabitants of towns close to the clinics used as killing centers.

Photographs such as these, however, stop at the depiction of an external and totally enclosed space, which prevents us from looking beyond and grasping the reality of this crime's violence. In Fig. 1, the smoke from the combustion of the victims' corpses appears clear and stands out starkly in the sky above the small town. However, its real significance is obscure when compared to the shots taken by the Royal Air Force over Birkenau in 1944, where crematorium pits were opened behind Crematorium V to dispose of the huge number of accumulated corpses, producing an immense column of smoke. We know this because photographs were taken furtively, and at the risk of their own lives, by members of the *Sonderkommando* in August 1944. Those shots are truly "snatched from hell"[46] because they were taken in the exact place where the total erasure of evidence of extermination was taking place. If, in order to remember, it is necessary to be able to imagine, then these shots represent the gesture with the highest conceivable ethical value, made by men directly inside the extermination machine, in which they were only a powerless cog, to bear witness to the reality of its opera-

44 On the responsibility of the German Medical Association, see Volker Roelcke, "Between Professional Honor and Self-Reflection: The German Medical Association's Reluctance to Address Medical Malpractice during the National Socialist Era, ca. 1985–2012," in *Silence, Scapegoats and Self–Reflection*, eds. Volker Roelcke, Sascha Topp and Etienne Lepicard (Göttingen: V&R Academic, 2014), 243–280.

45 Jan Assmann, *Cultural Memory and Early Civilization: Writing, Remembrance, and Political Imagination* (New York: Cambridge University Press, 2011), 23.

46 Georges Didi-Huberman, *Images malgré tout* (Paris: Minuit, 2004).

Fig. 1: Crematorium chimney at Hadamar killing centre, 1941.
Source: Photo Collection Hadamar Memorial, FS 4.

tion. Nothing like this was performed inside the clinics of the Nazi euthanasia program. Our imagination always has to stop at the outer limits of the buildings themselves or the buses used to transport patients from one institution to another, which appear in a few photographs and films. A significant piece of evidence, then, is a drawing brought back by Dagmar Herzog which was made during a workshop held at the Hadamar memorial.[47] In it, what have become the only visual symbols of the crime are identifiable: the smoke coming out of the clinic's chimney, one of the gray buses used to transport the victims, and the black and white tiled floor of the gas chambers in the Hadamar institute – the only symbolic elements we can associate with Aktion T4. The bus became increasingly important following the itinerant installation by Horst Hoheisel and Andreas Knitz in 2005. As Susanne Knittel suggests,[48] there are two events that we can consider as foundational in the late process of memorialization of the Nazi euthanasia program: this

47 Dagmar Herzog, *Unlearning Eugenics, Sexuality, Reproduction, and Disability in Post-Nazi Europe* (Madison, WI: The University of Wisconsin Press, 2018), 7.
48 Susanne Knittel, "Beyond Testimony: Nazi–Euthanasia and the Field of Memory Studies," *The Holocaust in History and Memory* 5 (2013): 85–101.

installation/monument and the *Stolpersteine*, the stumbling stones created on the initiative of the German artist Gunter Demning. It is interesting to note that both forms aim to commemorate a place that no longer preserves, in the present, traces of the crime itself and, thus, how both are based on absence.

Conclusion

In the families of victims of the Nazi euthanasia program, genocidal violence led to the formation of a specific trauma, which differs greatly from that observed in the families of Shoah survivors or victims of other war crimes. This traumatic memory influenced the formation of a complex and still ongoing public debate.

To understand the reason for such a peculiar development of a public discourse on this crime, we must first consider an important characteristic that has been decisive in the creation of a "collective memory" of it and which has also been fundamental in the shaping of a private perception in the victims' families: with very few exceptions, we have no direct testimonies of victims of the Nazi euthanasia program.[49] The only documentation on them is the files compiled by medical personnel upon their arrival in the institutions and during their time in the clinics. The perception of these people is thus irretrievably filtered by those whose task it was to judge the value of those lives and decide whether to grant them a "merciful death." Through questionnaires and interrogations carried out to establish and assess the degree of intelligence and capacity of the patients, and through the use of standard questions that left no room for range and expression, the victims are described in such a way as to make the certainty of their illness unequivocal. However, in some cases, the strength of certain statements made by the patients and mechanically recorded in these files manages to break through the gray, aseptic veil of medical evaluation: this is perhaps the closest we can get to those victims.[50] The patients who survived and remained in the institutions even after the end of the war were never interviewed by the authorities, and those who

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49 Worthy of note, however, are the following testimonies: Elvira Manthey, *Die Hempelsche. Das Schicksal eines deutschen Kindes, das 1940 vor der Gaskammer umkehren durfte* (Berlin: Hempel Verlag, 1994); Alois Kaufmann, *Totenwagen. Kindheit am Spiegelgrund* (Vienna: Uhudla Edition, 1999). Manthey's testimony has never been translated into English, but was republished by Mabuse Verlag in 2021.

50 Götz Aly cites some powerful examples in his works. To give just one example, after the child Ursula Kriesch was killed in October 1940 in Brandenburg-Görden. Dr. Friederike Pusch, responsible for the hospital's children's ward, wrote a statement about the young patient: "Ursula was transferred here from the Buch Mental Hospital. During the admissions process, she made a re-

returned to their homes did not talk about what they had experienced. Their statements, tainted by the diagnosis of psychiatric illness, were not considered reliable in court proceedings against medical personnel.[51] Without testimonies, the literary production relating to the crime consists of reconstructed biographies, true hybrid texts written in many cases by relatives of the victims in recent years. Marianne Hirsch would call them acts of "postmemory,"[52] the only places where a form of identification and projection by the victims themselves is perhaps possible. The ever-increasing number of these works represents a radical change in German cultural memory concerning this specific memory.[53]

served impression. She opened up when she discovered a young female friend of hers in the ward, whom she greeted with tight embraces. Ursula continued to maintain her affection for the other little patient. She was more helpless than Ursula, which is why the latter took care of her. Ursula was always there when the young girl lacked something. She helped her with her daily needs. Ursula enjoyed talking about her relatives and was very grateful every time she received a package. She liked looking at the enclosed postcard and showed it to everyone with great joy. She quickly found her bearings in the ward and soon understood its daily routines. She knew the rules of the board game Parcheesi and was capable of explaining them to others. She played with respect for others and an overview of the greater situation. She added the sums of the rolls of the dice for everyone and recognized the advantages and disadvantages of her playing partners. When she talked for longer intervals, her unclear speech became noticeable . . . ." Friederike Pusch, "To Prevent Further Unfounded Aly Construction," in *Recognizing the Past in the Present: New Studies on Medicine Before, During and After the Holocaust*, eds. Sabine Hildebrandt, Miriam Offer, and Michael A. Grodin (Oxford: Berghahn Books, 2021), 299.

51 Christoph Schneider, *Hadamar von Innen: Überlebendenzeugnisse und Angehörigenberichte* (Berlin: Metropol Verlag, 2020), 19.

52 Marianne Hirsch, *The Generation of Postmemory: Writing and Visual Culture After the Holocaust* (New York: Columbia University Press, 2012).

53 Hans Zappe, *Ruth* (Berlin: Evangelische Verlagsanstalt, 1968); Hans Ulrich Dapp, *Emma Z – Ein Opfer der Euthanasie* (Stuttgart: Evangelischer Verlag, 1990); Melitta Breznik, *Das Umstellformat* (Munich: Luchterhand Literaturverlag, 2002); Lydia Kron Treu, *Menschen im Ries: Eine Familiengeschichte in Zeiten der Unmenschlichkeit* (Munich: Literareon, 2007); Kerstin Schneider, *Maries Akte* (Munich: Weissbooks, 2008); Bernhard Selting, *Betriebsausflug in die Gaskammer* (Munich: MDS Verlag, 2009). Daniela Martin, *. . . Die Blumen haben fein geschmeckt* (Dresden: Stiftung Sächsische Gedenkstätten, 2010); Antje Kosemund, *Sperlingskinder. Faschismus und Nachkrieg: Vergessen ist Verweigerung der Erinnerung* (Hamburg: VSA Verlag, 2011); Sigrid Falkenstein, *Annas Spuren* (Munich: Herbig Verlag, 2012); Hartmut Traub, *Ein Stolperstein für Benjamin: Den namenlosen Opfern der NS-Euthanasie* (Cologne: Klartext, 2017); Ruth Alice Dunkelmann and Brigitte Wege, *Lina: Oder das kurze Leben eines besonderen Mädchens* (Norderstedt: Books on Demand, 2019); Barbara Stellbrink–Kesy, *Unerhörte Geschichte* (Berlin: Verlag am Turm, 2020); Andreas Burmester, *Versandung: Annäherung an eine einzige gesprochene Andeutung* (Berlin: Vergangenheits Verlag, 2020); Gabriele Lübke, *Ich bin ohne Sinnen gestorben: Leben und Leid der Rosa Schillings* (Hamburg: Marta Press UG, 2021); Ulrich Raschkowski, *Kurt Georg Vogt 1912–1941:*

A second characteristic that emerges from the family histories collected in this study is a particular mechanism for "repairing the past," similar to and yet different from that found in the transmission of private memory in various German households (as examined in detail by Gabriele Rosenthal in her research[54]). In the cases discussed here, the "moral value" that the families unconsciously attribute to themselves, as personally related to the victims, is different. In the attitude described by Rosenthal,[55] the families presented themselves as not involved in the collective events, i.e., they should not be included in the general responsibility of German society for the crimes committed by the Nazi regime. Their inclusion in the group of victims was motivated by the bombing and destruction suffered by the cities of Germany or by the suffering reported by the German soldiers imprisoned in the Soviet Union. In the cases presented here, on the other hand, the families perceive their link with and membership of the victims' group as truly "legitimate" and proudly claim it, thus placing – it seems – the suffering endured by the bombed German cities on a much lower level than the crimes against humanity committed by Nazi Germany, among which they include the implementation of the Nazi euthanasia program. The difference between the German families who had family members persecuted for political reasons, who should certainly be counted among the victims, and the families interviewed for this study concerns the personal perception of the reason for persecution and killing. If, in fact, the political motivation is perceived as somehow sufficient to explain the "reasons" for persecution, arrest, and murder, the same cannot be said for the reasons that led to the implementation of forced euthanasia measures. All the interviewees pointed out that these motivations, like the reasons that led to the Jewish persecution, are non-existent.

In the case of the Nazi euthanasia program, genocidal violence determined the development of a very atypical traumatic memory, which has been preserved with difficulty, omission, and silence for decades by the families of the victims and by German society. However, this has undergone a major change thanks to the work of the third generation. Breaking the silence that in almost all cases

Opfer der "Euthanasie" (Neustadt an der Aisch: VDS, 2021); Julia Gilfert, *Himmel voller Schweigen: Fragmente einer Familiengeschicthe* (Dresden: Ultra Violett Verlag, 2021).

54 Gabriele Rosenthal, "Reconstruction of Life Stories: Principles of Selection in Generating Stories for Narrative Biographical Interviews," in *The Narrative Study of Lives*, vol. 1, eds. Ruthellen Josselson and Amia Lieblich (Thousand Oaks, CA: Sage, 1993), 59–91; Gabriele Rosenthal, "Zur Konstitution von Generationen in familienbiographischen Prozessen. Krieg, Nationalsozialismus und Genozid in Familiengeschichte und Biographie," *Österreichische Zeitschrift für Geschichtswissenschaften* 5 (1994): 489–516.

55 Gabriele Rosenthal, *The Holocaust in Three Generations: Families of Victims and Perpetrators of the Nazi Regime* (Opladen: Barbara Budrich Publishers, 2010).

characterized the victims' families, the latest generations have discovered "the family secret" and reconstructed the stories of their murdered relatives. Their personal processing of the inherited trauma led to the creation of "memory objects," works in which the collected history is combined with the description of the active, determinant role they played. In this way, the lack of a direct voice of the victims is, to some extent, filled by the testimonies of family members. It is to be hoped that this process, which is increasingly taking place in the private sphere, will be the necessary driving force to structure an equivalent process in the public sphere of German society of truly elaborating the crime, those who were responsible for it, and its implications in the post–war period.

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Alexander Williams

13 Times of the Living in Spaces of the Dead: Genocidal Violence and Its Effect Upon Spatiotemporal Perception in Eddie Weinstein's Treblinka Testimony *Quenched Steel*

In the late afternoon of Wednesday, 9 September 1942, Eddie Weinstein escaped from the Nazi extermination camp Treblinka. Having survived for over two weeks – after being fortuitously selected for work – he eluded the predetermined death that was allotted to him by hiding in a freight car destined for Germany. Five decades hence, Weinstein reflected upon his imprisonment in his testimony, *Quenched Steel*, writing that "I had been there for seventeen days, each of which was more like a century. It would be more appropriate to reckon the time I spent in this inferno in seconds, not days."[1] Together with the highly similar extermination camps Bełżec and Sobibór, Treblinka constituted the locus of *Aktion Reinhardt* – the codename denoting the systematic annihilation of Jews residing in the *Generalgouvernement* area of occupied Poland during the Holocaust.[2] Out of approximately 1.7 million *Reinhardt* victims, at least 800,000 perished in Treblinka between June 1942 and October 1943, and fewer than 250 survived.[3] In their capacity as extermination facilities, the *Reinhardt* camps thereby differed from Nazi concentration camps as their purpose was not primarily characterized by imprisonment but by a different, exceedingly specific form of genocidal violence, *viz.* the "nigh immediate mass murder of those deported there."[4] Even those arbitrarily selected for "work" – egregiously coerced into complicity in the effectua-

1 Eddie Weinstein, *Quenched Steel: The Story of an Escape from Treblinka*, ed. Lenn Schramm, trans. Naftali Greenwood, 2nd ed. (Jerusalem: Yad Vashem, 2005), 62.

2 Stephan Lehnstaedt, *Der Kern des Holocaust: Bełżec, Sobibór, Treblinka und die Aktion Reinhardt* (Munich: C.H. Beck, 2017).

3 Chad S.A. Gibbs, "Lessons from the Treblinka Archive: Transnational Collections and their Implications for Historical Research," *Journal of Contemporary Archival Studies* 5, no. 1 (2018): article 14. Throughout this chapter, "Treblinka" shall refer to the extermination camp (officially called SS *Sonderkommando Treblinka*). For the nearby forced–labor camp known as Treblinka I, see Chris Webb and Michal Chocholatý, *The Treblinka Death Camp: History, Biographies, Remembrance* (Stuttgart: Ibidem Verlag, 2014), 11–18.

4 Annika Wienert, *Das Lager Vorstellen: Die Architektur der nationalsozialistischen Vernichtungslager* (Berlin: Neofelis Verlag, 2015), 154 Translation mine throughout.

https://doi.org/10.1515/9783110781328-013

tion of these genocidal intents – lived under a constant existential threat since their remission from death was only temporary. In light of the scarcity of testimonial documentation concerning these camps following from this, Weinstein's text provides an unprecedented insight into the subjective experience of an extermination camp survivor. What makes it unique, however, is the manner in which the narrative portrays the repercussions which this distinct form of genocidal violence exerts upon the perception of space and time inside an extermination camp.

Conjointly enabling conceptualization and perception of the world and changes therein, space and time are foundational elements of human experience. This importance notwithstanding, virtually all scholarship pertaining to how time relates to space inside Nazi camps – regardless of their functional purpose – is derived from concentration camp testimonies, which frequently narrate temporality through relatively linear, chronological terms.[5] Irrespective of the veracity such narrative strategies hold, Weinstein's extermination camp testimony suggests that within Treblinka, time was not experienced as such. In this space, whose sole *raison d'être* was systemic, large-scale murder, time appeared unhinged as twenty-four-hour solar days were experienced as containing vast expanses of time, akin to centuries. A day, the most familiar point of temporal orientation, consequently became meaningless as it expanded into an empty abstraction. In contrast to this expansion, temporality in Treblinka only seemed to be conceptually apprehensible inversely. In a space where death perpetually loomed, one could only "reckon" with time *a priori* by leaving the day aside and taking recourse to its smallest observable constituent parts, the innumerable seconds elapsed during imprisonment.[6] As time became dislodged from its normative categories, the ephemerality of the second thereby took on the largest significance whilst temporality's normative cohesion unfurled into discordance.

Nonetheless, in contrast to this asymmetric dilation of time, Weinstein's narrative orders its spatial descriptions of events by supplementing it with an uncommon degree of chronological precision. Such a calendrical exactness – e.g., "the next morning, August 26th" – is usually encountered solely in testimonies based upon diaries and, paradoxically, surpasses the chronological specificity ordinarily observed in concentration camp accounts.[7] *Quenched Steel* therefore suggests that the perception of time within these annihilatory spaces operated differently in contrast to their concentrationary counterpart – an elusive corollary of genocidal vio-

5 Andrea Reiter, *Narrating the Holocaust*, trans. Patrick Camiller (London: Continuum, 2000), 150.

6 Weinstein, *Steel*, 62.

7 Ibid., 46.

lence which has hitherto remained unexplored in this context. Yet, how can the observed temporal asymmetry be reconciled with the purported rigid chronology of narrative in which it is encountered, and what does this tension subsequently entail for the specifically *exterminatory* space wherein it is experienced? Inspired by these questions, this chapter explores the relationship between space and time within Weinstein's testimony and the subsequent ramifications this dual interplay has upon subjective victim experience in an extermination camp.

An analysis focusing on how extermination camp prisoners interpreted their harrowing predicament is long overdue.[8] For one, scant attention has formerly been paid to the individual, affective dimensions concerning these traumatic experiences and the memory thereof. Due to the scarcity of survivors, as well as a paucity of archaeological remnants and historical documentation, *Aktion Reinhardt* testimonies have typically been approached as texts exclusively containing objective, historical facts – never as the personal life narratives they represent.[9] As a result, remarkably little is known about how survivors – the most important actors in these narratives – experienced their plight in these annihilatory spaces. Additionally, the attention historically accorded to Auschwitz-Birkenau has overshadowed the comparatively unknown *Reinhardt* camps. "Often appropriated as a filter or prism," Simone Gigliotti writes, "[Birkenau] has operated as a portable memory substitute for the witnesses and the correspondingly limited testimonial sources from the Operation Reinhard[t] camps."[10] The danger inherent in viewing Auschwitz-Birkenau in coinciding with Bełżec, Sobibór, and Treblinka is that it may homogenize the experiential and testimonial specificity of survivors whilst inadvertently reducing the deceased victims of these camps to historical footnotes – overlooked and largely forgotten. Both on epistemic and ethical grounds, an inquiry into subjective victim experience within the *Aktion Reinhardt* context is therefore imperative. To this end, there is no point of departure more appropriate than space and time – the bedrock of human experience. However, despite the concept of space occupying a position of paramount conceptual importance in Holocaust Studies, this theoretical prominence is achieved at the unfortunate expense of the temporal dimension.

8 This particular type of victimhood, relatively speaking, necessarily comprises a minority position as the overwhelming majority who experienced Treblinka consists of those who perished there.

9 Dan Stone, "The Harmony of Barbarism: Locating the Scrolls of Auschwitz in Holocaust Historiography," in *Representing Auschwitz: At the Margins of Testimony*, eds. Nicholas Chare and Dominic Williams (London: Palgrave Macmillan, 2013), 17–19.

10 Simone Gigliotti. *The Train Journey: Transit, Captivity and Witnessing in the Holocaust* (New York: Berghahn Books, 2017), 172.

Notwithstanding the conjoint primacy of space *and* time, the latter is regularly reduced to a static horizon against which space simply unfolds itself. Two problems arise from this. First, as literary theorist Eva Hoffman notes, it is downright inconceivable to imagine a human endeavor occurring in space that does not concurrently "depend on the ability to conceive the existence of time."[11] This does not mean that space and time constitute an identical "undifferentiated four-dimensionality" but, rather, that the perception of one indelibly entails consequences with regard to the experience of the other.[12] Against these reductive tendencies, it is befitting to speak of "spacetime," a term that emphasizes space and time's entwined nature. By doing so, it expresses spacetime's role as a subjective and dynamic form – "a structuring principle" whereby *both* elements synchronously shape victims' experience,[13] which enables an inquiry of the latter by way of the former – whilst simultaneously echoing that "narrative representations of space cannot be separated from its representation of time."[14] Secondly, imprisonment in any Nazi camp – a largely autarkic, barbed wire enclosure with particular socio-material conditions – necessarily involved a change in temporal perspective which, depending on the specific circumstances, could take on various forms.[15] Despite extermination camps being architecturally predicated upon concentration camps – sharing many infrastructural features, as the term's latter half implies – it follows in tandem that as spaces primarily conceived for purposes of violent, *en masse* annihilation, such genocidal aims inflected the experience of time in differing and distinctive ways.[16] Sensitivity toward such divergences has, however, been virtually absent. Does this generalizing proclivity, together with the abovementioned obfuscation of the temporal dimension, thereby not restrict our already limited understanding of the *Reinhardt* camps – beclouding the implications which their particular socio-material conditions have upon the traumatic experience of

11 Eva Hoffman, *Time* (London: Profile Books, 2009), 63.

12 Doreen Massey, *For Space* (London: Sage, 2008), 18.

13 Caroline Levine, *Forms*: *Whole, Rhythm, Hierarchy, Network* (Princeton, NJ: Princeton University Press, 2015), 5.

14 Elena Gomel, *Narrative Space and Time: Representing Impossible Topologies in Literature* (New York: Routledge, 2014), 26.

15 Zoë Vania Waxman, *Writing the Holocaust: Identity, Testimony, Representation* (Oxford: Oxford University Press, 2006), 68.

16 By reflecting the historical genesis of these spaces whilst simultaneously emphasizing their primary purpose, the term "extermination camp" is better applicable compared to more ambiguous terminology such as "extermination centers," "death camps," or quasi–sensational monikers like "human slaughterhouses" or "killing factories." For a critique of the latter term in academic contexts, see Alf Lüdtke, "Der Bann der Wörter: 'Todesfabriken'," *WerkstattGeschichte* 13, no. 1 (1996): 5–18.

genocide and its narration thereof? Conversely, seeing that Weinstein's narrative suggests that space and time influence each other in ways previously unobserved with regard to the memory of genocidal violence, cannot his particular testimony support thinking through the spatiotemporal in Treblinka? Is it not time to think more critically about time?

Based on various passages from the third chapter of *Quenched Steel*, detailing the author's incarceration in the camp, this chapter asks (1) how spacetime's mutual reciprocity manifests itself through narrative and (2) which subjective effects upon victim experience can be discerned from its testimonial portrayal. Simply put, the question it seeks to answer is how did the perception of spacetime in Treblinka affect Weinstein's experience as an inmate, and what does this tell us about the genocidal violence perpetrated within the extermination camp itself? Spacetime's inherently subjective, interrelated nature – simultaneously capable of affecting and getting affected by those inhabiting its realm[17] – correspondingly positions the genre of literary testimony as the ideal base for this study as the latter apprehends spacetime on an equally subjective footing. Against providing a generic historical account of that which occurred, testimony allows traumatic events to be approached on their own terms – based on principles of *in*coherence – which elucidates how survivors, and their sense of spacetime, were affected by their predicament.[18] This interpretive character conversely entails that any *post facto* description is, by definition, fragmentary and partial. Survivors cannot but narrate through the prism of their own experience – a lens which is tainted by various personal perspectives and, as time lapses, the inevitable intrusion of "narratives of other survivors and historians" upon their own.[19] This is not to say that the testimonial genre is severed from historical reality. On the contrary, the act of bearing witness is "inextricably entwined with the social and historical conditions in which it is done."[20] What matters, however, is that an event and its interpretation, even many decades after the fact, cannot be disentangled "because interpretation necessarily occurs as part of the event."[21] It is therefore not spacetime in and of itself which is explored in this chapter but, rather, the interpretation thereof as narrated within testimony – with the caveat that anyone

17 Massey, *Space*, 9.

18 Reiter, *Narrating the Holocaust*, 168.

19 Selma Leydesdorff, *Sasha Pechersky: Holocaust Hero, Sobibor Resistance Leader, and Hostage of History* (New York: Routledge, 2017), 81.

20 Waxman, *Writing the Holocaust*, 2.

21 Ernst van Alphen, *Caught By History: Holocaust Effects in Contemporary Art, Literature, and Theory* (Redwood City: Stanford University Press, 1997), 59.

examining these narratives, following Selma Leydesdorff, "must be aware of the impossibility of mastering the total picture."[22]

To this end, the inquiry will first examine how space in Treblinka functioned. Specifically, in light of its genocidal character, in which way did the presence of death inflect space? In extension, it shall be explored how this inflection of space *subjectively* affected those within Treblinka's confines – asking which personally felt, affective consequences captivity in an extermination camp entailed. Third and finally, these spatial findings will be combined to elucidate the aforementioned, paradoxical portrayal of time in Treblinka, answering why this annihilatory space prompts such an asynchronous perception of temporality on the part of the writer. Combined, this approach offers an improved understanding of how extermination camp survivors subjectively grappled with their traumatic experience of genocidal violence whilst simultaneously elucidating the way spacetime translates itself through the testimonial narrative.

Spatializing Death

Eddie Weinstein was born on 26 September 1924 in the Polish town of Łosice as Yehuda Jakub Wajnsztajn.[23] The young boy attended a local public school, followed religious Jewish education, and, aged fifteen, began working in the town's only wholesale store.[24] Besides this concise preamble, Weinstein's testimony intimates little more about his background as its narrative hastens to address the occurrences on the eve of September 1939. Considering that the narrator's subsequent experiences during the Holocaust comprise the majority of the text, the narrative thereby discursively reiterates the motivation undergirding the testimony's production as declared in the preface: "to tell what happened to me, my parents, my brother, my uncles and aunts, and around forty cousins."[25] Weinstein consequently drafted an initial, 31-page testimony in 1947, whilst in Germany as part of the Polish army, and revised it at an unspecified moment in the late 1990s to include many *post facto* references prior to publication – approximately a decade before his death in New York on 12 August, 2010 at the age of 86. Written in Yiddish using Latin characters, the narrative was initially translated into Hebrew by Miriam

22 Leydesdorff, *Pechersky*, 81.

23 Despite the various iterations of his name appearing in circulation, Weinstein signed his name in the manner presented throughout this chapter.

24 Weinstein, *Steel*, 10.

25 Weinstein, preface to *Quenched Steel*, 7.

Talitman and published by Yad Vashem in 2001.[26] This volume served as the basis for the subsequent English edition – *Quenched Steel* – by Naftali Greenwood.[27] According to editor Lenn Schramm, "extensive revision" was done for the latter publication, including the rearrangement of sections and possibly chapters.[28] Mindful of the inadvertent consequences such changes may exert upon a critical inquiry of Weinstein's narrative, interpretative precedence shall be given to short passages in lieu of a general discourse analysis in an attempt to attenuate these perils.

Turning, then, to the chapter detailing the narrator's arrival in Treblinka, the narrative portrays his disembarkation in the early hours of Tuesday, 25 August in the following manner:

> Our car stayed where it was . . . I pushed my way toward the small peephole and looked out. All along the platform, corpses were heaped up. . . . Nothing was moving. Although at the time I didn't know anything about the gas chambers and the crematoria, I was sure we had been brought here to play our part in the Nazi genocide scheme. We all believed that the soldiers were going to shoot us the minute they opened the doors of the cattle cars. Several minutes later, when the doors were opened, we were struck by the sickening stench of burning flesh.[29]

After observing the corpses upon arrival, the narrating "I" immediately reflects upon this experience from the "compositional present"[30] – the time of writing – by professing that "at the time," he remained fundamentally unaware of the existence of the exterminatory space he had just entered. Following years of persecution, the Polish Jews were certainly aware that their deportation, in all likelihood, presaged their own death – for instance, by shooting. Nevertheless, the narrator's observations fail to precipitate a "flashbulb moment" whereby Treblinka's genocidally violent telos, together with the narrator's lethal predicament, suddenly become apprehended in their totality.[31] The acute unfamiliarity with this space thus

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26 The published iteration of Weinstein's testimony, despite extensive narrative convergence with the unpublished 1947 draft version, shall be taken as a separate and distinct testimonial utterance. For Weinstein's unpublished work, see Testimony of Eddie Weinstein, Yad Vashem Archives (YVA), O.33/6435.

27 Two–step translations remain common practice in Israel due to the dearth of people who are simultaneously fluent in Yiddish and English. Naftali Greenwood, email message to the author, January 12, 2022.

28 The sections to which these changes pertained could no longer be determined. Lenn Schramm, email message to the author, May 2, 2022. Schramm additionally noted that the titular change from the fourth edition onward – to *17 Days in Treblinka: Daring to Resist, and Refusing to Die* – was done for commercial reasons at Yad Vashem's behest.

29 Weinstein, *Steel,* 39.

30 Reiter, *Narrating the Holocaust*, 154.

31 Jacob Flaws, "Spaces of Treblinka" (PhD thesis, University of Colorado, 2020), 108.

demonstrates the singular and unprecedented character thereof, as even the agonizing sight of hundreds of corpses lying indiscriminately "heaped up" and piled upon each other "all along" the 200-meter-long platform does not suffice in revealing Treblinka's true purpose. Prior knowledge of his destination would have altered little in this regard, for even if the narrator had somehow envisioned extermination camps to exist, then his "imaginings of how a death camp would look and feel disagreed with the space [he] first encountered at Treblinka."[32] This accounts for why the narrator's initial observations emphasize space's most salient aspect, *viz*. the estranging way in which the myriad corpses are viewed to inhabit it. As far as he can see, the anonymous victims pervade the entirety of the observable spatial plain – spreading both along the horizontal axis of the platform and vertically through "piles," which, as detailed later, "rose to a height exceeding that of the tallest man."[33] What do the corpses tell about the space in which they are observed?

Reducing the presence of these human remains to "merely" another grisly aspect of the genocidal environment would be erroneous, for such oversimplifications overlook the subtle ways in which death is manifested throughout the narrative. The significance accorded to the spatial dispersion signaled by the arrival passage, for instance, swiftly becomes a recursive narrative element as corpses start proliferating the chapter at every juncture – "strewn"[34] around space, emerging "in every conceivable posture,"[35] and appearing in various stages of putrefaction.[36] Moreover, the narrative abstains from viewing the deceased as the outcome of a systemic process of mass murder since this is, by the narrator's own admission, unknown. The passage, *pars pro toto*, thereby forces a conceptual reconsideration of the space in which the human remains are observed, which neither takes immediate recourse to Treblinka's telos nor envisions its space as the aggregate sum of its physical structures which shape the behavior of those within.[37] Specifically, the plethora of corpses supports pointing toward a conception of Treblinka's space that, following the geographer Doreen Massey, views that space as the outcome of "relations-between" – a space wherein events occurring *within* that space, the "embedded material practices," contribute just as much to the construction of space as the camp's physical structures.[38] As a result, the narrative can be viewed to imply two things about the

32 Ibid., 87.
33 Weinstein, *Steel*, 40.
34 Ibid., 41.
35 Ibid., 40.
36 Ibid., 47.
37 Krzysztof Lenartowicz, "Architecture of Terror: Memory of the Shoah: Contemporary Representations," *Kultura Współczesna* 4, no. 38 (2003): 64.
38 Massey, *Space*, 10.

genocidal environs within which the pervasive spread of corpses across space occurred.

First, by way of their corporeal presence, the "heaped up" corpses spatialize death within Treblinka. As soon as the piled remains are gazed upon, they instantaneously signal a sinister premonition in the narrator's mind, *viz.* "[his] part in the Nazi genocide scheme." Seeing that the narrator's customary associations related to death and dying – the funeral rites and decorum which respectively "remove the dead from active life" – are completely absent, the deceased are harrowingly reduced to nothing save their stark materiality.[39] By being debased to inanimate amalgams of flesh and bone, the corpses come to "embody" the *en masse* extermination of life, i.e., the particular form of genocidal violence perpetrated in Treblinka, in a mortifyingly literal sense. Within the camp's spatial confines, the gruesome panoply of corpses consequently acts as material instantiations of death which, as the narrator intuits, simultaneously portends to his own future demise. This, in turn, pre-empts the need for any further explication in the passage, as a mere glance suffices to attain this realization. Added to this, secondly, is the material multitude of the dead. Wherever the narrator shifts his gaze, the deceased permeate both spatial axes in vast numbers. Since human remains are always physically close and numerically legion, both here and throughout the chapter's narrative, the corpses amplify the spatialization of death and, by virtue thereof, constitute death as a spatial omnipresence – an all-encompassing element within Treblinka's space. This ubiquity becomes especially pronounced within the excerpt after the doors open and the narrator is "*struck* by the sickening stench of burning flesh."[40] After having first visually observed the remains, death is spatially evoked through the scent of smoldering human tissue in this second instance. The smell, exuded by corpses unseen from the narrator's vantage point, lingers in space as an invisible yet material presence that "hung in the air" – "striking" the narrator as if scent itself gained a form of agency.[41] "The ability for smell to *fill*, *hang*, and *penetrate*," as Jacob Flaws astutely observes, is in fact "among the most oft-repeated terminology" within *Aktion Reinhardt* testimonies to describe such sensorial impressions.[42] Comparable instances can, for example, be observed in Hershl Sperling's Treblinka testimony, where the "dreadful stench of the decomposing and burnt corpses *wafts* . . . over

39 Douglas J. Davies, *A Brief History of Death* (Oxford: Blackwell Publishing, 2005), 48.
40 Weinstein, *Steel*, 39, italics added.
41 Ibid., 51.
42 Jacob Flaws, "Sensory Witnessing at Treblinka," *The Journal of Holocaust Research* 35, no. 1 (2021): 48.

the workers."[43] Here, the noxious smell almost tangibly envelops Treblinka's spatial enclosure, akin to a tidal wave violently enveloping vast tracts of shoreline. These cases illustrate that whilst the visible instantiations of death could conceivably, albeit with considerable difficulty, be ignored by closing one's eyes, the putrid scent affixes another, inescapable experiential layer to the narrator's spatial experience – consequently "suggesting its power to transform and dominate one's spatial experience."[44]

Besides the consequence of genocidal violence, death can thus additionally be viewed as infiltrating a wide array of sensory phenomena through which those in the extermination camp not only made sense of their spatial reality but which, additionally, served as constitutive narrative elements of their testimony. Treblinka's space, speaking with Gigliotti, is not empirically quantified through the testimonial narrative by way of size or numeric measurements but, rather, "embodied" by sights and burning smells as the material, sensorial instantiations of death signal its (in)tangible, omnipresent quality.[45] Contrary to the aforementioned, death is not merely an element *within* the camp's exterminatory space but an integral part *of* it. Treblinka's genocidal, *a priori* premise – an "embedded" material practice unto itself – therefore resonates as an irreducible aspect *of* space and *through* space, in excess of the camp's physical structures, which ordinarily constitute the notion of space as such.[46] Although this characterization is admittingly far from exhaustive, without "knowing anything about the gas chambers," the narrator nevertheless manages to convey a fundamental aspect of Treblinka's space, one that each respective part shares in, *viz.* the inextricable entwinement of death within space as omnipresent and materialized.

Spatiotemporal Proximity

From the abovementioned, it follows that space, constituted by embedded material practices, is by no means fixed or unchanging since the acts which produce it

43 Hershl Sprengler. "Treblinka," trans. Heather Valencia. Appendix to Mark S. Smith, *Treblinka Survivor: The Life and Death of Hershl Sperling* (Cheltenham: The History Press, 2010), 248. Italics added.

44 Flaws, "Sensory Witnessing," 48.

45 Gigliotti, *Train Journey*, 172.

46 Fellow Treblinka survivor Richard Glazar is similarly perceptive in *Trap with a Green Fence*, writing that "the smell of corpses . . . permeates everything – your lungs, the wood the barracks are built of." Richard Glazar, *Trap with a Green Fence*, trans. Roslyn Theobald (Evanston: Northwestern University Press, 1992), 56.

necessarily have to be repeated for the latter to exist – occasioning the observation that space is always-already in the process of being made.[47] In Treblinka, as well as in Bełżec and Sobibór, this process of "re-constitution" was predominantly effectuated by the immense influx of victims – through "the transports [which] were coming every day."[48] During the narrator's seventeen-day incarceration, for instance, more than 70,000 victims perished in Treblinka.[49] Furthermore, given that space is "never passively apprehended by those inhabiting these sites" – especially if that site is one of genocidal violence – it is productive to explore how this continual re-constitution affected the narrator's *subjective* experience of space.[50] In her exposé on Bergen-Belsen, Heléna Huhák argues that prisoners inevitably formed affective attachments, either positive or negative, with various spatial aspects of the camp, such as objects, sounds, and even the weather – just as they would in regular, everyday life. As this attestation similarly holds for the *Aktion Reinhardt* context, it becomes possible to inquire into these "emotional environments around the individual" in order to infer how the "physical and symbolic meanings of the environment influenced [inmates'] way of thinking."[51] However, contrary to any such affective attachment, why does the arrival passage remark upon the corpses ostensibly without any trace of pathos through remarks displaying a high degree of facticity and detachment? Moreover, as this laconic style of narrativization[52] pervades most of the chapter – culminating with the assertion that "murder had become so routine"[53] – does this imply that the narrator was so benumbed as to be indifferent to his genocidal surroundings?

This, in all probability, is unlikely. For one, opting for an *apparently* detached style can be considered an emotional response in and of itself. As Holocaust scholar Andrea Reiter explains, some survivors consciously attempt to abolish all emotion from their narrative to avoid a "pathos-filled aestheticization of their camp experience," which, according to themselves, endangers "falsifying the reality" they seek to convey.[54] Secondly, note that whenever the

47 Massey, *Space*, 84. This attestation additionally coincides with the material reality of every *Aktion Reinhardt* camp, "which, in their short span of existence, were being rebuilt almost uninterruptedly." Wienert, *Lager*, 124.

48 Weinstein, *Steel*, 56.

49 Yitzhak Arad, *Belzec, Sobibor, Treblinka: The Operation Reinhard Death Camps* (Bloomington, IN: Indiana University Press, 1987), 392–393.

50 Tim Cole, *Holocaust Landscapes* (London: Bloomsbury, 2016), 6.

51 Heléna Huhák, "Place Attachment in a Concentration Camp: Bergen-Belsen," *Hungarian Historical Review* 9, no. 3 (2020): 432.

52 Reiter, *Narrating the Holocaust*, 166.

53 Weinstein, *Steel*, 51.

54 Reiter, *Narrating the Holocaust*, 166.

narrator advances such seemingly "detached" observations, they are, without exception, produced from a certain physical distance. Again, the arrival passage serves as an emblematic example because when the corpses on the platform were gazed upon, the narrator was spatially at a remove, situated in a freight car some yards away. Nevertheless, when this spatial separation is negated and corpses are viewed at close range, they appear to affectively charge the spatial environment – and, by implication, the narrator's experience thereof – in ways hitherto unobserved. This is demonstrated by the following excerpt, which closely succeeds the first passage. Whilst being forced to haul corpses away from Treblinka's railway platform, the narrator states that "many people who started working with us died before the night was over and were taken away exactly as they had dragged off other bodies."[55] As the narrator occupies himself with disposing of the aforementioned victims, the earlier use of the word "corpses" is terminated and replaced by the significantly more reverent term "bodies." In consequence of the spatial separation between narrator and victim being negated, the laconic narrativization thus assents to empathy and pathos. Whenever human remains loom physically close, the narrator must either utilize a decorous, deferent terminology or, if possible, describe bodies by way of their apparel, physiognomy, or even through details regarding their personhood. For instance, when working in the camp's surrounding forestry with other prisoners, the narrator remarks that "we saw two bodies. . . . One of them, a middle-aged man. . . . One of us recognized him; it was Nissim Rosenbaum, a well-to-do Warsaw merchant who was born in Łosice and had returned to his hometown along with his family when the war began."[56] The physical, measurable proximity between the dead – an integral part of space – and the living within Treblinka's space therefore plays a structural function regarding how this genocidal space *qua* emotional environment is perceived. Every time the corpses-turned-bodies draw near the narrator, another more empathically charged form of narrative representation appears requisite. This suggests that as the narrator becomes familiar with the various spatial elements comprising Treblinka, the apprehension of space shifts from an abstract, "undifferentiated space" to a progres-

55 Weinstein, *Steel*, 41.

56 Ibid., 42. Through the term "literary afterlives," Lara R. Curtis convincingly explains the moral ramifications of such elaborate descriptions. In the process, she notes in her book *Writing Resistance*, "unknown" victims are "recreated in an attempt to evade [their] inescapable death" so that they may "live on through the power of the writer's imagination." An inherently ethical undertaking, "to write resistance in this case is thus to write beyond the reality of atrocity so as to afford both the living and the dead a unique afterlife." Lara R. Curtis, *Writing Resistance and the Question of Gender: Charlotte Delbo, Noor Inayat Khan, and Germaine Tillion* (London: Palgrave Macmillan, 2019), 31.

sively more complex, affectively charged "place" wherein physical distances toward particular spatial elements have direct repercussions for how the exterminatory environment is experienced.[57] One's locative position within the camp's space thus mattered for the experiential perception thereof. In light of spacetime's dual character, it follows that the perceptive processes pertaining to space conversely precipitate consequences concerning the awareness of time.

To this end, recall the excerpt's assertion that those who perished during the work on the platform, in close proximity to the corpses, were taken away in *exactly* the same fashion as they themselves had dragged off others only moments before. The term "exactly" is particularly indicative as it suggests that after death – i.e., after their use-value as vessels of slave labor has expired – the inmates will share the same identical end as those whose bodies they are currently in the act of unceremoniously removing. A temporal inevitability is thereby spatially prefigured as those partaking in the "dragging off" are implied to inescapably fall victim to that selfsame process – the very material practice which produces space. As death became spatialized, one's future, in a harrowing turn of phrase, thus literally lay in one's own hands whilst handling the bodies. This certainty is made explicit later in the chapter when the narrator observes that whenever captives perished, "replacements were selected immediately; but they, too, survived *only until* they had deteriorated to the condition of their predecessors."[58] Besides hinting at the aforementioned spatial process of re-constitution, this attestation expresses the traumatic temporal reality that Treblinka's inmates knew from the outset of their captivity that they would perish with *absolute certainty* at an unspecified time in the foreseeable future. Nobody, as the narrator observes, harbored any illusions regarding their fate: "we would all die in the end."[59] Combined, these passages suggest that death – as the direct consequence of genocidal violence – did not exclusively manifest itself in Treblinka's exterminatory environment as a spatial but, rather, as a spatiotemporal presence. Alongside its previously observed spatial attributions, death simultaneously evinced a temporal, i.e., anticipatory, character whereby it was perceived as a "future-anterior" entity – as a perditious process initiated in the past and to be concluded in the foreseeable future. Nonetheless, what does this inexorable immanence of death upon the temporal horizon entail for the narrator, and what does it suggest about his perception of temporality within a camp space geared specifically toward annihilation?

57 Yi–Fu Tuan, *Space and Place: The Perspective of Experience* (Minneapolis: University of Minnesota Press, 1977), 6.
58 Weinstein, *Steel*, 58. Italics added.
59 Ibid., 55.

Living Under Reprieve

In confronting these questions, it is paramount to observe that analogous to the varying approaches through which Treblinka's space can be apprehended – as an amalgamation of material structures or as relations-between – time can, likewise, be understood through its differing modalities and antecedents. For example, although the *Aktion Reinhardt* camps served the primary purpose of "annihilating a large number of human beings without a trace," the effectuation of this genocidal aim, as noted, required the imprisonment of approximately 1,000 Jewish slave laborers.[60] Bearing in mind the architectural genesis of these extermination facilities – predicated, despite their differing purpose, on concentration camps – the *Reinhardt* camps mirrored purposes of interment, albeit on a smaller scale.[61] It follows that Bełżec, Sobibór, and Treblinka correspondingly retained much of the overall temporal structuring – the manner in which "camp time" was divided "according to intervals, periods [and] duration" – previously established in other such SS-administered camps.[62] The ceaseless work, for instance, similarly dictated the day's monotonous rhythm and prompted the overarching camp time in Treblinka to be measured against the background of "the transports [which] were coming every day."[63] "[As] one day was much like the next," the regularity of transports – especially when juxtaposed with the sun's position and seasonal changes – consequently provided an indexical marker through which a sense of temporal awareness could be retained, imprecise though it frequently was.[64]

Despite this rudimentary cyclicality, an "average" day in an extermination camp was "repeatedly punctured by moments of acute danger."[65] "No one knew who would be murdered next, where or why," Leydesdorff writes, as the marauding camp guards did not abstain from exerting extreme violence for the most trivial and arbitrary offenses.[66] To survive the daily horrors of Treblinka, it was therefore imperative that those imprisoned "develop[ed] a heightened awareness of the present situation" as one had to remain perpetually vigilant to avoid attracting un-

60 Wolfgang Sofsky, *The Order of Terror*, trans. William Templer (Princeton, NJ: Princeton University Press, 1997), 259.
61 Wienert, *Lager*, 9–16.
62 Sofsky, *Terror*, 73.
63 Weinstein, *Steel*, 56.
64 Ibid. This method primarily arose, as Treblinka survivor Samuel Willenberg writes in *Surviving Treblinka*, because "only foremen and *Kapos* were allowed to possess watches." Samuel Willenberg, *Surviving Treblinka* (Oxford: Blackwell Publishing, 1989), 91.
65 Sofsky, *Terror*, 74.
66 Leydesdorff, *Pechersky*, 79.

wanted attention.[67] In *The Order of Terror*, a theoretical benchmark in the study of spacetime in Nazi camps, sociologist Wolfgang Sofsky writes that through this "fundamental revamping of [prisoners'] time-consciousness," time's experiential order was reshuffled to the effect that, for those captive within the camp, the present "shifted center stage."[68] This temporal recalibration, in turn, demonstrates why Weinstein's narrator asserts that those imprisoned in Treblinka, despite being able to recourse to the camp's somewhat measurable rhythm, "lived not only from day to day but from minute to minute."[69] Moreover, in addition to such temporal rearrangements, the citation pertinently illuminates that the perception of time "rarely follows the logic of chronology, or a linear, unidirectional arrow."[70] This observation is critical as time, Hoffman writes, has a markedly affective dimension pertaining to it. In excess to the numbers read out by the dials on a clock, temporality's perception is noticeably more subjective as it is "laden with sensation and suffused with valences of pleasure or displeasure."[71] Whilst time may thus be abstracted and quantified *ad infinitum*, it is never experientially apprehended as such. This indicates that despite "objective" camp time being, to a limited degree, extant within Treblinka's confines, the aforementioned death future-anterior nevertheless indelibly entails ramifications that manifest themselves through the manner in which time is subjectively understood.

To paraphrase the preceding excerpts, those in Treblinka lived with the irrefutable awareness that one would perish "exactly" as others had before, for captives perdured only until the camp's egregious conditions whithered them down to the ranks of the dead. In this sense, time in an extermination camp was experienced as being "qualitatively different to time as it was known by many in the concentration camp[s]" because, and without presupposing a hierarchy, for the latter, an infinitesimally slim chance at survival remained.[72] Those imprisoned in Treblinka, by contrast, realized that their demise did not lurk in some indeterminate, distant future. Rather, the genocidal environment found in this annihilation camp which, in the narrator's words, "deteriorated [prisoners] to the condition of

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67 Waxman, *Writing the Holocaust*, 68.

68 Sofsky, *Terror*, 87, 88. Whilst Weinstein's narrative affirms that a notable accentuation was placed upon the present, it does not follow that this effectively forced inmates into what Sofsky terms an "eternal present" – a state of complete stasis whereby the present is in no way coeval with its historical and futural dimensions, however ephemeral or fragile.

69 Weinstein, *Steel*, 49.

70 Hofmann, *Time*, 104.

71 Ibid., 86.

72 Nicholas Chare and Dominic Williams, *Matters of Testimony: Interpreting the Scrolls of Auschwitz* (New York: Berghahn Books, 2016), 171.

their predecessors," accounted for the fact that their deaths were, in essence, temporarily deferred as their deaths, future-anterior, confronted captives as an everyday, ever-present, spatiotemporal reality – a question not of *if* but of *when*. Analogous to the manner in which Nicholas Chare and Dominic Williams evaluate temporality in exterminatory environments, a "sense of impending doom" is therefore discernible through the testimonial narrative – "a particularly marked sense of time running out."[73] Generally stated, as one's end was inscribed in Treblinka's space, the "dwindling of time" was subsequently made "intensely, painfully obvious."[74] As a result of this process, those confined within the *Aktion Reinhardt* camps came to recognize that they lived, echoing Charlotte Delbo, "under reprieve" – they attained a sense of having temporarily evaded their accorded 'fate' which, nonetheless, hung over their heads like Damocles' sword.[75] In reference to the aforementioned excerpts wherein corpses spatialized death, this temporal reprieve explains why the narrator is effectively barred from conceptualizing death as an abstraction because each body metonymically represents the genocidal aim that Treblinka's space violently effectuates – *viz.* the certain demise of each who enters its premise, which comes to include the narrator himself. In tandem, the attestation of death as an integral part of spacetime is transposed and creeps into the most deeply felt personal realm – one's own finitude – which conversely elucidates why, whenever the physical spatial distance between the bodies and the narrator is negated, the narrative changes tone. As this process concurrently amplified the diminishing of time through the awareness of living under reprieve, it can therefore be contended that death in Treblinka was not, as previously asserted, merely a spatiotemporal presence but, rather, a dynamic spatiotemporalizing form – a structuring principle which inflected prisoners' experience of that spacetime. As such, what did this temporary evasion of death specifically entail for the experiential perception of the future that simultaneously beheld and inaugurated that death, especially with regard to the emphasis laid upon the present? To understand how a death future-anterior related to the present and the future, the analysis should expedite to what, at first, appears as an unlikely source – religious eschatology in literary narratives.

73 Ibid., 170.

74 Ibid.

75 Charlotte Delbo, *Auschwitz and After*, trans. Rosette C. Lamont, 2nd ed. (New Haven, CT: Yale University Press, 2014), xxv.

Eschatology and (In)determinate Temporality

In "Forms of Time and of the Chronotope in the Novel," the literary scholar Mikhail Bakhtin elaborates, amongst other things, upon the topic of historical inversions in ancient novels – exploring how their narratives challenge the supposed rigidity of temporal demarcations between, for instance, the past and the future.[76] These unstable chronologies, similarly echoing the disjunctive perception of time in extermination camps, veer Bakhtin's ruminations toward the subject of religious eschatology. Being concerned with the last times, eschatological narratives envision absolute ends, be it global catastrophes or violent mass extinctions, as discernable upon the temporal horizon. The manner in which these preordained, annihilatory events shall transpire is only of secondary importance to the assumption that the end "effect everything that exists, and that this end be, moreover, relatively close at hand" supersedes everything.[77] As a consequence of the end drawing imminently nearer, the future – once open-ended and indeterminate – is "emptied out" as the perceived futural cataclysm essentially hollows out the path toward it.[78] This, however, does not suggest that the future somehow disintegrates or that it should be relegated to a position of superfluity. Rather, by asserting that the future is emptied out, Bakhtin draws attention to the fact that "eschatology always sees the segment of a future separating the present from the end as lacking value."[79] This means that, counterintuitively, the end which lies dormant in the future acts upon the present and, in doing so, circularly influences the present's perception of that future. Insofar that this implies for eschatology that the interstitial period "separating the present from the end" is devalued, it is erroneous to uncritically transpose this to the radically differing reality found in extermination camps.

Nevertheless, Bakhtin's insistence on the separating segment of time stretching toward the future's conclusion is decidedly productive in the *Aktion Reinhardt* context as he resituates the future as a relational category whereby the future is (a) not to be conceptualized as exclusively coinciding with the final moment of extermination whilst (b) concurrently indicating that this terminus mediates on the re-

76 Mikhail Bakhtin, "Forms of Time and of the Chronotope in the Novel" in *The Dialogic Imagination: Four Essays,* trans. Caryl Emerson and Michael Holquist (Austin: University of Texas Press, 1981), 146–151.
77 Ibid., 148. Whilst outside the scope of this research, eschatology provides another productive methodology to explore the temporal perception of those incarcerated in extermination camps – especially with regard to religious Jews.
78 Ibid.
79 Ibid.

maining, intermediate interval *between* the present toward the end. Further substantiating what living under reprieve concretely entailed, Bakhtin's conceptualizations elucidate that although the future's indeterminate character was practically negated through the violent death which inmates had only temporarily evaded, an irreducible scrap of time remained which, by virtue of its presence, paradoxically retained some of the future's indeterminacy. Whilst death, as the preceding testimonial passages demonstrated, was perceived as an inexorable conclusive point upon the temporal horizon – thereby constituting a certainty – the definitive moment of death's arrival simultaneously remained entirely *un*certain as nobody in Treblinka knew when their demise would, exactly, be materialized. Despite being close at hand, the stretch of time in which their final inclusion into the whirlwind of genocidal violence was awaited thus maintained part of its aleatory character. Based thereupon, it can be contended that regardless of the future-*qua*-death being predetermined, the intermediate interval between "now" and "then" was less so. In the ephemeral segment of time which remained – as a time "left-over" or time "in excess" – a narrow expanse of an *un*determined future, transient and contingent though it was, nonetheless persisted. As such, with respect to the relation which the present bore to the future in Treblinka's space, it is befitting to speak of an (in)determinate future. Emphasizing the fractured character of time, the term expresses the tension between the absolute certainty of death that those imprisoned within the extermination camp experienced together with the radical contingency which the anticipation of this certainty simultaneously instigated – foreclosing the open-endedness of the future whilst partially retaining it nonetheless. Which tangible consequences did this tension have upon time and the narrativization thereof? To answer this, the analysis can return to the introductory passage. To repeat in full, the narrator noted: "[W]e left the death factory in the afternoon of Wednesday, September 9. I had been there for seventeen days, each of which was more like a century. It would be more appropriate to reckon the time I spent in this inferno in seconds, not days."[80]

As mentioned, an asymmetric temporal dilation is evident whereby days expand into meaningless eons – shapeless tracts of time only obliquely describable as being "like" centuries. Inversely, it is solely by taking recourse to time's smallest observable constituent, *viz.* the second, that a modicum of formal temporal expressibility is retained. This impasse in communicability, predicated upon the genocidal violence occurring within "this inferno," is not lost upon the narrator who, against categorically asserting that seconds emerge as the most apposite temporal measurements to encapsulate his experience, proposes, in an ambivalent fashion, that sec-

80 Weinstein, *Steel,* 62.

onds are purely "more *appropriate* to *reckon*" with the time spent in Treblinka. An ambiguity lingers henceforth because, far from relaying the desired meaning, seconds merely serve as measurements that are contextually more befitting insofar that they adduce a 'more appropriate' quantitative estimations of time relative to centuries. This degree of aptness, moreover, follows after the narrator has decided that whilst minutes may adequately describe daily existence – living not from "day to day but from minute to minute" – they are altogether superfluous when conveying a sense of Treblinka's temporality as a whole.[81] Implicitly pre-empting a claim to full understanding, the magnitude of 1,468,000 seconds holds sway as being more germane to enunciate the narrator's temporal perception compared to 1,700 years, yet the reason for this remains unbeknownst even to the narrator himself – "I cannot explain the nature of the occurrences and decisions that I retell here."[82] Based, however, on the abovementioned discussion on living under reprieve and the (in)determinate character of time, it becomes possible to respond to the narrator's injunction to "draw the conclusions" which reside within the narrative's enigmatic passages.[83]

Time, Narratology, and the Traumatic Impact of Genocidal Violence

The dilation of time, first and foremost, attests to the immense difficulty of an extermination camp survivor's attempt to enfold his temporal perception – an innately subjective, intimate experience – within a testimonial narrative utilizing nothing save numerical measurements. Without explicitly stating so, the narrator nevertheless appears conscious of this impediment by virtue of advancing a revised notion of time – days as centuries, inversely comprehensible in seconds. The significance of this cannot be overstated as it is only in the most violent of environments, such as those where mass atrocities are committed, that one feels impelled to overhaul the temporal coordinates that one has abided by throughout their life. This, for one, corroborates that within Treblinka, time is experienced as refusing to conform to the mathematical conceptualizations which are applied to it outside the camp or, as fellow survivor Richard Glazar terms it, "outside, in life."[84] In the *Aktion Reinhardt* extermination camps, the times of the living could

81 Ibid., 49.
82 Weinstein, preface to *Quenched Steel*, 7.
83 Ibid.
84 Glazar, *Fence*, 19.

simply not be forced into concordance with these spaces of the dead. Furthermore, despite the vast multitude of seconds potentially imparting an inkling of the torturing arduousness of time's passing, the expansive numerical amount of seconds still remain virtually as ungraspable as seventeen centuries. The narrator's endeavor to express time in numbers inadvertently serves to express the tragic futility thereof as the narrative, succinctly put, bears witness to the progressive slippage and subsequent disintegration of time as one would normally experience it. Consequently, it is arguably the difficulty in and of itself which the narrator experiences in aptly translating his harrowing perception of time that stands as the most befitting conveyer of the traumatic impact of genocidal violence – more lucid and illuminating than any numerical value could ever do justice to. However, in reference to the (in)determinate character of time, it is simultaneously possible to elucidate why, exactly, it is nigh impossible to express Treblinka's temporality felicitously through mathematical measurements.

By virtue of living under reprieve, the narrator is fully cognizant that his future beholds nothing except his imminent demise. This futural certainty thereby casts a shadow back upon the present or, more specifically, the interstitial segment stretching from the present toward such a future from wherein his observations are made. As a consequence, time's normative cohesion begins to fracture and unfurl under the assured weight of death as the rigid segmentation which is customarily bestowed upon time's flow – providing it with a modicum of chronological coherence into an indeterminate future – abruptly becomes invalidated. With time now disarticulated and dislodged under death's violent strain, the (in)determinate interval thus repels any efforts to contain it through normative temporal schemata as the latter are, *grosso modo*, incompatible to encapsulate the nature of time in Treblinka. This is why, after arriving in an exterminatory space where death is ubiquitously spatiotemporalized, the narrator attests to the faltering of the union of time as days give way to minutes which, in turn, dwindle down to seconds. Time, generally stated, breaks down to its smallest observable constituent part until all that is left is an endless concatenation consisting of fragments of time – giving rise to a perception of temporality which is (in)determinate in character, both aleatory *and* radically certain. In order to retain a modicum of temporal cohesion – in response to the unhinging of temporality and the aforementioned difficulty of conveying time's perception – narratological refuge is taken in the last available temporal bastion, *viz.* the calendar.[85] The entire testimonial narrative, as noted, is

85 For an elaborate expose on calenders and time keeping in various forms of testimonial Holocaust literature see Alan Rosen, *The Holocaust's Jewish Calenders: Keeping Time Sacred, Making Time Holy* (Bloomington: Indiana University Press, 2019).

replete with rigorous calendrical categorizations adduced to numerous recounted events. The passage above serves as an emblematic example as dates – such as 9 September – are frequently merged with a secondary temporal substratum consisting of superlatively elaborate information pertaining to the day in question – Wednesday – alongside the particular time at which specific events occurred – the afternoon.[86] Moreover, even when such calendrical dates, juxtaposed with their ancillary details, are not available, the narrative nevertheless deploys general temporal cues such as "the next morning"[87] or "at sunrise."[88] Considering all that was asserted about the disintegration of time, do these calendrical dates not attest to the opposite? Far from fracturing time's cohesion, the dates ostensibly provide a nigh unambiguous point of reference – seemingly ameliorating the abovementioned temporal problematics. Finally, seeing that the narrator's incarceration lasted seventeen days, was this duration not brief enough to retain a lucid and perspicacious sense of time's passing in general?

Whilst an estimated chronology is not an *a priori* impossibility, the numerous excessively elaborate calendrical details prompt the suspicion that the overdetermination of dates can be viewed as a strategy to adduce meaning where time itself cannot. In his essay "Memory's Time," Lawrence L. Langer cautions against taking such chronology, especially half a century after the fact, at face value. The nature of traumatic memories of genocide is such, he argues, that for survivors, the past cannot be safely confined to the annals of history, for that memory is constantly re-experienced in the minds of survivors – an *always-present* past.[89] When elaborating, for instance, upon a transport containing mostly children, the narrator notes that "as I write these lines, more than fifty years after that day, I still cannot overcome the horror"[90] – attesting to how the traumatic experience defies chronology and concurrently upends it. What therefore *appears* chronological in testimony, merely because "most writing cannot exist without the temporal succession," does not necessarily need to correspond to the personally felt, subjective reality of their trauma.[91] This means that in order to supplement the (in)determinate temporality with a modicum of

86 A third substratum is occasionally discernable whereby time between events is additionally provided, e.g., "*twenty minutes after* I helped the woman climb out." Weinstein, *Steel*, 57. Italics added.

87 Ibid., 46.

88 Ibid., 50.

89 Lawrence L. Langer, "Memory's Time: Chronology and Duration in Holocaust Testimonies" in *Admitting the Holocaust: Collected Essays* (Oxford: Oxford University Press, 1996): 15.

90 Weinstein, *Steel*, 57.

91 Langer, "Time," 16.

structure, the calendrical form observed in *Quenched Steel* must – to some extent necessarily – "misrepresent" the nature of trauma because whilst the reader is offered a chronology, the linearity thereof proffers little in the way of encapsulating the spatiotemporal perception of Treblinka's annihilatory environment. Despite providing a series of dates, the chronology remains verisimilitudinous as the calendrical signs imparted appear empty – as having little to no use to either the narrator or the reader. It seems tragically vacuous to ask in Treblinka – a place where thousands violently perished each day – what date it is, writing about it as if it had a before, a during, and an after. Calendrical time thereby appears antithetical not only to the genocidally violent nature of the events in Treblinka but also to the experience of time as the calendar's inherent artificiality is, finally, ontologically denied. Based thereupon, a number of concluding remarks can be brought forth.

Treblinka's violent, genocidal premise resonates through Weinstein's testimonial narrative on a number of hitherto unobserved, spatiotemporal levels. Amalgamating space and time enabled this analysis to discern that death should not merely be viewed as the direct consequence of the genocidal violence that occurred within the camp's confines. Rather, not only can death be posited as an integral part of the Treblinka's space, but such spatial manifestations, moreover, resonate in the temporal perception of those imprisoned, – leading to a sense of living under reprieve and an (in)determinate sense of time. Together, these attestations are indicative of the fact that within these extermination camps, i.e., spaces where genocidal violence was perpetrated *en masse*, the perception of spacetime was anything but stable in the minds of those captive. Whilst providing rocksteady anchor points in everyday life, *Quenched Steel* narratively suggests that spacetime manifests itself as a profoundly paradoxical, double-edged, and contingent element within the infernal realm of Treblinka and, conceivably, the other *Reinhardt* camps. Despite this study partly endeavoring to respond to the question as to why this should be so, it remains limited in scope as the *terra nova* which Weinstein's and similar *Reinhardt* testimonies proffer, attest to the need for more systematic research regarding how genocide and spacetime interrelate. Admittingly, space and time are exceedingly slippery, paradoxical entities to explore – even in the absence of genocide. The reticence within Holocaust Studies to analyze them is therefore, to some degree, understandable. However, in the face of the almost two million victims that these camps claimed, the disquieting laboriousness of the questions cannot deter critical inquiry. The light which the writings of Weinstein and other survivors shine upon Treblinka's abyssal darkness may thus illuminate our path when attempting to respond to these vexing, yet most fundamental of questions.

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