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development dialogue

Revisiting the heart of darkness
– Explorations into genocide and
other forms of mass violence

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The editor of the volume is Henning Melber and the co-editor of the Voksenåsen part is John Y. Jones. We are grateful for the support received from all those contributing in their various ways so competently to this publication.

Poem by Dennis Brutus

(First performed by the author at the Dag Hammarskjöld Foundation during the conference on Mass Violence in Africa, 2 December 2006.)

Birches emerge from dawn mist,
evoke shades from Quondam-existing purgatory
(inferno, too, perhaps has been abandoned?)
We stumble towards a possible alternative world
find nerve to speak truth to power
better, perhaps, find power within ourselves
to confront ourselves, our innate hypocrisy;
mankind, from strangling umbilicals wrestles
goaded by inexorable peristaltics
moves to alternative possible worlds
guesses, through mists, a planet, fidelity.

Shiphol/Arlanda/Uppsala, 30 November–2 December 2006



Dennis Brutus, born 1924 in then Rhodesia (now Zimbabwe), was raised in South Africa. After completing his university studies he taught in South African high schools. As founder and relentless campaigner of SANROC (South African Non-Racial Olympic Committee) he achieved the banning of South Africa and Rhodesia from Olympic sports for decades. Under ban he tried to leave South Africa for a boycott campaign and was arrested in Mozambique. In 1963 while in custody in Johannesburg he attempted to escape and was shot in the back. After 18 months' imprisonment on Robben Island he was sent into exile, where he settled as a political refugee in the United States of America. An effort by the Reagan administration to deport him failed after a protracted legal struggle. Brutus is a renowned poet and has received several prestigious literary awards. He is Professor Emeritus of the Africana Studies Department at the University of Pittsburgh. Since his return to South Africa he has continued to write poetry and to campaign vigorously against oppression and exploitation.

Introduction

Henning Melber

On 9 December 1948 the United Nations General Assembly adopted the ‘Convention for the Prevention and Punishment of the Crime of Genocide’. This was a response to the hitherto unprecedented scale of targeted mass extinction of defined groups of people by the German Nazi regime, which Winston Churchill had termed in a broadcast speech of 1941 ‘a crime without a name’. Only in 1944 did the lawyer Raphael Lemkin, a Jewish Polish refugee – after a long odyssey, including a stay in Sweden (1940/41)¹, and ending up in the United States – coin the term ‘genocide’ in his book *Axis Rule in Occupied Europe*.² He had worked relentlessly to find an international legal response to the emerging Nazi doctrine and its terror. Due to this one individual’s lasting commitment, the concept of genocide and its condemnation by means of a normative framework entered the UN system.³

It was on the initiative of Lemkin that on 11 December 1946 the UN General Assembly unanimously adopted Resolution 96(1). It states categorically that ‘genocide is a crime under international law which the civilised world condemns – and for the commission of which principals and accomplices, whether private individuals, public officials or statesmen, and whether the crime is committed on religious, racial, political or any other grounds – are punishable’.⁴ It took more lobbying and several compromises before essentials of this Resolution were finally adopted two years later as the Genocide Convention.

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- 1 Lemkin lectured on international monetary exchange at Stockholm University at a time when Dag Hammarskjöld – with a PhD in economics (1933) – was serving as the permanent secretary in the office of the finance ministry. It is hence not impossible that the two have met during this time or at least already then knew about each other.
 - 2 Washington: The Carnegie Endowment for International Peace, November 1944. See for popularised summary versions of Lemkin’s new notion as presented in chapter 9 of his book the following articles by the same author: ‘Genocide – A Modern Crime’, *Free World*, vol. 4, April 1945, pp. 39-43; ‘Genocide’, *American Scholar*, vol. 15, no. 2, April 1946, pp. 227-230.
 - 3 On Lemkin’s relentless efforts to this effect see Segesser, Daniel Marc and Gessler, Myriam, ‘Raphael Lemkin and the international debate on the punishment of war crimes (1919-1948)’, *Journal of Genocide Research*, vol. 7, no. 4, December 2005, pp. 453-468; Elder, Tanya ‘What you see before your eyes: documenting Raphael Lemkin’s life by exploring his archival Papers, 1900-1959’, *ibid.*, pp. 469-499, as well as other related articles in the same special issue on ‘Raphael Lemkin: the ‘founder of the United Nation’s Genocide Convention’ as a historian of mass violence’.
 - 4 See for a detailed report on the interactions leading to this pioneering resolution Lemkin, Raphael, ‘Genocide as a Crime under International Law’, *American Journal of International Law*, vol. 41, no. 1, 1947, pp. 145-151.

It went into force three years later. The Convention defined genocide as ‘acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group’, and it made genocide a punishable crime under international law. Since then, as the assistant secretary-general for policy planning in the Executive Office of the UN secretary-general summarised in 2006, ‘governments could take action under the United Nations Charter to prevent genocide. The United Nations second Secretary-General Dag Hammarskjöld said the United Nations’ spare job was not to take us to Heaven but to keep us from Hell. Genocide is the ultimate Hell.’⁵

Unfortunately, little followed the adoption of the Convention in 1948 that showed that the hell called genocide was prevented by actions on the part of the UN system. Half a century later the renowned scholar William Schabas undertook a sobering stock-taking overview of ‘The Genocide Convention at Fifty’. As he concluded: ‘The Genocide Convention was the first modern human rights treaty. It was adopted only one day earlier than the Universal Declaration of Human Rights, which set the common standard of achievement for human civilisation. Some must have believed, in 1948, that the unthinkable crime of genocide would never recur. Perhaps the gaps in the convention are only the oversights of optimistic negotiators, mistaken in the belief that they were erecting a monument to the past rather than a weapon to police the future. Their naiveté may be forgiven. A failure to learn the lessons of the fifty years since its adoption cannot.’⁶

Indeed, the sobering if not sad lesson since then is that ‘never again’ had been wishful thinking instead of a sustainable reality resulting from the trauma of the Holocaust. Neither have forms of organised mass violence ceased, nor the intention to annihilate groups of people on the basis of common characteristics ascribed to them. The Convention of 1948 had declared the intention to establish a genuine and universal international criminal court to act in the spirit of the Convention. It took another 50 years until this was created in June/July 1998 at the Rome Diplomatic Conference – and only with further compromises and deviating views refusing full recognition of the Court and its jurisdiction.

Since then, several steps have taken the international system closer to the possibility both of pursuing and preventing crimes committed in

5 Orr, Robert, ‘Preventable Genocide: Who Speaks for Humanity’, Nuclear Age Peace Foundation, 14 November 2006 (http://www.wagingpeace.org/articles/2006/11/14_orr_genocide_print.htm, accessed on 2 November 2008).

6 Schabas, William, ‘The Genocide Convention at Fifty. United States Institute of Peace’, Washington, Special Report, 7 January 1999, p. 8.

violation of the Genocide Convention in a more coherent and consequent way – provided that the political will among member states permits it to do so:

- A special advisor on the prevention of genocide was for the first time appointed by the UN secretary-general in 2004;
- The Human Rights Council replaced the former Commission on Human Rights, with the intention to reinforce its mandate;
- The International Criminal Court as well as separate tribunals (for Rwanda and Yugoslavia) and hybrid national/international courts (in Sierra Leone and Cambodia) have taken action on genocide and brought perpetrators to trial;
- The Responsibility to Protect (R2P) was adopted as another normative parameter, which allows for preventative action.⁷

As Robert Orr stated: ‘In order to prevent genocide, war crimes and crimes against humanity, we still face tremendous challenges. But nothing is inevitable. Genocide is indeed preventable. Sixty years ago, we didn’t even have a name for this evil. Now, we not only can name it, we have legal mechanisms obligating all to act to stop it, and increasing experience at trying to stop it. We now have the knowledge, we have the United Nations institution to help organise our response, and the political, economic, and military tools to prevent it. The question is, “Will we use them?”’⁸

The political and legal shifts towards a more systematic intention to accept the challenges posed by the ongoing scale of mass violence occurring in our world has also resulted in a growing interest in studies of genocide. This has of late produced a new quality of scholarly discourse, which is to some extent supported by the new power of definition emerging under legal paradigms shaping international law norms and resulting in newly created institutions with the power to prosecute.

7 The 2004 report of the United Nations High Level Panel on Threats, Challenges and Change recommended acceptance of R2P as an ‘emerging norm’. The 2005 Report of the UN Secretary-General submitted to the World Summit session of the UN General Assembly recommended endorsement of the R2P principle as put forward by the UN High Level Panel. The Summit subsequently endorsed the R2P concept, albeit dropping the references to failure to protect citizens from avoidable catastrophes such as deliberate starvation and exposure to disease. In April 2006, R2P acquired the status of international law when the UN Security Council reaffirmed the references in the 2005 World Summit Outcome document (resolution 1674). In August 2006, the Security Council applied R2P for the first time in calling for the deployment of UN peacekeepers to Darfur (resolution 1706).

8 Orr, Robert, *op. cit.*

The current shift in emphasis modifies both the international political context, as well as the scholarly debate on genocide and other related forms of crimes against humanity as represented by acts of mass violence against a civilian population in a variety of contexts and forms. The Stockholm International Forum series, during which the Office of the Prime Minister of Sweden organised four international conferences between 2000 and 2004, is an illustration of this current debate on a variety of levels not only of academic but also of political relevance.⁹

The studies on the origins, historical and social contexts, as well as the concrete forms of genocide and related acts of mass violence require further analyses also in a comparative perspective. This includes a focus on the South and a variety of actors at different times and places, from mass violence perpetrated during the process of colonisation, to oppression under colonial rule, during anti-colonial struggles as well as under post-colonial regimes. The broadening of the approach towards concepts and victims of violence will, however, also have to re-assess current notions and move beyond the ordinary confinement to the war or conflict scenario. There is a need to include forms of gender-based violence, consequences of ecologically changing environments as a result of human interventions and the effects of climate change for the survival of people (and the threat to it), as well as other effects of structurally induced violence – such as HIV/AIDS and its non-treatment.

These approaches offer necessary complements to the schools of thoughts under genocide studies guided by a wider perspective, including related forms of mass violence. They add to the existing body of knowledge by positioning mass violence during different times and in different social and historical formations in various regions in relation to the current debates under genocide studies. The results of such efforts should not be confined to academically oriented discourses but should as much address the political dimension of the subject as an integral part of the effort to come to terms with the massive challenge of responsible global governance. Not least, the United Nations and its organs should respond anew to the challenges that have confronted humanity to no lesser extent since the dark chapter of the Holocaust enforced an international collective responsibility to protect.

⁹ The conferences focused on: The Holocaust – Education, Remembrance and Research (2000), Combating Intolerance (2001), Truth, Justice and Reconciliation (2002), and Preventing Genocide – Threats and Responsibilities (2004). Each of the conferences produced a comprehensive summary report on the deliberations. For a final documentation (which includes a CD containing full documentation of the four conferences), see Fried, Eva (ed.) (2005), *Beyond the 'Never Again's'*, Stockholm: Regeringskansliet.

Reflecting such understanding, this issue of *Development Dialogue* is published on the occasion of the 60th anniversary of the Genocide Convention. It does not limit itself to explore the scope, perspectives and limitations of the normative framework created and more recently also applied in a few cases. Nor does it only point to the many failures. More so, the contributions seek to explore further the socio-historical and -political contexts of genocide and mass violence and test the common approaches against analyses of social realities as well as theories. The historical dimension is of significance to many of the chapters presented. While they are rooted mainly in scholarship and presented in an academic fashion in the first part, the voices articulated during the Voksenåsen conference as documented in the second part do argue more from a politically and morally guided form of engagement. The revised edited versions have with one exception retained the original character of less academic presentations.

This blend seeks to acknowledge the need to unite differently posed concerns and appeals in their common efforts to examine further the notion of genocide (as well as its limitations), with the aim of reducing the risks that history repeats itself. The fourth and last conference on genocide in the Stockholm International Forum series in 2004 adopted a Declaration, which stated, *inter alia*:

We are committed to educating the youth and the wider public against genocidal dangers of all kinds through formal and informal educational structures. We are also committed to disseminating knowledge of these dangers to those involved in government, international organizations, non-governmental organizations, humanitarian and peace support operations and the media.

[...]

We are committed to cooperating in our search for effective measures against genocidal dangers with all members of the family of nations, in the United Nations and other relevant global and regional organizations as well as with non-governmental organizations, labour organizations, the media and with business and academic communities.¹⁰

By having been involved in the two conferences, in Uppsala (December 2006) and Voksenåsen/Oslo (November 2007), and herewith presenting relevant parts of their deliberations, the Dag Hammarskjöld Foundation seeks to contribute to the implementation of such intentions and to honour the occasion of the 60th anniversary of the Genocide Convention.

¹⁰ Quoted from *ibid.*, p. 141.



The history of mass violence since colonial times – Trying to understand the roots of a mindset¹

Jacques Depelchin

This is not per se a history of mass violence since colonial times. The main concern of this essay, besides the more specific purposes outlined below, will be to grapple with a fairly simple question: why, since World War II and the Holocaust, ‘Never Again’ has never actually meant Never Again, especially, but not only, with regard to Africa. Rwanda and Darfur spring to mind. The outrage against what is taking place in Sudan is only matched by the combined sense of exasperation, helplessness and hopelessness that comes from the realisation that Africans continue to be viewed as less than human. The slaughter of the civilian population in Darfur is taking place despite protests from all corners of the world. It took a while for the Rwandan genocide to be recognised as such, but in the case of Darfur, the current US administration wasted no time in declaring it genocide, for reasons which are highly questionable, to say the least, as argued by Mahmood Mamdani (www.pambazukanews.org). Has it made any difference? Which questions are not being asked? Why? If one is going to make a serious attempt at answering the question ‘Why has mass violence since colonial times increased?’ one must look beyond the boundaries usually assigned to colonial times.

It is not too late, it will never be too late, for the descendants of those who were enslaved and those who were later colonised, the survivors of certified and uncertified genocides, to stand up and be counted, in

¹ I would like to thank members of the board of Ota Benga Alliance, and of Western States Legal Foundation, members (Native and non-Native Americans) of the Healing Circle in Grass Valley (California) for their patience in allowing me to bounce off ideas and hypotheses. In particular I would like to thank Ernest Wamba dia Wamba and Pauline Wynter for their critical and supportive comments at all times. This version has benefited from comments and criticisms made by the participants of a conference organised in Uppsala by the Dag Hammarskjöld Foundation and the Nordic Africa Institute (1-4 December 2006). To all, my most heartfelt thanks, and my apologies if this final draft still falls short of their expectations.

fidelity to what the slaves did in 1791–1804 in Haiti (Saint Domingue).² Fidelity is to the event, and to the subject that emerged out of it. Such fidelity calls for emancipatory (and prescriptive) politics,³ at a distance from the state and all its ancillary structures. This essay is an attempt to encourage a re-thinking of African history, disconnected from those questions and themes that tend to entrap rather than emancipate.

From such a perspective, two questions loom larger, much larger, than this essay can hope to deal with in a satisfactory way: (1) what is mass violence? (2) how do we frame colonial times when it seems as if they have never gone away? From colonial times (in the Americas and the Caribbean region) to today (think of World Wars I and II, Iraq, Palestine, Haiti, Rwanda, Darfur), mass violence, in all of its forms, has tended to mean radically different things to those who were being colonised (and their descendants) and those who were colonising (and their descendants). The syndromes of discovery and abolition continue to dictate how relations between people, and relations between people and Nature, are framed. In trying to deal with the above questions, this essay will be guided by another question, namely: how would one go about putting into practice what Albert Einstein was calling for when he made one of his most famous statements, ‘With the splitting of the atom, everything changed except the way we think’?⁴

If one looks at the world from places such as Darfur, Haiti, Palestine and the Democratic Republic of Congo (DRC) – while keeping in mind what is going on in Iraq, Cuba, Venezuela, the United States and the United Nations – it is difficult not to conclude that the world is immersed in crises. As historians (practitioners, in most cases, of a state discipline), we have been trained to chronicle the unfolding changes and transformations through a frame which distorts what happened and how it happened, affecting how we recount or tell the story. This is so, whether the subject is mass violence or the manner

2 The overthrow of slavery by the slaves in Haiti, which took place between 1791 and 1804, must be considered an Event (à la Alain Badiou) on a scale comparable to 1789 or 1792–94 in France.

3 Along the lines described by Peter Hallward (2005).

4 It is worth adding the following quotes from William McDonough and Michael Braungart (2002) on the page following the title page: ‘The world will not evolve past its current state of crisis by using the same thinking that created the situation’ (Albert Einstein); ‘Glance at the sun. See the moon and the stars. Gaze at the beauty of earth’s greenings. Now, think’ (Hildegard von Bingen); ‘What you people call your natural resources our people call our relatives’ (Oren Lyons, faith keeper of the Onondaga).

through which it has been inflicted – mass terror. The chosen frame will determine the kinds of grounding, seeing and thinking through which mass violence, terror and genocidal sequences are recounted⁵. Long before imbedded journalism was discovered, there was imbedded history, or history that forces all other histories to be told from within a given dominant frame – and so it continues. Terror as a means of warfare was not invented on 11 September 2001; nor was it invented by Robespierre and his companions during the Convention. Why is it easier or more comfortable to accept one form of terror than another? Why is terror delivered by one side called evil or morally wrong, while that coming from another side is assumed to be morally righteous? If Nature could speak, who would it call evil?

Al Gore's movie, *An Inconvenient Truth*, barely mentions the above places, even though they are clearly inescapable. The movie has several anchors: personal, political (in relation to national and international politics), scientific, economic. On the whole the movie seeks to be a wake-up call to the unfolding crisis of global warming and what will happen if radical changes do not take place in the way people think and live today, especially but not only in the most industrialised nations. There is, however, a larger question, which stands out but is not attended to: why is it easier to see the onslaught inflicted on Nature than the pain, suffering, genocides inflicted on human beings by other human beings completely enslaved by a way of thinking which makes a few extremely rich and comfortable and the masses extremely poor and miserable? That question has been posed for a long time, repeatedly; and it has been repeatedly ignored because the assumption (which prevails to this day) has been: how can miserable voices raise valid questions, worthy of the attention of those who, by definition, are the only honorable ones?

Could it be that while people on the one hand can be slaughtered with impunity by a system accountable only to those it benefits most, at the same time there is a growing awareness that, on the other hand, Nature cannot be trampled on with impunity for ever? Is it possible to heed the warnings of Nature so that every single human being comes to its rescue? Nature, the biosphere, or Gaia, as James Lovelock (2006: 15–38) calls it, knows no boundaries and does not discriminate between people when it comes to registering the blows inflicted by

5 I use the term 'genocidal sequences' to refer to episodes during which there are massacres of a targeted population. Generally, in history, genocidal sequences have been downplayed. It is precisely this downplaying that has created the mindset leading to full-scale genocides.

human activities. One can only hope that this waking-up to Nature's revenge will be followed immediately by a similar waking-up to humanity's screams for help. As will be clear in a few paragraphs, the frames which have been used to straightjacket Africa and its various historical phases must be jettisoned, once and for all. In great part because what happened to Africans as a whole had already been inflicted on other people, especially those who, upon being 'discovered' (in the Americas, in particular), spoke up and stated Truths which, precisely because they were considered too inconvenient by the discoverers, had to be crushed. Should one not ask the descendants of the discoverers to act differently and acknowledge that long before their scientific instruments confirmed it, Natives of many parts of the planet had eloquently expressed similar, if not more dire warnings concerning the destruction of life processes. They did so in various ways, treated for the most part as primitive, unscientific folklore, with occasional exceptions.⁶

How inconvenient is the truth according to Al Gore?

The systematic destruction of Nature, peoples, their way of living and of thinking about themselves, humanity, has grown apace with a way of telling people how to understand that process of destruction in such a way as to submit to it. 'It' refers, in general, to the socio-economic systems which have grown out of the processes that followed the conquest of the Americas, the industrialisation of Atlantic slavery, the occupation and colonisation of Africa. These processes include the attempts to resist, without doing away with the inaugural practices and mindset.

Looked at from such an angle, the unfolding of the war in Iraq looks very much like a replay and a concentrated version of all the conquering expeditions from 1492 to the present. What is surprising is the inability/refusal of some of the most radical critics to go to the root of the problem, and not just stop at the level of the most visible culprits – an inept president, an incompetent administration, a corrupt corporate culture, and so on.

6 One of the most important exceptions, in Africa during colonial times, is the work among the Dogon, carried out by Marcel Griaule and Germaine Dieterlen. The works of Cheikh Anta Diop and, more recently, of Théophile Obenga have shown that such an approach to Nature has roots which go far back in the history of humanity. More recently, Ayi Kwei Armah's *KMT - In the House of Life* (2002) has gone even further, showing that the legacy of Ancient Egypt does not reside in the pyramids or the thinking of those who commissioned them.

The invasion and occupation of Iraq by the US and its allies have been presented as a 'live' spectacle, so to speak, and on a scale of reality never seen before, a 'show' staged in a region, which could be seen as a performance reminding us of the Frontier thesis of American history. Given how the onslaught was announced, scripted and named – 'Shock and Awe' – it is difficult not to think, among the many possible precedents, of Emperor Nero looking at Rome being consumed by fire and enjoying the spectacle.

From Atlantic slavery to globalisation/modernisation of slavery

For the purposes of this essay let us hypothesise that some of the roots of the mindset which rules today can be traced back to around the 1480s. By 1488 (Diego Cão at the mouth of the Congo River) and 1492 (Christopher Columbus's 'discovery' of Hispaniola), the journey towards the splitting of the atom was underway. Then, its focus was on the conquest of peoples and their territories: splitting people from their moorings, 'tribalising',⁷ separating, cutting off, de-humanising, chewing people in order to make them fit for the conquering appetite of the discoverers. The process of dislocating people from their habitat, of enslaving people from Africa did not only affect the victims; it established a way of thinking about the relations between members of humanity, and about humanity's relationship with Nature, which has not changed much during the last five centuries.

The splitting of the atom – understood as a mindset – started long before physicists went after it at the beginning of the 20th century. True, philosophers had dealt with the specific topic from as far back as Ancient Egypt and Ancient Greece, but the splintering that got underway from about the middle of the 15th century was not confined to philosophers' talk, it actually happened as a deliberate policy at the economic and political level in a way which was to culminate with physicists pushing the process to its logical extreme. It would be fair to say that Einstein was not thinking of the above philosophers. Einstein's concern can be seen as reflected in Robert Oppenheimer's quoting from the *Bhagavad Gita*, immediately after the 'successful' Trinity experiment (16 July 1945): 'I am become Death'.⁸

7 Here 'tribalising' refers to the never-ending splitting of scientific fields to the exclusion of the necessary and contrasting holistic approach called for in James Lovelock's concept of Gaia (2002).

8 At Trinity (Alamogordo in New Mexico), when the 'gadget' was tested by Robert Oppenheimer and the Manhattan Project team, Oppenheimer quoted this line from the *Bhagavad Gita*. After Hiroshima and Nagasaki, his objections to the hydrogen bomb (and disagreement with its main proponent, Edward Teller) led to the removal of his security clearance and the end of his career in nuclear physics.

The outcome of the mindset Einstein referred to reached its pinnacle with World War II, the Holocaust and the bombing of Hiroshima and Nagasaki. The evil of the gas chambers gave way to its modernised version over Hiroshima and Nagasaki.⁹ The question which has been studiously avoided ever since can be stated as follows: what if the evil which has so often and unquestioningly been associated with Nazi Germany, or, today, with believers of Islam, were to be seen as deeply imbedded in a way of thinking which is actually more associated with the triumph of the West, its economic, political and social models? The corollaries (it would be impossible to list them all here) of that mindset are that, by definition, (1) Americans, as persons, are a great people, but their government is at fault; (2) the most horrendous acts of terror have been committed by non-Americans, or people who, out of envy, seek to destroy the American way of life (a way of life from which, it could be added, 'thinking' has been evicted, unless it is supportive of the dominant – American – ideology); (3) capitalism is the greatest economic system, and its best guardians (especially since Hiroshima/Nagasaki) cannot but be the ruling clique of the US.

In order for these assertions to remain unquestioned, the question of how one becomes American must be kept as vague as possible because, today, Native Americans, after being treated as enemies, have been assimilated through a process of exclusion and inclusion which, at first, looks like it has no equivalent. Indeed, for writers like Robert Kaplan, the first step of that process, referred to by Kaplan as the 'Indian Wars', is THE model, which stands out as vindication of what should be done today in Iraq.¹⁰ As with the Indian wars, Kaplan argues, military victory in Iraq can only be certain if the generals and

9 To those who argue that there is nothing comparable to the Holocaust, I would respond on two levels: each genocide is both unique and generic. Who, it might be asked, shall decide that one type of suffering is greater than another? Is it really possible to compare the experiences of terror suffered by those who, out of the blue, were attacked by foreigners seeking to seize their lands or, in Africa, hunting for slaves? *The Genocidal Temptation: Auschwitz, Hiroshima, Rwanda, and Beyond*, edited by Robert S. Frey (2004), attempts to connect genocides in a way that shifts the discussion on Holocaust and genocide studies away from the paradigmatic notion of certification based on the idea that there is only one Holocaust. Alain Badiou's (2005) 'Portées du mot "Juif"' (followed by Cécile Winter's 'Signifiant-maître des nouveaux aryens'), goes much further in showing how the birth of the State of Israel is both an event (in line with the revolutionary projects of post-World War II) and a counter-event, itself part of a larger counter-event (in line with colonialism, the conquest of territories occupied by other people). For a translation of these essays, see Badiou (2006).

10 Cécile Winter's text (see above footnote) refers to an Israeli officer who, before invading a Palestinian refugee camp, reminds the soldiers that one must learn from the experience of others, including the manner in which German soldiers took control of the Warsaw ghetto (Badiou 2005: 119, as cited by Amir Oren, *Haaretz*, 25 January 2001).

politicians in charge of the Iraq war remember how the Indian wars were won: through unwavering persistence.¹¹

If one goes back to how those wars were characterised, and fought, it is not difficult to understand why the dominant narrative tends to present the history of Native Americans in a way which is consistent with the deceptions and manipulations that have characterised the relationship between the original occupiers of the land and those who arrived from Europe. It is not difficult for anyone willing to distance him/herself from the ideological cannon of American historical convenient truth, to see the war in Iraq as a replay of the earlier wars of the 18th and 19th centuries against the Native Americans. While circumstances have changed, the objectives and methods have not: against anyone standing in the way of US objectives the most lethal level of violence available must be resorted to, or at least threatened. To use the current mantra, 'all options are on the table' has become the way of reminding all – friends and foes – that the US will not hesitate to resort to nuclear strikes. In order to demonstrate that it will not be intimidated by anyone.

1492 or 1491?

With his book, *1491: New Revelations of the Americas Before Columbus*, Charles C. Mann (2006) opened up, or, to be more precise, reinvigorated a way of re-thinking the history of humanity (at least during the past 500 years) on a scale evocative of James Lovelock's work. The importance of Mann's work (as well as that of many others before and after him) cannot be overstressed. For example, if Howard Zinn, author of *A People's History of the United States* (2003), were to follow Mann's questioning of how Native Americans had been written out of history books, he would have to revamp the master narrative. It is not for us to say how this might or should be done, but if the subtitle *From 1492 to the Present* were to be changed to *From 1491 to the Present*, 1776 could no longer be THE event in US history, and it would no longer be sufficient to proclaim *mea culpa* for the genocidal sequences that reduced the Native American population to its current state, nearing extinction. It would be necessary to understand why the inaugural terror (a variation of Shock and Awe?) used against Natives of North America has also been used in other parts of the planet against other Native peoples, not just for the purpose of settling and stealing the land, but for maintaining control over the land and its peoples. While the methods have been refined, the objectives have not. The system is no longer called slavery. The motto, as can be seen in Iraq,

¹¹ See the introduction to his *Imperial Grunts* (2005).

has remained the same as in all colonising/occupying campaigns: *'If brute force does not work, you are not applying enough of it'* (McDonough and Braungart 2002: 86).¹²

When Native Americans hear about the ongoing scandals involving the US administration and various members of the US Congress, it would be difficult for them not to think of how they suffered through similar processes. The refusal to honour international treaties is not new. In the not-so-distant past, especially in those places where new resources (gold, oil) were found, the American government regularly and systematically acted in contradiction to their own laws and treaties. It is true that there were no binding Geneva Conventions, but treaties were signed, and broken whenever breaking them was convenient.

To be fair, Howard Zinn is one of those scholars who have begun to question the mythical history of the US. Younger generations will go further than Zinn, as he himself hinted at the very end of the first chapter of his book where he states that it is high time to question 'the excuse of progress in the annihilation of races, and the telling of history from the standpoint of the conquerors and leaders of Western civilization' (Zinn 2003: 22).

Unlike Al Gore, McDonough and Braungart do draw attention to the central role Native Americans will be called on to play. In a section of their book (2002: 86–9) entitled 'Becoming a Native' they quote Kai Lee, a professor of environmental science at Williams College, describing Native Americans' sense of how and where they belong: 'Their [members of the Yakima Indian Nation] conception of themselves and their place was not historical, as mine was, but eternal. This would always be their land. They would warn others not to mess with the wastes [radioactive wastes from the Hanford Reservation in the state of Washington] we'd left.' In conclusion, the authors write: 'We are not leaving this land either, and we will begin to become native to it when we recognize this fact' (McDonough and Braungart: 2002: 89). Quite a change from the pejorative meaning in colonial times in Africa when 'going native' meant a regression for the white coloniser to whom it was addressed.

12 Interestingly, this quote (in italics in the text) comes in the context of describing how hostile the current economic, technological thinking is to Nature. Here are the preceding words: 'The forbidden fruit tree is a useful metaphor for a culture of control, for the barriers erected and maintained – whether physical or ideological – between nature and human industry. Sweeping away, shutting out, and controlling nature's imperfect abundance are implicit features of modern design, ones rarely if ever questioned...'

Atomisation of knowledge – production and reproduction

The atomisation process of splitting people from themselves, their environment, did not stop there. Along with it emerged a process of knowledge production and reproduction which paralleled the atomisation process, as can be seen not just in the scientific disciplines, but also in the social sciences and history, among others. With the end of the Cold War came the end of international area studies, giving way to concerns shaped by the impact of globalisation.

What writers like McDonough and Braungart, James Lovelock, Charles C. Mann (and many others whose names can be found in the bibliographies of these books) have in common is a conviction that it is possible to look at the biography of Earth or the biography of people in such an encompassing way that the current dichotomising thinking about Earth, and its human and non-human inhabitants, is abandoned because such thinking, it is now realised, will eradicate life on Earth. The mindset Einstein insisted had to be changed did not just refer to how physicists looked at the world; it referred, one might guess, in part at least, to how competitive conquest has always operated: by dividing and splitting all the time. Change will necessarily mean going in the opposite direction: uniting, converging, healing after the destruction, all the time. It may sound a trivial observation, but when looking at a picture of Earth from space, one does not see the boundaries that separate countries. Such a change will not happen quickly because, as Mann (2005: 106) points out, there is the growing realisation that so much is at stake. Written by victors, history, from the point of view of States and corporations, has tended to prescribe a way of thinking which has reproduced itself beyond their own immediate vicinity.

To many historians of Africa, Trevor-Roper is infamous for having stated on the BBC that there was no such thing as African history. Of the Natives in North America he wrote that their ‘chief function in history is to show to the present an image of the past from which by history it has escaped’ (Mann 2005: 15). George Bancroft, one of the greatest historians of his time, described North America in 1834 as ‘an unproductive waste... Its only inhabitants were a few scattered barbarians, destitute of commerce and of political connection’ (Mann 2005: 14–15). A century later, Alfred L. Kroeber ‘theorized that the Indians in eastern North America could not develop – could have no history – because their lives consisted of warfare that was insane, unending, continuously attritional’ (Mann 2005: 15).

Except for making passing references of a rhetorical nature, most historians of Africa do not seem to look at the colonisation of North

America as pertinent to how Europeans colonised Africa. Yet, the way Europeans treated Native Americans is a mirror image of their treatment of Africans: Native Americans became homeless in their own land; some Africans, kidnapped and taken into slavery, were torn away from their land, while others faced the same fate as the Native Americans. With the Bantustans under apartheid in South Africa, an attempt was made to turn that part of the continent into reservations. However, given the current power relations between Africa and Europe, Africa and the US, and Africa and the rest of the world, would it be far-fetched to consider individual nation states as being closer to Native American reservations than to sovereign states?

The question keeps popping up: have we ever moved away from colonial times? The system has not fundamentally changed; it has been reinforcing itself, helped along the way, more often than not, by its former victims. From such a perspective, it should not be surprising that the level of violence, as well as its intensity, keeps growing. At the same time the capacity of the media to present mass violence as its opposite has grown to an incalculable level, thanks in great part to the equivalent capacity to provide entertainment on a level unimaginable in the past, even by the Nazi experts during World War II.¹³

*Global warming, global pauperisation, global de-humanisation*¹⁴

In the 1960s, when ghettos in large US cities like Chicago and Los Angeles were burning, one of the reactions was that the big foundations, Ford and Rockefeller, started providing funding for the creation of African Studies, African-American Studies, Ethnic Studies, International Area Studies, and so forth. While the repressive machinery of the State ensured that order was maintained, universities were encouraged to open their doors to people who had previously been excluded from the higher levels of academic achievement. Al-

13 The Roman empire recipe of providing 'panem et circenses' (bread and circuses) can be seen at work today, globally, with world events like the Summer and Winter Olympic Games, and the World Soccer Championship. The combined economic and financial power of the entertainment and advertising industry is so interlocked with other industries (defence, pharmaceuticals, tourism) that at times it is difficult to imagine their demise. At the same time, the latter aspect makes the comparison between the demise of the Roman empire and the demise of the American empire more complex than it is presented in Chalmers Johnson's *Nemesis* (2007).

14 Harry Braverman's ([1998] 1974) work on the degradation of work should be revisited because, at least intuitively, it makes one wonder whether that process could be analysed as part of a much larger and deeper process of degrading humans as human beings.

most half a century later – and three decades since former defence secretary Robert McNamara went to the World Bank and vowed to eradicate poverty – Stanford University and the University of California, Berkeley, have been given seed money (US\$ 15 million each, by Senator Feinstein and her husband) to start a programme called Poverty Studies. Given the precedence, it is not difficult to guess the probable outcome of this kind of initiative: academics will ‘discover’ poverty, in much the same way that Columbus discovered the New World. The causes of poverty will be deflected in such a way that those who are structurally responsible for its spread and growth will be spared. Those who suffer its most debilitating consequences will be held responsible for their own situation, while the funders (and founders?) of Poverty Studies will congratulate themselves and benefit morally, if not financially, from the whole endeavour.

At the same time, Africa has become a major concern (at least on the surface), with various millionaire celebrities in the UK, not to mention the UN Millennium Project, NEPAD (the New Partnership for Africa’s Development) and other schemes. The Nobel Prize for Peace has been given to the Bangladesh founder of the Gramen Bank. Who is fooling whom, and for what purpose? Pacification under colonial rule always used different tactics – those of force (collective and severe punishment) and/or seduction (prizes and rewards) – for the same strategic purpose: to ensure submission.

One could add to this list to show that things really are changing for Africa, but not for the better as the propaganda would have it.¹⁵ Yet, given the scale of destruction, one could not even argue that the assistance is a drop in the bucket. It is more like giving the impression that something is being done, when in fact the bottom of the bucket has rusted away. These acts of pretended charity are aimed more at self-congratulation than at really addressing the problem.

Sooner or later, thanks to changes in the way information is channelled and controlled, more and more people will come to see the relationship between mass violence against Nature and mass violence against people, between the impoverishment of the biosphere and the impoverishment of human beings. With books like *1491* (Mann 2005) and *From Cradle to Cradle* (McDonough and Braungart 2002) it is be-

15 The transition of South Africa is often pointed out as a positive sign. But how positive is a transition which maintains the structures that produce and reproduce violence, poverty and death for the majority while generating massive wealth for a tiny minority, and for others the hope that they too will ‘make it’?

coming more and more difficult to ignore reality. More and more people understand that the solution cannot possibly be directly or indirectly related to the thinking that brought humanity to the brink of annihilation.

*Inconvenient truth and half-truths*¹⁶

If the point of *An Inconvenient Truth* is to draw attention to a massive fraud, committed by the managers of an economic system which advertises itself as the best ever, then the telling of that story is very close to a fraud itself. At the end of the movie, Al Gore points out that it is possible to correct all of the errors and misconceptions that led to the current global crisis. He argues that ‘we can do it, we have the technology’. In other words, thinking differently is, in the end, not necessary.

History is replete with inconvenient truths coming from those who have been disregarded and/or trampled upon, because they were considered dispensable. Many of them have faced extinction, either directly or because their environment has been threatened. In Al Gore’s movie, a great deal of time is spent demonstrating how, for example, the environment of polar bears has been devastated, while very little, or no time at all, is given to what has happened to the Native Americans reduced to living in reservations. After all, weren’t the Natives of all conquered/colonised/occupied lands accused of being too close to Nature and therefore in need of civilisation?

It is difficult not to ask oneself why, and not, at the same time, think that the selective use of evidence is a disservice to the otherwise excellent scientific coverage. At the same time, it is not difficult to understand why progressive organisations find it easier to focus on Nature because whatever happens, it cannot talk in the same way that Native Americans can, and do. An equation dealing with Nature is much easier to deal with than one which inserts other humans who live under appalling conditions, and among whom some will actually denounce those they consider responsible for their own fate. In the process of healing Nature, the West finds itself in its usual dominant position and also not running the risk of hearing insults, denunciations, condemnations. What is at work once again is the other side of the syndrome of discovery: the syndrome of abolition. As with the

¹⁶ This section was originally written in November 2006, months before the documentary film won an Oscar for best documentary.

end of Atlantic slavery, so too with the end of global warming: its ending must be according to the terms set by those who have most benefited from its ravages.¹⁷

For example, slave revolts and rebellions, whether by the slaves or their descendants – after the abolition of slavery – have always been crushed with the utmost violence. In the case of Haiti, the slaves spoke out of turn, as it were, meaning that they rebelled against something they knew and felt should not be inflicted on any human being. The success of the slaves in Haiti, in 1804, had to be crushed for all time, for fear that ‘letting the slaves off the hook’ might encourage others to do the same. They did then what Nature had been telling them to do, as is finally being acknowledged, grudgingly, because it is hard to let go of the twin syndrome of discovery and abolition. One can imagine them saying: ‘Let us [that is, the most industrialised nations, the most powerful corporations] deal with Nature on our terms.’ Clearly it is difficult to let go of the mindset that has been in place since the days of Francis Bacon or earlier. As Bacon put it: ‘Nature being known, it may be master’d, managed, and used in the services of human life’(cited in McDonough and Braungart 2002: 84).

Surviving mass violence and the various ways it has been distilled

Genocides are not just the products of deranged individuals; they occur in a context which cannot be ignored, or bracketed as if it is not pertinent. The rise of Hitler was not just due to how World War I was concluded. Mass violence does not just refer to the occasion when huge numbers of people were killed in a short time. When large numbers of people, anywhere, not just in the latest cause for human rights activists, are maimed, starved, killed, without other people being able to stop the murder, then it is clear that mass violence has reached a new stage: killing massively and massively silencing those who should stop the killing. When large groups of people are manipulated and persuaded into thinking like one person, the violence which is being nurtured may not seem obvious.¹⁸

¹⁷ How widespread these twin syndromes are, can be observed in Iraq today: the US knew best ‘how to fix’ Iraq; after it failed, it could not walk away and leave the impression that it had been defeated.

¹⁸ Mahmood Mamdani’s (2007) article on Darfur in *Pambazuka News* shows how the labelling of genocide no longer relies on facts, but can be manipulated by way of media propaganda, framed by political and financial power relations.

Why has the political leadership in so many African former colonies been keener to follow in the footsteps of the colonial masters? The Belgian, German and Portuguese colonial regimes have often been described as the most brutal, but how does one assess, measure or compare the brutality of the Germans against the Hereros and the Namas with that perpetrated by the British against the Kikuyu during the so-called Mau-Mau insurgency, and later with the Bokassa, Mobutu, Eyadema or Idi Amin regimes, just to mention a few.

By the time the detailed story of what went on in the concentration camps in Kenya emerged, almost half a century had elapsed. For every story that does come to light how many others will we not know about? For example, in the mid-1960s film-makers from East Germany interviewed a former Nazi who had been recruited by Mobutu's regime to participate in a cleansing exercise against individuals, ethnic groups and organisations considered 'Lumumbists'. The film's title, *A Laughing Man*, refers to the fact that throughout the movie the interviewee seems to have a grin on his face. Asked at one point how many people he thought he had killed during his assignment he answered that he did not count and cannot remember because he had been told that the area in which they were operating was a sort of free-fire zone.

Over the last few years, it has become common to hear about how many people have been killed in the DRC since 1998. Numbers vary between 3.5 million and 5 million. The research was done by the International Rescue Committee. Yet, to my knowledge, no organisation, anywhere, has ever offered its expertise to help account for the countless 'disappeared' during the Mobutu regime in Congo/Zaire. A great deal is known about Lumumba and his assassination, but very little is known about the severe collective punishment inflicted on the Congolese people who showed any sympathy with Lumumba's ideas. No one really knows how long it went on.¹⁹

From 1960 to 1990, just before the National Sovereign Conference (1991-92), an entire people was kept in the dark while mercenaries and Congolese were wiping out entire geographical areas of the country simply because they had been known to have voted for Lumumba. Can there be a more massive exercise of violence than when it is kept hidden? Larry Devlin, the CIA Chief of Station in the Congo from

19 The late Zamenga Batukezanga once wrote a poem entitled 'If the Congo River could speak', alluding to the popularly known fact that political opponents were often 'bagged' and disposed of from helicopters flying over the river.

1960 to 1967 provides ample evidence not only of how it was done, but also, how everything was done to ensure that the destabilisation of a country, the killing of thousands, would be looked at in positive terms. One of the most notorious mercenaries, Mike Hoare, and others are referred to as a 'gentlemen' (Devlin 2007: 165). Devlin goes out of his way to claim that he had nothing to do with the assassination of Lumumba, but he is quite candid about his role in ensuring that Mobutu and his acolytes of the Binza group, especially Nendaka (in charge of security) and Bomboko (almost permanently minister of foreign affairs), followed the wishes and desires of the US government. During the 1991–92 National Sovereign Conference, some of the participants argued for a process of accountability for the economic and 'blood' crimes committed during Mobutu's regime, but, thanks to the intervention of Herman Cohen (then US deputy secretary of state for Africa), Mobutu and his allies were effectively protected from any potential investigation (Wamba dia Wamba 2007).

Human rights and mass violence

The lethal logic of the socio-economic, political and juridical system that has conquered the world should be obvious by now. While the brutality of conquest wars is no longer prevalent (with the well-known exceptions), but slavery and colonial rule have been followed by periods which have witnessed an increase in mass violence, rather than the opposite. Genocidal violence may still be exceptional, but latent, ongoing violence on a massive scale – by attrition, so to speak – has become the order of the day, and is getting worse. The unparalleled growth of the media, its control by industries closely tied in with other industries, including defence, entertainment, advertising and the manufacturing of drugs, have all combined to create consensual states (across the world) which submit to the requirements of capital.

To lessen the impact, the system has accommodated the proliferation of humanitarian NGOs in Africa and, generally, the poorer parts of the world; thus illustrating the transformations that have taken place at the level of appearances. The favourite areas of intervention for organisations like Human Rights Watch and Amnesty International tend to be the former colonised countries: rarely do they intervene in the US, with the exception of the situations created by Guantanamo and Hurricane Katrina in New Orleans in 2005.

The Iraq war, as it continues to unfold, has revealed how colonisation continues unabated, under the name of privatisation, or what-

ever terms are deemed easier to sell by the leaders and managers of the system, to a population which would like to live without having their conscience pricked. The Iraq war, global warming, unstoppable real and silent violence, are all illustrations of a fact that has been obvious for a while: namely that the way of thinking, economically and politically, that has ruled the world over the last few centuries is coming to an end. Will it be without vengeance? Attempts at fixing it along the lines best known to those in power cannot and will not work. Under such conditions, the temptation to launch a strike reminiscent of Hiroshima/Nagasaki might seem irresistible to those who are convinced that the solution to their problem is just to hit harder, be more violent. The deep-rooted mindset has not disappeared, then. Indeed, within the ruling clique, in the US – and their preferred antagonists – it seems to have hardened.

Ever since the slaves overthrew slavery in Haiti in 1804, the system as a whole has always responded most severely and collectively against those who are seen as having trespassed. The list is long, but most recently, one may single out Cuba, the DRC, Palestine, Southern Africa, all resisters who felt that they could not accept the notion of a division of humanity between first class citizens (those with full unqualified rights), and second class citizens (those eligible for human rights).²⁰

As long as there is a tacit acceptance of the above division, charity and humanitarianism will prepare the ground for more mass violence and for the recycling of colonial times. The various disguises that have been used over the centuries will not, cannot, transform charity and humanitarianism into solidarity.

Conclusion: is there only one inconvenient truth?

On occasions, after severe and deep trauma, sections of humanity have sought ways of healing, but, so far, in almost all cases the process has been hampered by attachment to juridical and political structures intimately connected with state apparatuses. Given the power relations operating in international institutions, it should be obvious that attempts such as the Nüremberg Tribunal and *all* the attempts since then, including the Truth and Reconciliation Commission in South

²⁰ It is extremely rare to hear of rich persons who have had their human rights violated.

As an industry, human rights applies mostly to people who are identified as poor and having to be helped (through charitable organizations) by those who have the unqualified rights).

Africa, have failed to pave the way out of genocidal sequences, and were bound to fail. The state as it exists today cannot be relied upon to remain neutral.

Al Gore's movie *An Inconvenient Truth* is emblematic of how failure is programmed. In essence, the issue boils down to who states, who frames the truth, who frames the notion of inconvenience. Whose truth? Whose inconvenience? Who would have denied in the days of Columbus that he had discovered the Amerindians, the Arawaks, the Caribs? Likewise now with what this movie 'discovers'. Yet, we do know from various narratives collected by anthropologists, written by Native Americans, transmitted by healers across the planet, that the self-proclaimed discoverers also opened up a Pandora's Box. If the idea is to put an end to the mindset that led to such cataclysmic destruction, is it not time for the descendants of 'discoverers' to put aside their self-certainty and call on the descendants of the 'discovered' to sit around a global table and ask them for their suggestions on how to heal the world?

Failing to do this would reproduce the flaw inherent in a Nüremberg-type resolution, namely an arrangement worked out among the victors. The victors wanted to make sure that they won the next round. Presumably, the Nüremberg Tribunal was set up so that similar massacres did not take place. But, then, it has to be asked, to which master narrative should one assign Hiroshima and Nagasaki? Why has it always been easier to keep these events, Nüremberg on the one hand, and Hiroshima/Nagasaki on the other, completely apart?

Could it be that with a film like *An Inconvenient Truth*, one is observing what has become almost routine: out of a genocidal sequence, a conscience-soothing process is set in motion in order, once again, to ensure that as little as possible is done to prevent the next genocidal sequence? From such an angle, *An Inconvenient Truth* could be considered analogous to a Nüremberg Tribunal. The truth is arrived at by way of a monologue/lecture, and not through a dialogue with all the descendants of all the sentient beings who were massacred and not just inconvenienced. But one could also assess the film in a more generous way by suggesting that it is only the first step in a process which *could* undo the mindset that culminated with Auschwitz/Hiroshima/Nagasaki.

In summary, and at the risk of repeating the obvious: the colonial times that characterised the 19th and 20th centuries took the history

of the world (not just the history of Africa) onto a different stage, one never encountered in previous colonial times, however far back one goes. For the first time in its history, humanity sits at the threshold of self-annihilation thanks to a self-destructive capacity which grew out of self-justifying colonising processes which, even when they were denounced, did not put in doubt the ideological conviction that the ultimate well-meaning objectives far outweighed any harm or inconvenience. The systematic denying of evil (during and following colonial rule) while singling out only one (Nazism) as the only certifiable one has contributed significantly to the denying of other effects of the same socio-economic and ideological mindset. The fear of those who have seen nothing wrong in the system except for occasional slips may stem from the perception that an admission of failure will lead to a sort of domino effect, forcing an acknowledgement of the magnitude of the crimes that have always been denied.

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Violence, legitimacy and dynamics of genocide – Notions of mass violence examined

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It is probably safe to claim that as a general rule, people who like to think of themselves as civilised persons tend to reject violence. At the same time, notions such as ‘structural violence’ express an experience of violence that is seemingly ubiquitous, if largely unnoticed by inadvertent observers. In any case, such notions are to be set against the insight that conflict, while indeed ubiquitous, is by no means violent in every case. Rather, the violence inherent in some conflicts can be contained and controlled. Again, such findings may need to be qualified once it comes to violence on a manifest and mass scale.

Notions of violence

Violence is a wide, elusive and – on account of its frequent use in polemical contexts and for ostracisation – even a murky concept. Even though the following definitions will tend to prove rather than change this, they may bring a certain measure of transparency to a confusion which arguably is inherent in the subject.

Thus, Alexander L. Hinton understands by violence ‘any type of physical, symbolic, psychological or structural force exerted against someone, some group, or some thing’ (Hinton 2002: 6). This definition, while evocative of some physical action, denoted as ‘force’, is startling because of two features. First, it does not name a subject responsible for violence; ‘force’ is ‘exerted’ by or from an unnamed source. This is probably meant to cover the important issue of structural violence, which indeed is thought to emanate from societal structure (Galtung 1975a), not an identifiable person as an actor. Second, by this very token, the notion of ‘force’ becomes somewhat opaque, since it would no longer denote merely the *manifest* exertion of physical force, but also the workings of violence in ways that may not precisely be termed as subtle, but could be ascertained, not by direct observation. Rather, such forms would require more complicated operationalisation (cf. Galtung 1975b). Still, Walter Benjamin, in his *Critique of Violence* has argued forcefully that violence is inherent in *any* legal institution not because of its manifest use, but because

it is an ever-present, usually implicit, threat (cf. Benjamin 1980: 188). Violence therefore is a central concern of any discussion on ethics (ibid: 179).

Power relations and dominance occupy a central place in the following considerations. However, it should be noted that violence is not inserted into such vertical frameworks in all cases. Rather, as noted by Foster, Haupt and de Beer (2005: 60–2) one may usefully distinguish between four forms of ‘political violence’: ‘state-led’, administered and controlled by bureaucratic state organs; ‘state-supportive’, perpetrated ‘by oppressed people in support of the state’, as happened frequently in South Africa during the 1980s and early 1990s, for example by homeland security forces; ‘bidirectional’, ‘on behalf of the oppressed people’, including specifically liberation organisations carrying on armed struggle; and ‘lateral or horizontal violence – between and among oppressed people’, frequently seen as spontaneous and often – erroneously – considered irrational, while more recent research has demonstrated definite patterns of group behaviour to be completely rational within a specific framework (Haupt and de Beer 2005: 80–2). With particular reference to pre-1994 South Africa, this adds up to a vista of ‘multi-directional or multi-sided violence’ (ibid: 60). This conceptualisation underscores the complexity inherent particularly, but certainly not exclusively, in the South African paradigm, as well as the ambiguity that almost inevitably goes with such complexity. Be it noted that none of this yet includes forms of violence dubbed, for some reason or other, non-political.

Even though the interpersonal aspect is never quite absent from notions primarily concerned with violence in a widely understood field of politics, they may usefully be contrasted with concepts of violence focusing on interpersonal relationships. Thus, Jon Abbink describes ‘inter-personal violence’ as having ‘four minimally defining elements: the “contested” use of *damaging physical force* against other humans, with possibly fatal consequences and with purposeful *humiliation* of other humans. Usually, the use of force – or its threat – is preemptive and aimed at gaining dominance over others. This is effected by physically and symbolically “communicating” these intentions and threats to others’ (Abbink 2000: xi).

Here, the feature of contestation points to an agonistic or competitive dimension of violence: It contains an element of struggle over goals or objects, as well as over superiority and precedence. Again, violence does not mean just any form of competition. Rather, violent behaviour would denote in the first place such competitive action that is apt

to inflict physical damage on the competitor. Moreover, the infliction of violence is deemed to be humiliating for the victim, in the sense that she or he is palpably placed in a position of inferiority in terms of physical power, bodily integrity and also moral worth. In principle, this implies already that violence in this sense is eminently communicative: it is addressed to an audience, loaded with symbolism – elevating the successful perpetrator, downgrading the victim in front of others and conveying threatening images – and it is performed in ways that may conform to ritual practice or otherwise, may enhance the threatening content and intentions of violent behaviour.

Still, Benjamin includes centrally rather startling instances in his concept of violence, in particular the workers' strike which, from its word content of course alludes to violence, but from its mode of action may be considered no more than almost passive denial or withholding of routine action, work. However, clearly under the impact of class struggles after World War I, Benjamin emphasises the 'violent' character of withholding action by striking workers, which he dubs as 'blackmailing' the adversary into acceding to their demands (1980: 184).

These conceptual problems reside within the phenomena that are designated as violence. Thus, Abbink adds to his actor-oriented definition that 'such a description of violence shows that it is always ambiguous interaction' (2000: xi). However, some further precision is still possible. Thus, we can draw a distinction between 'violence' on the one hand and 'cruelty' on the other (cf. Brieskorn 2005: 72–75). Cruelty would appear as clearly excessive, while violence is rather more related to instrumental considerations and thus, to a certain limitation. However, as Brieskorn also reminds us, this does not signal irrationality, nor should cruelty be naturalised into animal drives. In some conceptions, cruelty or excessive violence is even understood as a means to consummate exceptional forms of humanity (cf. Bataille 1989). Further, 'cruelty' obviously fits into certain symbolic arrangements and thus is on a continuum with violence. This is addressed by Göran Ajimer, who sees it as 'a forceful element in the imaginary order, an iconic idiom incorporated into many different sorts of symbolic texture. In social discourse violence emerges as a sign with many references and endlessly purposeful for intended action. This threefold appearance in the stream of human symbolism is a primary factor creating ambiguities around violent phenomena', which results in violence becoming 'a thing of utter complexity, evasiveness and ambiguity' (2000: 7)

Even though he stresses the difference between violence and cruelty, Norbert Brieskorn also notes that violence signifies ‘a semantic field almost devoid of contours’ (2005: 79). Not by accident, Benjamin (1980) has refrained from offering any explicit definition of the term. Brieskorn further intimates ideological implications and potential manipulative consequences precisely on account of this pervasive imprecision: ‘[T]he notion of violence itself constitutes a weapon. Whoever strives to subsume many forms under it to brand these as violent ones, will have to keep the notion wide and empty’: ‘The notion of violence in itself constitutes a weapon.’ (2005: 80)

However, Brieskorn himself contributes considerably towards a better understanding of this ill-defined semantic field when he points out instructive variation in the semantics of violence across languages. While in English as well as in French, the relevant words are derived from the Latin *vis*, to render ‘violence’, and from the Latin *potestas* or *potestas*, to render ‘power’, these two meanings are merged in the German *Gewalt*, stemming from *walten* (dispose, exercise, be able to, etc.). The semantic field in German therefore lays open more clearly than is the case with the English and French fields the interconnection that exists between power and violence, actually ‘played down’ by the signifier *potestas* (Brieskorn 2005: 80). Thus, ‘authority’ in an institutional sense (not as a property in a person) is also covered by *Gewalt*. Violence, then, besides being opaque and ambiguous in an irritating and risky way, is also linked up with the issue of the state and legitimacy. There is legitimate and illegitimate violence, in particular in the sense of violence sanctioned by the state and violence devoid of such sanction.

The monopoly of violence as a specific order of violence

The modern state is the repository of legitimate violence and actually is defined by the monopoly of such violence. The state exerts violence both domestically and externally, although in different modalities. In modern times, Weber states, ‘the entire politics is geared to a realist reason of state (*Staatsräson*), to the pragmatics and to the absolute... aim in itself, the maintenance of the external and domestic distribution of violence’ (Weber 1985: 361). Thus, the state not only monopolises, it fundamentally organises violence and rests upon violence. Domestically, the monopoly of violence means basically that subjects and citizens have been disarmed – that is, arms-bearing in the sense of the legitimate exertion of violence is restricted to organs of the state, in particular the police and the (standing) army. Seemingly,

there are important exceptions to this rule – the US Bill of Rights guarantees all citizens the right to bear arms, and the Swiss militia system also provides for every adult male to have his rifle at home in the wardrobe. However, also in these instances, the legitimate *use* of such weaponry is clearly restricted to cases sanctioned by the state, either *ex ante* by administrative fiat or at least *ex post* by a court of law evaluating such action as justified or not. The basic tenet of the state monopoly of *legitimate* violence therefore applies: The use of violence, including inflicting serious bodily harm, up to actually killing a person, has been expunged from everyday life and relegated to extraordinary and by definition extreme situations that are governed by law and fixed procedure, both of which are administered by specialised agencies under the purview of the state.

The state's monopoly of legitimate violence also applies externally, in international relations, albeit in a significantly different mode. As is well known, the modern international system is anarchical precisely in the sense that within a context of a plurality of sovereign actors, an international or even global monopoly of violence does not exist, and therefore rules, including in the sense of international law, if not respected by institutional actors, have to be enforced by negotiation or manifest use of violence. Under such circumstances, the threat of the application of violence is also implicit in the process of negotiation and the possibly ensuing compromise (on this, see Benjamin 1980: 190–1). However, such violence is supposed to emanate not from any actor, but exclusively from recognised sovereign states (who in turn are restricted formally by the UN Charter). Severe problems arise once this basic rule is violated (cf. Kössler 2003).

Benjamin has accentuated strongly and instructively the point that all this amounts to an *order of violence* and thus must by no means be read as any absence, elimination or even only a reduction of violence. The state appears as institutionalised violence, but not in the Hobbesian sense of pacifying such violence but in the sense of exerting it against subjects. Benjamin goes so far as to make institutionalists take note that 'the origins of any contract points back to violence' (1980: 190); that is, any law is predicated on such violence. What is more, the execution of the law by the police is marred by the inevitable conflation in such institutions of powers to create legal instruments and powers to execute them. Generally, 'the constitution of law is a constitution of power and as such an act of unmediated manifestation of violence' (Benjamin 1980: 198). While relations free of violence do exist, in Benjamin's view they cannot exist within the state, which is inextricably and by its very constitution and being enmeshed in manifest

violence. Rather, the ‘non-violent sphere of human understanding, completely inaccessible to violence’ for him is language (ibid: 192), thus not only prefiguring the Habermasian postulate of ideal community of communication, but at the same time starkly highlighting its utopian character, in the sense of a potentially radical critique of the powers that be.

In seeming contrast to this, the reordering of violence, which the modern state performs by monopolising it, has been conceptualised by Norbert Elias as a long-term process of *hedging in* manifest violence, at least domestically. Elias takes as its model or ideal type the gradual restriction of violence through the elimination of competing contenders which in his French model trajectory lasted throughout the European Middle Ages and early modern times. To be sure, this was an extremely violent process, not least involving a huge build-up of weaponry and potential for destruction that continues until today (cf. Krippendorff 1985). It was accompanied by far-reaching changes in demeanour and everyday behaviour and the establishment of a pacified sphere. This applies at least for the societies of metropolitan capitalism that for the last 250 years have set the global norm both for state behaviour internationally and for the exercise of public power domestically. However, the undeniable fact of massive transgression against such norms, including the extreme form of war crimes and genocide, leaves open the issue of whether such horrors can be attributed to ‘decivilisation’, the reversal of an essentially evolutionary process (Elias 1992), or rather have to be understood as an inseparable aspect of the modern regime of violence.

The modern (nation) state

Thus, for an understanding of violence the state, as the central nexus of the order of violence, is of central importance. In our day, under the conditions of modernity, the state comes in various guises, but it generally falls under the rubric of the nation state (cases like Saudi Arabia or Brunei excluded). It is a widely held prejudice that the nation state is predicated on some ethnically delimited group as its denominator or rightful subject. This view obliterates the historical trajectory of the nation state, which supplanted the dynastic state and constituted ‘national’ unity: in 1789, the *Grande Nation*, also in contradistinction to the *nations* of various provinces and regions, classically claimed ownership of the state in explicit opposition to the dynasty soon to be violently deposed (Hobsbawm 1991: 18–23). In this way, the nation state was constituted in contradistinction to the proprietary kingship of the absolutist age (cf. Teschke 2003: chs. 6, 7; Gerstenberger 2006:

397-9). The sovereign impersonating and owning the state was supplanted by an authority – based on violence – devoid of such subjectivity (cf. Gerstenberger 2006: 517-19). At the time, this ‘nation’ was by no means homogeneous, linguistically or culturally. For achieving underpinnings of the ‘daily plebiscite’ (Renan 1990: 19) in such homogeneity, a long and in important ways violent process directed by the central state was required. However, regardless of whether we conceive the nation politically in terms of *demos* or in communalist terms as based on *ethnos* (Kumitz 2005), it is always faced with requirements concerning the order of violence it represents. What is more, as a part of an international system predicated on the mutual recognition of sovereign entities, the state is obliged to measure up to some minimum requirements, which concern above all effective control of the bounded territory which it claims and which is recognised by others (cf. Kössler 1994: chs. 2, 3). In important ways, therefore, an international order of violence also predicates dispensations of such order on the level of individual states. In the international discourse that has gained ascendancy since the end of ‘bloc’ confrontation (1989-91), this premise is brought out graphically in the claim to a right to intervene, by military means, in the cases of ‘failed states’, seen as those which do not comply with general norms (for criticism of the concept, see Hauck 2004).

What then does the nation state do, what is it supposed to do, according to the standard imposed by the international community, in terms of ordering and administering violence? As we have seen, first and foremost, the state monopolises violence. Internally, this happens through the defining and enforcing of law, in democratic states through the legislative, executive and judicative branches of government. Externally, violence is monopolised by the state above all in its being the main agent of international relations. To be sure, again on the international scene as well as within domestic relations, state-sponsored relationships do not by any means exhaust societal life. Rather, strands of international civil society, even though by no means devoid of inequality, hegemony and class relations (cf. Kössler and Melber 1993, especially ch. 3), also contain versions of a basic form of social organisation that differs, in fundamental ways, from the hierarchal forms shaped by the state: networks may very well gain more weight under the conditions of increasingly unbounded means of communication in the wake of the microelectronic revolution (cf. Castells 2001: 1-2). It should also be noted that tendencies towards the privatisation of war – inter alia in the context of the ‘network war’ (Castells 2001: 158-64) – and also non-state security apparatuses (cf. Baker 2008) – are changing the configuration of violence and the formal state.

As far as the modern state monopolises violence, this implies further modalities. By that very token, the state hedges in violence, and it does so in a germane way precisely by itself, by means of its organs exerting violence in the very act of hedging it in. The monopoly of violence, after all, does not imply forfeiture of violence; rather, violence is concentrated and harnessed, put at the disposal of the state, and ideally reserved for its exclusive use. Still, through this concentrated *potential* violence, and its sheer threatening impact, a pacified space is created domestically, and through the workings of diplomatic negotiations and treaties, and in particular, through regional supranational organisations also within the international sphere. This may be called pacified precisely in the ideological sense that such ‘peace’ is predicated on the prior application, and on the virtual potential, of large-scale, warlike violence. Therefore, precisely by hedging in violence, the state also exerts violence, both in manifest and implicit ways.

The manifestation of violence by the state is not restricted to exerting it in concrete situations of conflict, coercion or punishment. The state also stages violence in displaying its potential for exerting it on an everyday level as well as on a mass scale. State visits by heads of state or government are accompanied by more or less boastful military paraphernalia, in some cases important festivals and anniversaries are marked by parades of the military, and in some cases also the police. This links up with the performative dimensions that integrate actions of violence into a whole range of rituals, reproducing societal relationships as well as cosmologies over a wide array of fields. Violence, even in its most gruesome forms, including mass killings and genocide, can thus be read in terms of a ‘poetics’, carrying culturally deep-rooted meanings, however despicable such actions may be to the observer or analyst (cf. Whitehead 2005, Hinton 2005). Further, in such public performances of violence the state exposes its potential for the actual exertion of violence and also demonstrates the legitimacy of violence applied under its own purview. Moreover, the introduction of violence into everyday life or into seemingly civilian, festive contexts serves to ‘banalise’ violence and make it more acceptable as a frequent occurrence (cf. Thomas and Virchow 2006). While such displays generally do not expose manifest violence as such, but, rather, means of violence, this still contains the very real threat inherent in the possibility that such means actually be deployed. To give a gross example from colonial history: after putting down the Bondelswarts uprising in southern Namibia in 1922 by actually bombing the insurgents, the South African air force flew a whole series of sorties in which they demonstrated bombing to assembled African communities in the region or dropped a Union flag in front of the house of the most powerful chief in the area (see Kössler 2006: 85).

In this way, the display of the means of violence not only underscores the legitimacy of such particular violence, but it also symbolically sanctions concrete violent actions. The sanctioning of violent acts happens of course through an array of legal instruments, such as laws, ordinances, administrative orders or police action allegedly taken in the face of imminent risk or danger. Lastly, state courts may rule that acts of violence by individuals, even if resulting in someone's death, may have been legitimate because such action was taken in self-defence.

While concrete actions of violence as well as whole fields of violent action are sanctioned by the state in this way, the state also defines what is to be understood by illegitimate violence. An important recent instance is domestic violence, which in many countries has been included in the realm of illegitimate violence and therefore ostracised, at least by being included in acts to be prosecuted under criminal law. This came about as a consequence of intense public debate. Characteristically, legal provisions were not sufficient in every case to ensure adequate police action. In this way, the case of domestic violence shows not only the malleability even of official and statutory notions of violence, which thus emerge as subject to public debate and political decision-making; it also reveals an intricate and always precarious interplay between state institutions and civil society actors who claim rights and in this case also sanctions against acts that are legally ostracised but whose designation as such is still the subject of public controversy; in the case of domestic violence, it also shows the resentment and recalcitrance that go back to patriarchal concepts and interests.

In sum, the state legitimates and carries out a wide range of violent acts, even though precisely not *any* kind of violence. Such definition and sanctioning takes place above all through the legal system in the modes just outlined, and in particular through the actions of its coercive apparatuses, the military and the police. Significantly, violence legitimated and exerted by the state is rarely designated as such, making violence appear as non-state, illegitimate action. A critique of the law, in particular along the lines mapped out by Benjamin (1980), however, would expose this as, precisely, an ideological cloak hiding from view the pervasive and systematic violence, both implicit and explicit, upon which the very existence of the state is predicated. However, such an indictment should not obliterate the important distinction that exists between the domestic and the international. In particular, whereas the modern state is normally considered to be under an obligation to extend a certain protection towards its citizens, which also includes shielding them from wanton acts of violence or

even from actions by foreign states, this protection does not apply to aliens in the same way. Today, overt exertion of violence outside the boundaries of territory and citizenship is not limited to warfare, but, arguably as importantly, includes the sealing-off of states and regions such as North America, the European Union or South Africa against non-documented immigration, which is coded and perceived as a danger against which citizens expect protection, even at the expense of thousands of deaths incurred in the drylands along the US-Mexican border fence or in the waters of the Mediterranean Sea and off the coast of West Africa.

These current issues, along with the ‘hot’ wars, particularly in the Near and Middle East, should remind us that there is no such thing as a firewall which would divide civilised or even merely pacified societies or states from a wider, much more violent world – and which might in turn spawn ideas of civilising and pacifying missions directed at such an outer world. Rather, we have to face the uncanny reality that the modern state in all its forms and varieties contains the potential for violence, including systematic denial of human rights, at least to certain categories of people, and also violence on a mass scale. Such mass violence will of course not necessarily take the form of genocide, but here again it is more realistic to reckon with a continuum leading up to such events than to trust in the tenets held, for example, by many German intellectuals of the early 1930s who thought that Nazis wouldn’t stand a chance in the country of high culture they considered their own, and certainly never envisaged that anything like Auschwitz could happen. It is also with this kind of concern in mind that the level of conceptual analysis of violence in modernity should be complemented by an inquiry into the reasons why mass violence actually occurs, both at the level of actors in the sense of people actually committing violence on the ground and that of the structures and processes that condition personal action.

Actors in mass violence

The horror of Auschwitz seemingly defies analysis, as well as comparison, but still, in eschewing such an endeavour we may not only forego avenues for reaching an understanding of particular facts and occurrences, but even deny to the victims the serious commitment to analysis and the grounded will necessary to uphold the one central conclusion: Never Again. Even if incomprehensible as such, the ultimate crimes and horrors of the 20th century, which on ethical grounds defy categorisation, all the more demand our practical commitment and efforts to engage with such a heritage, burdensome as

it may be (cf. Chaumont 2001: 283). Here, the issue of perpetrators of mass violence deserves prominent consideration. It has been broached extensively in relation to the Holocaust, and one important inference concerns the insight into the ‘banality of evil’ (Foster et al. 2005: 55) that is at work here. At the same time, authoritarian orientations and routinisation interact to make ‘ordinary men’ (Browning 1992) into perpetrators of the most gruesome acts and crimes against humanity. It seems that such occurrences also defy the instrumental approach that explains much of low-level warfare in the sense of ‘markets of violence’ (Elwert 1999).

As Foster and co-authors, in their study on protagonists of violence in South Africa during the 1970s–1990s, also stress, however, specific situations do not offer an exhaustive explanation for acts connected with the large-scale violation of human rights and other forms of mass violence, including genocide.

Within the confines of this contribution, a look at some aspects of actor-centred perspectives must suffice. Since most forms of mass violence, which should be distinguished from the occasional individual act of running amok as well as from individual and even most organised crime, is a state-run affair, the perpetrators of such violence in many cases lay claim to state sanctioning of their act. This was evident even with Nazi perpetrators, who, when later facing courts of justice, claimed to have acted on military or administrative orders. In many or most cases, this was certainly a ruse to shun responsibility and to hide behind higher authority. At the same time, however, this line of argument points towards the feeling of righteousness, stemming from the *entitlement* for specific courses of action which is conveyed by moral claims – for supposed superiority, for example, but most importantly, by official status, policies and orders (cf. Foster et al. 2005: 68–70). One further, often neglected ingredient is certain forms of aggressive masculinity (cf. also Theweleit 1986). Therefore, when specific persons consider themselves ‘entitled’ to commit certain acts that ‘normally’ would fall under very strict and more or less universal prohibitions, in particular mass murder or obvious violations of human rights such as torture, this violence can be considered almost regularly as state-sponsored. In particular this pertains inasmuch as such acts occur on a regular basis.

Such situations are premised on particular preconditions, on a specific ‘constellation of relations between persons, groups, ideologies and juxtaposed positionings which eventually emanate in [a] “toxic mix”’ (Foster et al. 2005: 66, quoting Huggins et al. 2002: 182). Among such

preconditions, processes of *banalisation* of violence figure prominently. Such processes gradually ‘draw people in’, as they are enmeshed and possibly entrapped within the criminal framework. These include the routinisation already alluded to, inclusion into specific institutional nexuses creating a feeling of belonging and conspiracy, as well as ‘ideological acceleration... splitting and separating the good (us) from the bad (them)’ (Foster et al. 2005: 77). Mechanisms of ‘genocidal priming’ (Hinton 2002: 29) encompass a range of ‘apparently far lesser occurrences of symbolic and physical violence’ on the basis of social exclusionism, resulting in particular exclusionary devices that result in the constitution of ‘groups that the dominant society has defined in one way or another as lesser human beings’ (Nagengast 2002: 325). Such mechanisms, acting over several decades, and again through an entire array of phases, have been present in the prehistory of the genocide against European Jewry in German society and public discourse (cf. Bartov 1998), but arguably also as a long-term impact of the genocide committed by German colonial troops in present-day Namibia early in the 20th century (cf. Kössler 2005). Another instance of such rather long-term priming is the process of debasing and naturalising ‘Tutsi’ and of inculcating a feeling of impunity by mass propaganda, which occurred on a continuous basis years before the genocide in Rwanda 1994 actually took place (cf. Neuberger 1999; Taylor 2002, 2005). Again, precisely the long time frame of these processes underscores the contingent dimension of genocide and, more generally, of mass violence: While the *potential* that may be discerned within a given situation, such as the regime at the US/Mexican border (cf. Nagengast 2002) may hopefully never be actualised, for such potential to turn into gruesome reality, a particular ‘hot’ situation must accrue, ‘some sort of “genocidal activation” that ignites the “charge” that has been primed’ (Hinton 2002: 30), or in other words, the prerequisite ‘toxic relations’ have to be aggregated in a specific and cataclysmic way (Foster et al. 2002: 67).

Order by the state: the definition of target groups and processes of othering

An important ingredient in such toxic concoctions is constituted by specific traits of the modern state, to order, enumerate, cultivate and ‘weed out’. Zygmunt Bauman (1991: ch. 1) has dubbed this kind of state activity as the ‘gardening state’, highlighting precisely the social technological pattern of identifying conducive and unhealthy traits in persons or groups of people and consequently, nurturing the former, and eliminating, even exterminating the latter (cf. also Schiel 1999). Such activities of the modern state obviously fall within a much

broader quest of ordering and rectifying society, of homogenising the population in cultural and linguistic terms, all of which clearly are not as harmless as it might seem at first sight, but fraught with latent or manifest violence, up to the ill-famed ethnic cleansing of the late 20th century.

Thus, the state also plays a pivotal role in defining the group targeted for destruction in processes of genocide, which by definition is directed against a collectivity (Hinton 2002: 6). This dovetails with one central mode of operation of the modern state, simplifying perceived structures, categorising, and thereby crystallising and essentialising social and cultural difference (Hinton 2002: 28, Scott 1998). The related tendency of the modern state to fashion ‘enumerative’ collective or group identities (Randeria 1994) is an important avenue to create preconditions for mass violence directed against specific groups, which centrally also involves genocide, even though such violence certainly also occurs on a whole range of frequently far lesser scales.

Since processes of mass violence, including genocide, are never just wanton occurrences and generally contain at least an element of strategic design, it is important to conceptualise the ways in which the groups that become victims of violent acts and strategies are defined. In the case of genocide, the very concept points to the centrality of this issue. When we look at historical cases, it emerges that very diverse social processes have been at work here, which we may summarily subsume under two categories, active and passive grouping. In this, grouping underscores the constructed and by no means ‘natural’ character of all such groups (cf. Brubaker 2004).

Thus, *passive grouping* would highlight not just victimisation, but the in many cases forcible, bureaucratic subsuming under a category which does not necessarily reflect the victims’ self-identity. The outstanding example of this is the gradual, step-by-step ostracism that excluded ‘Jews’ from German society during the 1930s, even where they had no active relation to Jewry or were not even aware of their Jewish ancestry. In broadly similar fashion, the Rwandan genocide in 1994 was predicated on ascribed and bureaucratically enforced ethnic/racial identity.

Another form of passive grouping would be the essentialisation of real or ostensible class membership, where ‘class’ is framed not so much as a social category but conflated with a political orientation. Important instances are the *kulaks*, subjected to savage mass violence in the Soviet Union during the 1920s and 1930s (Werth 1984, 2003: 226–8) and

the ‘New People’ under Khmer Rouge rule in Cambodia who became the objects of repression widely considered as genocide (cf. Ebihara and Ledgerwood 2002). Here again, the forms of framing group membership are clearly distinct. In the Soviet case, this was predicated both on contingent constraints in grain provision and a general conception about the social dynamics of the market to inevitably generate a reversal to capitalism, an idea linked to a rigid conception of class orientation in socio-political terms; in Democratic Kampuchea, anybody who had not lived under Khmer Rouge control during the civil war prior to 1975 was cast as an enemy, liable to imprisonment and death.

At the opposite end of the continuum we can discern *active grouping*, when for instance, the Ovaherero who in 1904 took up arms against colonial oppression were systematically exterminated or expelled from then German South West Africa; or Maya peasants in Guatemala who, having organised to overcome ‘a legacy of desperation’ lasting close to 500 years, fell victim to genocidal suppression by the military regime (Manz 2002: 295). In the first instance, modern state violence is directed against a joint effort at resistance against colonial encroachment, on the basis of kinship-based organisation and incipient proto-national consolidation (cf. Gewald 1999); in the second case, mobilisation on social grounds also made use of existing communal ties and was met by the violence exerted by the modern central state, under the conditions of military dictatorship and counter-insurgency. At least in part, grouping occurred by and in the course of mobilisation which then met with savage repression.

Aftermath dynamics

Only in rare cases does mass violence and even genocide terminate in the complete annihilation of the targeted group. For this reason, processes of social, cultural and mental resilience are of great importance. In the course of such processes, group definitions are taken up in resilience processes in widely varying ways. This includes deep-going changes of such collective identities and self-definitions. Such changes include the rigid definition and assertion of essentialised identities or ‘groupness’ (Brubaker 2004). Such enhanced and frequently reified identities therefore emerge not only as a facilitating feature for resilience and in the best of cases, for healing; they can also be regarded as one of the important and significant consequences of mass violence directed at specific groups, including genocide. Again, significantly, this does not apply to all victim groups. Take the *kulaks*. Whether their terrible fate can reasonably be considered as genocide is still a moot

question, and a similar position applies to the targeting of political groups (cf. Gellately and Kiernan 2003: 17–19). Such difficulties and controversies are obviously also related to the differential degrees in which group membership can be acquired, repudiated, claimed or denied. However, there are clear instances where such group identities have actually been considerably enhanced by the experience of joint suffering and deprivation, including the loss not only of loved ones, but of familial ties, kinship relations and communal settings.

When we take two prominent experiences of such group coalescence and resilience in which collective identity, disregarding considerable differences still predicated in both cases on ethnic and religious membership, has undergone considerable change, we can also make the important distinction between state and non-state trajectories. Jewish survivors of the *Shoa* tend to have a strong sense of belonging with regard to the state of Israel, which is considered as a guarantee against any future Judeocide. In other quarters, the hazards involved in the implantation of Israel in the Near East and in that state's strategy vis-à-vis its neighbours and, in particular, the Palestinians may appear to question precisely this central tenet, but the statehood of Israel as a rallying point of ethnically framed Jewishness in the aftermath of the Holocaust forms a hardly deniable fact. As a counterpoint to such rather state-centred or at least state-related resilience, one may consider cases without reference to a state or, at any rate, without such reference on a positive note. This applies to the trajectory of Herero collective identity (see also Krüger 1999), and also, with significant variations, to that of other survivors of the genocide perpetrated during the colonial war in German South West Africa in 1904–1908 (cf. Kössler 2006: part III). Here, collective, ethnically framed, identities were (re-)asserted, or even forged, in conflictive interaction with the colonial states, initially of the German, and after 1915, of the South African colonial power. Especially the latter relationship evolved in ambivalent and contradictory ways to open spaces for subversive strategies of the colonised that in turn afforded opportunities to assert collective nexuses and identities. One important dimension remains the remembrance and, in various forms, also the enactment of what happened to the communities, in this case, a hundred years ago (cf. Kössler 2007, 2008).

While in the cases of such experiences of collective resilience and realignment, we arguably observe the creation of novel collective identities that had not existed as such or at any rate, in the later form, before the experience of victimisation, there are also cases of resilience and assertion of group identity where former life seems to be

taken up with much more continuity. This is the case with the Cambodian villagers described by Ebihara and Ledgerwood (2002): even though problems, including physical and psychological pain, persist, the community here seem to have taken up their lives again without much apparent change. A similar experience is reported by Manz (2002) from another peasant community. However, in the Maya village of Santa Maria Tzejá in Guatemala, more elaborate ways of dealing with the past are evident. They range from silence to testimony, from enactment to healing practices. In this way, we are reminded of the complex and manifold ways and processes involved in ‘coping’ with the consequences of mass violence. Significantly, the enactment of the peasants’ experience, in the form of a play staged by village teenagers, took its title from Matthew 10, verse 26: *There is Nothing Concealed That Will Not Be Discovered* (Manz 2002: 393).

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Contextualising violence in colonial Africa – European national development, empire and lineages of conflict

Gerold Krozewski

Arguments about conflict and violence in colonial and postcolonial Africa have received renewed attention in recent years. Perhaps not surprisingly, the research agenda has shifted as conflict has become, once again, an important point of reference in political debates in the West. Historical writings have ranged over topics from military intervention and methods of counter-insurgency to colonial wars and processes of acculturation and alienation in African societies under occupation (see, besides contributors to this volume, Elkins 2005, Anderson 2005, Brogini Künzi 2006, Beez 2003). The main thrust of the pertinent research is the manifestation and articulation of particular instances of violence rather than the contextualisation of their occurrence and origins.

Outside the conflict paradigm, though, the theme of violence is also pervasive in the dynamics of structure and state agency in European empires. With regard to the colonial state a major controversy has pitted the case of a violent, rational bureaucracy (Young 1994: 159–163) against arguments about the ramshackle ‘statelessness’ of colonies (Berman 1997: 563). Conflict also underpins discussions about the postcolonial African state: in terms of the intrinsic social volatility of ‘the politics of the belly’ (Bayart 1993), or in terms of the external support provided by mere ‘juridical statehood’ to corrupt regimes (Jackson/Rosberg 1986). Oppression and confrontation more generally relate to controversies about the West’s ‘crisis of modernity’, universal modernisation and economic development in the non-Western world (Puchala 1997, Slater 1993), and discussions about the ‘imported state’ (Badie 2000).

It is hardly controversial to argue that conflict, of necessity, involved contextual dynamics that need to be studied in order to understand its manifestation. It seems, however, that an important dimension of the occurrence of conflict can be grasped precisely by investigating its contextuality rather than by focusing on its articulation. To argue the

case, this essay deliberately takes an indirect perspective. Setting out from European nation states during the interwar period, the intersection of doctrines of development, state projects and material subtexts will be analysed to capture how conflict was constructed as agency and how violence was generated structurally in colonial Africa. Selected contemporary arguments about national development will serve as an analytical tool to identify relevant lineages of conflict and subsequently to problematise its contingent nature. Thus a dimension of conflict in colonial Africa emerges that is defined by generically and historically specific lineages reflecting ‘ordinary’ control mechanisms in a reality structured by the European nation state and its conceptions of development.

Constructions of development

Transitive national development in interwar Europe operated with basic, explicit or implicit, assumptions about normative agency and the political and economic organisation of empire and the ‘world order’. Development strategies for the nation state, and the notions of power and control on which they fed, deserve particular attention because they implied the use of force, with potential repercussions for imperial war and social conflict in colonies. For the sake of the further discussion, consider the following arguments.

Corrado Gini’s reasoning can serve as one of a number of possible choices from fascist Italy. Gini was an internationally-renowned statistician and economic demographer, the architect of the fascist corporatist state in the 1920s, and, as a Mussolini confidant, the head of the Italian institute of statistics (Istat) until 1932. For Gini, a universal system governed by biological rules conditioned progress and economic development. Demographic, economic and political subsystems had an inherent propensity towards equilibrium. The so-called demographically vigorous lower classes would ultimately rejuvenate national elites. Italian national development reflected Italy’s position in an assumed universal organic cycle that linked global to national development, where developmental hierarchies over time also meant that there was an organic hegemon at any one time. Prosperity and peace ultimately hinged on the successful alignment of agency with the organic renewal of classes in the nation and of the nation in the wider world. Within the limits of organic feasibility, protectionist strategies and state regulation ought to support organic power; thus also the quest for colonies (Gini 1927a, 1927b).

The British politician Leo Amery, a key figure in the Conservative Party, leader of the empire economic union, and Colonial and Dominion Secretary in the 1920s, is best known among Africanists as the advocate of the colonial doctrine of settler dominance. This was, however, also an important doctrine of national development. Settler colonies held a trustee role for British welfare and for the ideal British polity. So-called ‘constructive’ imperialism secured natural resources and land, and made colonial labour more available. As colonial settlement absorbed British excess labour, it provided outlets for British private enterprise. In doing so, settler colonies had a crucial role to play in preventing the emergence of what Amery termed the ‘confiscatory’ welfare state in Britain – that is, a welfare state based on taxation (Cowen/Shenton 1996: 280, Amery 1908). Accordingly, he hailed British imperial protection in the 1930s as the eventual endorsement by the government of ‘nationalist internationalism’, which he had long been advocating (Amery 1932: 4). Imperial blocs ought to be clear-cut: Britain controlled its empire in a symbiosis of an industrial and a raw material producing entity. Similarly, it was acceptable that Germany exerted economic supremacy over Eastern Europe (Amery 1939: 181–182).

Constructions of British ‘liberal imperialism’, by contrast, saw British and global progress as being in harmony, according to the familiar assumption that open economies and free trade would level out welfare inequalities globally in the long run and thereby promote peace. Colonies were a defensive tool *against* protectionism. Progress was defined in terms of the power of core economies to which others would gradually assimilate. From this viewpoint, Britain’s colonies in Africa were hardly relevant in the 1930s. Their very marginality, though, entwined African colonies with European development, and suggested a peace-enhancing role for Africa in European interstate relations. The mandates and colonies governed by the Congo Basin treaties were the last laboratories for the assumed educational and welfare benefits of free trade. Some liberal imperialists, like Lord Lothian, argued that ‘economic nationalism’ in fascist Italy and Nazi Germany might be remedied by enticing these countries back to liberalism (Lothian 1935: 11–13). Others, like Lloyd George, emphasised the need for European colonial cooperation with a Malthusian twist, arguing that the overseas expansion of so-called emerging nations, like Germany, Italy and Japan, was inevitable (House of Commons, 5 February 1936, vol. 308: 243–246).

In the mid-1930s, the French Popular Front pondered similar, though ultimately abortive, ideas aimed at moderating complaints by fascist Italy and Nazi Germany about the existing international political and

economic order. Initiatives on colonial cooperation as a peace programme for Europe included a scheme for organising raw materials exploitation in Africa as a ‘public good’ (Maroger 1938: 235–240). British advocates of ‘collective security’, namely Nobel Peace laureates Cecil of Chelwood and Norman Angell, vehemently opposed proposals for cooperation with right-wing dictatorships. Nonetheless, Chelwood and Angell, too, saw British supremacy as conducive to universal progress and the empire in a welfare-promoting role for Britain; ‘collective security’ was the British empire writ large (Angell 1937, Cecil of Chelwood 1938: 4, Cecil, Dictionary of National Biography). In fact, Chelwood, who later served as a delegate at the League of Nations for both Conservative and Labour governments in Britain, had started his career at the League as a representative of South Africa closely associated with Prime Minister Smuts.

Lineages of conflict

The foregoing sketches of ideatic constructions of national development point to generic lineages of conflict in colonial Africa, which need to be further explored at this stage. As will be explicated below, agency obviously did not flow from doctrines in any simple manner. It is nonetheless striking that coercion was explicit in some arguments about normative national agency, and latent in others; in some cases, moreover, one can observe that colonial doctrines and policies played a role in engendering confrontation by engaging material subtexts more indirectly.

In Gini’s argument about progress, and in fascist thought generally, the use of force was explicit, though not necessarily part of the ideal vision of international relations. Force became accepted as a result of the way in which Gini’s ideas connected to his reading of the contemporary global order and Italy’s position in it. Gini regretted the devastating effects of war. But war could have a beneficial effect, and might be unavoidable, to adjust the global order to organic system behaviour (Gini 1921, 1927a). In the 1930s, it was the British empire that allegedly obstructed Italy’s emergence as an organic hegemon. It followed that Britain, rather than Italy, could have prevented the Italian invasion of Ethiopia by agreeing to a redistribution of colonial possessions. The invasion, though, was primarily not a quest for specific natural resources *in* Ethiopia. Rather, the war was both evidence of the fork between the global organic and political order and a step towards bringing international organisation in line with the needs of Italian development (Gini 1937a).

British 'constructive' imperialism (and similarly that of Portugal) differed in that it advocated and practised coercion in colonies for concrete, explicitly stated, economic purposes. Coercive and forced labour schemes are well researched. They include Chibaro in Rhodesia (where proletarianisation had decreased the need for direct coercion by the interwar period), Shibalo in Portuguese Africa, and the schemes for cotton production in Mozambique in the late 1930s (Van Onselen 1976: chs 4 and 8, Katzenellenbogen 1982: 37, 58–59, O'Loughlin 2002: 517, Isaacman and Chilundo 1995: 149–160). One could argue that doctrines of imperial economic organisation also legitimated the use of force to suppress rebellion, enhancing the concern by colonial and dominion governments to enforce the state's claim to sovereignty. The 'collective security' activist, Norman Angell (1937: ch. 3), too, explicitly argued in the mid-1930s that Britain needed to secure order in the colonies, not least because the empire offered a reservoir of both natural and human resources. Already in 1925, the British Conservative government had vetoed the attempt to outlaw wars of aggression in the Geneva protocol (and thus an initiative supported by the Labour government earlier), among others, due to concerns about the ability of dominion and colonial governments to quell resistance. During this internationally less volatile period, Chelwood was however able to combine his support for outlawing war in the name of 'collective security' with his advocacy of a close union of the 'white' empire, alongside Amery and Smuts (Cecil, Dictionary of National Biography).

Coercion was latent in other development conceptions of European nation states, such as in British 'liberal imperialism'. The term already indicates the contradiction inherent in the doctrine. Liberals who endorsed formal empire straddled between the ideal of free trade and open national economies with little state regulation on the one hand, and the advocacy of colonial rule as the very means to prevent Amery's imperial protectionism from taking root, on the other hand. Notions of coercion entered the manner in which the doctrine conceived of and coped with Britain's position in global modernisation over time. Already J. S. Mill had argued in the mid-19th century that conditions in the non-Western world required a degree of extra-economic coercion to secure commodity production and safeguard British-led free trade (Sullivan 1983: 608–610). To make economic progress possible one needed to take African conditions, the continent's 'stage of development', into account. At the end of the 19th century, some liberals became ardent advocates of colonial rule with the stated objective of buttressing Britain as the liberal core hegemon vis-à-vis its key competitors, notably Germany's rising eco-

conomic power. This is where Amery's and 'liberal imperialist' ideas converged. But the assumption that transitive development, to be successful, had to cope with different stages of civilisation in the Western and non-Western world, also constituted the juncture at which ardent critics of imperialism, such as J. A. Hobson, could nonetheless endorse colonialism. Hobson's views resembled those of J. S. Mill insofar as both thought that British experts should govern 'lower races' for the sake of global civilisation, and also ensure that British self-interest and colonial welfare were not in contradiction (Hobson 1902: pt. II, ch. IV, Sullivan 1983: 610–611). However, it is difficult to see how such contradictions could be recognised, given that development was seen as being induced from outside, in a process in which African social relations played no part.

Insofar as they existed, all conceptions of colonial development in its own right (liberal imperialist, Radical liberal, Conservative, or those formulated by the French left after 1919), conceived of it as transitive development from the centre. Moreover, they all tied colonial development to an inclusive notion of national-imperial development. For Amery, the settler state by its very existence enhanced African development. For British liberals, colonial trusteeship, by the interwar years, had come to imply a specific ideal of organising a distinct African economic sector and the phasing of Africa's integration into the world economy. British officials, moreover, expected that taking into account alleged hierarchies of civilisation between African societies in the organisation of economies and the administration would minimise tensions in colonial rule. Consequently, combating resistance to colonialism tied a specific idea of 'good government' not only to the notion of the 'rule of law' but also to a model of African development, both in the intransitive and transitive sense of the word. Especially since liberals accepted that colonial rule was inherently volatile, not least in settler economies, self-contained African development emerged as a synonym of stable government. The relevance of the doctrine was enhanced by the fact that, as raw material prices dipped in the depression, Britain's stakes in many African colonies had become limited, except with regard to a future world war. Both 'constructive' and liberal colonial doctrines of development thus contributed in their assumptions and practices to the formation of concrete social and economic boundaries, which could have a consequential impact on forms of economic activity and welfare (Cowen/Shenton 1991). Whether or not related to social engineering, colonial agency engaged structural realities in the wider world, potentially germinating violence via dynamics of economic and social stratification and marginalisation.

One can fathom lineages of conflict, finally, at this complex nexus between imperial doctrines, colonial agency, and shifting material subtexts in African locations. As practices of colonial rule were set in train, direct confrontations occurred over methods of commodity production and land, of which the most telling examples include the controversies over colonial law and land rights in the British settler territories Kenya and Rhodesia (Chanock 1998: chs 1, 2, and pp. 230–233). But, indirectly too, socio-economic processes triggered resistance and engendered poverty and ‘silent’ violence. In the 1930s, under conditions of low raw material prices, taxation lost its previous role in controlling labour. Fiscal revenues instead became more important in securing the self-financing of the colonial state, which had a devastating impact on livelihoods in some regions, notably in French colonial Africa, and prompted tax rebellions (Martin 1989: 81–82). In this connection, one also ought to bear in mind the well-known argument regarding rural Kenya and the Mau Mau rebellion (Bates 1989: ch.1, Throup 1987, Anderson and Throup 1989). Suffice to say that the argument holds that Mau Mau was a civil war that had its origins in rural socio-economic transformation during the depression (Cowen 1972). The role of residential labour in the Highlands diminished as the settler economy diversified, while the colonial state boosted smallholder production in Central Province, which had previously been seen as rivalling settler producers (Kanogo 1987: 59–68). Some Kikuyu found niches in the colonial economy and were able to secure land as property. Other segments of Kikuyu society, especially the squatters evicted from the Highlands, were becoming marginalised. Colonial agency, as social change generally with regard to the reordering of political authority (Bates 1990), engaged complex social processes, and thus potentially instigated civil strife. These processes do not figure as variables in any of the relevant European doctrines, however. In these conceptions Africa was a clean slate.

Conflict as contextual and contingent

Examining them through the lens of national development, one can argue that the pertinent doctrines spawned generic distinctions regarding the origins of violence. In the simplest terms, normative agency was defined by the respective ideatic and epistemological constructions of modernity in a nation state framework. Conflict was also engendered structurally according to specific priorities and boundaries of colonial rule. But the analysis seems to suggest, too, that the issues relevant to lineages of conflict engaged the existing realities of political organisation and social and economic conditions in a concrete local, imperial and global environment. Meanwhile, the precise

articulation of conflict was permanently redefined in the locations where it took place. To make the point: the Sufi rebellion against the British in Somaliland, for instance, had its own ideatic characteristics (Samatar 1982); its occurrence, marginal as it was to British imperial designs, was nonetheless conditioned by colonial rule. At this juncture one needs to probe how violence could be contingent on European doctrines of development. For this purpose, contingent is held to mean that conflict hinged on factors beyond the realm in which force was debated and/or exerted. One would need to study power and control in relation to difficulties in the management of national economies; hegemonic political strategies in European states; the ‘memory’ of developmental grievances; and shifting socio-economic relations in colonies. The following discussion will limit itself to discussing contingent mechanisms in terms of relational dynamics, requirements of national progress, and methods of coercion.

In some cases, the nexus between doctrines and violence manifested itself in the coordinated relational dynamics in empire in a shifting structural environment. Arguments about labour coercion and related practices in the British empire, for instance, shifted according to context. The depression tended to diminish the need for coercion by the state in commodity production because the demand for labour decreased, and there was no shortage in individuals seeking wages. But during the Second World War, British officials also argued that there was no alternative to reverting to coercive labour in the colonies to support the war effort (Cowen/Westcott 1986, Cowling 1943). For the settler state in Southern Rhodesia, too, the agricultural crisis during the war again enhanced the importance of coercion (Johnson 1992). Consciously coordinated relations in policy can also be observed in the British management of colonial dollar-earning and of ensuing protests during Britain’s economic recovery in the late 1940s. Suppressing riots in Accra on the Gold Coast in 1947 first aimed to prevent the disruption of cocoa exports and to shield its profitability which risked to be compromised by any increases in dollar import quotas. Subsequently, a modest increase of the textile quotas fulfilled precisely the same purpose (Krozewski 2001: 90). In the imperial framework, arguments about labour could prompt politicians, including the very advocates of labour coercion, to invoke African welfare. For example, when, in 1928, Amery proposed the building of the Zambezi bridge to boost British steel exports during a period of slack demand in the industry, he bolstered this request by referring to the need to clear the ‘Nyasaland slum’ (Vail 1975: 108–109). In doing so, he reinforced the claim professed by his doctrine, namely that imperial development benefited the British worker and in this way

promoted welfare in the colonies too. These cases show that policy, albeit erratic, was nonetheless structured, if only by the objectives of imperial development. At certain times state-induced suppression were deemed conducive to 'imperial purpose'; at others they were seen as counterproductive to it.

Relational dynamics can to an extent even be assumed to have played a role in the Ethiopian war. Alessandro Lessona, the Italian minister for Africa at the beginning of the war (Sbacchi 1985: 46), was a theoretician of 'constructive' Italian imperialism. Some of his views resembled those of Amery, namely the conviction that colonies would absorb labour from the metropole and support its entrepreneurship. Lessona praised Cecil Rhodes as the model imperial entrepreneur, and stressed the need to form economic blocs as defences against emerging economic rivals in East Asia (Lessona 1935c: 171-173, 1935b: 118). At the same time, Lessona's and some of Gini's views converged as an extension to nationalism, which 'constructive' imperial doctrines always are. Lessona and Gini both assumed that Italy exhibited historically specific demographic conditions which proved that colonies were necessary for the nation's economic prosperity and made fascist corporatist development propitious. Since peace-promoting European colonial cooperation was not materialising, Italy had to seek a remedy in war (Lessona 1935a: 50-60, Gini 1937a: 212).

Scenarios such as these would suggest that doctrines were transmitted through a line of command from the centre of the imperial state and thus impelled agency. But a linear transmission of doctrines through the bureaucracy occurred only in certain cases. Moreover, the relationship between doctrines and agency in exacerbating violence, or even in easing relevant tensions, was often constructed in a less coherent manner. At the opposite side of the spectrum, one could argue that the occurrence of conflict in an inter-connected world could be isomorphic – to adapt a term from the sociological debate on globalisation (Wimmer 2001). The quest for colonial domination in (re-)industrialising European nation states exhibited broad similarities in the depression, as states propagated strategies, including autarky, to mitigate the distortion of settlement patterns in trade and payments. The plight of agricultural producers in different locations and the fiscal responses of the colonial state to the depression could also trigger structurally similar conflict, for which tax rebellions are the most obvious example. As the argument about rural Kenya showed, colonial organisation also had implications unrelated (or only loosely related) to the original purposes of state agency. The example suggests lines of enquiries into the origins of violence related to agricultural

change, state agency and social divisions elsewhere. Relevant factors have been indicated, among others, for the rebellion in Madagascar in 1947 (Tronchon 1974: ch. 6) and the recurring outbreaks of violence in Burundi since independence (Ndarishikanye 1998).

But in terms of imperial agency, too, the use of force could be circumstantial even without force fulfilling any specific purpose as economic coercion. Gini's fascist epistemology tied violence to a development doctrine in which the overall assumptions were consistent, albeit odd, while also implying that force manifested itself randomly. Gini analysed economic data with comparative statistical methods to prove that colonial rule provided advantages for imperial states (Gini 1937b: 13–16). But these were not considerations of transitive development and coercive agency. In organicist constructions, moreover, violence could happen as non-preventable structural adjustment. Given these lines of reasoning, there was no need to argue how and why agency achieved a set purpose. Normative arguments flowed from Italy's economic grievances, *per se*, relating to difficulties in mustering structural power in the quest of modernisation. These problems were being identified by scientific observation but also disconnected from a causal chain. Such arguments, therefore, appear to contrast rather sharply with British liberal and 'constructive' doctrines to which explicit links between economic purpose and normative agency were central. Nonetheless, these strands of thought, too, operated with categories that, parallel to the doctrine, accepted both the use of force and 'silent' violence as residuals.

One could argue that specific mechanisms tying material constraints in economic management to doctrines of development had implications for condoning violence as 'collateral damage'. Ideas of national development and welfare arguably heightened the acceptability of violence by insinuating 'necessity' and 'inevitability'. Gini's thinking implied that the existing economic and political world order prevented Italian prosperity, giving a sense of urgency to colonial acquisition. Coercion in production schemes and labour recruitment in colonial empires generally was rationalised by arguments about national developmental requirements or as necessary discipline, though to a degree the very purpose of coercion also checked the use of force. Liberal and 'constructive' imperialists in Britain and elsewhere could read mortality rates, notably in the course of the building of transport infrastructure and trade, as the 'collateral damage' of modernisation under tropical conditions. Military campaigns, invoking necessity, took African manpower for granted (Killingray 1989: 488). With a different twist, officials in South Africa could turn a blind eye to dis-

eases and the high mortality among central Africa labourers, attributing them to a natural disposition rather than to working conditions (Packard 1993). Labour recruitment by private enterprises mirrored a similar strategy. Somali seafarers, for instance, were deemed to be particularly suitable to work in the hot and humid engine rooms under deck (Ewald 2000: 85). The French Popular Front government resorted to 'communal labour' in colonies (in excess of what International Labour Office regulations permitted), arguing that without it Africans would be denied the fruits of progress (Cooper 1996: 88, ILO 1935). The views on Italy's invasion of Ethiopia also changed in context. For instance, engaging both with debates about Africa's role in European peace and Soviet doctrine, the assessment by the French Communist Party shifted: from the conviction that Ethiopia was the victim of imperialism; to views that the invasion was a stepping stone to world revolution; a matter of solidarity with Italian workers; or that it had to be approved of simply because it put an end to Ethiopian feudalism (Santamaria 2002: 40, 49–51).

It is difficult to generalise about development doctrines in relation to the articulation and methods of violence since these followed dynamics of their own. In some cases, though, violence was directly related to economic purpose. How to coerce labour was primarily a function of what to coerce it for, even if the methods used also bore out colonial assumptions about the engineering of social relations in Africa. Resistance, too, was sometimes a direct response to production methods, land-holding patterns, resettlement schemes and the like. As coercion met with resistance, and African labour movements invoked standards used in the imperial centre, oppressive colonial practices could become impeded (Cooper 1996). However, such schemes could also become less expedient simply because they failed to be competitive in export markets, as was the case with Britain's state-induced colonial development in the late 1940s.

As for the conduct of colonial war and counter-insurgency methods, these would need to be contextualised, as warfare generally, in terms of factors such as technological innovation and the available logistics, techniques and means. It has been argued, for instance, that Italy might not have had the resources to attack Ethiopia if oil sanctions had been imposed (Ristuccia 2000). The Ethiopian war also put heavy pressure on Italy's foreign currency reserves, and prompted the devaluation of the lira (Legnani 1985: 28–29). However, it is also assumed that even the limited economic sanctions imposed by the League of Nations in 1935 did give fascism a boost across the Italian political spectrum (Toniolo 1980: 282).

Nonetheless, one can also ask what conditions made methods of violence a trivial matter of national ‘necessity’ in the state and its imperial projects. In some cases, the choice of methods in colonial war, and the function attributed to war itself, implicated the acceptability of means beyond ‘collateral damage’. Preconceptions about the non-Western world, shared widely in European states, affected choices and expectations in warfare. In the First World War, British and German officers alike recommended air bombardments as a means to combat anti-colonial resistance, since it would instigate fear among ‘primitive’ populations, and thus might help to save military and civilian lives in the long run (Killingray 1984: 431). In the choice of the means of colonial warfare, these expectations meshed with an assessment of military needs and available technologies. New military technology epitomised the modern state, as the development of air capabilities and combat gas during the First World War shows. Arguments about arsenals of cutting-edge weaponry were in the first instance always governed by military and strategic expediency rather than by any debates about the moral acceptability of their use (Adas 1989: 365–366, Sbacchi 1974: 30–31, Mattioli 2003: 320–321). The British, for example, were not squeamish about testing air bombardments to hasten the suppression of persistent anti-colonial rebellion, such as in Somaliland in 1919/20, though they were ultimately unsuccessful in bombing its leader ‘out of his cave’ (Killingray 1984: 434–435, Samatar 1982: 134–135). Assumed ‘moral’ differences also lowered the threshold of the use of force. ‘Primitive wars’, notably in Africa, were seen to operate in a cultural environment that was inherently brutal and anyway could not be judged according to the principles of the conduct of war agreed on by the major modern states. Italian fascist propaganda used such excuses to justify abuses by Italian soldiers in Ethiopia (Sbacchi 1974: 37, 46, 1997: ch. 3).

Bureaucrats and politicians also found it easy to condone, or ignore, even the use of extreme force against the backdrop of constructions of necessity and national welfare. Italy’s use of poison gas hastened and cheapened the Ethiopian war. Soldiers were under considerable pressure to achieve rapid results since Italy could not be sure that European states would not intervene (Sbacchi 1974: 30). In Italy’s arduous quest to modernise, the question of acceptable methods vanished beyond the horizon of relevant considerations. Lessona was in denial about Italy’s use of poison gas all his life (Del Boca 1996: 25–26). In terms of their function, wars between modern industrial states, and those between industrial states and ‘primitive nations’, were deemed to be essentially different. Fascists, like Gini, held that wars between the major industrial states bore out organic power and leadership,

while colonies could serve as support in this connection (Gini 1921: 1–50). For British liberals war between industrial states was counter-productive since it undermined welfare. Colonial wars, however, could sometimes also be a side-effect of development, reordering peripheral economies in line with global welfare and humanitarian objectives. In the tradition of J. S. Mill, benevolent despotism more generally was justified by moral differences between the West and non-West due to historical stages of civilisation (Sullivan 1983: 606, 609). For ‘constructive’ imperialists large-scale war between developed states was a diversion from imperial organisation, whereas colonial war was not least the consequence of the coexistence of different stages of evolution. Benjamin Kidd’s ideas of providential evolution influenced Amery, and some liberal imperialists too (Green 1995: 160–162).

Investigating the contextual and contingent nature of violence thus imposes another set of conceptual and factual questions on the analysis, namely how the assumed necessities in development doctrines themselves became constructed.

The state, empire and the ‘ordinary’

As recently emphasised in the debate on Italian colonial rule, it is difficult to separate instances of violence in colonialism from the implementation of colonial policies as an ‘ordinary’ state of affairs (Labanca 2004). One can, however, go further and argue that developmental requirements became constructed and ‘activated’ in very specific ways as ‘ordinary’ projects and strategies of state and imperial management engaged with a structural environment, such as the conditions of the 1930s. As indicated, one can identify discrete lineages of conflict in national development doctrines. But these took shape in relation to the technicalities and difficulties in managing national economies and general socio-political dynamics. This contextual dynamics, rather than purpose-oriented agency alone, or a consistent rationale of violent intent, related various forms of conflict in colonial Africa to European nation state development. The case can be illustrated with regard to the claimed purpose of realms of colonial control, their historical specificity, and the clustering of lineages of conflict.

In considerations about state agency, boundaries of extra-economic control correlated with the normal processes of formulating economic management and hegemonic strategies. Generally speaking, the depression of the 1930s heightened concerns about settling trade and payments, and reactivated debates about population optima, inter-

national migration, and payments options for raw materials, among others. In Italy, Gini construed plausible necessities in fascist agency by relating his argument about Italy's path to modernity to concrete grievances in national economic management. He discussed the colonial question, for instance, together with Italy's long-standing problems in generating exports able to sustain sufficient quantities of imports of industrial raw materials (Gini 1926: 327). The prosperity of individual Italians and the nation as a whole was allegedly compromised by the ensuing limitations on the domestic production of consumer goods. In tapping the memory of the difficulties of Italian industrialisation, yet at the same time liberating itself from the past in normative agency, Gini's argument had the potential to rally a national constituency around issues of welfare in an obviously unfavourable international economic climate. In a similar way as did economic sanctions, this line of reasoning arguably helped to overcome opposition in Italy to an initially unpopular and risky military campaign in Africa.

With regard to Britain, African colonies acquired a role in concrete contingency plans for communications, production and supplies, and manpower in the late 1930s and the war. Earlier, at the turn of the century, the very lobbying for protectionist imperial union by Amery and Joseph Chamberlain had originated in concerns about the diminishing comparative competitiveness of British industry (Green 1995: ch.9). An example of control realms involving actors in an imperial and regional-hegemonic setting was the labour recruitment scheme in Southern Africa established by Wenela (Witwatersrand Native Labour Association) in 1928. This scheme enhanced the labour control by South African firms by exporting coercion to Mozambique, while Portugal benefited from its colony via the gold payments which the firms derived from the proceeds of investing wages in the South African market and delaying the pay to workers (Katzenellenbogen 1982: 153, O'Loughlin 2002: 521). Besides, arguments about national development were played out in strategies of social politics, whether Amery's quest to appeal to industrial workers, or the Italian fascist rallying cry that the state's elite renewed itself organically via the lower classes (Israel/Nastasi 1998: 124-127, Gini 1927b).

Lineages of conflict, relevant to the study of its origins, implicated distinct choices which cannot be separated from structured arguments about development. Conceived of in this manner, colonies were permanently present as a selective control realm, though violence in itself exhibited no coherent rationale, only a dynamics in terms of its articulation. These control scenarios were not random. In

essence, all normative developmental designs discussed here, whether hypothetical or actual policy, implicated the state in particular mechanisms of what one could term the ‘outsourcing’ of control for the sake of national economic management. Transitive control provided support for structural power. This could involve the quest to influence production, tariffs and duties, and access to particular raw materials for national currency; or the attempt to usher in a new global order, such as in Amery’s conceptions of an imperial world order or in Gini’s organicism. The effectiveness of control in terms of its function often connected closely to the choice of means. The threshold for the use of coercion and the acceptance of violence was arguably lower in colonies than within a defined national core polity. The interference in production methods, manipulation of tax and labour was not governed to the same extent by national politics, and the use of force, controversial as it was in some cases, was also of little political consequence, at least as long as war did not undermine the imperial state itself.

The quest for extra-economic control did not necessarily lead to confrontation, though. Neither was control necessarily feasible. But it was not neutral either. The frantic debates about the need for colonies in some countries, especially Italy, Portugal, Germany (and outside Europe, Japan), was stirred up under concrete global conditions and constraints to economic management (Rimmer 1979). The African grass could get trampled as a result of disputes between industrial and (re)industrialising states over means to protect structural power or to secure alternative control mechanism. Conversely, one could also argue that the relatively casual approach in British politics to colonial Africa in the interwar period, which stood in sharp contrast to the late 1890s, was, among others, due to the realisation that vast areas of the existing African empire were unfit for a key economic support role and that in specific areas control could be enforced if needed.

Historical constellations such as these projected patterns of distinct, generative or isomorphic, incipient situations of conflict onto colonial Africa. The relevant lineages cut across the habitual taxonomy of conflict in textbooks of colonial Africa. To be sure, terms such as anti-colonial resistance, millenarian and messianic protest, rural and urban social protest action, colonial war, civil war, are all pertinent characterisations of conflict. But studying the articulation of conflict is not the same as fathoming its contextual dynamics. In disaggregating the dynamics of state agency from the specific perspective of national development, the aim here was to show how assumptions connected to lineages that were distinct and varied in context.

Different lineages of conflict could cluster, and thus contribute to its dynamics. The Mau Mau rebellion of the 1940s and 1950s, for example, exhibited such clustering. One lineage was generated by the antagonism between settler and African production, and especially by the unanticipated manner in which these relations affected Kikuyu society as a result of the depression. Another lineage related to the methods geared to boosting African production for the war effort and for Britain's economic recovery after World War II (Cowen and Westcott 1986, Throup 1987: chs 5, 6). These schemes failed, however. British intervention was hardly prompted by any particular uses of the Kenyan economy for Britain. Yet settlers and empire as such continued to occupy a role in the 'constructive' doctrine. Choices regarding the war, moreover, depended at least in part on the official British reading of African agency. In colonial perceptions, 'morality' in African societies was normally divested from material subtexts as impulses of violence. It could therefore be deemed acceptable, and initially also feasible, to exorcise a primitive violent disposition with the limited use of force. Governor Mitchell, for instance, at first saw Mau Mau as a 'dini', that is the quasi-religious opposition to Western modernisation, familiar to the British from their experience of pre-1914 Africa, and only later conceived of it as a nationalist rebellion (Mitchell 1954: ch. 17).

Conclusions

Situated at the juncture of arguments about power and welfare and constraints on economic management, doctrines of the European nation state, removed as they were from events in Africa itself, emerge as one important dimension in accounting for the occurrence of conflict in African colonies. Studying the contextuality of the origins of violence from this angle leads back to the broad debates about modernity, modernisation and the dependent state touched upon at the outset.

Firstly, this essay suggests that European nation states operated with constructions of domination as an integral part of specific domains of their management. Nonetheless, in contrast to what influential studies of the 'modern' state assert (Van Creveld 1999, Giddens 1985: ch. 9), Leviathan was not intrinsically violent. Rather, strategies of imperial domination and the ensuing requirements of control gained momentum as constructions of modernity became grafted onto existing difficulties in national economic management. Control relations cannot be divested from the competition about structural power and developmental constraints faced by bureaucracies in a given economic

environment. Origins of conflict appear to be related to specific control relations in development which suggest a possible definition of 'empire' beyond territorial rule or formal empire.

Secondly, the argument about lineages of conflict shows the importance of an additional dimension to the controversy about the violent versus the 'ramshackle' colonial state. The colonial state was perhaps not a rational and self-contained instrument of bureaucratic power, and certainly not infinitely successful in its agency (Berman 1997 vs. Young 1994). Neither were colonial policies consistently supporting metropolitan economic accumulation (Berman and Lonsdale 1980), let alone conducive to the stated welfare objectives of European nation states. Yet colonial states were still subject to the developmental vagaries of the imperial state. It was this framework in which colonies became solicited by, reacted to, or were ignored by the imperial centre.

Thirdly, in the debate about the postcolonial state and violence it has been suggested that social relations of domination were due to conditions of scarce resources under which some states operate (Bayart 1993: ch. 9). Alternatively, authors have attributed the existence of oppressive postcolonial regimes to the legitimisation of these states in the international order, implying that the international state-system was in need of reform (Jackson/Rosberg 1986). But the present argument about conflict, nation states and empire would suggest that the strategies and mechanisms that could engender violence were peculiar to a given state and also structured in historical context. The mechanisms of control in colonial empires were very specific. Moreover, since lineages of conflict were part and parcel of constructions of European national development they were not subject to reconsideration in any simple manner. The means of control also differed widely between states. Formally independent non-Western states 'imported' the modern state not least in order to cement the rule of the old state's elite with new techniques of administration and policing (Badie 2000: ch. 3). Doctrines of the colonial state were primarily discussed in the imperial centre. In Western states, it was economic and political power that conveyed a wider range of control options in international relations. Yet these states, too, were not only constrained by problems of economic management but also trapped by their assumptions about the requirements of control in normative development.

This observation would seem to underscore, fourthly, the argument that the use of force in the colonial world was rooted in Western ideas of modernisation as universal evolution. Indeed, the development

doctrines sketched out at the beginning of this essay fed on evolutionist conceptions that were the contemporary equivalent of normative, positivist modernisation theories. But the investigation of doctrines of development also suggests that one ought not to brush aside the contingent nature of these arguments and their rationale in a fragmented analysis oblivious to the imperial and colonial state. Similarly, while interwar doctrines of development bear witness to a crisis in political cultures, this crisis engaged nation states as potentially oppressive states in connection with concrete material realities.

In the simplest terms, it follows, finally, that ideatic and structural constructions need to be analysed jointly. In doing so, one can identify the lineages and dynamics that structured ‘ordinary’ relations in triggering violence. Delineating case studies of the occurrence and origins of violence is neither self-evident nor arbitrary. This essay attempted to argue this case from one relevant perspective.

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W TYM DOMU
MIESZKAŁ I PRACOWAŁ DO IX 1939

RAFAŁ LEMKIN

(1900-1959)

WYBITNY POLSKI PRAWNIK I UCZONY
O MIĘDZYNARODOWEJ SŁAWIE.
TWÓRCA POJĘCIA "LUDOBÓJSTWO", INICJATOR I
KONWENCJI W SPRAWIE ZAPOBIEGANIA I
ZBRODNI LUDOBÓJSTWA, UCHWAŁONEJ 9 X
PRZEZ ORGANIZACJĘ NARODÓW ZJEDNOCZONYCH
WIELOKROTNIENOMINOWANY
DO POKOJOWEJ NAGRODY NOBLA.

W 60. ROCZNICĘ UCHWALENIA KONWENCJI
TABLICĘ TĘ UFUNDOWAŁ
POLSKI INSTYTUT SPRAW MIĘDZYNARODOWYCH

RAFAŁ LEMKIN LIVED AND WORKED IN THIS
UNTIL SEPTEMBER 1939. AN OUTSTANDING POLISH
AND SCHOLAR OF INTERNATIONAL REPUTE, HE
AND INITIATED AND COINED
THE TERM 'GENOCIDE', AND INITIATED AND COINED
THE CONVENTION ON THE PREVENTION AND PUNISHMENT
OF THE CRIME OF GENOCIDE, PROCLAIMED ON 9
1948 BY THE UNITED NATIONS ORGANIZATION
HE WAS NOMINATED NUMEROUS TIMES
FOR THE NOBEL PEACE PRIZE.

THIS PLAQUE WAS FUNDED
BY THE POLISH INSTITUTE OF INTERNATIONAL AFFAIRS
ON THE 60th ANNIVERSARY OF THE PROCLAMATION
OF THE UN CONVENTION

Colonialism and genocide – Raphael Lemkin’s concept of genocide and its application to European rule in Africa

Dominik J. Schaller

Every nation’s paramount contribution is through its culture. The world at large can be compared to a concerto in which every nation brings in the tone of its own instrument. It is the harmony and the interplay of individual musical tonations which make the beauty of the concert. Try to destroy an instrument in the midst of a concert and you will sense the result of your actions with shudder.

Raphael Lemkin¹

On 9 December 1948 the United Nations General Assembly adopted the ‘Convention on the Prevention and Punishment of the Crime of Genocide’. The celebration of this milestone in international law 60 years later coincided with the decision by the Chief Prosecutor at the International Criminal Court (ICC) to charge the Sudanese president Omar Hassan al-Bashir with war crimes, crimes against humanities and most notably genocide. In his application for a warrant of arrest for al-Bashir, Luis Moreno-Ocampo made clear that the Sudanese leader has to be identified as the ‘mastermind’ behind the killings in Darfur: ‘The evidence establishes reasonable grounds to believe that al-Bashir intends to destroy in substantial part the Fur, Masalit and Zaghawa ethnic groups as such. Forces and agents controlled by al-Bashir attacked civilians in towns and villages inhabited by the target groups, committing killings, rapes and torture, and destroying means of livelihood. Al-Bashir has thus forced the displacement of a substantial part of the target groups and attacked them in the camps for internally displaced persons, causing serious and bodily harm – through rapes, tortures and forced displacement in traumatizing conditions –

¹ The quote is from an unpublished and undated manuscript entitled ‘International collective responsibility for the survival of national, racial, religious, and ethnical groups’. Jacob Rader Marcus Center of the American Jewish Archives, Hebrew Union College, Cincinnati, Raphael Lemkin Papers, Box 7, Folder, p. 4.

and deliberately inflicting on a substantial part of those groups conditions of life calculated to bring about their physical destruction.²

If the pre-trial chamber of the ICC confirms the charges by its prosecutor this will be the first genocide indictment of this young institution based in The Hague.³ What is more, it will be the first indictment of a current head of state. The al-Bashir case thus symbolises the increasing political significance and impact of the Genocide Convention.

Due to the political constellations determined by the Cold War the Genocide Convention had not been more than a statement of intent. The superpowers would have had the means at their disposal to prevent or punish the crime of genocide, though they preferred not to meddle in the domestic affairs of their respective allies. Rather, they concentrated on denouncing acts of mass violence perpetrated by the opposing side. While the Genocide Convention had degenerated into a political weapon its self-proclaimed ‘founding father’, the international lawyer, Raphael Lemkin (1900–1959), became almost completely forgotten.⁴ It was the end of the bipolar world order that led to a diminishing of the deadlock that had made the Genocide Convention a rather dysfunctional tool. The appointment of the ad hoc tribunals for the wars in former Yugoslavia and the mass murder of the Tutsi in Rwanda in 1993/94 as well as the adoption of the Rome Statute on the establishment of the ICC in July 2002 reflected the newly gained significance and acceptance of the Genocide Convention. At the same time, the institutional establishment of genocide studies progressed considerably. By now the interdisciplinary field of genocide studies has managed to gain a firm foothold in the academic work at universities (Schaller 2004b: 9).

Closely related to the rise of genocide research is the renaissance of Raphael Lemkin. Genocide researchers worldwide venerate Lemkin as the pioneer of their discipline. Research institutes, libraries, human rights and book awards are named after him. A comprehensive

2 A summary of the Chief Prosecutor’s application can be found on the website of the ICC: <http://www.icc-cpi.int/library/organs/otp/ICC-OTP-Summary-20081704-ENG.pdf> (last access: 31 July 2008). The quote is from p. 1.

3 The first-ever verdict on the count of genocide was handed down on 2 September 1998 when the International Criminal Tribunal for Rwanda (ICTR) found the former Rwandan politician Jean Paul Akayesu guilty as charged (Schabas 2003: 23).

4 Lemkin himself took part in these ideological battles and tended to exploit the Genocide Convention politically. As an ardent anti-communist he recommended the United States to sponsor an international special committee to investigate ‘Soviet genocide’. See Weiss-Wendt (2005).

biography, finally, has been published recently (Cooper 2008). And indeed, this tribute to Raphael Lemkin is absolutely justified and long overdue. Lemkin was a true pioneer of genocide studies since his activities were not limited to the struggle for an international law binding on all states and requiring them to ban the persecution and extermination of ethnic, national or religious groups. Rather, Lemkin contributed extensively to the transfer of the originally legal concept of genocide to the social sciences.⁵ Especially the cultural dimension of genocide was of great interest to him.

Moreover, Lemkin dedicated a huge amount of his time and energy to the compilation of a global history of genocide (Docker 2008: 85–96). Only recently have historians realised the significance of Lemkin’s historical scholarship (Schaller and Zimmerer 2008). Whereas Lemkin’s unpublished papers on the Armenian genocide and the Holocaust have gained at least some scientific attention, his studies on colonialism and especially on European rule in Africa have been neglected (Jacobs 1992, Jacobs 2003, Schaller 2004c, Stone 2005), which is rather surprising given that Lemkin ascribed great significance to colonialism when he articulated his concept of genocide in 1944.

The importance of colonialism for Lemkin’s thinking is proven by the fact that several manuscripts on European colonialism in the various ‘new worlds’ can be found in his unpublished papers. Some of them are devoted to European rule in Africa.

In the historiography of colonialism and among historians of Africa in particular, the question of whether mass violence like the brutal suppression of indigenous resistance through massacres, deportations, scorched earth policies and the internment of non-combatants and prisoners of war in concentration camps should be seen as genocide is discussed controversially. Whereas most serious historians agree that the Herero and Nama fell victim to genocide in former ‘German South-west-Africa’ in 1904–08 dissent increases when it comes to the question of whether the *situation coloniale* as such – characterised by the destruction of indigenous institutions, forced labour and cultural suppression – is genocidal. Especially in the case of Belgian rule in Central Africa historians debate whether it is appropriate to speak of a ‘Congo Holocaust’ (Nzongola-Ntalaja 2002: 20; Hochschild 1999: 2, 25). However, these questions are not relevant to genocide scholars and historians alone. It is not least their political, legal and financial dimensions that render them so controversial and explosive. Since the end of the Cold War,

5 Unfortunately, Lemkin’s social-scientific studies of genocide have never been published and are still kept in several archives in the United States (Elder 2005).

several descendants of victim groups have demanded both an official apology and financial restitution for atrocities committed by European colonisers in Africa and for the trans-Atlantic slave trade (Barkan 2000). Furthermore, the representatives of respective lobby organisations want the fate of their ancestors to be recognised as genocide, which counts as the worst possible crime (Böhlke-Itzen 2005: 118). Unsurprisingly, Western politicians and judges are reluctant to acknowledge cases like the Herero claim for reparations since they are afraid that such precedence would have the effect of opening Pandora's Box and lead inevitably to an avalanche of similar lawsuits against former colonial powers.

Mainly due to public perception of the Holocaust, genocide is commonly seen as the attempt to exterminate a targeted group in whole or in part. If this conception of genocide is taken as a starting point it is clear that colonial atrocities in Africa could not be recognised as genocidal. Even in settler colonies like the Cape Colony or in 'German South-West Africa' the European conquerors were highly dependent on indigenous labour and thus not really interested in the wholesale physical annihilation of the Africans. Next to arable land, manpower was the most contested resource in African settler colonies (Schaller 2008: 297-298).

Although this exclusionist understanding of genocide is widespread and regularly used by politicians and judges in order to reject respective claims by Africans it is the wrong point of departure. The United Nations Genocide Convention is a much better one because it does not necessarily require that there be an attempt to exterminate a targeted group physically or in its entirety. Raphael Lemkin's original idea of genocide is even broader: he regarded genocide as the systematic attempt to destroy indigenous political, socio-economic and cultural structures (Lemkin 1944: 79).

Surprisingly, neither Lemkin's concept of genocide nor his unpublished manuscripts on European colonialism have been taken into consideration in the discussions of colonial mass violence in Africa. It is therefore the intention of this article to explore to what extent Lemkin's idea of genocide can be applied to the study of violence in colonial Africa. I will first explain why the definition of genocide in the UN Genocide Convention is not a sufficient instrument for the analysis of mass violence in colonial Africa and why it is worth resorting to Lemkin's original concept, articulated in 1944. In a next step, I will discuss Lemkin's historical studies on German rule in Africa and on the Belgian Congo.

The UN genocide definition's insufficiency to adequately grasp colonial mass violence

Raphael Lemkin coined and introduced the term 'genocide' in 1944 in his book *Axis Rule in Occupied Europe*, which contained official documents of the German authorities across conquered Europe and analysed the Nazis' population policies in occupied territories. The word 'genocide' was compounded from the Old Greek *genos* (race, people or tribe) and the Latin verb *caedere* (to kill). But already before World War II, Lemkin had been struggling for the protection of national and religious minorities and for the introduction of an international law that would make the deliberate annihilation of the latter a punishable offence.⁶

Although Lemkin was one of the chief lobbyists for the implementation of the UN Genocide Convention he was not its only father. When the secretary-general of the United Nations, Trygve Lie, ordered a commission to prepare a draft of an international criminal code against genocide, he assigned two of the most influential representatives of international law to Lemkin: Vespasian V. Pella, president of the International Association of Penal Law, and Henri Donnedieu de Vabres who was a former judge at the International Military Tribunal in Nuremberg (Schabas 2003: 76). The secretary-general's choice was decisive for the outcome of the genocide definition later applied by the United Nations. Though Lemkin's concept of genocide constituted the basis of a possible draft, both Pella and de Vabres took differing views with respect to some central elements. For Lemkin, the annihilation of a group's specific ethnic, national or religious identity through deliberate destruction of its culture, for instance by banning the use of a language or destroying religious objects and historical monuments, was a genocidal act. His colleagues, however, regarded this view as an inadmissible extension of the concept of genocide (Schabas 2003: 78). But also some influential member states of the United Nations opposed the cultural element in Lemkin's idea of genocide. Not just the United

6 Even as a youth Lemkin had already developed an interest in the prevention of state-sponsored persecution of minorities, especially since he as a Jew also belonged to a minority that faced discrimination and regular persecution in Poland. Moreover, the murder of the Anatolian Armenians during World War I by the Young Turks had deeply affected him. At the Fifth International Conference on the Unification of Criminal Law in Madrid (1933), Lemkin proposed the establishment of two additional statutory offences in international law: 'vandalism' and 'barbarism'. By 'vandalism,' Lemkin meant the deliberate destruction of the cultural heritage of a specific group; by 'barbarism' the suppression and extermination of members of a racial, religious or social group. However, the congress did not adopt his proposal. For a detailed account of Lemkin's legal activities before World War II, see Cooper (2008).

States and France but also South Africa, Sweden, New Zealand, Brazil and others were afraid that cultural protection in the Genocide Convention could motivate some minorities to use it as a political weapon and as an excuse for resisting ‘normal’ assimilation (Levene 2005: 45). It was thus feared by Western powers that the Convention could be exploited by anti-colonial resistance movements. Predictably, the opposition to Lemkin’s idea of cultural genocide was successful: With the exception of the forced transfer of children of a targeted group into a different group, the UN Convention does not consider forms of forced assimilation as being genocidal.

On 9 December 1948, the UN General Assembly meeting at the Paris Palais Chaillot eventually passed the final version of the Convention. The legal experts and the General Assembly had agreed on the following definition of genocide:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- (a) Killing members of the group;
 - (b) Causing serious bodily or mental harm to members of the group;
 - (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
 - (d) Imposing measures intended to prevent births within the group;
 - (e) Forcibly transferring children of the group to another group
- (Chalk and Jonassohn 1990: 10).

As I have shown in the introductory part of this article, the Genocide Convention had not been applied in the era of the Cold War and was thus a more or less insignificant tool in international law.

Social scientists and historians working on mass violence, however, have more and more resorted to the genocide concept since the 1980s since it represented a useful frame of reference to document the severity of state-sponsored crimes against minorities. However, historians have often referred to the inadequacies of the UN definition of the concept of genocide *per se* (Gerlach 2006): According to the definition above, the clear intention of perpetrators to destroy a targeted group is a constitutive feature of genocide. However, such an intentionalist argument is difficult to reconcile with the insights of empirically oriented historical research. It ignores the fact that governmental extermination policies generally constitute complex processes that undergo various phases of cumulative radicalisation and depend on a range of situational factors (Gerlach 2002: 351; Schaller

2004b: 14; Hankel 2005: 70–81; Mann 2005: 140). More recent studies on National Socialist population and extermination policy, for example, have revealed that these cases were not killings exclusively organised by central authorities and carefully planned long before the actual crime (see the contributions in Herbert 2000). For instance, the mass deaths of Soviet prisoners of war during World War II, caused by hunger and disease, or of the Herero and Nama in concentration camps during the colonial war from 1904 to 1908 were not brought about premeditatedly. If, therefore, one were to keep strictly to the definition of genocide by the United Nations, one had to conclude that neither of these two cases could be classified as genocide. Yet causing the deaths of members of an ethnic or religious group by imposing unreasonable living and prison conditions nevertheless has to be characterised as being genocidal, because the prisoners' death was willingly accepted (Zimmerer 2008: 56).

Although some acts of colonial mass violence – like for example the extermination of natives by distributing blankets contaminated with smallpox by the British Army under the command of Lord Jeffrey Amherst in North America in 1763 (Finzsch 2008: 221–223), the massacre in the Meander River region in Tasmania in June 1827 (Ryan 2008), the Third Colorado Cavalry's atrocities against the Cheyenne on Sand Creek in 1864 (Churchill 1997: 228–232) and (as an example of genocide without physical extinction) the aboriginal child removal in Australia in 1900–1940 (Manne 2004) – qualify as genocide according to the UN Convention, its respective definition is far from being an adequate methodological tool for the study of colonial mass violence because of its emphasis on intentionality.

Land seizure, forced labour, the destruction of traditional social and political structures – that is, the essential elements of indigenous culture, the elimination of the economic basis for life of indigenous hunter-gatherer societies, for instance by forced settlement of nomadic groups – run through the history of European colonialism like a thread. These measures often led to mass death. The Belgian 'rubber terror' and slave labour in the so-called Congo Free State led to a decline of the indigenous population by about 10 million (Hochschild 1999). Apologists for European colonialism often argue that mass mortality in the Congo and in the Americas has to be ascribed to diseases formerly unknown to the indigenous societies like the smallpox (Gründer 1998: 137–139). However, this argument is fallacious because it ignores the fact that the loss of original living space and identity, expulsion, terror and forced labour contribute to the spread of diseases.

Although the above-mentioned forms of mass violence result in mass death and the elimination of ethnic and religious groups, they are not comprised in the UN genocide definition because the European colonisers' explicit intention was not really exterminationist, albeit that the disappearance of the indigenous societies was countenanced and even approved of.

This deficiency of the UN definition made historians of colonialism think about alternative terms and concepts. The expression 'colonial genocide' can often be found in the respective literature. However, this alternative is not really convincing since its use is hardly deliberate. Concrete definitions are usually missing and it is thus not clear whether the term refers solely to genocidal massacres like the murder of the Herero or to the *situation coloniale* as such, which includes land seizure, forced labour and the destruction of indigenous cultures. There is another problem inherent in the category 'colonial genocide': Jürgen Zimmerer (2004: 123) notes that the distinction between 'colonial' and 'modern' genocides strengthens the assumption that genocides committed in the various 'New Worlds' and intra-European genocides such as the Holocaust were conceptually completely different from each other. The use of the term 'colonial genocide' thus means robbing Peter to pay Paul because it contributes to a hierarchisation of mass violence, which is unethical and not very helpful after all.

A more valuable solution to the problem has recently been brought forward by the Australian historian Raymond Evans. He suggests a new reference frame: Indigenocide. Evans defines his concept thus:

First Indigenocide usually occurs when an invading group *intentionally* invades and colonizes another group or groups who are the 'first peoples' of that region, or who have proof of such origins. Secondly, the invaders must conquer the Indigenes and maintain their advantages over them as long as is necessary or possible. Thirdly, as conquerors, the invaders must kill sufficient numbers of Indigenes, or render their ways of sustaining meaningful life so difficult that they come close to extinction and may disappear altogether. Fourthly, and this reinforces the actively *genocidal* aspects, the invaders must classify the Indigenes as 'the lowest form of humanity'...who deserves to be exterminated. Fifthly, Indigenocide notably with Native Americans and Aboriginal Australians involves destroying, or attempting to destroy, Indigenous religious systems and imposing binaries between the material and spiritual realms. Above all, Indigenocide implies in theory and practice that Indigenous people are *less valued* than the land they inhabit and which the invaders desire (Evans 2008: 141).

Evans' concept of Indigenocide is a useful and adequate framework for the analysis of mass violence in colonial Africa because it takes the destruction of indigenous cultures and religions into account and emphasises the dehumanisation of the colonised by the colonisers. It is thus a suitable methodological instrument for a comparative study of colonial mass violence. Nonetheless, some of its features are problematic: 'First people' is a political rather than a scientific concept. Especially in Africa, where no written documentation about pre-colonial migration flows is available, the identification of 'first peoples' is highly problematic and contested. What is more, the introduction of a new term or concept suggests that the murder or permanent crippling of indigenous societies would not count as a full genocide. Again, the problem of hierarchisation is at hand. Finally, the establishment of new concepts and terms for the study and categorisation of colonial mass violence is not necessary if we resort to Raphael Lemkin's original framework that puts a strong emphasis on the cultural dimension of genocide.

Raphael Lemkin's original concept of genocide and its application to European colonialism in Africa

One of the driving forces of colonial expansion was the European powers' desire to extend their economic influence and to control and dominate as many regions as possible within a capitalist-style economy. Regions located at the periphery of the world system such as Africa were seen as a reservoir for important raw materials. And the indigenous populations were determined to plant, extract or process these raw materials as cheap labourers and to consume low-grade European products. In their racist sense of superiority, European colonisers did not consider this system as exploitation but as modernisation of alleged backward societies (Peterson 2005).

European conquest and settlement in Africa did not inevitably lead to the expulsion and/or annihilation of the natives as it was the case with 'New England type' settler colonies in Northern America and Australia.⁷ The main reason why Europeans normally did not envisage exterminating or expelling the African population in large parts or even as a whole was that they were dependent on indigenous manpower. The colonisers' aim was to gain control over African land and labour at the same time. And the securing of indigenous labour was crucial since 'the dark continent' was all but an attractive destination for emigrants. There

7 Different types of settler colonies can be distinguished: 'New England type', where the settlers are not dependent on native labour; 'African type', where settlers and planters rely on cheap indigenous labour; and 'Caribbean type', where slaves are imported from outside (Osterhammel 2001: 18).

were just not enough European or Asian immigrants (in contrast to Northern America and Australia) who could have replaced the Africans as indentured servants or contract workers. Therefore, the indigenous population was – together with land – the most important ‘resource’ for the colonisers. In contrast to American Indians and the Aborigines in Australia, Africans have not figured as a ‘dying race’ in the eyes of the Europeans and were considered to be fit for labour. Whereas the relationship between colonisers and indigenous peoples in Australia and in the Americas centred almost solely on (the expropriation of or expulsion from) land, the question of labour was formative for the encounter between Europeans and Africans (Wolfe 2001).

Colonial officials and both farmers and planters were thus well aware that a large reservoir of indigenous workers was a necessary prerequisite for the development of a modern and efficient infrastructure and economic growth in the African colonies. Though, the envisaged incorporation of the indigenous population as wage labourers into a capitalist system turned out to be rather difficult because the Africans were normally not ready to give up their economic independence. Consequently, Europeans wanted to overcome the Africans’ reluctance through negative incentives like penal taxation and through means of force and harassment. Massive expropriation of indigenous land was a common method to let the Africans abandon their subsistence economy (Good 1976: 603). The colonisers did not even shrink from attempting to destroy indigenous social, political and religious structures in order to acquire control over labour. From the very beginning of colonisation, the Europeans sought the dissolution of the indigenous populations’ social and cultural organisation and the transformation of the African societies into a proletarian class without ‘tribal identity’ and high culture.

These ideas were particularly prevalent in Southern African settler colonies. After the defeat of the Herero and Nama in 1908, the German colonial authorities in Southwest Africa, for instance, developed and executed plans that aimed at the total dissolution of the African cultures. Already in July 1905, deputy governor Tecklenburg had stated that all tribal organisation ought to come to an end (Zimmerer 2001: 57). And Paul Rohrbach, one of the most influential German colonial propagandists, had clear plans about the position and the status of the Africans in colonial society:

Only the necessity of loosing their free national barbarianism and of becoming a class of servants for the whites provides the natives – historically seen – with an internal right of existence... The idea

that the Bantus would have the right to live and die according to their own fashion is absurd. It is true for peoples as well as for individuals that their existence is only justified if they contribute to general progressive development. There is no proof that national independence, national property and political organization among the tribes of Southwest Africa would be an advantage for the evolution of humankind in general or the German people in particular (Rohrbach 1907: 285 ff.)

These ideas, which are typical for European colonialism in Africa, are definitely genocidal. They do not promote the physical extermination of the Africans but they postulate the destruction of the African societies and identities as such. This statement fits with Raphael Lemkin's original concept of genocide.

When Lemkin defined his neologism 'genocide' for the first time, he emphasised that the term does not exclusively describe the immediate destruction of an ethnic or a religious group. Rather, he understood genocides as processes and distinguished between two phases, 'one destruction of the national pattern of the oppressed group; the other, imposition of the national pattern of the oppressor'. And Lemkin specified that this imposition 'may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and the *colonization* [my emphasis] of the area by the oppressor's own nationals' (Lemkin 1944: 79). It is obvious that the phenomenon of colonisation played a central role in Lemkin's thinking. Consequently, his broad definition of genocide comprises the systematic 'disintegration of the political and social institutions, of culture, language, national feelings, religion and the economic existence' (ibid.) of a targeted group.

However, Lemkin did not consider assimilation or cultural change stimulated by intergroup contact to be automatically genocidal. But he regarded it as genocidal if the colonisers intended to destroy entire ways of life and tried to ensure that the colonised had no appreciable collective life at all. For Lemkin, genocide affected all aspects of group life. Therefore, he differentiated between several techniques of group destruction: political (cessation of self-government and destruction of political institutions), social (annihilation of national leadership, attack on legal system) cultural (ban on the use of language), economic (destruction of the foundation of economic existence), biological (decreasing the birth rate), physical (mass murder, endangering of health), religious (disruption of religious influence, destruction of religious leadership) and moral (creation of an atmosphere of moral debasement) (Lemkin 1944: 82-90).

All these techniques of group destruction characterised European colonial rule in Africa. If we follow Lemkin's argument we have to conclude that the *situation coloniale* in Africa was not only violent but inherently genocidal.

As I have already outlined in the introductory part, Lemkin was not only an international lawyer but also a historian of mass violence. He wrote two papers on German rule in Africa and one on the Belgian Congo, which have never been published. It will thus be interesting to see how Lemkin perceived these two cases and Africans in general and whether he really applied his concept of genocide to European rule in Africa.

Lemkin on German and Belgian colonial rule in Africa

'The result of the German rule in Africa left the natives completely cowed and those who did not rebel or escape to British territory became hopeless and apathetic.' (Lemkin 1950a: 48). As this quote suggests, Lemkin had no doubts that German colonialism as such was a crime. Furthermore, Lemkin assumed that the intention of German colonialists was genocidal from the onset:

The Germans did not colonize Africa with the intention of ruling the country justly, living in peace with the true owners of the land and developing its resources for the mutual advantage of both races. Their idea was to settle some of the surplus German population in Africa and to turn it into a German white empire. Bismarck said, 'A German who can put off his Fatherland like an old coat is no longer a German for me,' and it was undoubtedly this idea which encouraged the policy of deliberate extermination (Lemkin 1950a: 49–50).

Lemkin identified massacres against 'rebellious tribes', atrocities committed by 'men on the spot' like Carl Peters, excessive flogging and the abasement of indigenous chiefs as distinctive features of German colonialism. Hence, he highlighted the genocidal aspects of the *situation coloniale* in the African territories claimed by the Germans:

The natives were denied all rights and were compelled to perform forced labor for officials and colonists so that they lived in a state of enslavement, overworked and undernourished and subjected to degradation and cruelty. The laborers were hunted down like beasts and taken in chains from their villages and forests to work on the plantations and roads, and were unmercifully flogged with rhinoceros hide whips if they made any attempt to escape (Lemkin 1950a: 50).

Of particular interest to Lemkin was the murder of the Herero during the colonial war in Namibia, 1904–08. He was not well informed about the cultural, socio-economic and political conditions that determined the life of the Herero. He simply described them in a stereotypical manner as cattle breeders and ‘ancestor worshippers’ (Lemkin 1950b: 2).

With regard to his analysis of the colonial war between the Herero and the German colonial troops, Lemkin’s sources are rather one-dimensional: he relied almost completely on British reports and sources published during or after World War I, which aimed at the disqualification of Germany as a responsible and competent coloniser. Although the European powers had agreed before 1914 that their colonial possessions should remain unaffected in case of war, the victorious Allies decided to seize German overseas territories all the same. This procedure was justified with the argument that the Germans were, unlike the British and French, not able to advance the peoples with whom they were entrusted.

Lemkin shared this view without reservation. He stated that the cruelty and excesses of violence by German officials and soldiers in the colonies were not least the result of a wrong system of rule:

In the German colonies no attempt was made to respect native tribal customs or to invest the chiefs with their former dignity and authority. The chiefs were deprived of their privileges and the only authority permitted them was that delegated to them by the German officials, such authority being solely used for the purpose of recruiting forced labour (Lemkin 1950a: 18).

The system of ‘indirect rule’ as practised by the British colonial administrations would have been much more humane and could have prevented such outrages, Lemkin believed.

Although Raphael Lemkin has never directly called the murder of the Herero genocide, there can be no doubt that he regarded his concept of genocide as perfectly applicable to the events of 1904–08. His assessment of the German colonial war in Namibia features the crucial criteria for his definition of genocide: ‘After the rebellion and von Trotha’s proclamation, the decimation of the Hereros by gunfire, hanging, starvation, forced labor and flogging was augmented by prostitution and the separation of families, with a consequent lowering of the birthrate’ (Lemkin 1950b: 16).

Until recently, the way in which the Herero dealt with the far-reaching consequences of the genocide has not been adequately addressed.

The expression ‘silence of the graveyard’ (Drechsler 1966: 260) has usually been used to describe the socio-economic and cultural situation of the Herero in post-genocide Namibia. That the Herero had undergone a remarkable process of social and national restructuring was unknown to Raphael Lemkin. He just saw the Herero as helpless victims whose fate was sealed for all time. Moreover, he believed the Herero were committing ‘race suicide’. This theory was very popular in Lemkin’s time and had been promoted by Willem Petrus Steenkamp:

There exists in South-West Africa a widespread belief that the declining birthrate amongst the Herero is due to a nation-wide determination for committing national or race suicide. This resolution was soon taken after the German conquest, because as a race they could not reconcile themselves to the idea of subjection to Germany and thus loss of independence... Having nothing left to exist for as a nation any longer, national suicide was started by birth control of a rigorous nature and artificial abortion (Steenkamp 1944: 8).

Believing in this theory, Lemkin specified the method used by the Herero to kill themselves:

[The Herero] learned to make a very strong beer called Kari, which means ‘the drink of death’, brewed from potatoes, peas, sugar and yeast. This drink made the natives wild and afterwards, unconscious for hours. Kari, drunk by the Herero women as well as the men, had a most weakening and exhausting effect on their productive powers’ (Lemkin 1950b: 16).

This theory of ‘race suicide’ is highly problematic. The historian Gesine Krüger is absolutely right when she points out that this myth has to be understood as an attempt to blame the Herero women for the fatal consequences of the genocide, namely the lowering of their birth rate (Krüger 1999: 145).

Lemkin depicted the Belgian Congo in a similar way. In his eyes, the imposition of Belgian colonial rule in Central Africa and the forced labour of the indigenous population that went with it was unambiguous genocide. He estimated that 75 per cent of the Congolese population was ‘wiped out in the space of a few years’ (Lemkin 1950c: 10).

His unpublished manuscript on the Congo is not only interesting regarding the question of whether the Belgians committed genocide but it also reveals Lemkin’s perception of Africans. Although

he made it very clear that he considered the colonial administration ('from the humblest employee of the rubber companies to the King of the Belgians' (Lemkin 1950c: 88)) to be guilty of the murder and the enslavement of the Congolese, he emphasised that atrocities had usually been committed by Africans themselves who were in the pay of the Belgians. These 'native militia' were described by Lemkin as 'an unorganized and disorderly rabble of savages whose only recompense was what they obtained from looting, and when they were cannibals, as was usually the case, in eating the foes against whom they were sent' (Lemkin 1950c: 9). The Belgian system of exploitation only worked thanks to the readiness of some 'natives' to support the colonisers, Lemkin stated:

An ingenious system was devised by the rubber companies... Sentries were chosen for their savage characters, and killed and tortured the natives according to the barbaric customs prevalent among primitive peoples, and also in terror of the punishment that would be inflicted on them by the white agents should they fail to collect the required amount [of rubber] (Lemkin 1950c: 89).

According to Lemkin, the same method was applied by the Germans to secure their rule in Africa. And he believed that this system contributed decisively to the brutality of Germany's colonies:

The African natives have always been divided into two categories: The peaceable and the warlike, and the Germans turned this situation to their own advantage. The warrior tribes were turned into tools of the German army and were thoroughly trained, ferociously disciplined, and given practically unlimited power over all other natives. The word of a German soldier was always believed rather than that of a subject native, and thus the native soldiers were free to tyrannise over their fellows, giving free rein to their savage lust for murder and rapine (Lemkin 1950a: 49).

What is more, Lemkin stated that the spread of diseases and the destruction of traditional indigenous institutions in the Congo was above all the result of the native mercenaries' activities:

The sentries introduced gross and wholesale immorality, broke up family life, and spread disease throughout the land. Formerly native conditions put restrictions on the spread of disease and localized it to small areas, but the black Congo soldiers, moving hither and thither to districts far from their wives and homes, took the women they wanted and ignored native institutions, rights, and customs (Lemkin 1950c: 26).

It is acknowledged that Europeans could not have ruled their overseas territories without indigenous collaboration (Robinson 1972). Therefore, Lemkin is not wrong when he highlights the role of African colonial troops during the period of German and Belgian rule. But tracing the cruelties in the Congo back to the alleged inborn savagery of the indigenous population is inappropriate and finally racist.

Concluding remark: the Lemkin paradox

Raphael Lemkin's concept of genocide is a useful methodological tool for the study of European colonialism and for colonial rule in Africa particularly. Since Lemkin's definition of genocide goes beyond the one applied in the UN Convention and comprises the systematic and deliberate dissolution of political, socio-economic, religious and above all cultural structures aiming at the destruction of a colonised group as such, it sheds light on the genocidal dimensions of the *situation coloniale*. This assumption allows us to understand policies of assimilation, as for example the forced settlement of hunter-gatherers in colonial Africa, as genocide, and to situate them adequately in a global history of mass violence.

Although Lemkin decidedly condemned German and Belgian rule in Africa as genocidal, he was not an opponent of colonialism as such. On the contrary, he was an advocate of the *mission civilisatrice*. Principally, Lemkin welcomed the European conquest of Central Africa which ought to bring peace and prosperity into the 'heart of darkness'. This is why he took a rather favourable view of King Leopold II's original philanthropic plans: 'Almost all of the hundred articles drawn up at the Brussels Conference were admirable and had they been enforced the natives of the Congo would have benefited immeasurably' (Lemkin 1950c: 10).

The analysis of his studies on German and Belgian colonialism reveals that his perception of Africans was thoroughly racist. He portrayed Africans either as weak-willed, helpless victims or as bloodthirsty cannibals. Consequently, he must have seen colonialism and the spread of European ideas and values as a blessing. It was the excesses and massacres committed by the 'incapable' and 'greedy' Germans and Belgians that he rejected. As some references in his manuscripts show, Lemkin regarded the British as fair and honest colonisers.

This observation leads us to a paradoxical conclusion: Lemkin still believed in the meaning and necessity of colonialism although he had articulated a concept that unmasks colonial rule as inherently genocidal.

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Colonialism and the holocaust

– Towards an archeology of genocide

Jürgen Zimmerer

The German war against Poland and the USSR was without doubt the largest colonial war of conquest in history. Never before were so many people and resources mobilised by a conqueror and never before were war aims so expansive. Unprecedented, too, was the deliberately planned murder of such a large number of people, or at least the willing acceptance of their death. All of this served the goal of conquering 'living space' (*Lebensraum*) in the East, a colonial empire to which the Germans were supposedly entitled and which reached far beyond the Ural Mountains.¹

It was clear to those responsible on the German side, and above all to Hitler, that if there was a historical precedent, then only the history of colonialism could possibly provide an example for their plans:

The struggle for hegemony in the world is decided for Europe by the possession of Russian territory; it makes Europe the place in the world most secure from blockade... The Slavic peoples on the other hand are not destined for their own life... The Russian territory is our India and, just as the English rule India with a handful of people, so will we govern this our colonial territory. We will supply the Ukrainians with headscarves, glass chains as jewelry, and whatever else colonial peoples like... My goals are not immoderate; basically these are all areas where Germans (*Germanen*) were previously settled. The German Volk is to grow into this territory. (Hitler, 17 September 1941; in Jochmann 1980: 60–64.)

Although Hitler thus invoked the British Empire as a model, the Third Reich and its efforts at expansion are rarely considered from the perspective of the history of colonialism, either because colonialism is automatically regarded as applying to regions outside Europe, or because the common understanding of colonialism is inadequate.

In fact, historical scholarship has largely ignored structural similarities and avoided direct references between the two. Instead, the in-

¹ This article was first published in Moses 2004. For the debate surrounding the question see Zimmerer (2008).

vestigation of the colonial enthusiasm of the National Socialists has been restricted prematurely to the reacquisition of the German empire in Africa. And so the literature concludes erroneously that Hitler was not particularly interested in a colonial empire, missing the point that the geographical sphere for a German colonial empire had long since changed from the south to the east (see Hildebrand 1969, Esche 1989).² This move is evident in the meaning of the slogan ‘Volk without space’ (*Volk ohne Raum*) (Grimm 1926). Hans Grimm’s novel of that name was set in South Africa, but the term was later used for German attempts to gain territory in Eastern Europe.

Although Hannah Arendt argued as long as half a century ago that imperialism was the precursor to National Socialism (see Arendt 1951), this idea was not pursued. Apart from the criticism of her conception of totalitarianism, the reason for this neglect presumably also lies in the rapidly expanding scholarship on colonialism and National Socialism, each of which now fills whole libraries. As a result, our understanding of both the Third Reich and colonialism has changed so enormously that comparison is necessary on an entirely new basis. Furthermore, experts on colonialism have tended not to be interested in Nazi crimes, preferring to leave them to historians of Germany and Eastern Europe, while researchers on National Socialism – used to dealing with large armies, millions of victims and perpetrators, and warfare between modern states – seem not to take seriously the colonial conquest of the world. Although there are plenty of studies that follow the Nazi policy of expansion back to the German Empire – as exemplified by the Fischer controversy on German aims in the First World War (see Fischer 1986, 1967, and 1975)³ – or that categorise the Empire and German colonialism as fascist or proto-fascist (Schmidt-Egner 1975), as yet no one has attempted systematically to portray Nazi expansion and occupation policy in the East as colonial.⁴

2 For an exaggerated view of Africa’s importance to Hitler, see Kum’a N’dumbe III (1993).

3 On the controversy surrounding his thesis see Moses (1975).

4 Mark Mazower’s plea for a close examination of the colonial roots of Nazi policy seems to have gone unheard (see Mazower 1995: 5-8). In his *Dark Continent: Europe’s Twentieth Century*, Mazower (1998) suggests that European outrage over the Nazis was so great because they treated Europeans like aboriginals, but he does not discuss the connection systematically. The best-known consideration of the connection between colonial mass murders and the Holocaust is that by Sven Lindqvist (1997). As his understanding of European colonialism and of the German policy of annihilation in the East does not go beyond simplistic descriptions, the questions he poses are more significant than his answers. Much the same applies to Ward Churchill, who speaks of the National Socialists imitating the colonial conquest of North America. Richard L. Rubinstein (2000) has also touched on the idea.

The problem of the connection between colonialism and National Socialism is highly political and emotional, for the historical-academic question of the singularity of the Holocaust and the relationship of Nazi crimes to previous or subsequent collective mass murders has long since also taken on a philosophical dimension and is intrinsically linked to identity politics (see Finkelstein 2000, Novick 1999, Levy and Sznajder 2001). Whereas supporters of the singularity thesis regard comparisons as a blasphemous mockery of the Holocaust's victims, its opponents – in analogy to the accusation of Holocaust denial – argue that the singularity thesis amounts to the denial of all other genocides (see Friedberg 2000, Stannard 1996, Moses 2002, Zimmerer 2004b).

The question of colonial genocide is disturbing, in part because it increases the number of mass murders regarded as genocide, and in part, too, because it calls into question the Europeanisation of the globe as a modernising project. Where the descendants of perpetrators still comprise the majority or large proportion of the population and control political life and public discourse, recognition of colonial genocides is even more difficult, as it undermines the image of the past on which national identity is built. Australian conservatives, for example, have difficulties recognising the genocide of the Aborigines (Moses 2001). Former president Bill Clinton can apologise in Africa for the crimes of slavery – his gesture took place outside the USA – while public commemoration of the destruction of the American Indians continues to be denied (see Stannard 1996, Churchill 1997). Similarly, former German federal president Roman Herzog refused to apologise for the genocide of the Herero and Nama peoples during his visit to Namibia in 1998.⁵

Groups of victims and their representatives insist on acknowledging genocide because it is regarded as absolutely the worst human crime. The connection to the Holocaust, with the implicit moral equivalence, is indicated in titles such as *The American Holocaust* (Stannard 1992), *American Indian Holocaust* (Thornton 1987), *The Herero Holocaust* (Silvester et al. 2001), and *The Black Holocaust* (Black History Resource Working Group 1997, Mordekhai 1993).⁶ Yet, the inflationary use of the terms 'genocide' and 'Holocaust' creates problems for the scholarly debate about the his-

5 'Kein Pardon für Herero-Morde', *Die tageszeitung*, 5 March 1998. See also 'Herzog lobt die Beziehungen zu Namibia', *Frankfurter Allgemeine Zeitung*, 5 March 1998; 'Herzog will Deutsch in Namibia stärken', *Süddeutsche Zeitung*, 7 March 1998.

6 There are now also museums and societies for the memory of the Black Holocaust, such as America's Black Holocaust Museum and the Black Holocaust Society in Milwaukee, Wisconsin. See www.blackwallstreet.freesevers.com.

tory of genocide. Their application to very diverse cases of mass death, where the intentions of the perpetrators vary considerably, and whose contexts, course and extent are so different, means that the terms lose analytical precision and thus their usefulness for historical analysis. Not every mass death constitutes a case of genocide, let alone a ‘Holocaust.’

The positions mentioned above – either stressing or denying the singularity of the Holocaust – are reflected in the scholarly debate within Holocaust and genocide studies about the appropriate definition of genocide.⁷ Whereas Israel W. Charny defines genocide quite broadly as ‘the mass killing of substantial numbers of human beings, when not in the course of military forces against an avowed enemy, under conditions of the essential defenselessness and helplessness of the victims’ (cited in Fein 1997: 17), Steven T. Katz wants the concept limited to the Nazi murder of the Jews, defining it as ‘the actualization of the intent, however successfully carried out, to murder in its totality any national, ethnic, racial, religious, political, social, gender or economic group, as these groups are defined by the perpetrator’ (1994: 131). Both definitions are largely useless for a universal-historical consideration because they make sensible comparison difficult. A working definition is needed that neither excludes an event from historical consideration, nor diminishes the horror of the deliberate murder of entire peoples within a general history of mass killings.

The United Nations Convention on Genocide still offers the best and most widely accepted working basis. In 1948, it defined genocide as ‘any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, 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’⁸

Four years earlier, the originator of the term, Raphael Lemkin, defined it *inter alia* as a ‘coordinated plan of different actions aiming at the destruction of essential foundations of the life of national groups,

7 For a brief overview of the phases of genocide scholarship, see Chalk and Jonassohn (1998). See also Gessler (2000).

8 Article 2, United Nations ‘Convention on the Prevention and Punishment of the Crime of Genocide’, 9 December 1948, reproduced in Chalk and Jonassohn 1990: 44–49.

with the aim of annihilating the groups themselves’ (Lemkin 1944: 79).⁹ The intentions of the perpetrators are thus central.

If one applies these measures, then many cases of mass death sometimes regarded as genocidal disappear from the list: an intention to annihilate was not evident in the practice of slavery, or in the deaths of millions of indigenous Americans who were above all the victims of diseases brought by Europeans. Nonetheless, cases for genocide can be made in North America, Australia and southern Africa, and they are considered in the comparative analysis that follows. This is not to suggest that there are not further instances of genocidal massacres. The examples discussed here merely seem to be the most fruitful for an investigation of structural similarities and connections with National Socialism. It is self-evident that, as Stig Förster and Gerhard Hirschfeld recently formulated, ‘it cannot be about the contrasting of genocides and numbers of victims against each other’ (1997: 7). Neither is the point to completely equate or deny historical specificities; every case of genocide or mass murder organised socially or by a state is singular in important respects. Rather, the historical roots of the preparedness to resettle whole peoples according to one’s own needs, or even to kill them, are explored in the sense of an ‘archaeology’ of the idea of genocide and population economics (*Bevölkerungsökonomik*). In this regard, European colonialism is an important historical starting point, as it rests on fundamentally similar concepts of space and race to those at the heart of the Nazi policy of expansion and murder. The following section explores the structural similarity in terms of the formulation and the function of the concepts of race and space in the historical phenomena of colonialism and National Socialism, while the second section examines the conditions of genocide in colonialism and National Socialism and addresses their similarities and differences.

Structural similarity: space and race

If one considers Nazi policy in Eastern Europe in its different dimensions – war of annihilation, occupation policy and genocide – two concepts bind them together.¹⁰ The first is racism, which is the unifying thread in diverging aspects of Nazi ideology and practice (Burleigh and Wipperman 1991); the second is the policy of space, mainly with regard to Eastern Europe and the ‘economy of destruction’ planned for it (see Aly and Heim 1991, Aly 1999).

⁹ Helen Fein calls it a ‘sustained purposeful action by a perpetrator to physically destroy a collectivity directly or indirectly’ (see Fein 1990: 24).

¹⁰ Among the enormous amount of literature, see the following more recent works which deal with relevant issues: Herbert 2000, Aly and Heim 1991, Aly 1999, Gerlach 1999, Gerlach 1998, Pohl 1996, Sandkühler 1996.

Racism here does not mean simply the ascription of various characteristics to different races and the consequent valuation of races within an assumed ethnic hierarchy, but a conception of the world ‘that is applied both internally and externally and can be defined as the comprehensive “biologization [*Biologisierung*] of the social”’ (Herbert 1995: 13). Seen under this aspect, the victims of the forced sterilisation policy, of the murder of ‘life unworthy of life’, the Soviet prisoners of war, as well as the Jews were all victims of the same inhumane ideology (Burleigh 2000: 345–381).¹¹

In this racist view of history and society, the Volk is understood as an organic whole, whose preservation and growth was to be ensured under any circumstances. Eugenic measures like breeding and the ‘purification’ of the ‘body of the Volk’ from ‘impurities’ and ‘sickness’ were to guarantee the survival and rise of the German Volk in a struggle for existence understood in Social Darwinian terms.¹² What the Volk, whose greatness lay in the number of its ‘racially healthy’ members, lacked above all was ‘living space’. The conception of space was thus directly associated with the racial ideology. It incorporated ideas of economic autarchy as well as the idea of a settlement area for Germans, which was to be found in Poland and Russia where they would find the living space that they supposedly lacked.¹³

Race and space were also at the heart of colonialism. Above all, the settler colonies, like the later German occupation policy in the East, created an economy characterised by the attempt to gain an enormous dependent territory. This was not to involve a partnership of equals but the subjugation, on occasion even the annihilation, of the original inhabitants. This policy was motivated and justified by racism – that is, humanity’s division into higher races, destined to rule, and lower races, destined to be subjugated. At the lowest end of the scale were groups that were doomed to destruction, or that were to be deliberately murdered (see McGregor 1997, Dubow 1995).¹⁴

11 This is clearly evident in the fact that the practice of ‘euthanasia’ was first applied to ‘a-socials’ and the disabled, then used in concentration camps, and its practitioners were later used by Himmler when the mass murder of the Jews began.

12 There is a relatively large literature on this question. See Burleigh (1994), Weingart et al. (1988). On the international context, see Kühl (1997, 1994).

13 For a striking example of the settlement policy, see Wendy Lower’s interesting article (2002) on the Hegewalt project, Himmler’s model for an active SS settlement policy. Lower uses the term ‘colonial’ more or less synonymously with ‘settler’.

14 For a comparison of eugenic and racist discourses in Australia and Germany, even if direct influence is not proven, see Barta (2001).

Of course, European colonialism experienced various stages of development and assumed different forms in its 500-year history. Even the justification for European expansion and rule over the indigenous populations of the newly ‘discovered’ and conquered areas changed. Yet, belief in one’s own righteousness or destiny was always the ideological prerequisite for the expansion of power, whether for the missionary conversion of the ‘heathens’, in the ‘White Man’s Burden’, or ‘Manifest Destiny’. Social Darwinism, which gained influence in the course of the 19th century, directly emphasised a racial hierarchy and competition among the races, which applied to the relationship between the colonisers and the colonised, as well as among the colonial powers themselves. This biological interpretation of world history – the conviction that a Volk needs to secure space in order to survive – is one of the fundamental parallels between colonialism and Nazi expansion policy.¹⁵

The space won through ‘discovery’ and conquest had then to be developed and ‘civilised’, for in the perception of the colonisers it was wild and dangerous (see Wirz 1994, Fabian 2000). Particularly in the settler colonies, the land was regarded as ‘empty of people’ (Noyes 1992), and the settlers believed they could transform it according to their own ideas, bringing order to chaos without regard for indigenous communities and economies. Cities were founded; streets and, later, railways were constructed; the land was surveyed and registered.¹⁶

Similarly, the Nazi conquerors regarded the East as an enormous *tabula rasa* that could be redesigned according to their own conceptions, and it was an ideal field of operation for regional developers and population economists (*Bevölkerungsökonomien*), engineers and economic planners.¹⁷ One only has to think of the gigantic plans for the creation of an Autobahn network to reach deep into Asia, with the new Reich capital *Germania* at its heart. Even in describing what they found, the German conquerors drew on colonial history as a point of reference. For example, a member of the 12th Air Force Regiment reported on 20 July 1941, a few weeks after the attack on the Soviet Union:

15 Smith (1986) comes to the same conclusion. See also Reynolds (1981: 124-171).

16 On the surveying of the American West, which was perceived as an undifferentiated mass that required order, see Kaufmann (1999). On the tradition of developing the earth, see van Laak (2004).

17 A vigorous debate has arisen in recent years on the participation of scientists and experts generally in Nazi crimes. See Hausmann (1998), Fahlbusch (1999), Schulze and Oexle (1999). On the question of scholarship on the East and planning for the East, see Wasser (1993), Rössler (1990), Burleigh (1988), Rössler and Schleiermacher (1993), Madajczyk (1994), Aly and Heim (1991), Aly (1999). Specifically on the scholarly continuity between colonialism and National Socialism, see Zimmerer (2002, 2004a).

As marvellous as the successes are, as great as the progress is...Russia is on the whole still a huge disappointment for the individual. No culture, no paradise...the lowest level, filth, a humanity that shows us that we will have a huge task of colonisation here.¹⁸

This conception of ‘primitiveness, barrenness, and backwardness’¹⁹, as Christian Gerlach has reconstructed in many examples from White Russia, demanded from the German perspective the comprehensive redesigning and modernisation of the whole country without consideration of extant social, political and economic structures. Precisely this comprehensive redesigning was understood as colonisation. The land planner for East Prussia and later for the Reich division of Danzig-West Prussia, Ewald Liedecke, commented on the question of the treatment of local culture and settlements as early as 1939:

In redesigning German land, we cannot stroll in Polish tracks and make Polish settlements and land divisions the basis of the German settlement landscape. Instead of this partial approach, a total colonizing act is necessary that encompasses the entire area, overturned and settled anew according to German conceptions.²⁰

The justification for ruling the conquered lands was provided not just by the underdevelopment of the land but also by the supposed backwardness and immaturity of the inhabitants. According to Hitler, one needed ‘only to see this primal world [*Urwelt*]’ to know ‘that nothing will happen here if one does not allocate work for the people. The Slav is born a slave crying for a master’ (Hitler, 17 September 1941; in Jochmann 1980: 63). Himmler’s secretary, Johst, who travelled through Poland with the Reichsführer-SS (Reich leader, SS) in the winter of 1939–40, presumably reflected his boss’s words, too, when he wrote:

The Poles are not a state-building nation. They lack even the most elementary preconditions for it. I drove alongside the Reichsführer-SS up and down that country. A country which has so little feeling for systematic settlement that is not even up to dealing with the style of a village, has no claim to any sort of independent political status within the European area. It is a colonial country!²¹

18 Cited in Gerlach (1999: 102); my translation.

19 Ibid: 102.

20 Liedecke, ‘Kolonisatorische Aufgaben der Raum-Ordnung im Nordosten des Deutschen Reiches’, Königsberg, 1 September 1939, cited in Hartenstein (1998: 79).

21 Johst, Hanns (1940), *Ruf des Reiches: Echo des Volkes!*, Munich, cited by Burleigh (2000: 447).

The parallels with colonialism are not just limited to ideological justifications for conquest and domination; they are also evident in the techniques of rule. With the exception of the settler colonies, where the ratio of Europeans to the indigenous population gradually shifted, a small elite consisting of colonial administrators and military ruled over a far more numerous local population that was unable to participate in government. Colonisers and colonised were ruled by different legal systems, and this ‘dual legal system’ rested on racial criteria.

Advantages for Europeans in this ‘racially privileged society’ (*rassische Privilegiengesellschaft*), however, were not limited to formal law (Zimmerer 2001a: 94–109). The *situation coloniale* penetrated all spheres of social interaction between colonisers and colonised. The former were always privileged in every respect. They had their own schools and kindergartens, their own counters at post offices and other government agencies. This constant symbolic subordination was evident, for example, in German Southwest Africa where Africans were obliged to salute whites, and forbidden to ride horses and use the sidewalk. In occupied Poland, too, Poles had to display appropriate humility before the Germans by making way for them on sidewalks, removing their hats and saluting. They were prohibited from attending cinemas, concerts, exhibitions, libraries, museums and theatres, and from owning bicycles, cameras and radios (Burleigh 2000: 450f). To be sure, this everyday discrimination pales in significance in comparison with the contemporaneous mass murders, but it nevertheless provides an indication of an often overlooked line of tradition of German policy in the occupied territories. The ideal of the ‘racially privileged society’ is also the basis for the following statement by Hitler: ‘Our Germans – that is the main thing – must form a closed community like a fortress, outside the center the lowest horse boy must stand above any of the natives’.²² Of course, this only applied to that part of the local population whose right to life was recognised at all.

Not only was the separate treatment of Germans and non-Germans, or whites and non-whites, prescribed legally and in everyday life in both colonialism and National Socialism, but active steps were taken to avoid any ‘mixing’ of the two populations. The problem of maintaining the separation of the privileged upper and the non-privileged lower strata was particularly acute in the settler colonies where there was a relatively large number of European residents. So-called people of ‘mixed-blood’ (*Mischlinge*), who blurred the boundaries between the races, were seen as a potential threat. Thus attempts were made to prevent such occurrences and, beginning in the English colonies

22 Hitler, 17 September 1941; in Jochmann (1980: 62–63).

in North America, ‘mixed marriages’ were forbidden. For example, in German Southwest Africa transgressions against the prohibition of sexual relations were branded as ‘sinning against racial consciousness’, as the Protestant missionary Wandres put it.²³ It is not hard to recognise a parallel with the ‘racial shame’ and the racial laws in the Third Reich, where the Nuremberg Laws of 1935 forbade marriages between Germans and Jews and ‘extramarital intercourse between Jews and citizens of German or related blood’.²⁴

The notion of the free design of the colonised space corresponded to the disenfranchisement of the indigenous population and its degradation to a group that stood at the disposal of the colonial masters and could be used according to the latter’s interests. This manifested itself in two ways: the forced recruitment of labor and the arbitrary resettlement of the native population. Recruitment for labor assumed different forms. In the Congo, for instance, there were outright hunts for men capable of working, women and children were taken as hostages to force the men to come out of hiding, and whole villages were destroyed if they failed to meet quotas for the provision of workers (see Hochschild 2000: 165–199; Nelson 1994). In Southwest Africa, by contrast, recruitment was ensured after 1907 through the introduction of native ordinances. With the aid of a system of surveillance probably unique in the history of colonialism, the Africans were supposed to be completely integrated as workers in the colonial economy (Zimmerer 2001b). Even if this constituted a ‘semi-free labour market’ rather than a system of forced labour, behind this practice stood the notion of the indigenous population completely at the disposal of the colonial state.²⁵ This was even taken to the extent that larger African settlements were forbidden in order to ensure the even distribution of labourers across the whole country. The National Socialist economy also recruited forced labourers in every occupied country and transported them to Germany (Gerlach 1999: 449–502, Herbert 1997).²⁶ The German armaments industry rested to a considerable extent on an economy of slavery, and the recruitment of workers in the East assumed forms that are familiar from reports from the Congo.²⁷

23 Missionary Wandres in a memorandum ‘Bemerkungen über Mischehen und Mischlinge aus der Praxis für die Praxis’ (1912), Namibian National Archives in Windhoek, F.IV.R.1, 143b–145b. For the example of German South-West Africa, see Zimmerer (2001a).

24 ‘Law for the Protection of German Blood and of German Honor’, 15 September 1935, reproduced in Hofer (1982: 285). See also Friedländer (1997), Ehmman (1998), Essner (2002).

25 On this concept, see Zimmerer (2003, 2001a).

26 See also the classic study by Herbert (1997).

27 For examples of this sort of forced recruitment see Burleigh (2000: 551–554).

The claim to utter disposability of the indigenous population according to the colonial masters' economic and security requirements had been evident even earlier in other colonies in the readiness to resettle the native population according to economic needs, to cram them into reserves, or expel them completely from the colonial territory. Whether in the Indian reservations in North America or the reserves in German Southwest Africa, the common thread was that people deemed superfluous to the new colonial society were simply physically removed. Not surprisingly, the land to which they were to be resettled was almost without exception unusable. That the economic and social decline that all too often ensued in such cases was intended or at least willingly accepted, suggests pre-existing genocidal tendencies. The German plans, naturally on a much larger scale, for the resettlement of populations in Eastern Europe and the cramming together of Jews in 'reserves' may have borrowed from these experiences. At the very least, the fact that the reserve policy was regarded as 'normal' practice in handling indigenous populations meant that it was not perceived as being criminal.²⁸

Genocides: similarities and differences

The most radical consequence of a policy of conquest and settlement based on the conceptions of 'race' and 'space' was genocide. This section attempts to explore the connections between the genocidal moments in colonialism and National Socialism. It shows how genocidal tendencies developed at the colonial frontier and how their degree of organisation and the responsible groups of perpetrators in many ways resembled the state crimes of modern bureaucratic genocide. However, it is necessary first to differentiate between how colonial and Nazi genocides are to be understood.

In the Third Reich, genocidal policy arose in such a concentrated fashion and was directed against so many different groups in such a short period that the genocides can justifiably be seen as one, if not the main characteristic of National Socialism. Although they were the product of the same policy aimed at achieving a racial utopia, the Nazi genocides can be differentiated according to the motives and methods used for destroying the various groups of victims. Such a differentiation is necessary particularly for the sake of comparison with genocides committed in colonial contexts.

²⁸ Similarly, Gerlach (1998: 262) argues that the so-called territorial plans made the civilisation break a gradual one.

As the Jews occupied the lowest position in the Nazis' new 'racial hierarchy' and were to be accorded no place in the racial utopia of the future, they were to be completely eradicated. They supposedly posed a worldwide threat that had to be fought everywhere, and they were regarded as 'parasites' in the body of the Volk that had to be destroyed (see Friedländer 1997: 73–112). By contrast, the Sinti and Roma, 'asocials,' and the disabled were also regarded as parasites to be destroyed, but were not seen as a global threat and were not deemed to be involved in a worldwide conspiracy.²⁹

Nonetheless, the methods of destruction were shared by all victim groups. In accordance with their intended radical and systematic annihilation, the genocide of the Jews was bureaucratically organised and carried out in a quasi-industrial manner with techniques adopted from the so-called 'euthanasia campaign'. It was also applied to homosexuals and Sinti and Roma. As this feature – in the form of the universally known gas chambers and crematoria – has shaped our understanding of Nazi crimes generally, it is necessary to emphasise that many Jewish victims, as well as Sinti and Roma, were also killed in mass shootings and in summary executions associated with the campaign against 'partisans'.³⁰ Murder through gas was the culmination of a process that began with arbitrary and local shootings; and many murders, as Christian Gerlach has also shown, since the shooting of Jews in White Russia in the summer of 1941 also had economic motives. Like Poles and Russians, Jews were deliberately killed in order to ensure the supply of provisions for the German army in the occupied territories. To create a surplus for the German troops, the consumption of the local population had to be lowered.

Moreover, in the 'greatest murder plan in history,' the Nazis intended to allow up to 30 million Russians to starve in order to use the food that would thus be saved to supply the German army and the Reich (Gerlach 2000: 268). At the same time, the number of people in the occupied territories was to be reduced by expelling local inhabitants to the east, and the future area of German settlement was to be protected by a 'burnt strip' (*Brandstreifen*). All foodstuffs were to be transported out of this area, which was to lie east of the border of the German settlement area along the line Bakuto–Stalingrad–Moscow–Leningrad, and anyone living there was to be destroyed (Gerlach 1999: 53).

29 On the individual groups, see Zimmermann (1996), Burleigh (1995), Klee (1983), Schmuhl (1987).

30 See for example Birn (1991). For the German anti-partisan warfare in general see Blood (2001).

The mass murders were also related to the general settlement policy. In a Europe-wide attempt at ‘ethnic disentanglement’ (*Entflechtung*), the Germans to be settled in those occupied territories were to come from areas such as South Tyrol, Bessarabia, or the Bukovina where they comprised ethnic minorities. In a ‘policy of ethnic dominos’, these people were to be allocated areas from which Polish farmers, for example, had been expelled while they in turn would take the place of Jews who were to be deported to the margins of the German area of rule. As this was ultimately impossible due to the military situation, and none of the German governors wanted to keep the Jews in their dominions, the readiness to kill them grew (Aly 2000, Aly 1999).

Aside from the concentration camps, mass murders were also committed in prisoner of war camps, ghettos, and settlements in the occupied territories. The fate of Russian prisoners of war constitutes an intermediate point between industrial annihilation and genocidal massacres. They were interned and subjected to bureaucratic authority and then killed through intentional neglect, a policy that was also genocidal, as the victims were left to die because of their Russian descent.³¹ There was no such policy in camps with British, French or American prisoners of war.

In addition to this bureaucratically-organised form of murdering millions of people, there were also genocidal massacres. These included both mass shootings carried out on orders from above as well as in the context of fighting partisans (Gerlach 1999: 859–1054). The killing of partisans should be seen as genocidal because whole areas of land were to be cleansed, and children and old people were deliberately murdered, indicating the connection of these measures with broader demographic objectives.³²

In contrast to National Socialism, the individual cases of genocide in the history of European colonialism are more difficult to identify

31 See the classic study on prisoners of war by Streit (1978).

32 It should be pointed out that supporters of the singularity thesis reject the collective consideration of several groups of victims under the term ‘genocide’. For Steven T. Katz, the Sinti and Roma were not the victims of genocide, but were suffocated with gas in Auschwitz because they had typhoid (see Fein 1997: 15). This is also true of Yehuda Bauer who accepts the category ‘genocide’ but uses the expression ‘Holocaust’ as a special category for the murder of the Jews: ‘The conclusion to draw is that one ought to differentiate between the intent to destroy a group in a context of selective mass murder and the intent to annihilate every person of the group. To make this as simple as possible, I would suggest retaining the term genocide for ‘partial’ murder and the term *Holocaust* for total destruction’ (Bauer 2001: 10–11; emphasis in original). In this view, ‘total destruction’ was until then only intended for the Jews, and the Holocaust was thus ‘unprecedented’.

despite the fact that mass deaths accompanied the paths of Europeans into America, Africa, Asia and Australia, and indigenous states and peoples were destroyed. In all probability, no other period in human history saw the destruction of so many cultures as the 16th and 17th centuries. The overwhelming majority of deaths resulted from imported diseases, while many people died performing slave labour or were put to the sword during Christianisation. The victims' suffering was certainly just as great as in cases of intentional annihilation, and yet one cannot speak of genocide in these colonial cases, as the destruction of entire peoples was not intended. In fact, the colonial economy needed the indigenous population for exploitative purposes.³³ The same is true of slavery which does not constitute genocide despite the fact that it affected an estimated 24 million African men and women of whom about half were transported to America and the Caribbean where they had to perform forced labour often in the most inhumane conditions (Drescher 1996). After all, the intention to exploit Africans' labour was inconsistent with their physical destruction, even if working them to death was willingly accepted in some cases. These conclusions apply to the other continents as well.³⁴

Nonetheless, there were genocidal moments in the process when the tendency to declare the original inhabitants of a country to be 'subhuman creatures' (*Untermenschen*) and to eliminate them rather than simply dispossessing them prevailed. Such cases mainly concern North America, Australia, New Zealand and southern Africa. It is no coincidence that these were places that became settler colonies or were intended as such, for the genocidal idea could assume relevance where the replacement of the indigenous population with another was possible or seemed desirable. Following Raphael Lemkin,³⁵ Ann Curthoys and John Docker have recently postulated that the combination of murder and settlement is a constant factor in genocides. Whereas they, like Lemkin, conceive of genocide as a two-step process, whereby new settlement follows murder (Curthoys and Docker 2001), I see the relation of cause and consequence working in a circular manner: a genocidal dynamic can develop from the process of settlement, while space for settlement can also be created by the mass murder of the original inhabitants.

33 Cf. Gründer (1998), who rejects the notion of colonial genocide, even if he does not deny that in some situations there were genocidal orders, massacres or consequences.

34 For the opposite position regarding Australia and America, see Churchill (1997), Barta (2000).

35 Lemkin (1944) talks of colonisation but uses the term as a synonym for settlement.

The ideological basis for such events was provided by worldly or millennial utopian thinking. The dream of the promised land, of the white settler colony, of the unpopulated *tabula rasa* that was to be developed anew according to one's understanding of civilisation, or the identification of one's own life with a godly, historical, or civilising mission, could create the readiness to commit mass murder if necessary.³⁶ The combination of a highly developed sense of calling, the conviction of one's own predestination, as expressed, for example, in the doctrine of the 'Manifest Destiny', with the proclivity to see Indians as heathens, or even as rats and mice, is characteristic of this genocidal impetus and can already be found among the Puritans in New England. Captain Wait Winthrop prophesied as early as 1675 in 'Some Meditations' that God would help them destroy the Narragansett Indians who had just fought the New England militia in the 'Great Swamps' (cited in Chalk and Jonassohn 1998: 194). Sir Jeffrey Amherst, commander of the British troops in North America, stood in the same tradition when he initiated biological warfare against the Delaware Indians by having his officers give them blankets contaminated with smallpox: 'You will do well to try to inoculate [*sic*] the Indians by means of blankets as well as try every other method that can serve to extirpate this exorable race'.³⁷

In the 19th century, the religious justification for one's destined role was gradually replaced by a Social Darwinian racial-biological view of history. For General Lieutenant von Trotha, commander of the German troops in the war against the Herero and Nama in Southwest Africa (1904–1908), the man responsible for the first German genocide, the destruction of the enemy was absolutely essential in a racial struggle that supposedly could only end with the demise of one party. In Trotha's opinion, the Africans would 'only give in to violence,' so he wanted to employ it 'with crass terrorism and even with cruelty' and destroy 'the rebellious tribes with streams of blood'³⁸ because after all a war in Africa cannot be waged 'according to the laws of the Geneva Convention'.³⁹ Von Trotha also clearly articulated the connection between the settlement colony and genocide. When the long-serving Governor Leutwein attempted to dissuade the newly-arrived general

36 On the significance for genocide of utopian conceptions of the re-creation of the world and of mankind, see Bartov (2000).

37 Cited by Chalk and Jonassohn (1998: 177). See also the discussion of Jan Kociumbas in her chapter in this volume. For a short overview about the literature on biological warfare in Australia and North America see Finzsch (2003).

38 Trotha to Leutwein, 5 November 1904, cited by Drechsler (1984: 156).

39 'Politik und Kriegsführung', *Der Deutschen Zeitung*, 3 February 1909, cited by Pool (1991: 293).

from mass murder by arguing that Herero laborers were needed, von Trotha answered that Southwest Africa was the colony ‘in which the European himself can work in order to support his family’.⁴⁰

Whether the indigenous population’s heathenism was emphasised, they were equated with rats and mice, or were credited with inhuman fighting practices, scare propaganda prepared the ground for genocide. The racism evident in each case placed the indigenous population outside the ‘universe of obligation’, which is an essential precondition for genocide as it allows otherwise normal people to become mass murderers (Fein 1997: 20). How this dehumanisation of the indigenes affected individual perpetrators is indicated by the ‘practice shooting’ of Aborigines in Australia, of which an eyewitness reported in 1889: ‘There are instances when the young men of the station have employed the Sunday in hunting the blacks, not only for some definite purpose, but also for the sake of the sport’.⁴¹ And this was only possible because the Aborigines, including women and children, were not regarded as belonging to human society. From this position it is not a large step to the murder of women and children, especially if one can justify the act with the protection of one’s own property, as an Australian squatter did, of whom it was reported in 1889:

He shot all the men he discovered on his run, because they were cattle killers; the women, because they gave birth to cattle killers; and the children, because they would in time become cattle killers. (Cited in Palmer 2000: 43)

Justifications of the murder of women and children in order to interrupt the biological reproductive process are also found in North America. H. L. Hall, a well-known murderer of Indians, justified the slaughtering of babies with the saying known since King Philip’s War (1675–76) that ‘a nit would make a louse’. The slogan was popularised by Colonel John Milton Chivington who claimed, ‘My intention is to kill all Indians I may come across’ (Churchill 1997: 229, Stannard 1992: 131, fn. 123).

Some scholars argue that individual intention to exterminate a population does not constitute genocide unless it becomes state policy (Fein 1999, Chalk and Jonassohn 1998). The UN Convention leaves open the questions of who and how many people must belong to the group of perpetrators. What is important here is that the question of

⁴⁰ Trotha’s diary, cited by Pool (1991: 265).

⁴¹ Cited by Palmer (2000: 44). See the chapters by Raymond Evans in this volume for details of exterminatory rhetoric and practice on the colonial frontier.

the role of the state points to a significant difference between colonial and Nazi genocides. For whereas the murder of Jews, Sinti and Roma, Poles and Russians was centrally run and carried out by state organs, this type of state involvement was rarer in the colonial context. Particularly on the frontier, private actions at a local level were predominant as this was the mixed zone where contact between new arrivals and indigenes occurred, where the whites were at least initially not yet in the majority, and where state structures were lacking.⁴² This is the reason why in most cases the planned murder of Indians and Aborigines cannot be traced back to the highest state representatives in the colonies, let alone to London or later, in the American case, to Washington. Often, local army or militia commanders or bands of settlers took matters into their own hands. Hence, different situations obtained from town to town and from colony to colony, and hence, too, orders for the protection of the ‘natives’ often went unheeded. The colonial states lacked the power and the means to control the behaviour of their citizens. Even in the case of the murder of Herero and Nama in German Southwest Africa (1904–1908) where there was an order for elimination, it was not the product of the highest state representatives such as the Kaiser or the Chancellor. Its initiator was General von Trotha, the local military commander (Zimmerer 1999).

Yet, does it make sense in a historical comparison of mass murders to conceive of the state as the bureaucratic and centralised institution in the particularly highly developed form that it was in the Third Reich? Is it rather not essential to historicise our conception of the state?⁴³ If one applies a concept of the state appropriate for colonial contexts then the differences between colonial and Nazi genocides do not appear so great. The colonial state was by and large a premodern, and incompletely bureaucratised state that relied heavily on the influence of intermediary powers. The heads of local communities, parish priests, and local military commanders represented the state at the grass roots and had the symbolic power to legitimise actions on its behalf. Even if their words or actions were not legally binding, perpetrators could feel justified in their actions or even duty bound to perform them on the basis of what these local leaders did. To constitute a state crime in the colonial context, the chain of command does not have to reach back to the colonial centre or even to the central colonial office in Europe.

42 For a compelling description of the frontier as a stateless realm, see Kaufmann (2002).

43 On the development of the modern state as it originated in Europe and spread throughout the world, see Reinhard (1999).

Accordingly, the biological attack on the Delaware Indians mentioned above was legitimised by the state through Sir Amherst's order, while in this sense the murder of the Herero and Nama was officially committed in Germany's name. The significance of intermediary powers has also been confirmed in recent research into National Socialism. Detailed analysis of the decision-making processes in German-occupied Eastern Europe has questioned the notion of a chain of command from above down, emphasising instead the importance of local initiative (see Herbert 2000, Gerlach 1999).

The question of the state's role in the execution of genocide is, however, of considerable significance with respect to the forms of mass murder: genocidal massacres do not require a large degree of organisation, whereas the quasi-industrial extermination in camps is predicated on a modern, centralised and bureaucratised state. As argued above, both massacres and camps are found in National Socialism, whereas in the colonial context massacres or other strategies with relatively low organisational requirements clearly dominated.

The most common form of killing was the genocidal massacre. Whether in the Pequot War in New England or in the fight against the Round Valley Indians, or at the Sand Creek Massacre, examples of the butchering of men, women and children by bands of settlers and local militia can be readily found. Acts of reprisals by settlers for actual or alleged attacks by Aborigines also belong in this category, such as were reported by *The Queenslander* in 1867:

There is not much more in the present system by which blacks are shot down most ruthlessly for weeks and months after a case of murder or theft has been reported, and when many innocent are either killed in order that the guilty party may be included in the number or so hunted about that the spirit of revenge is aroused in them. (Cited in Palmer 2000: 43)

Over time, army and police units were established for this purpose. The 'Third Colorado Cavalry,' responsible for the massacre of the Cheyennes at Sand Creek was assembled especially for the fight against the Indians (Chalk and Jonassohn 1990: 199-201).⁴⁴ The 'Native Police of Queensland' were also state units, in this case employing Aborigines from other parts of the country under white officers. As 'mobile death squads aimed at eradicating Aborigines' they at-

⁴⁴ The background was a conflict between Indians and settlers, who managed to involve the state in their struggle. The regiment deployed consisted of volunteers who were temporarily engaged. The force they used was thus legitimised by the state.

tempted to ‘cleanse’ the frontier in Queensland of the local indigenes in order to make room for an increasing number of settlers and their livestock (Palmer 2000, Moses 2000: 102).

A heightened form of these campaigns of annihilation was genocidal war of conquest and pacification, a larger military action requiring a correspondingly higher level of organisation. The most important example of this was the war waged by German imperial troops against the Herero and Nama in German Southwest Africa between 1904 and 1908, which constituted an important connection between colonial genocide and the crimes of the Nazis.

Sparked in January 1904 by an attack by the Herero, this conflict soon went beyond the bounds of previous warlike conflicts in the German colony.⁴⁵ This was in part due to the extraordinary success of the Herero who in a few days almost brought German rule to collapse, and in part to the German reaction. The General Staff in Berlin sent an expeditionary corps and removed the long-serving governor, Theodor Leutwein, replacing him with General von Trotha who pursued a genocidal policy from the outset. This culminated on 2 October 1904 in the infamous order to shoot. Von Trotha ordered a chain of posts to seal off the Herero in the Omaheke desert where they had fled, following the only large battle of the war at Waterberg:

The Hereros are no longer German subjects.

They have murdered and stolen, have cut off the ears and noses and other body parts from wounded soldiers, and in cowardice no longer want to fight. I say to the people: Everyone, who brings one of the captains to one of my stations as prisoners, will receive 1,000 marks, whoever brings Samuel Maharero will receive 5,000 marks. However, the Herero people must leave the country. If the people does not do that, then I will force it to with the Groot Rohr [big cannon].

Within the German border every Herero, armed or not, with cattle or without, will be shot, I will not take up any more women or children, will drive them back to their people or let them be shot at.⁴⁶

In an order of the day, he clarified that for the maintenance of the good reputation of German soldiers the instruction to ‘shoot at women and

45 Various aspects of the war and its outcome are covered in Zimmerer and Zeller (2003; English edition 2008). On the war, see also Zimmerer (2001a: 31–55), Gewalt (1996), Smith (1999), Dederling (1993, 1999), Krüger (1999), Lundtofte (2003)

46 Proclamation by Trotha, Osombo-Windhuk (copy), 2 October 1904, Bundesarchiv Berlin-Lichterfelde (German Federal Archive, Berlin Lichterfelde), R 1001/2089, p.7 ff.

children’ meant ‘that shots are to be fired above them, to force them to run’. He said that he assumed his decree would lead to ‘no more male prisoners [being] taken, but not to cruelty against women and children’. They would ‘already run away, when shots [are] twice fired above them’⁴⁷ The only place to which they could run, though, was the desert, where thousands died of thirst as a result of this order.

The official historical depiction of the war reads as follows: ‘Like a wild animal half hunted to death’ the enemy was ‘driven from one source of water to the next, until, his will gone, he finally became a victim of the nature of his own land.’ Thus the ‘waterless Omaheke’ was to ‘complete what German weapons had begun: the destruction of the Herero people’.⁴⁸ The intention to destroy an entire people and the official acknowledgement of its execution can hardly be expressed more clearly. The strategy was ordered from above and the perpetrator was the army, even if the number of those killed directly by the Germans was significantly less than that of those who died of thirst.

The German strategy, though, was not limited to the now proverbial practice of ‘driving them into the desert’, the order for which was soon lifted as impracticable. In the second phase of the war, the opponents’ food and particularly their sources of water were actively destroyed: watering holes were poisoned, and ambushes were set at wells. The Nama, for their part, waged a guerilla war that almost defeated the German Empire militarily. Even if no ‘order to shoot’ has been found for the war against the Nama,⁴⁹ the genocidal intention can be seen in the method of waging war. The Germans pursued a campaign of annihilation that also targeted women and children.

In addition to deaths in battle, expulsion into the waterless Omaheke desert and the destruction of the means of life, the Germans also used camps to deliberately exterminate the indigenous population. Prisoners of war camps were established across the country between 1904 and 1908 and, after the lifting of the order to shoot, Herero and Nama men, women and children were interned. Massive numbers of people died in these ‘concentration camps’, as they were called at the time,⁵⁰

47 Ibid.

48 *Die Kämpfe der deutschen Truppen*, vol I (1906: 211).

49 In his proclamation of 22 April 1905 von Trotha threatened the Nama with the same fate as the Herero if they did not surrender. See *Die Kämpfe der deutschen Truppen*, vol. II (1907: 186).

50 The term concentration camp was first used by the Spanish during their campaign in Cuba in 1896, later by the Americans in the Philippines, the British in South Africa, and the Germans in South-West Africa. See Kaminski 1996, Kotek and Rigoulet 2000.

the most notorious of which were in Swakopmund and on Shark Island near Lüderitz (Zimmerer 1999). In total, between October 1904 and March 1907, between 30 and 50 per cent of the camp population died – 7,682 prisoners.⁵¹ While disease and weakness caused by the privations of war were certainly a factor in this mass death, deliberate neglect was also significant. The responsible commander, Deimling, refused to improve the state of the Shark Island camp by moving it to the mainland. For as long as he was in command no African was to leave the island alive, was what he said. Even the need for forced labourers, which would have required improving the prisoners' nutrition, did not alter his position. Instead, building projects already begun at Lüderitz were stopped (Zimmerer 1999: 291–292).

A superficial consideration suggests that the tank battles and sweeping bombing campaigns of the Second World War have nothing in common with this sort of colonial war. And yet, on closer inspection, the war against the Herero and Nama reveals clear parallels with the 'war of destruction' of 1941–1945 in the East. These parallels deserve closer consideration, for the two wars are only separated by 40 years, and it is possible to speak of a certain military tradition of 'war of racial extermination' (*Rassen und Vernichtungskrieg*).⁵² Although the war against the Soviet Union was formally a 'normal' war between European powers, the Germans did not fight it as such, waging instead a war of exploitation from the beginning that in its conscious neglect of the laws of warfare more resembled a colonial war. In the conventional European war, the status of the enemy as a legitimate opponent of equal value is recognised; some basic rights are accorded to him even in defeat and captivity. In the colonial war, however, this status is denied, and prisoners are left to perish or are directly murdered on the basis of their race. The massacres in the 'fight against partisans' resemble the common colonial warfare practice of fighting guerillas with punitive expeditions. Himmler's order of the day of 1 August 1941, in which he ordered the massacre of the Pripjet marshes, could almost have come from von Trotha: 'All the Jewish men must be shot, all the Jewish women driven into the marshes' (cited by Gerlach 2000: 278). There, it was intended, they would meet their demise just like the women and children of the Herero in the Omaheke, without a German soldier having to fire a shot in anger. That Hitler was also familiar with the colonial 'driving them into the desert' is clear from his comment in October 1941, when – in relation to his proph-

51 These are the numbers provided by the army. See Dreschler 1984.

52 I put down first considerations in Zimmerer 2005. Various aspects of the continuity between German colonialism in Southwest Africa and the Third Reich have been touched upon by Dreschler (1984), Bley (1968), Melber (1992),

esied eradication of the Jews – he protested against the possibility that someone might suggest moderation: ‘But we cannot send them into the swamp!’⁵³

Conclusion

The structural similarity between colonialism and National Socialism went beyond the continuity from the Herero war. With its central concepts of ‘race’ and ‘space’, the Nazi policy of expansion and annihilation stood firmly in the tradition of European colonialism, a tradition also recognisable in the Nazi genocides. Yet, it would be wrong to see the Third Reich’s murderous policies in the East merely as a copy of the conquests of the Americas, Australia or Southern Africa; they constituted instead an extremely radicalised variant. Particularly with regard to its readiness to wipe out whole peoples, European colonialism stood at the beginning of a development of particular notions of space and race that found its culmination in the ‘hunger plan’ of 1941, the genocidal massacres in the context of combating partisans, and the utilisation of gas for organised suffocation.

Colonial genocides did not constitute a fundamentally different category from the Nazi genocides. They were merely less organised, centralised, and bureaucratised forms of genocide. Ultimately, the various colonial manifestations of genocide could also be found in the Nazis’ murderous policies, exemplified by genocidal massacres of partisans and the practice of eradication through deliberate neglect. The main difference between the two lay in the different roles played by the state. Thus the Nazis’ bureaucratised and state-organised murder was less a fundamental structural departure than a gradual variation dependent upon the degree of development of the state. While massacres by settlers and militia corresponded to the weakly developed state of the New England frontier, the instruments of genocide expanded to include arms of the state itself, such as the army or the Native Police, with an increasing establishment of the state in Queensland or North America. In modern administrative states, as found in initial stages in Southwest Africa, concentration camps were utilised as the site of extermination, and although there was no active ‘industrial’ murder there, murder through neglect was already in evidence.

53 Hitler, 25 October 1941; in Jochmann (1980: 106).

To be sure, the crimes of the National Socialists cannot be traced back monocausally to the tradition of European colonialism. The Nazi ideology and policy were far too complex and eclectic for such a straightforward reduction. Yet, in the sense of an archeology of the idea of population economy and genocidal thinking, colonialism provided important precedents. Even the murder of the Jews, which was distinguished by the notion of eradicating a worldwide conspiracy, would probably not have been thinkable and possible if the idea that ethnicities can simply be wiped out had not already existed and had not already been put into action. What is more, colonialism occupied such a prominent position in this tradition of genocidal thought because the ‘discovery’, conquest, development, and settlement of the new world was positively connoted and enjoyed popular support. The parallels with colonialism also help to explain why the expulsion and resettlement of Jews and Slavs, and ultimately their murder, were not perceived as breaking a taboo. At the very least, colonial history offered the Nazi perpetrators the possibility of exculpating themselves and obscuring the enormity of their own actions.

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Do we need an alternative to the concept of genocide?

Anthony Court

The genesis of the concept of genocide is intimately bound up with the Nazi 'Final Solution of the Jewish Question'. The term emerged from the writings of a brilliant and indefatigable Polish Jewish jurist exiled in America during the 1940s. Raphael Lemkin, a recognised European scholar during the 1930s, lobbied a nascent United Nations in the immediate post-war years to adopt his term and acknowledge the phenomenon it describes, as an indispensable keystone of post-war international criminal law. Lemkin succeeded on both counts, and in 1948 the United Nations adopted the International Convention on the Prevention and Punishment of the Crime of Genocide. Yet for many years both Lemkin and his writings – mostly unpublished – sank into obscurity. Not so the concept of genocide. Ever since the Nazi genocide entered into the collective Western consciousness in the 1960s the crime of genocide has been associated with 'unspeakable' human horror, whereas especially since the cataclysm that struck the African Great Lakes region in the 1990s, 'genocide' has become a truly 'global' phenomenon. Public interest has been matched by renewed scholarly engagement across the disciplines. However, that engagement has been increasingly critical, as any random sampling of the literature will attest. More particularly in recent years ever more strident calls have been made either to revise the Article II definition of genocide, reform the Genocide Convention, or simply replace it with a new conception and a new term.

In his recent article 'Extremely violent societies: an alternative to the concept of genocide' (2006), Christian Gerlach targets the concept of 'genocide', which in his view is too closely associated with several enduring misconceptions about the phenomenon it purports to describe. Gerlach argues that although in certain respects the concepts of genocide and extremely violent societies overlap, nonetheless the latter denotes a 'distinct phenomenon' (Gerlach 2006: 455). Thus extremely violent societies are characterised by 'mass physical violence', which Gerlach defines as 'widespread violence against non-combatants, that is, outside of immediate fighting between military or paramilitary personnel, but reaching beyond mass killings' (Gerlach 2006: 455), perpetrated by both 'state organs' and 'diverse social groups' against multiple population groups for a variety of reasons:

In other words, there are four main characteristics [of extremely violent societies] – *various victim groups, broad participation, multi-causality*, and a great amount of *physical violence* (Gerlach 2006: 460; emphases added).

Gerlach would seem to imply that the *concept* of ‘genocide’ only allows for a single victim group, that it excludes the notion of popular participation, limits the perpetrators to certain elite formations, and most usually casts the state in the role of perpetrator. In addition Gerlach argues that ‘by various definitions, “genocide” excludes or neglects many sorts of violence...such as enforced resettlement, forced labour, deliberate inadequate supplies or excessive imprisonment’ (Gerlach 2006: 464). As valid as these claims may be, Gerlach nonetheless does not define either the concept of genocide which he targets or ‘the genocide model’ to which he repeatedly refers (Gerlach 2006: 463, 465, 466), instead noting that ‘there is no commonly accepted definition of genocide’ (Gerlach 2006: 463; see 465).

Gerlach’s argument nonetheless has the considerable merit of challenging the predominant focus in the literature on the role of the state and public officials instigating, organising and executing genocide. For genocide scholars and historians more generally are inclined to emphasise the category of ‘state genocide’. As Gerlach notes, this is particularly true of analyses of Nazi Germany and the Soviet Union whereas he introduces an important caveat that is, in my view, problematic. For asserting that the ‘traditional’ mode of analysing ‘mass violence has focused on the state – scholars were basically dealing with state crimes, with what was perceived as centralised machineries, or bureaucracies’ – Gerlach makes the strong claim that this mistaken focus ‘explicitly or implicitly’ evokes ‘the model of totalitarianism’ (Gerlach 2006: 459). Thus although Gerlach does not dispute in principle the important role of ‘the state’ and ‘state functionaries as such’ in what he terms ‘mass violence’, nonetheless he supports an approach that would ‘overcome’ ‘Eurocentric models such as state crimes based on “totalitarianism”’ (Gerlach 2006: 459). Clearly in Gerlach’s view the so-called ‘totalitarian model’ has left a deep imprint on genocide studies, not only obscuring ‘the origins of the violence’ but also failing to account for the ‘twisted ways of decision-making and of the realization of policies’. In short, the ‘model of totalitarianism’ posits ‘relatively straight and one-dimensional ways from intentions to actual violence’ that are derived from a too narrow focus on the dictator, ‘political ideologies and political systems’ (Gerlach 2006: 459).

Since Gerlach establishes a direct link between ‘the totalitarian model’ and the shortcomings of earlier analyses of ‘genocide’, I would firstly like to respond to his criticism of the former, with particular reference to Hannah Arendt’s critique of state-centric conceptions of the Nazi dictatorship. In the second part of this essay I will analyse Gerlach’s concept of ‘extremely violent societies’ as against the terms of the 1945 Charter of the International Military Tribunal (IMT) and the 1948 Convention on the Prevention and Punishment of the Crime of Genocide. Finally, I will assess the need for an alternative to the concept of genocide.

The ‘so-called concept of the totalitarian state’¹

Gerlach refers to ‘the totalitarian model’ without acknowledging myriad conflicting theories of totalitarianism that are irreducible to a single ‘model’.² Thus although Gerlach does not specifically mention Hannah Arendt in this regard, he is undoubtedly aware of her famous and controversial theory of totalitarianism. In this section I would like to demonstrate, firstly, that Arendt rejects state-centric interpretations of both totalitarianism and the Nazi genocide; hence, secondly, that it is mistaken implicitly or explicitly to subsume Arendt’s theory of totalitarianism under the rubric of a supposedly universal ‘totalitarian model’; and, finally, that Arendt anticipates both the key terms of the *Historikerstreit* and many of the ‘new insights’ enumerated by Gerlach.

It is stressed at the outset that Arendt does *not* view totalitarian regimes as necessarily genocidal, just as she rejects the view that all genocides are committed by totalitarian regimes. It should also be

¹ The title of chapter 12, part one, of *The Origins of Totalitarianism*.

² This is a common tendency in the literature dealing with totalitarianism. Thus, for example, self-described ‘social’ and ‘cultural’ historians (and many of their critics) writing in the 1980s up to the present almost without exception invoke the mythical image of ‘the totalitarian model’ or ‘the totalitarian thesis’ (e.g. Daniels 1995: 342; Daniels 1998: 433; Fitzpatrick 1986a: 357-359; Fitzpatrick 1986b: 409; Fitzpatrick 2004: 29, 30; Hough 1987: 401; Meyer 1986: 401; Cohen 1986: 376; Halberstam 1998: 459, 460, 461, 480f; Malia 2002: 4; Raleigh 2002: 21; Manning 1987: 407), ‘the general theory of totalitarianism’ (Payne 2000: 9), ‘the standard theory of totalitarianism’ (Daniels 1995: 345), ‘the totalitarian theory’ (Hellbeck 2000: 78), ‘the totalitarian literature’ and ‘traditional totalitarianism’ (Hedin 2004: 167 173); ‘the totalitarian paradigm’ (Golosov 1999: 110; Tucker 1987: 424), and ‘the totalitarianists’ (Fitzpatrick 1986a: 357; Fitzpatrick 1987b: 409; Hough 1987; Bosworth 1994). ‘The totalitarianists’ range from the pre-war writings of the Mensheviks, Leon Trotsky, Otto Bauer, Rudolf Hilferding, Carl Schmitt, Konrad Heiden, Victor Serge, Michael Florinsky, Ernst Fraenkel, Sigmund Neumann and Franz Neumann, to Raymond Aron, Boris Souvarine, Carl Friedrich and Zbigniew Brzezinski, Merle Fainsod, Juan Linz, Karl Dietrich Bracher, Richard Loewenthal, Pierre Hassner, Stanislaw Andreski, Georgi Fyodotov, et al..

noted that in *The Origins of Totalitarianism* (hereafter referred to as *Origins*) Arendt uses the term ‘extermination’ rather than ‘genocide’ whereas the latter term appears in a qualified form in her 1963 work, *Eichmann in Jerusalem* (hereafter referred to as *Eichmann*). Nonetheless, since Hitler’s totalitarian regime was genocidal by *any* definition of that term it will not be necessary to address this question here. Conversely, Gerlach’s notion of ‘the totalitarian model’ is far more contestable, most especially in regard to its alleged accountability for the state-centric focus of genocide scholars.

Arendt’s analysis of the state in totalitarian societies was informed, *inter alia*, by Carl Schmitt’s seminal theory of ‘total dictatorship’, first systematically articulated in his 1933 work *Staat, Bewegung, Volk*. At the close of an introductory analysis of the novel totalitarian movements that emerged in the wake of the First World War, Arendt, arguing that ‘the “totalitarian state” is a state in appearance only’ (Arendt 1979: 266), cites one of Schmitt’s most important and prescient insights:

The [Nazi] Movement...is State as well as People, and neither the present state...nor the present German people can even be conceived without the Movement (Schmitt in Arendt 1979: 266).

Schmitt anticipates by several years Hitler’s own pronouncements in this regard. In his address of 15 September 1935 to the Nuremberg Party Rally Hitler proclaimed:

Whenever the formal bureaucracy of the State proves itself unfitted to solve a problem, there the German nation will bring into play its own more lively organisation... any problem which the State through its essential character is unable to solve will be solved by means of the Movement. For the State itself is but one of the forms of the organisation of the *völkisch* life; it is set in motion and dominated by the immediate expression of the *völkisch* vital will, the Party, the National Socialist movement... (Hitler in Noakes and Pridham 1984: 237).

Arendt adopts Schmitt’s above formulation as a keystone of her own theory of totalitarianism, rejecting the notion that the Nazi regime was a ‘state’ by any conventional definition of that term (Arendt 1979: 266, 392–419) and least of all Max Weber’s ‘classically modernist definition of the state as “the legitimate monopoly over the use of violence within recognized and bounded territory”’ (Benhabib 2002: 540).

Arendt's view of the antithetical relation between the 'stable structures' of the state and what she understands by a totalitarian system of government (see, for example, Arendt 1979: 391, 398, 412) derives from her analysis of the institutional plurality of totalitarian government, which by cultivating competing claims to political competency and creating a multiplicity of competing institutional centres of power undermines any effective challenge to dictatorial control. In Arendt's words, '[t]he multiplicity of the transmission belts, the confusion of the hierarchy, secure the dictator's complete independence of all his inferiors' (Arendt 1979: 409).³ Hence:

What strikes the observer of the totalitarian state is certainly not its monolithic structure. On the contrary, all serious students of the subject agree at least on the co-existence (or the conflict) of a dual authority, the party and the state. Many, moreover, have

3 Gerlach elsewhere acknowledges what he terms the 'idea of "polycracy" - namely, the radicalising effects of overlapping competences, competition, and power struggles between different institutions and party agencies' (Gerlach 2004: 289). He also cites three other 'pillars of interpretation' that supposedly underpinned 'the framework of interpretation' of the Nazi genocide during the 1980s; namely, 'Nazi ideology'; 'the way in which bureaucratic organizations worked and their efficacy'; and 'hierarchical structures, that is, orders and obedience' (Gerlach 2004: 289). It is not entirely clear if Gerlach is suggesting that these four pillars were part of an integral framework of interpretation. In any event the polycratic interpretation of the Nazi dictatorship does not appear consistent with either the notion of a hierarchical system of autocratic order or with an efficient and conventionally ordered bureaucratic organisation. Gerlach, moreover, dismisses 'pure Nazi ideology' as a 'questionable notion anyway' (Gerlach 2004: 287) and he argues that the idea that 'ideology was the prime cause of the Holocaust...does not appear useful' (Gerlach 2004: 292). However, since Gerlach does not define either 'ideology' or 'pure Nazi ideology' it is not clear what he means by a 'questionable notion'. Nor is it clear how ideology may have 'caused' the Nazi genocide. Arendt argues that totalitarian ideology is 'quite literally what its name indicates: it is the logic of an idea. Its subject matter is history, to which the "idea" is applied; the result of this application is not a body of statements about something that is, but the unfolding of a process which is in constant change. The ideology treats the course of events as though it followed the same "law" as the logical exposition of its "idea"' (Arendt 1979: 469). Accordingly, the 'Nazi movement, far from organising people who happened to believe in racism, organized them according to objective race criteria, so that race ideology was no longer a matter of mere opinion or argument or even fanaticism, but constituted the actual living reality, first of the Nazi movement, and then of Nazi Germany' (Arendt 1954: 351; see 362). In other words the leaders of totalitarian movements made the novel discovery that ideologies can serve as 'organizational principles' (Arendt 1979: 249). In my view Christopher Browning is nonetheless right to argue that *Hitler's* 'anti-Semitism was both obsessive and central to his political outlook. For him the "Jewish question" was the key to all other problems and hence the ultimate problem', moreover providing the regime 'with a spur and a direction for ceaseless dynamism and movement... Given the dynamics of the Nazi political system, a ratchetlike decision-making process permitted bursts of radicalisation periodically alternating with tactical pauses but never moderation or retreat' (Browning 2004: 10-11).

stressed the peculiar ‘shapelessness’ of the totalitarian government [Franz Neumann] ⁴ (Arendt 1979: 395; see 412).

Rejecting ‘dual state’ theories of authors writing in the early 1940s, Arendt instead points to the political primacy (Arendt 1979: 412) and peculiar function of the mass totalitarian movement in Nazi Germany, contending that judged by our conceptions of government and state structure, these movements...necessarily must try to destroy all structure, and for this wilful destruction a mere duplication of all offices into party and state institutions would not be sufficient. Since duplication involves a relationship between the façade of the state and the inner core of the party, it, too, would eventually result in some kind of structure, where the relationship between party and state would automatically end in a legal regulation which restricts and stabilizes their respective authority (Arendt 1979: 398).

Arendt is affirming the parasitic dissolution of all stable structures in totalitarian societies, including those of the state, a view that she develops as a corollary of her interpretation of the ceaseless multiplication of competing institutions, jurisdictions and power formations. As Kershaw argues, Hitler’s untrammelled power did not mean that complex bureaucratic structures – ‘a maze of multiplied offices’ (Arendt 1979: 420) – were eliminated as much as subjected to ‘parasitic corrosion’ (Kershaw 1996: 71).

The administrative incoherence and confusion of Hitler’s rule did not simply stem from the turf wars in and between inherited state institutions or from a duplication of party and state offices, both of which are characteristic of one-party dictatorships such as Fascist Italy. Rather, totalitarian regimes are distinguished by the ceaseless accretion of competing interests and overlapping offices and institutions (Arendt 1979: 399). Arendt contends, moreover, that despite the ‘avalanche of laws and decrees’ accompanying the early years of Nazi power, the Weimar constitution was not abolished nor was the professional civil service fundamentally reorganised (Arendt 1979: 393–394). Instead Hitler superimposed the provincial *Gau* system on

the Weimar division of Germany into states and provinces...whose borderlines, however, did not coincide, so that every given locality

4 In 1942 Franz Neumann asserted, in relation to Nazi Germany, that ‘it is doubtful whether National Socialism possesses a unified coercive machinery’ (Neumann 1963: 468). What is original in Arendt’s analysis is her notion of the paradoxical centralising tendencies affected by Nazi Germany’s fractured and competitive system of power relations.

belonged, even geographically, to two altogether different administrative units (Arendt 1979: 396).

Similarly, the territorial units of the SA did not coincide with the boundaries of either the *Gaue* or the provinces, moreover differing from those of the SS, whereas none of these units were co-extensive with the divisions of the Hitler youth. Finally,

To this geographical confusion must be added the fact that the original relationship between real and ostensible power repeated itself throughout, albeit in an ever-changing way. The inhabitant of Hitler's Third Reich lived not only under the simultaneous and often conflicting authorities of competing powers, such as the civil services, the party, the SA, and the SS; he could never be sure and was never explicitly told whose authority he was supposed to place above all others. He had to develop a kind of sixth sense (Arendt 1979: 399).

'Organised chaos' was a consequence of the uncoordinated multiplication of offices whose *overlapping* jurisdictions, *competing* competencies, *duplication* of functions, and *distinct* administrative procedures ensured that "even an expert would be driven mad if he tried to unravel the relationships between Party and State" in the Third Reich' (Arendt 1979: 395)

But what of Arendt's view that Hitler enjoyed 'complete independence of all his inferiors'? (Arendt 1979: 409). Does this statement affirm Gerlach's view that all theories of totalitarianism posit a 'top-down imagination' or that the leader or dictator commands a 'centralized machinery' of government? (Gerlach 2006: 459). Arendt argues that the leadership principle, Hitler's role,

does not establish a hierarchy in the totalitarian state any more than it does in the totalitarian movement; authority is not filtered down from the top through all intervening layers to the bottom of the body politic as is the case in authoritarian regimes... there is no hierarchy without authority... and the principle of authority is in all important respects diametrically opposed to that of totalitarian domination (Arendt 1979: 404).

Instead, what we find in Hitler's Germany is a Leader who 'represents the movement' in an entirely different way to conventional party leaders and tyrants. Whereas a tyrant would never identify himself with either his subordinates or their acts, the Leader assumes 'personal

responsibility for every action, deed, or misdeed, committed by any member or functionary in his official capacity'. This total responsibility underpins the organisational dimension of the 'so-called Leader principle'. For the functionary is not only appointed by the Leader but is also his 'walking embodiment', inasmuch casting him as the unmediated representative of the Leader's will (Arendt 1979: 374). Similarly, the 'confusion of authority', springing from the multiplication of competing offices, and the unmediated relation between the dictator on the one hand, and on the other hand separately constituted institutions and masses (Arendt 1979: 405), creates circumstances in which each 'citizen feels himself directly confronted with the will of the Leader' (Arendt 1979: 405). Thus, as Schmitt argues, although Hitler enjoyed a position of 'omnipotence' and although his perceived 'omniscience' was a propagandistic fiction (Schmitt 1987: 118), by taking responsibility for all of the acts and directives of his subordinates Hitler was able to create the illusion of omnipresence. It is for this reason that Hitler could not tolerate criticism of his paladins, 'since they act always in his name' (Arendt 1979: 375). Therefore the contention that Hitler left his imprint on all key policies of the regime and was their ultimate inspiration does not mean that his subordinates were denied an important role (Browning 2004: 107).

Conversely, the totalitarian leader himself, rather than a 'charismatic leadership' in the Weberian sense (Arendt 1979: 361f), 'is nothing more nor less than the functionary of the masses he leads'. Whereas the tyrant imposes his arbitrary will upon his subjects, the totalitarian ruler *qua* functionary 'depends just as much on the "will" of the masses he embodies as the masses depend upon him' (Arendt 1979: 325). Arendt cites Hitler's own formulation of this relationship of interdependence – 'All that you are, you are through me, all that I am, I am through you alone' – as suggesting a break with our customary notion of 'giving and executing orders', since the latter presupposes.

[s]omeone in command who thinks and wills, and then imposes his thought and will on a thought- and will-deprived group – be it by persuasion, authority, or violence. Hitler, however, was of the opinion that even 'thinking... [exists] only by virtue of giving or executing orders', and thereby eliminated even theoretically the distinction between thinking and acting on the one hand, and between the rulers and the ruled on the other (Arendt 1979: 325–326).

Each individual functionary was aware that ‘their authority derived directly from Hitler without intervening levels of a functioning hierarchy. The direct dependence was real and the intervening hierarchy, certainly of social importance, was an ostensible, spurious imitation of an authoritarian state’ (Arendt 1979: 405).

Hitler (and for that matter Stalin) did not command a hierarchical system of authoritarian state power. Arendt’s concept of ‘total domination’, moreover, has nothing to do with the suppression of mass activism or the elimination of structural inefficiency and incoherence, and she certainly rejects the popular image of ‘relatively straight and one-dimensional ways from intentions to actual violence’ (Gerlach 2006: 459). Arendt regards smoothly functioning and hierarchical state institutions and a revolutionary ideology combining with party institutions to produce a unified totalitarian bureaucracy as *antithetical* to the totalitarian system of government (Arendt 1979: 246–249, 361–362, 361f, 365). Gerlach’s view that conventional or ‘traditional’ analyses of ‘mass violence’ attribute primacy to the state or state structures and bureaucracies – that mass violence is state-sponsored by definition – is therefore not applicable to Arendt’s theory of totalitarianism; unless, that is, we adopt the view that there are no distinctions to be made between, say, pre-modern feudal states, classical nation-states, and totalitarian dictatorships.⁵

It is not clear why Arendt’s theory of totalitarianism is frequently subsumed under a generic concept of ‘totalitarianism’, nor need this question detain us here. Nonetheless, it should be noted that Arendt’s theory of totalitarianism anticipates the *Historikerstreit* of the 1980s insofar as it *dissolves* the schematic opposition between ‘intentionalist’

5 ‘To be sure, totalitarian dictators do not consciously embark upon the road to insanity. The point is rather that our bewilderment about the anti-utilitarian character of the totalitarian state structure springs from the mistaken notion that we are dealing with a normal state after all – a bureaucracy, a tyranny, a dictatorship – from our overlooking the emphatic assertions by totalitarian rulers that they consider the country where they happened to seize power only the temporary headquarters of the international movement on the road to world conquest, that they reckon victories and defeats in terms of centuries or millennia, and that the global interests always overrule the local interests of their own territory’ (Arendt 1979: 411).

and ‘functionalist’ interpretations of the Nazi dictatorship.⁶ For on the one hand, Arendt acknowledges Hitler’s importance as the principal functionary of totalitarian power and as the author of the Nazi policy regime. However, on the other hand she argues that the Nazi regime was characterised by an inherent organisational incoherence. Still, whereas structuralist historians view the organisational chaos of Nazi rule as an impediment to the dictator’s unfettered power Arendt instead argues that the power of the dictator was a function of the institutional chaos of the totalitarian dictatorship.

For on the one hand, this organisational chaos generated a dynamic of constant ‘movement’; a key point, since in Arendt’s view totalitarian government ‘*is only insofar as it is kept in motion*’ (Arendt 1954: 344).⁷ Thus, technically speaking, the movement within the apparatus of totalitarian domination derives its mobility from the fact that the leadership constantly shifts the actual centre of power, often to other organisations, but without dissolving or even publicly exposing the groups that have been deprived of their power (Arendt 1979: 400).

This technique of rule binds ever-growing numbers of dependent functionaries directly to the leader, ensuring that their ambitions are confined to inter-departmental wrangling. The principle of depend-

6 By framing the central question in this way the participants in the debate effectively delimited the terms of the answer, inviting us to choose between two seemingly irreconcilable positions. At its most extreme we have Mommsen arguing, in Kershaw’s words, that Hitler’s policy pronouncements were little more than propagandistic flourishes which intentionalists retrospectively ‘over-rationalise’; that Hitler’s ideological fixations were ‘incapable of offering a platform for rational decision-making’ (Kershaw 1996: 66). The decision to exterminate the Jews, although totally irrational, nonetheless evolved incrementally and with logical consistency from a general precept to a systematic policy carried out by a continent-wide and coordinated network of security agencies, state bureaucracies, military, railways, industry and innumerable other civilian agencies. Rejecting Mommsen’s view of Hitler as a ‘weak dictator’, Kershaw argues that the central question is the extent to which the administrative chaos of the regime was intended – could Hitler have altered course, interceded, or halted the chaos at will? Kershaw argues in lucid terms that If Hitler had *wanted* a different government structure, but been prevented from attaining it; or if he had *intended* to make decisions, but found himself unable to do so, then there would have been some conflict between ‘intention’ and ‘structure’, and it might have been possible to conclude that Hitler was ‘weak’... there is no evidence for either point (Kershaw 1996: 74; see 60). To my mind this way of formulating the problem goes to the heart of the matter, emphasising both Hitler’s pivotal role in the Nazi dictatorship and its structural incoherence. Accordingly, only a wholly idealistic notion of ‘total power’ – the popular image of a ‘total dictator’ commanding every detail of policy in a hierarchically structured system of rule – falls foul of the overwhelming evidence of pervasive administrative chaos in the Third Reich.

7 Arendt distinguishes between ‘totalitarian society’ and ‘totalitarian government’. Whereas the latter is organisationally fragmented, the former ‘is indeed monolithic; all public manifestations, cultural, artistic, or learned, and all organizations, welfare and social services, even sports and entertainment, are “coordinated”’ (Arendt 1964: 33).

ence is thus multiplied innumerable times, reinforcing the leader's control of the movement, whose peculiar 'shapelessness' and dynamic – Arendt's notion of the “total” quality of totalitarianism (Arendt 1979: 391) – has nothing to do with Kershaw's 'notions of the “monolithic” “totalitarian” State' (Kershaw 1996: 63). Mommsen, too, misconstrues this dimension of the 'concept of totalitarianism', arguing that 'all these patterns of explanation tend to omit the point that the Nazi dictatorship was characterised by an inherent tendency towards self-destruction' (Mommsen 1997: 75). Arendt explicitly argues that 'totalitarian domination, like tyranny, bears the seeds of its own destruction' (Arendt 1979: 478), and much of the third part of *Origins* is devoted to describing this tendency.

On the other hand, Arendt contends that the centrally authored terror is only part of the apparatus and dynamic of destruction, which was also characterised by power contests between central, regional, and local bodies across civil, military, party and state institutions (Arendt 1953: 303–305; Arendt 1979: 374, 389–419). Thus Arendt does not rest with the 'polycracy' thesis. For she discerns a more complex dynamic in which policy intent is realised through the manipulation of an autonomous structural dynamic that constitutes a deliberate device of totalitarian power. As an example of this Arendt cites Himmler's reorganization of the German police by introducing into hitherto centralized apparatus of the secret police the multiplication of offices – i.e., he apparently did what all experts of power who preceded the totalitarian regimes would have feared as decentralization leading to a diminution of power (Arendt 1979: 406).

If Gerlach is able to point to important findings of recent empirical research in regard to the dynamic interplay between 'centre' and 'periphery', this dynamic had already been theorised by 'the totalitarianists' during the early 1940s and it is not an original insight springing from more recent research. Moreover, as Gerhard Weinberg argues,

it is an inherent risk in any, even the best, study focused on a specific local situation, time frame, or segment of the killing apparatus that the wider context can be lost sight of all too easily – and with that loss comes a major reduction in the significance of what has been found (Weinberg 2004: 256).

In other words, interpretations of the Nazi dictatorship that 'utilize German rationalizations for murder as a true indication of purpose, as opposed to the dominance of ideological presuppositions, cannot convince' (Weinberg 2004: 256). Nevertheless, we should acknowledge Gerlach's argument that

in the twentieth century, states and bureaucracies, while of course having their own important...dynamics, can also be viewed as functions of broadly political currents, the state is transformed into a key agent of large parts of the population for violence, and state violence could become, sadly, a cause of the people, though far from everybody in society (Gerlach 2006: 463).

This, in essence, is what Arendt argues. However, whereas Gerlach refers to 'broadly political currents' that transform the *state* into a 'key agent', Arendt instead stresses the subordination of the state to a dynamic totalitarian movement, which engages popular energies for the purposes, *inter alia*, of violence, terror and destruction: 'That is, people can identify with mass violence, demand it, find it necessary or even urgent' (Gerlach 2006: 463). This was a novel and unprecedented form of what Gerlach terms 'political participation', one Arendt elected to term 'totalitarian'. This does *not* mean to suggest that *all* manifestations of participatory 'mass violence' in the 20th century involved totalitarian movements *nor* that totalitarian societies are necessarily genocidal. Rather it is to suggest that Arendt, to paraphrase Gerlach's over-deterministic statement, provides at least part of the answer to the problem identified by Gerlach of ascertaining 'under which specific conditions modern participatory societies' *might* become *vulnerable* to forms of 'mass violence' (Gerlach 2006: 463). Totalitarianism was one such 'condition'. Thus Gerlach is right to argue that 'broad participation in violence...could work outside of a state apparatus or through it' (Gerlach 2006: 462), moreover that what he terms 'extremely violent societies' are usually characterised by 'utmost political mobilization'. However, Arendt, rather than suggesting merely a process through which 'longer-term negative attitudes and prejudices are radicalized' and 'diverted toward groups only indirectly involved in long range struggles' (Gerlach 2006: 461), instead argues that 'all that matters is embodied in the moving movement itself: every idea, every value has vanished into a welter of superstitious pseudoscientific immanence' as individuals are 'submerged in the stream of dynamic movement of the universal itself' (Arendt 1979: 249).

We may now briefly summarise the key points of Arendt's theory of totalitarianism as against Gerlach's critique of 'the totalitarian model'. As we have seen Arendt rejects the notion, *firstly*, of a single, centralised and 'absolute' or 'monolithic' structure of government; *secondly*, of a simple mirrored 'duality' of party and state; *thirdly*, of coherence, stability, order and efficiency; and hence *finally*, of hierarchical top-down control. Above all, however, Arendt rejects a state-centric conception of totalitarianism, instead stressing the political primacy of a dynamic totalitarian movement and the progressive dissolution of the

stable structures of the state. Commentators who impute to Arendt a state-centric conception of totalitarianism in fact conflate Arendt's conceptions of totalitarianism and classical tyranny.

*'Extremely violent societies', genocide,
and crimes against humanity*

Thus far I have argued that Gerlach employs a popular or generic conception of a state-centric, hierarchically structured and monolithic 'totalitarian' dictatorship that has little in common with Arendt's novel theory of totalitarianism. I have also argued that Gerlach does not explicitly define the concept of 'genocide' that his essay targets. Accordingly, in this section I analyse Gerlach's definition of 'extremely violent societies' as against the legal definitions of 'genocide' and 'crimes against humanity' contained, respectively, in Article II of the 1948 Genocide Convention and the 1945 Charter of the International Military Tribunal, later codified in the 1998 Rome Statute. The central argument of this section is that although certain of Gerlach's reservations in regard to 'the concept of genocide' may have merit, his alternative concept of 'extremely violent societies' has a great deal in common with the concept of 'crimes against humanity'.

The 1948 Convention defines genocide as:

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

- a) Killing members of the group;
- b) Causing serious bodily or mental harm to members of the group;
- c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- d) Imposing measures intended to prevent births within the group;
- e) Forcibly transferring children of the group to another group.

Article III adds four additional categories of punishable acts:

- a) Conspiracy to commit genocide;
- b) Direct and public incitement to commit genocide;
- c) Attempt to commit genocide;
- d) Complicity in genocide.

Gerlach does not cite the aforementioned criteria. Nonetheless, he does identify four key elements or alleged biases of 'genocide stud-

ies’ – ‘the genocide model’ – which are susceptible to analysis.⁸ Thus he challenges the predominant focus on ethnic and racial issues rather than ‘multi-causality’; the state instead of society; a preoccupation with a single victim group rather than multiple groups; and ‘long-term “intent”, planning and centralization instead of a process and autonomous groups’ (Gerlach 2006: 466). Gerlach proposes an alternative concept of extremely violent societies in which

various population groups become victims of massive physical violence, in which together with state organs, diverse social groups participate for a multitude of reasons (Gerlach 2006: 460).

‘Mass violence’, which Gerlach defines as ‘widespread violence against non-combatants, that is, outside of immediate fighting between military or paramilitary personnel, but reaching beyond mass killings’ (Gerlach 2006: 455), springs from ‘complex processes deeply rooted in the society in which they happen or by which they are generated’ (Gerlach 2006: 458). In what follows I will address each of Gerlach’s concerns in regard to intent, state-centrism, the number of victim groups, criteria of group identification, popular participation, and a great amount of physical violence.

Firstly, in regard to the question of intent, Gerlach is of the view that

‘genocide’ suggests an outdated mechanistic model for the origins of violence: a homogenous, centralized crime based on long-term planning (this rests on a factually outmoded intentionalist explanation for the murder of European Jews)⁹ (Gerlach 2006: 465).

8 Since Gerlach posits an alternative to the concept of genocide he needs firstly to explicitly define his notion of the ‘de-facto concept of “genocide” insofar as it may differ from the concept we find in Article II. Accordingly, and despite clearly identifying several problematic areas in the field of genocide studies, it is difficult to interpret his claim that ‘the concept of “genocide” does not appear functional for analysing the phenomenon of “extremely violent societies”’ or the statement that ‘the genocide model’ ‘tends to prevent “genocide” being used to explain the phenomenon [extremely violent societies] outlined here’ (Gerlach 2006: 463). The fact that the concept of genocide is highly contested is all the more reason to specify which concept he is targeting.

9 If by ‘intentionalist’ Gerlach is referring, for example, to the Goldhagen thesis or to Arno Mayer’s curious preoccupation with promoting any number of explanations for the genocide of the Jews except the most obvious – i.e., ‘because they were Jews’ (Browning 1995: 84) – his point is well taken. Nonetheless I find convincing Browning’s painstaking analysis of the process of radicalisation between September 1939 and October 1941 that culminated ‘in the ultimate Final Solution of systematic mass murder. Jewish policy could evolve no further in concept. It remained to be implemented through action’ (Browning 2005: 424). Moreover that Hitler, ‘simply by his existence, exerted a continuing pressure on the political system, which included a competition among the faithful and ambitions to advance ever more radical proposals and carry out Jewish policy in an ever more brutal and comprehensive manner’ (Browning 2005: 425). Still it needs to be stressed that most ‘Holocaust’ scholars acknowledge the other categories of victims of Nazi terror. It is Gerlach who in this article stresses the fate of European Jewry.

In *The Genocide Convention: An International Law Analysis*, John Quigley affirms the generally held view that the element of intent in Article II sets genocide apart ‘from other serious offences’ (Quigley 2006: 10) whereas Stuart Stein notes that ‘without [*intent to destroy* permanently a human group], there is no genocide’ (Stein 2005: 181). Nonetheless, Quigley also argues that there is no consensus in law on the precise definition of intent.¹⁰ For in ‘court practice, Article II has been read to encompass an intent broader than only a purpose to bring about a result’ meaning ‘that “intent to destroy” is satisfied by knowledge that the effect of the actor’s conduct is the destruction of the group in whole or in part’ (Quigley 2006: 112, 113). Thus for ‘knowledge-based’ intent it is ‘sufficient that the perpetrator knows that the objective of a campaign is the destruction of the group in whole or in part’ whereas ‘purpose-based’ intent describes a perpetrator who acts ‘with the aim, goal, purpose or desire to destroy part of a protected group’ (Kreß 2006: 492, 493), which corresponds to the distinction, respectively, between those who *execute* and those who *order* genocide acts.¹¹ In this regard, Kreß notes the formulation of the Jerusalem court in the Eichmann case, which holds that those who ‘execute’ such orders ‘will often act without being “personally imbued with [the collective] intention”...which still offers the most impressive illustration for what Hannah Arendt has coined the both famous and controversial words “Banality of Evil”’ (Kreß 2006: 496).

Gerlach’s reservations in regard to the element of intent seem to conflict with his own observation that

both terms ‘genocide’ and ‘extremely violent societies’ are first of all descriptive, not analytical; but they do imply methodical decisions which, I argue, largely prevent that the latter occurrence can be fully analysed by using the de-facto concept of ‘genocide’ (Gerlach 2006: 455).

‘Distinct phenomena’ may overlap in certain respects, yet if both concepts imply methodical decisions then Gerlach would have to define

¹⁰ As Michael Kelly argues, *mens rea* is widely acknowledged as the most difficult element to prove (Kelly 2002: 285).

¹¹ Schabas distinguishes between ‘general intent’, for which the performance of the criminal act suffices for the purpose of conviction, and ‘special’ or ‘specific’ intent as a condition of genocide and which requires ‘performance of the *actus reus* but in association with an intent or purpose that goes beyond the mere performance of the act’ (Schabas 2000: 218). In the case of genocide, it is the intent to destroy a group ‘as a separate and distinct entity, and not merely some individuals because of their membership in a particular group’ (Schabas 2000: 253). In other words, the ‘purpose of criminalizing genocide was to punish crimes of this nature, not crimes of collective murder prompted by other motives’ (Schabas 2000: 255).

the latter term as meaningfully distinguished from the concept of intent associated with the legal definition of genocide.

The very distinction, *secondly*, between the parties ordering and executing orders is at least suggestive of a state-centric, centralised, top-down logic as described by Gerlach, and to which he opposes his notion of ‘diverse’ or ‘autonomous social groups’ participating in mass violence. However, as Quigley argues the relevant Article IV of the Convention is routinely criticised for *omitting* reference to the state:

Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

Quigley argues that in recent trial proceedings the ICJ¹² ruled that

there is no reason to read Article IV as *limiting* the Convention’s applicability for perpetration of genocide to individuals... The purpose of Article IV was to ensure that individuals not escape responsibility by virtue of their position in a government [i.e. public officials and constitutionally responsible rulers] (Quigley 2006: 235; emphasis added).

Article IV thus establishes the liability of ‘natural persons’ and the ICJ has ruled that nothing in Article IV *limits* the Convention’s applicability to natural persons. On the other hand Article IX, ‘by referring to the state’s responsibility “for genocide or for any of the other acts enumerated in article III”, makes it plain that a state may perpetrate genocide, including conspiracy, incitement, attempt, and complicity’ subject to the qualification that a state’s liability is civil rather than penal since unlike natural persons the state is not ‘punishable’ (Quigley 2006: 236). Gerlach’s criticism of the alleged state-centrism of the *concept* of genocide is therefore more properly directed at those *scholars* who stress the role of the state rather than other possible agents of, or participants in, genocide. From the point of view of the Convention, Gerlach’s notion of a ‘process’ of ‘autonomous social groups’ participating in mass violence would be subject to the same burden of proof as individuals and the state. In other words it would have to be shown that over and above the actor’s culpability towards its immediate victims there was also an intent to ‘destroy, in whole or in part’, a group as defined by the Convention (Quigley 2006: 10).

12 The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed on the territory of the Former Yugoslavia since 1991.

Gerlach may have grounds, *thirdly*, for his contention that ‘most of genocide studies will continue to focus on one given victim group in isolation’. However, also in this instance the real target should be genocide *scholars* rather than the (legal) concept of genocide. For the limiting criterion of ‘national, ethnical, racial or religious group’ pertains to the composition and not the number of victim groups involved. Indeed the Nuremberg indictment describes the acts of the accused in the following terms:

They 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 (Quigley 2006: 6).

Although this seminal ruling was made prior to the adoption of the Genocide Convention, it does not substantially differ from the terms of the Convention. Conversely, Gerlach posits an alleged tendency by both perpetrator societies and victim groups to focus on a single victim group, without demonstrating the relevance of this observation to his subject matter. Thus, in the former case Gerlach suggests it is ‘much easier’ for societies that bear responsibility

to admit having morally failed in dealing with one group than with many and thus create a more convenient, simpler stories... [that] it is easier to identify with persons from one group rather than from many diverse persecuted communities (Gerlach 2006; 464).

This is a questionable proposition. The observer of post-war West Germany during the 1950s would have been forgiven for not realising that there had, in fact, been an appreciable number of Jewish victims. On the other hand, the German Democratic Republic famously dismissed the notion of racial victims with its pious invocation of communist ideology, to explain away Nazi ideology, and ‘the whole Nazi period – including the Holocaust – as simply the ugly face of “fascist capitalism” and “western imperialism”’. In both German states

the ‘murderers in our midst’ had been removed from view, while select victims (the communist resisters in East Germany, the July 20 conspirators and White Rose martyrs in West Germany) were elevated into each respective post-Nazi pantheon (Betts 2005: 61).

Denial is not a conceptual problem.

Even more problematic is Gerlach’s treatment of the victims insofar as he argues that a singular focus on one given victim group ‘chiefly...

serves the creation of group identity as a means to overcome the fall-out of destruction' (Gerlach 2006: 464). Surely it is obvious that perceptions of both survivor groups and individuals are shaped by their experiences and that they are not guided by the impersonal rigours of scholarly debate? Moreover, by downplaying the Nazi ideology of biological racism Gerlach's account occludes its function of identifying a hierarchy of 'blood enemies' as explaining the prioritisation of the 'Final Solution' by the Nazis. Denying the pure logic and salience of Nazi ideology is both unhelpful and ultimately misleading.

Conversely, it is problematic to claim that 'to think along the lines of the concept of genocide...implies the creation of hierarchies between different forms of mass destruction, because some are not dignified by that term' (Gerlach 2006: 464). Is Gerlach suggesting that certain distinctions, say between 'mass violence' and 'mass killings' (Gerlach 2006: 455), are meaningful but that others, such as between 'genocide', 'crimes against humanity' and 'war crimes' are less so? Each individual human life is equally valuable. But not all crimes fall into the same category. According to Gerlach's logic the distinction in criminal law between 'manslaughter' and 'murder', and between various 'degrees' of murder, is misleading and unacceptable presumably because these crimes have the same outcome. This is certainly true from the point of view of the *victim*. The similarity nonetheless ends there. Premeditated murder is distinguished by the element of 'intent', and it is intent that imparts the crime of murder with its particular legal and moral opprobrium. Similarly, the Genocide Convention was never intended as a catch-all legal framework for the prosecution of all forms of 'mass violence'. Responding to Dobkowski's objection that Article II glosses over 'structural violence', Stein comments that this is 'perhaps' true,

but if the concept genocide is expected to cover both 'intentional', and structured violence, it would vary substantially from the Article II definition and apply, therefore, to a different phenomenon (Stein 2005: 184).

It is an altogether different question whether the legal definition of genocide can serve as a basis for meaningful scholarly debate. Since it is not clear if by the 'de-facto concept of "genocide"' Gerlach has the Article II definition of genocide in mind, it is not possible to engage this aspect of his argument.

Nevertheless, Gerlach is right to object to scholarly research that stresses the fate of European Jewry to the *exclusion* of other victim groups, although it would be mistaken to include in this category

scholars whose acknowledged aim is to study a single victim group. Arendt repeatedly acknowledges the genocide of the ‘gypsies’ in *Eichmann in Jerusalem* (Arendt 1994: 23, 94, 96, 106, 158, 184, 188, 217, 244, 245, 276) and she also cites the ‘Armenian pogroms of 1915’ and ‘the pogroms during the Russian civil war...between 1917 and 1920’ (Arendt 1994: 265).¹³ Arendt’s position was unequivocal: Eichmann was guilty of the extermination of the gypsies ‘in exactly the same way he was guilty of the extermination of the Jews’ (Arendt 1994: 245), even if she does not elect here to make use of the ‘g-word’.

If we now turn, *fourthly*, to the question of the criteria of group identification in the Article II definition of genocide, Gerlach may well be right that there is an ‘over-reliance on race and ethnicity inherent in genocide *studies*’ (Gerlach 2006: 465; emphasis added).¹⁴ In its stead Gerlach evokes the notion of ‘multi-causality’,¹⁵ by which he *presumably* means to suggest that the definition of victim groups should be broader than the existing ‘national, ethnical, racial or religious’ groups. Again, however, this criticism needs to be directed at genocide *scholars*, rather than at the Genocide Convention itself.¹⁶

Before we examine the dilemma posed by the criteria of group identification, a word on the choice of these criteria. The prime consideration of the drafters of the Convention was to limit the victim groups to those which could be described as structurally ‘permanent’ and ‘stable’. From this point of view the immutable qualities of an ‘objectively’ identifiable collective bestows an inescapable identity upon its individual members. Importantly, however, the adoption of the aforementioned criteria was itself a political compromise rather than the outcome of scholarly debate. Thus, for example, the exclusion from the protected classes of individuals of ‘political’ groups came about principally, although not exclusively, at the insistence of the

13 The condemnation of *Eichmann in Jerusalem* can no doubt in part be attributed to her criticism of the Jerusalem court for describing Eichmann’s crimes as *hostis judaeorum* rather than as *hostis humani generis* (Arendt 1994: 261).

14 Gerlach’s professed aim of refraining from further politicising the debate surrounding the concept of genocide is inconsistent with his sweeping indictment of the alleged ‘posthumous ethnicization of history in the post-1989 bourgeois triumphalism’.

15 The use of the concept of ‘causality’ in relation to the victims of genocide would seem rather problematic. Surely the definition of an innocent victim precludes any notion of ‘causality’? In what sense does a multiplication of victim groups admit of ‘multi-causality’?

16 The exclusive focus on race and ethnicity is especially prevalent amongst those scholars who view the ‘Final Solution’ as the defining instance of 20th century genocide or as ‘the only genocide’ (Quayle 2005: 365).

Soviet Union and Poland (Kelly 2002: 283; Totten et al. 2002: 60).¹⁷ Quite apart from the problem of political interference, Quayle argues that the ‘Convention struggles to draw a distinction between inevitable/permanent groups and voluntary/impermanent ones’ whereas the drafters had to contend with the elusive distinction between ‘subjective and objective identity’ (Quayle 2005: 367, 368).

Quigley, for his part, contends that ‘as regards genocide, groups in the four categories are not as readily ascertainable as was apparently assumed by the Sixth Committee in 1948’ (Quigley 2006: 155). Thus, for example, the notion of nationality has a dual meaning. Whereas the term ‘national’ defines a group ‘sharing a history and culture’, “nationality” is also used to indicate affiliation with a state, akin to the concept of citizenship’ (Quigley 2006: 151). Since individuals may change their nationality or even hold dual nationality, the immutable quality of this category is called into question. Similarly, insofar as religion is a matter of individual conscience rather than a cultural imperative, it too is subject to conflicting interpretation and may lack a permanent and immutable character. Even the concept of race is problematic in that it too may depend upon perception and vary over time. Two notable instances of this ambiguity are the shifting criteria of racial purity in the classificatory conventions of 19th century America and 20th century South Africa.

The category of ethnicity is perhaps most problematic of all. Quite apart from the problem of subjective perception – of both the victims as well as the perpetrators – ethnicity has been so diversely defined as to be almost meaningless. A sampling from the more recent debate well illustrates this point. Yusuf Aksar notes that the ICTR¹⁸ interprets ethnicity as a ‘socially imposed categorization based on economic class differences between the Hutus and the Tutsis as a means of ethnic identification’ (Aksar 2003: 217) despite the fact that neither ‘social’ nor ‘economic’ criteria are accepted categories of the legal definition of victim groups. Rwanda is a particularly important instance insofar as Hutus

17 The Soviet Union held that ‘from a scientific point of view, and etymologically, “genocide” meant essentially persecution of a racial, national or religious group’. For ‘the crime of genocide is organically bound up with Fascism-Nazism and other similar race “theories”’ (Schabas 2000: 135). Further excisions in the final draft of the Convention include ‘social’, ‘economic’ and ‘cultural’ groups, and notwithstanding a degree of overlap between the latter and the four accepted criteria. Thus according to Totten, ‘cultural genocide and ethnocide are basically synonymous and refer to the destruction of a group’s culture’ (Totten et al. 2002: 60).

18 The International Tribunal for the Prosecution of Persons Responsible for the Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens between January 1 and December 31, 1994.

and Tutsis share the same nationality, culture, language, territory and beliefs – hence the importance of ‘perception’ as justifying the appellation ‘ethnic’. Quayle, who dismisses the ‘pseudoscientific race theories’ allegedly accounting for ‘ethnic’ distinction in Rwanda, argues that the Convention relies upon ‘the same warped methodology as the perpetrators to delimit the protected group’¹⁹ (Quayle 2005: 368). William Schabas similarly argues that the ‘law cannot permit the crime to be defined by the offender alone’ (Schabas 2000: 110). Yet if we do not also acknowledge ‘ethnicity’ as a perceived category – and in Rwanda this perception was shared by victims and perpetrators alike – how else do we understand the intent of Hutus to exterminate Tutsis? Quayle bases his argument on the questionable view that the ethnic identity of the Tutsi is merely a product of ‘crank colonial racial science’, moreover that by outlawing the distinction between Tutsi and Hutu the current minority Tutsi government has ‘simply erased [this distinction] by legislation’ (Quayle 2005: 370). This legalistic interpretation of ethnicity occludes entirely the problematic yet important relation between the legal definition of an ethnic group and that group’s historical and cultural self-perception. Schabas aptly comments that ‘if the Tutsi of Rwanda are not such a [‘national, ethnical, racial or religious’] group, what are they?’ (Schabas 2000: 109).²⁰

With these difficulties in mind, we need to ask what purpose would be served by either broadening the Genocide Convention’s victim categories or by introducing yet another contested concept. Neither approach would necessarily meet with greater acceptance and hence legitimacy, nor would such changes necessarily facilitate the enforcement of international humanitarian legislation. Secondly, as Samuel Totten argues, whatever definition of genocide we may choose to work with,

too often an incidence of massacre... is incorrectly referred to or deemed to be genocide by survivors, victim groups, the media, activists, or scholars. As horrible as these infractions are, if they do

¹⁹ Timothy Longman nonetheless argues that many recent accounts of Rwandan history are unduly influenced by the cataclysmic events of 1994. Longman highlights those historical accounts that present a ‘more nuanced version of the development of ethnic identities in Rwanda’. Thus he stresses recent research affirming ‘that identities similar to ethnic identities have existed in the region for centuries...and that hierarchical political and social arrangements organized around cattle and access to land – like the distinction between Hutu and Tutsi – have a long history in Rwanda’ (Longman 2004: 31).

²⁰ Kenneth Harrow argues: ‘At every point the assumptions about difference – differences in languages, beliefs, customs, practices, etc. – collapse when considering the general commingling of Hutu and Tutsi on all those fronts. On the other hand, a clear-cut division between two groups of people *identifying themselves* as Hutu and Tutsi did occur, and when a kingdom arose in central Rwanda in the nineteenth century, it identified itself as Tutsi’ (Harrow 2005: 36).

not meet certain criteria they cannot legitimately be called genocide. The misuse of the term does not assist in either fully understanding or combating actual genocides (Totten et al. 2002: 58).

In other words, *any* definition of genocide is subject to misuse and abuse and there are no grounds for assuming that a new definition of genocide – or ‘extremely violent societies’- would be more widely accepted by scholars, legal practitioners or politicians. Without such a consensus we would remain on the terrain of ‘academic’ disputes about terminology while ‘actual genocides’ (by any definition) continue to be committed with impunity. Understanding a particular occurrence of genocide, or even identifying it *as* genocide, presupposes a stable and generally accepted definition of genocide. Neither an ‘indefinite expansion’ of the Article II definition nor an alternative definition necessarily resolves any of these dilemmas.

Quayle makes an important general observation that might be a good basis for taking this important debate forward. He argues that

[t]he *travaux préparatoires* suggest that the [Genocide] Convention’s drafters viewed their legislation as a small component in a larger legal matrix (Quayle 2005: 365).

There can be little doubt that the drafters of the Genocide Convention envisaged the Convention as an integral part of a more comprehensive framework of international humanitarian law. Insofar as this expectation has not been met, the shortcomings of the post-war framework of international humanitarian law have resulted in ‘ambiguous fact patterns’ being ‘repeatedly squeezed into the Convention’s prosecutorial paradigm’ (Quayle 2005: 366). These shortcomings notwithstanding, not ‘all extreme atrocity need be, legally genocide. Instead they are, more likely, crimes against humanity. These crimes have an underrated descriptive power and a legally provable definition’ (Quayle 2005: 365).

Prior to the Second World War, the idea of ‘crimes against humanity’ was mooted, *inter alia*, to describe the Turkish massacre of Armenians in 1915. In 1945 the Allies developed the Agreement for the Prosecution and Punishment of the Major War Criminals of the European Axis, to which was appended the Charter of the International Military Tribunal (IMT). Article 6(c) of the Charter defines crimes against humanity as follows:

Crimes against humanity: murder, extermination, enslavement, deportation, and other inhumane acts committed against civilian

populations, before or during war; or persecutions on political, racial or religious grounds in execution of or in connection with any crime within the jurisdiction of the Tribunal, whether or not in violation of the domestic law of the country where perpetrated (Quigley 2006: 5–6).

Owing to the general historical context of the Nuremberg process of identifying the mass crimes of the Nazi regime, the concept of ‘crimes against humanity’ was associated with the more established categories of ‘war crimes’ and ‘crime of waging aggressive war’. Thus whereas the (unforeseen) outcome of the court statute was ‘that crimes against humanity legally required the background of an international armed conflict’, the Genocide Convention did not. This is one reason why during the post-war era crimes against humanity became increasingly assimilated to the mass crimes associated with the Genocide Convention. However as Quayle also argues, under the jurisdiction of the International Criminal Court (ICC), ‘that link with international war is no longer needed’, and peacetime atrocity is consequently ‘no longer beyond the reach of the law’ (Quayle 2005: 371).

Reviewing recent tribunal case histories Quigley notes that despite a certain amount of conceptual overlap, the tribunals have generally treated crimes against humanity and genocide as separate offences. Their proceedings, moreover, have not treated either crime as an aggravated form of the other:

As one international tribunal said, ‘where the culpable conduct was part of a widespread and systematic attack specifically against civilians, to record a conviction for genocide alone does not reflect the totality of the accused’s culpable conduct’. In that circumstance, a genocide conviction for a crime against humanity alone would not reflect the large number killed. On the other hand, a conviction for a crime against humanity alone would not reflect the intent to destroy the group of which the victims were members (Quigley 2006: 13).

In other words crimes against humanity, such as ‘murder’, ‘persecution’²¹ and ‘extermination’,²² involve a widespread attack against a large *civilian* population without the intent to destroy a group as a separate and distinct entity. Moreover, the crimes against humanity

21 In terms of paragraph 2 (g) of the Rome Statute: ‘Persecution means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity’.

22 Paragraph 2 (b) of the Rome Statute: “‘Extermination’ includes the intentional infliction of conditions of life, *inter alia* the deprivation of access to food and medicine, calculated to bring about the destruction of part of a population’.

of ‘murder’ and ‘extermination’ must form part of a ‘*mass killing*’. As codified in the Rome Statute of 1998, Paragraph 29(a) of the Statute stipulates that

Attack directed against any civilian population’ means a course of conduct involving the multiple commission of acts referred to in paragraph 1²³ against any civilian population, pursuant to or in furtherance of a State or organizational policy to commit such attack.

It should be apparent from the argument above that there are important similarities between the concept of crimes against humanity and Gerlach’s concept of extremely violent societies, which I should now like to enumerate.

Gerlach’s idea of ‘various population groups’ becoming ‘victims of massive physical violence’ ‘in varying intensities and forms’ (Gerlach 2006: 460) – his notion of ‘multi-causality’ – is consistent with the Rome Statute, which defines victim groups in broad and inclusive terms. Thus, for example, the latter notably includes the important category of ‘political’ groups and is certainly not limited to or focused on ethnic and racial groups. As regards the forms of mass violence, Paragraph 1 of the Rome Statute enumerates an exhaustive list of mass crimes, which include Gerlach’s categories of ‘enforced resettlements, forced labour, deliberate inadequate supplies or excessive imprisonment’ (Gerlach 2006: 464). Gerlach’s acknowledgement of ‘autonomous social groups’ participating in mass crimes ‘for a multitude of reasons’ (Gerlach 2006: 460) is implicitly conceded by the legal definition of crimes against humanity insofar as, firstly, the range of crimes is so broad as to be subject to different motives and, secondly, because any state would be hard-pressed to carry out mass crimes of this magnitude without widespread public complicity and participation. Indeed as Schabas shows, several recent rulings have affirmed the participation of ‘non-state’ actors in mass crimes of each category of crimes against humanity (Schabas 2000: 544–545). Finally, it is commonly acknowledged that the element of ‘intent’ as defined in the Genocide Convention is not a prerequisite of crimes against humanity.

23 Article VII, Paragraph 1 of the Rome Statute of the International Court, 1998, has broadened the category of crimes against humanity to include: (a) Murder (b) Extermination (c) Enslavement (d) Deportation or forcible transfer of population (e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law (f) Torture (g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender...or other grounds that are universally recognized as impermissible under international law... (i) Enforced disappearance of persons (j) The crime of Apartheid (k) Other inhumane acts of similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.’

Conclusion

In view of the considerable overlap between the concepts of crimes against humanity and extremely violent societies Gerlach's contention that we need an 'alternative' to the concept of genocide fails to convince. Having said that, there are several points that Gerlach raises that are extremely important and instructive.

Thus the question of the participation of non-state, autonomous social groups in acts of mass violence and mass crimes is both topical and of great theoretical significance. This is nowhere more apparent than in the Rwanda genocide of 1994. For, as Kenneth Harrow argues:

It was the concordance of a sustained campaign of propaganda, the organisation of the Interahamwe around the ideological claims of the Hutu Nationalist CDR extremists...and the *failures* of the Habyarimana government or the UN to stop the sporadic attacks on Tutsis in the northwest province that provided the fodder for the fantasy that the Tutsis were no longer 'us', no longer 'subjects', but were *inyenzi* (cockroaches) that had to be stamped out (Harrow 2005: 38; emphasis added).

Therefore quite independently of the debate surrounding the concept of genocide, there is an urgent need to comprehend and theorise the phenomenon of mass participation in mass crimes instigated and propagated, *inter alia*, by non-state or sub-state, autonomous social groups. Indeed, this is one of the most pressing items on the agenda of the social sciences, and it remains one of the least understood phenomena of the modern age.

By way of a conclusion I would like to summarise my findings in regard to Gerlach's proposed alternative to the concept of genocide. Firstly, if Gerlach makes certain telling points against the current restrictive terms of the Genocide Convention, these can only be sustained on the assumption that we are without other categories of international criminal law that could, and do, accommodate his central concerns. Thus I think it striking that many of his criticisms of the *concept* or *model* of genocide are more appropriately directed at many genocide *scholars*. In other words, it is difficult to see why we should reject a concept simply because it is routinely misinterpreted. Conversely, much of the debate about the concept of genocide is conducted in a theoretical vacuum, with many scholars condemning a concept they define poorly, or not at all, and without placing this narrow debate within the broader context of the instruments and

concepts of international humanitarian law. I therefore concur with Schabas' view:

Given that other instruments exist or are emerging to cover the crimes that lie at the margins of genocide, including mass killing taking the form of crimes against humanity, enlargement of the definition does not rate at the top of the list of priorities (Schabas 2000: 552).

Schabas' formulation might create the unfortunate impression that 'crimes against humanity' are in some sense 'marginal' to the concerns of genocide scholars and legal practitioners. However his central point seems to me valid. For there can be little doubt that with each passing year that scholars fail to agree upon a working definition of genocide we merely help to underscore the culture of impunity in regard to all forms of mass crime, including genocide. Debate is important and legitimate. Yet the failure of scholars to reach agreement even on the basic *elements* of a definition of genocide cannot and must not be permitted to confound international efforts to identify and prosecute instances of mass crime and to find ways of preventing others. If scholars continue to bicker even as thousands more innocent victims are mutilated, raped and killed, we too will be judged as having failed in our duty to help stop and prevent these heinous crimes.

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Lineages of racism in genocidal contexts – Lessons from Hannah Arendt in contemporary African genocide scholarship

Ulrike Kistner

In the years following the publication of Hannah Arendt's monumental book, *The Origins of Totalitarianism* (1951),¹ the book was 'rejected by the Left because of its problematic analogies between Stalinism and National Socialism, denounced by the Right for its irreverence toward the polarizing thinking of cold war camps, and derided by empirical political scientists for its overly journalistic, literary, and philosophical generalizations'. It became 'one of the notorious texts of twentieth century political theory' (Benhabib 1996: xxx-xxxii).

The book has gone through a series of re-valuations since the death of its author in 1975, and then, more significantly, after the end of the Cold War. It was primarily the analysis of the twin faces of totalitarianism in the 20th century, national socialism and Stalinism, that accounted for this turn-around, as it was taken up by historiographers of the Soviet Union after the end of the Cold War.

Two other prongs of Arendt's analysis – imperialism and national socialism – have been influential in comparative genocide studies. The history of colonialism is said to have provided models – governmental, political and explanatory – for subsequent inner-European forms of state violence. In visualising this connection, it is often pointed out, *pace* Hannah Arendt, that 'modern genocide was nurtured in the colonies' (Mamdani 2001: 76); or that the colonies served as 'laboratory' for the Holocaust. A close link tends to be drawn between colonialism and anti-semitism as biologically referenced forms of racism, and between colonial genocide and the Nazi genocide (and more recently, post-colonial genocide), on the basis of the assumption that colonial racism and genocide were precursors of the Nazi genocide,

¹ Hereafter referred to as *Totalitarianism*.

and that they are historically, discursively and politically continuous (1992: 44).²

In a direct but unacknowledged quote from the ‘Imperialism’ part of Arendt’s *Totalitarianism* book, the export-import business in matters of political structures and practices is described by Foucault in terms of a ‘boomerang effect’:

...while colonization, with its techniques and its political and juridical weapons, obviously transported European models to other continents, it also had a considerable boomerang effect on the mechanisms of power in the West, and on the apparatuses, institutions, and techniques of power. A whole series of colonial models was brought back to the West, and the result was that the West could practice something resembling colonization, or an internal colonialism, on itself. (Foucault [1976] 2003: 103)

With or without direct reference to Arendt or Foucault, Arendt’s three-pronged account of totalitarianism has gained something of a cult status, as it has become a reference point for analysing the political forms of modern society in the 20th century and beyond. It is ironic to note, however, that variations on this theme are proliferating and are gaining in persuasiveness almost in inverse proportion to their cogency. Foucault abandoned the project of a bio-politics of colonialism and anti-semitism after his lectures at the beginning of 1976. And long before that, Arendt had abandoned her attempt at weaving together the strands of national socialism, imperialism, and

2 Substantiation for this multi-levelled connection is variously sought in ‘influences’, discursive structures, parallels in social engineering and policy, and deployment of the same colonial-administrative-military personnel to different sites of the colonial enterprise, and to high office in the Nazi social and political administration.

The view of the colonies as laboratory for the bio-political casting of the relation to ‘the enemy’ at home, is flawed on a number of counts:

- It cannot politically, historically or ideologically account for the different lineages of racism that have informed colonial racism and anti-semitism, respectively.
- It cannot account for the specificities and the paradoxes of colonial power, in particular the bifurcation of the colonial state, and the ethnic fragmentation frequently characteristic of indirect rule.
- It does not consider the fact that hegemony was never achieved in the colonial state.
- It does not consider the fact that colonial states did not have the status of ‘nations’ before the mobilisation of anti-colonial movements and decolonisation (if at all).
- Correspondingly, there was no bio-political notion of an ‘internal enemy’.
- In colonial contexts, there arguably was no historical and logical continuity between bio-power and bio-politics.
- Colonial racism could therefore not institute normalisation processes.

Stalinism under the heading of totalitarianism. Early on in her work on the *Totalitarianism* book, it became clear to her that she could not pull it together. In a letter to Karl Jaspers dated 19 November 1948, Arendt confided to her friend that the project had turned into three separate books (quoted in Tsao 2002: 580). The overarching connection that Arendt is credited with having established between ‘anti-semitism’, ‘imperialism’ and ‘totalitarianism’ remains elusive.

In this article, I shall trace where Arendt’s book productively falls apart, and where and how we might find conjunctures at which ‘elements’ of totalitarianism coalesce to provide contingent hinge points that provide some criteria for comparative genocide studies.

Arendt herself suggests such a reading, as she explains to historians pressuring her to define her notion of ‘origins’: ‘The book...does not really deal with “origins” at all – as its title unfortunately claims – but gives a historical account of the elements which crystallized into totalitarianism; this account is followed by an analysis of the elemental structure of totalitarian movements and domination itself’ (Arendt [1953] 1994: 402). Arendt’s analysis of totalitarianism is embedded in a philosophy of history that assumes a negative relation to both linear historiography and experience (as *Erlebnis*). The underlying theme tying the strands of the book to each other, and to her other writings, is that of the space of the political in its displacement, in the threat of its disappearance, and in its replacement by ideology. The threat of the disappearance of the political is central in Arendt’s analysis of Totalitarianism and Imperialism. Within the parameters of nationally defined citizenship, and with a completely organised humanity, the loss of home and political status has meant the loss of human rights in absolute terms; such loss has ‘become identical with expulsion from humanity altogether’ (Arendt [1951] 1976: 297). This has become the condition of millions of people in the dissolving European empires and nation states in the 20th century, and in the new global political situation, with weakening nation states and proliferating supranational ideologies. This condition threatens the lives of those thus reduced most directly; moreover, it threatens the very possibility of political life per se.

I will focus here on a subset of ‘elements’ that provide another level of consistency in the constellations running through the book, viz. the conjunction and disjunction of lineages of race-thinking and racism that have come to play a pivotal role in one of the forms of politicide – genocidal ideologies and mass mobilisations. In tracing particular lineages of race-thinking and racism, I hope to show a connection, not only between the two parts of Arendt’s book that are mainly at issue

here ('Anti-Semitism' and 'Imperialism'), but also in the relationship, posited in post-Arendtian scholarship, between genocidal contexts – colonial, Nazi and postcolonial.

Arendt's genealogy of 'race' is anything but linear and continuous. In an earlier proposal for her *Totalitarianism* book (outlined in an article published in the journal *Commentary*), Arendt put forward the idea that anti-semitism, imperialism and racism found their convergence in Nazism. However, the order of subsumption was subsequently reversed. In a second version of her plan, she wanted to compile and expand her previously published articles on anti-semitism, racism and imperialism under the heading of 'Imperialism', concluding with an additional chapter on Nazism as 'Race Imperialism' (the latter being the proposed heading of the chapter that was to conclude the collection of essays).

At the time, she understood Nazism as a successor to the European colonial-imperialist enterprise (Tsao 2002: 581). In Part II, 'Imperialism', she dealt with Nazism as inverted consummation of imperialism, claiming that 'African colonial possessions became the most fertile soil for the flowering of what later was to become the Nazi elite' (Arendt [1951] 1976: 206). But when she jotted down notes for Part III ('Totalitarianism'), she abandoned her view on Nazi 'race imperialism' (Tsao 2002: 581).³ In contrast to her idea articulated earlier, the 'Totalitarianism' part of her book dissociates totalitarianism from 'lust for power or even the desire for a power-generating machine, [from] the game of power for power's sake which has been characteristic of the last stages of imperialist rule'. In fact, she comes close to asserting that any similarities between the means of imperialist and totalitarian politics are similarities in appearance only (Arendt [1951] 1976: 407, 422).

This surprising finding should lead us to probe the much-cited idea that European colonialism has provided models – governmental, political and explanatory – for the Nazi genocide, as well as for the genocide that is geopolitically labelled 'Rwandan'. I would like to stay with this idea for a while, in order then to critically interrogate it.

The 'boomerang effect' supposedly at work between European colonisation and the Nazi genocide is commonly extended by analogy to post-colonial contexts: a 'boomerang effect' (albeit one of a different kind), is likewise postulated for the relationship between colonial poli-

3 Some aspects of the view of Nazi "race imperialism" are retained in parts of the 'Imperialism' part, though (see Tsao 2002: 582, 583, 586).

cies of racialisation and ethnicisation, and the genocides in the central African region, with their flashpoints in Rwanda and Burundi.

The ‘boomerang’ in the central African post-colonial context is identified as the Hamitic Hypothesis on which colonial and post-colonial racism is said to pivot. The Hamitic Hypothesis serves as a foundational fantasy that locates ‘Batutsi’ as Hamites having migrated from the North – from the Mediterranean and Ethiopia.

The Hamitic Hypothesis was adopted and adapted by John Hanning Speke for his description of the central African region in his *Journal of the Discovery of the Source of the Nile* (1863). In line with his reported discovery of the sources of the Nile, which links the Central African interior with the Mediterranean, he postulates that the Hamites of Central Africa had migrated there from Caucasia via Abyssinia. (Hence his equation, ‘the Wahuma, otherwise Gallas or Abyssinians’.) He deduces from this the idea that ‘the government is in the hands of foreigners, who had invaded and taken possession of them, leaving the agricultural aborigines to till the ground’ (quoted in Eltringham 2006: 427). The Hamite Hypothesis was spun further by early 20th century anthropologists – Charles Seligman being a prominent member of that fraternity⁴ – who postulated an ‘incongruous civilisation’ throughout Central/Eastern Africa. It was lent effect by Richard Kandt, first colonial administrator in Ruanda-Urundi, who applied it in the classification of the population living on the territory of Rwanda: the Batutsi were categorised as a ‘race’ of the Hamites, who were considered a non-indigenist ‘racial’ minority. This attribution was institutionalised by the Belgian colonial administration between 1927 and 1936 in a move that added ethnic divisions to a racial division. Banyarwanda were categorised in discrete ethnic groups, and certified as such through entries in passports and identity documents. Ethnic categories were further consolidated in the 1933/34 census carried out by the Belgian colonial administration (85 per cent of those counted were designated as Bahutu, 14 per cent as Batutsi, and 1 per cent as Batwa (Stockhammer 2005: 15, 18)). Racial and ethnic categorisations were not simply bureaucratic measures, but became socially and politically consequential.⁵

4 Charles Seligman’s article entitled ‘Some aspects of the Hamitic problem in the Anglo-Egyptian Sudan’, originally published in the *Journal of the Royal Anthropological Institute of Great Britain and Ireland*, No. 43, July-December 1913: 593-795, was re-published in revised form as a chapter entitled ‘Eastern Hamites’ in *Races of Africa* in four editions of 1930, 1939, 1957 and 1966, respectively (Eltringham 2006: 427).

5 For instance: on the assumption of their Hamitic origins, children and young people who were, in colonial Rwanda, categorised as ‘Batutsi’, were accorded a differential school education that was largely oriented along the lines of French curricula.

Reputedly descended from a conquering ‘noble race’, ‘the Batutsi’ were credited with being a historical people capable of forming a state, and with being carriers of a ‘superior civilisation’. ‘Batutsi’ were associated with beauty, honour, pride, nobility, skill, intelligence, capacity to rule over other ‘races’, and racial purity (Stockhammer 2005: 20; Eltringham 2006: 431–432) – not only by German and Belgian colonisers, but in a symmetry of racialised self- and other-ascription of ‘Hutu’ and ‘Tutsi’, respectively. ‘Hutu’-identifying persons claimed injustices perpetrated in the process of ‘Tutsi’ invasions of originally ‘Hutu’-owned lands. The notion of ‘the conquering Hamitic Tutsi’ was articulated by both Hutu and Tutsi nationalists in the latter half of the 1950s. The Hutu Manifesto (*Notes on the Social Aspect of the Racial Native Problem in Rwanda*) of 1957 invokes the Hamitic Hypothesis, even as it attempts to negate it:

What does the indigenous racial problem consist of?...it is a problem of the political monopoly of one race, the mututsi... We must abandon the belief that Rwandan élites can only be found among the ranks of the hamites...a system systematically favouring the political and economic progress of the hamite... action [should be taken] for the economic and political emancipation of the Muhutu from the traditional tow [of the] hamite. (Nkundabagenzi 1961: 24–29; quoted in Eltringham 2006: 433)

A response to the Manifesto that attempts to legitimate Tutsi domination, likewise invokes the Hamitic Hypothesis, but this time to positively assert the validity and longevity of bonds of serfdom and clientelism:

The ancestor of Banyiginya is Kigwa... The relations between the subjects of Kabeja [the *Bazigaba*] and the Kigwa family were so strong that the latter abandoned their first master [Kabeja] and became servants of *Kigwa*. [Therefore] how can the Bahutu now claim the right to share the common inheritance? (Nkungabagenzi 1961: 35; quoted in Eltringham 2006: 433)

The Hamitic Hypothesis was certainly instrumental in racialising and ethnicising colonial and postcolonial policies; and it certainly played a role in the genocidal propaganda mobilising the *interahamwe*. But in its form and force, it is neither a peculiarly ‘European fantasy’ (as Eltringham claims it is – see 2006: 426), nor is it a specifically colonial

invention, nor is it restricted to the colonial context.⁶ Contestations around the ‘right of conquest’ find echoes, albeit with differing social content and claims, across particular historical, political and cultural contexts. This becomes evident from the following statements (which I will juxtapose at the risk of incurring the wrath of scrupulous historians):

– Abbé Sieyès on the Third Estate, 1789: ‘Why not send them all back to the forests of Franconia, all these families that still make the insane claim that they are descended from a race of conquerors, and that they have inherited the right of conquest?’ (Sieyès: *Qu’est-ce que le Tiers-Etat?* [1789] 1982; quoted in Foucault [1976] 2003: 211).

– Boulay de la Meurthe in 1795, after the mass emigration of the nobility in the aftermath of the French Revolution: ‘The émigrés represent the last vestiges of a conquest from which the French nation has gradually liberated itself’ (quoted in Foucault [1976] 2003: 211).

– Friedrich Nietzsche on the state instituted through acts of violence – in Section 17 of the Second Essay *On the Genealogy of Morals* (1887):

I employed the word ‘state’: it is obvious what is meant – some pack of blond beasts of prey, a conqueror and master race which, organized for war and with the ability to organize, unhesitatingly lays its terrible claws upon a populace perhaps tremendously superior in numbers but still formless and nomad. That is after all how the ‘state’ began on earth. I think that sentimentalism which would have it begin with a ‘contract’ has been disposed of. He who can command, he who is by nature ‘master’, he who is violent in act and bearing – what has he to do with contracts! (Nietzsche [1887] 1976: 86)

– In his *Journal of the Discovery of the Source of the Nile* (London, 1863, ch. IX: ‘History of the Wahuma’), John Hanning Speke, observing the ‘foreign’ origin of some of the ruling groups in some of the interlacustrine kingdoms, formulates the ‘theory of conquest of inferior

⁶ The Hamitic Hypothesis cannot be simply revealed as a European fantasy, and its functionalisation delegated to the legacy of colonialism. It has been pointed out that, in the Central African region, these claims have their historical correlates in precolonial structures of clientelism and patronage. In the Nyiginya dynasty of the 17th century, King Rwabugiri is reported to have confiscated lands of local lineages, breaking their political power. Ethnic divisions were institutionalised through the subsequent forms of bonded – *corvée* – labour service (*uburetwa*) from which some clans under royal patronage were exempted (Harrow 2005: 37). These differential clientelist structures were certainly refunctionalised by European colonial powers (Pottier 2002: 110).

by superior races'. He associates the monarchic institutions in the area with the arrival of a 'conquering superior race', carrier of a 'superior civilisation' (quoted in Prunier 1995: 7).

- Léon Mugesera, Vice-President of the Gisenyi MRDN(D) Section (Mouvement Révolutionnaire National pour le Développement et la Démocratie)⁷ in an address to the party militants of the Kabaya *sous-préfecture* on 22 November 1992:

The fatal mistake we made in 1959 was to let them [the Tutsi] get out... They belong in Ethiopia and we are going to find them a shortcut to get there by throwing them into the Nyabarongo River [which flows northwards]. I must insist on this point. (Quoted in Prunier 1995: 173)

- 'Tutsi' response to the Hutu Manifesto of 1957:

...the relations between us (Batutsi) and them (Bahutu) have always been until now based on serfdom; therefore between them and us there is no basis of fraternity... Kigwa found the Bahutu in Rwanda... History says that [our] kings killed the Bahinzi ['Bahutu kinglets'] and have conquered the Bahutu lands of which the Bahinzi were kings... Since our kings conquered the countries of the Bahutu and killed their kinglets, how can they now claim to be our brothers? (Nkungabagenzi 1961: 35-36; quoted in Eltringham 2006: 433)

- The January 1994 edition of *Kangura* denounces Batutsi as 'invaders' who have 'stolen the country' (Chrétien et al. 1995: 118; quoted in Eltringham 2006: 435).

The idea of the struggle of the races in these statements is closely aligned with an understanding of castes. It goes back to pre-modern dynastic regimes regarding themselves as separate ruling groups or groups of conquerors. In contexts of pre-modern Europe, the social division between the nobility and the other estates was understood by the nobility as an irresolvable war of the races, long before 'race' came to be associated with biological, phenotypical and evolutionist indicators. Such race-thinking, buttressed as it was by 17th century might-right doctrines, was as resolutely opposed to the absolute monarchy as it was to popular government, and the establishment of the 'nation' with a nominally internally unified 'people'. In 17th century France, and in prerevolutionary and revolutionary England, a declining aris-

7 Habyarimana's party, many of whose leaders were among the alleged *genocidaires*.

ocracy spawned a discourse of perpetual war, as the first historico-political discourse (as opposed to a philosophico-juridical discourse), mythical and critical at the same time (Foucault [1976] 2003: 57).

Comte de Boulainvilliers (1658-1722) features prominently in Arendt's and Foucault's outlines as a 'founder' of a discourse of 'race'. In commenting on Spinoza's *Theologico-Political Treatise*, Comte de Boulainvilliers equates Spinoza's *conatus* with the right of conquest. Every society, he maintains, is formed by force or conquest. While not providing a moral justification of conquest, he holds that the passage of time in social and political practice legitimates conquest:

It is certain that in common right all men are equal. It was violence that introduced the distinctions of Liberty and Slavery, of Nobility and Third Estate; but even though these have vicious origins their practice has been established in the world for so long that they have acquired the force of natural law. (Henri Comte de Boulainvilliers: *Essais sur la noblesse de France*, Amsterdam, 1732; quoted in Buranelli 1957: 481)

Only the separate caste of nobles, as descendants of the original conquerors, can call themselves 'Frenchmen'; only they, according to Boulainvilliers, can rightfully claim authority in France. This descent, imparted by blood and birth, rendered noble status inalienable; it was adduced to motivate the claim of the nobility to a status as distinct 'race' (in a peculiar 'race-thinking' that predates, and is distinct from, biologically based state racism).⁸

This version of the right of conquest is based on the myth, propounded by François Hotman in 1573, of the Frankish invasion of Roman-occupied Gaul in the declining Roman Empire in the fifth century AD. In Boulainvilliers' epic history, the invading Franks overthrew the provincial power of the Gauls, divided the land among themselves, became local overlords, each living on his portion of conquered territory and holding the inhabitants as serfs:

It is evident that after this conquest there remained not a person in the entire land who did not fall into the class of conqueror or conquered, of Salian or Roman... In a word, the Gauls became subjects, while the others remained masters and free men... It is

8 The distinction drawn by Hannah Arendt between 'race-thinking' and racism, and their respective location within different orders of knowledge and discourse, would not support Beatrice Hanssen's claim that Arendt attempted to 'enlist the help of the conservative, even reactionary, French nobiliary historian Boulainvilliers', as 'one of the precursors of Nazi race-thinking' (2000: 100).

certain that, since the conquest, the original Franks have been the true nobles and the only ones who could be, while the destiny of the Gauls was limited by the will of the conqueror. (Henri Comte de Boulainvilliers, *Histoire de l'Ancien gouvernement de France*, Den Haag, 1727: 37-39; quoted in Buranelli 1957: 483)⁹

Boulainvilliers' matrix for a (counter)history is anti-Roman, anti-juridical, replete with themes of rebellion and prophecy, and oppositions of the unjust and the just, the masters and the subjugated, the rich and the poor, the mighty and those reduced to labour, those who invade the lands and those who are vanquished (Foucault [1976] 2003: 73-74). In this account, permanent strife characterises the socius, which cannot be united by monarch, city, nation, or state (Foucault [1976] 2003: 77). Any notion of the unity of the nation was foiled by the negation of a common origin: '[Boulainvilliers' theory] invents two different peoples within France in order to counteract the new national idea, represented as it was by the absolute monarchy in alliance with the *Tiers Etat*' (Arendt [1951] 1976: 163). The nobility's claim to dominance resided in their status as non-natives. The nobility as a separate ruling caste was thought to have much more in common with a comparable 'foreign' caste than with the lower classes in the same country. Consequently the nobility attempted to forge cross-national ties with their putative counterparts in other parts of Europe, creating 'a kind of *Internationale* of the aristocracy of barbarian origin...' (Arendt [1951] 1976: 163)¹⁰

(The Third Estate countered this version with the Romanist thesis denying Frankish conquest and enslavement of the Gallo-Romans.)

For Boulainvilliers, the freedom enjoyed by the Germanic warriors is that of conquest and domination – not equality. An echo of the notion of the right of conquest seized by Germanic warriors can be found in Nietzsche's 'blond beasts of prey' (Nietzsche [1887] 1969: 86) – the proud, intrepid, haughty, ferocious barbarians with a taste for power and subjugation, who forge history through domination (Foucault [1976] 2003: 148-149, 196).

Foucault's unacknowledged reading of Hannah Arendt's 'Imperialism' part, which he explicates in his *Collège de France* lectures, January to March 1976, leads him to disentangle the 'war of the races' from biologically based racism that he labels 'state racism' insofar as the so-

9 The English counterpart of this epic history that Arendt develops for France, is provided by Foucault's account of epic history of the Norman invasion of English lands.

10 As late as the 1840s, Augustin Thierry adhered to the identification of classes and races, distinguishing between a 'German nobility' and 'celtic bourgeoisie' (Arendt [1951] 1976: 165).

cial body becomes unified, with the state as protector of the singular race.¹¹ The vocabulary of race struggle, he argues, was taken into the description of new political struggles between the bourgeoisie and the aristocracy, and between the aristocracy and the declining monarchy. The nobility promoted an anti-statist history opposing the principle of sovereignty as much as the logic of contract and right, general will and political representation. This counter-history presented itself in the form of a divided nation: the nobility forming a 'race', as distinct, and irremediably divided, from nations in the State (Foucault [1976] 2003: 134). This is neatly encapsulated in one of the sub-headings of chapter 6 ('Race-Thinking Before Racism') in the 'Imperialism' part of Hannah Arendt's *Totalitarianism* book: 'A "Race" of Aristocrats Against a "Nation" of Citizens' (Arendt [1951] 1976: 161).¹²

The 'war of the races' idea became the foil for a counter-history that went into the notion of the class struggle.¹³ Marx clearly states this derivation in a letter to Engels in 1882: 'You know very well where we found our idea of class struggle; we found it in the work of the French historians who talked about the race struggle' (quoted in Foucault [1976] 2003: 79). In several other instances, Marx and Engels acknowledge that their conceptualisation of the class struggle owes a debt to the French Restoration historians (Engels [1894] 1953: 550; and Marx [1852] 1953: 86). In responding to his critics' attempts

11 Arendt located the transition from 'race-thinking' to 'racism' with Arthur Comte de Gobineau. In his *Essai sur l'Inégalité des Races Humaines* (1853), he combines 18th century doctrines on the divided origins of the French people with the idea of the fall of civilisations due to degeneration of race by which an Aryan 'race of princes' is threatened with being submerged by democratically organised non-Aryan lower classes (Arendt [1951] 1976: 173).

12 Beatrice Hanssen's study on 'Power/Force/War' castigates Foucault's exegesis of Boulainvilliers for elevating the latter's 'race' theory to the source of a 'counter-discourse', while rescuing Hannah Arendt's *Totalitarianism* book for assigning to Comte de Boulainvilliers the role of 'principal French instigator of racism before the advent of institutionalized "race thinking"' (Hanssen 2000: 133). The grounds for such an attempt to 'rescue' Arendt cannot be upheld, as she clearly indicates the distinction between 'race theory' of the kind advocated by de Boulainvilliers, and biologically based 'racism' institutionalised since the second half of the 19th century – a distinction that, as I will show below, has further implications for different lineages of racism in Arendt's analysis.

13 Comte de Boulainvilliers' articulation of the 'war of the races' has earned him the epithets of both feudal reactionary (as a historian – Buranelli 1957: 488; and as precursor of the alleged 'worst institutionalized French racist ideologies of the 19th century' (Hanssen 2000: 133)), and incipient socialist (as political philosopher – Buranelli 1957: 488, 490, in an 'unholy alliance between left- and right-wing [thinking]...' quoted in Hanssen 2000: 145):

[Boulainvilliers] could have been logical in defending the rights of the nobility – if he had abandoned his philosophy. He could have been logical in pressing for a completely remodelled social system – if he had abandoned his history. (Buranelli 1957: 494)

to refute his class analysis, Marx reminds them of the texts of historians and political economists which espouse the cause they claim as their own:

...I should...remark to the democratic gentlemen that they would do better first to acquaint themselves with bourgeois literature before they presume to yap at the opponents of it. For instance, these gentlemen should study the historical works of Thierry, Guizot, John Wade, and others to enlighten themselves as to the past 'history of classes'. Before they try to criticize the critique of political economy they should acquaint themselves with the fundamentals of political economy...

...no credit is due to me for discovering the existence of classes in modern society or the struggle between them. Long before me bourgeois historians had described the historical development of this class struggle, and bourgeois economists the economic anatomy of the classes. (Marx [1852] 1953: 84–85, 86)

For both Arendt and Foucault, the transformation of 17th century race-thinking in the 19th century indicates two divergent paths: that of class struggle as revolutionary discourse on the one hand, and that of a biologically based racism on the other (Arendt [1951] 1994: 159; Foucault [1976] 2003: 60–62).

Based on this insight, Arendt draws both a distinction and a conjunction of the lineages of racism that are summed up under the headings of 'race-thinking' and 'racism', respectively. The possibility of their conjunction on the basis of their distinction that Arendt charts, moves beyond the odometers measuring the distance or proximity between Nuremberg and Windhoek, or Nuremberg and Kigali, that simultaneously serves to position the scholar on one end or another of the political spectrum.

The distinction between race-thinking and racism allows Arendt to develop a further distinction (albeit one that is not analogous or homologous to the former): namely that between continental and overseas imperialism. She shows the different and distinct origins, trajectories, and outcomes of overseas imperialism (including colonial and apartheid racism) and continental imperialism (including anti-semitism): 'The striking and fateful difference between continental and overseas imperialism has been that their initial successes and failures were in exact opposition' (Arendt [1951] 1976: 250). Continental imperialism was carried by a movement that had no developed organisational form, but was rich in literary and philosophical sophistication, and was offering a 'key to history' (Arendt [1951] 1976: 250).

Such movements were ostensibly based on an appeal to the masses. They achieved their cohesion by a general mood rather than by clearly defined aims, programmes and policies, structures, and institutions. (In this regard, it is instructive to note that the Nazi party proclaimed that though it had a programme, it did not need one.) Their lack of tangible results in expansion before World War II was made good by their capacity to organise outside of the party system, often in competition with the party system, frequently transforming parties into movements. Their anti-semitic stance corresponded to their own absolute claim to a status of being chosen. That national socialism emerged from such a ‘pan’ (in this case, pan-Germanist) movement, is evident in its imitation of the slogans of the ‘pan’ movements before and during World War I (Arendt [1951] 1976: 222–225, 243, 250, 251, 260).

Overseas imperialism, with its corresponding colonial racism, on the other hand, is based on an imaginary race hierarchy or a fetishisation of cultural difference, correlated with socially and politically institutionalised (dis)advantages, and imbued with notions of superiority, ‘the white man’s burden’, and a national or civilising mission, and so on. (Arendt [1951] 1976: 225, 233). While imperialism in the colonial phase could show massive territorial expansion, it had comparatively little influence on the home country’s political structure, and, crucially, it commanded only limited appeal at home (Arendt [1951] 1976: 250, 265).

The birth of the ‘pan’ movements primarily in the Southern and Eastern parts of Europe in the wake of declining dynastic regimes, Arendt points out, did not coincide with the birth of imperialism. What marked them as *continental*-imperialist was the fact that they had no colonial possessions, no hope for colonial expansion, did not engage in capital export, but hoped to gain and expand their influence on the European continent instead. Correspondingly, they counted among their members not businessmen or financiers, but primarily the petite bourgeoisie – teachers, civil servants and freelancing professionals. Invoking ‘the people’ as central political actor, they expressed open hostility to parties and other political and legal institutions of the nation state, as they themselves had emerged from countries affected by the dissolution of dynastic systems without corresponding nation-state formation. What they had to offer was ‘only’ a movement and an ideology, charged with philosophy and moral universals.

The distinction and interarticulation between race-thinking and racism, continental and overseas imperialism is based on the idea, held by both Foucault ([1976] 2003: 60) and Arendt ([1951] 1976: 174, 183–184), that

aristocratic race-thinking came to be integrated with European nationalist movements in the course of the conflict between emerging nationalities with the state in the dissolving dynasties and empires (Russia and Austria), and in the course of the European colonial enterprise. In Germany, a defensive nationalism arose under the impact of French occupation.¹⁴ It would have lost its appeal upon national unification, Arendt claims, had not imperialism revived it through ‘the specific amalgamation of the race and “elite” concepts’ (Arendt [1951] 1976: 174, 183–184).¹⁵ Racism has revived elements of race-thinking everywhere.

An analogous case has been construed by Foucault for Nazi anti-semitism, in which separate streams of race-thinking and biologically based racism converged, with a re-inscription of the legend of the warring races in State racism (see Foucault [1976] 2003: 82).¹⁶

The logic of the convergence of ‘race as caste/elite’ and biologically referenced racism can, likewise, find a parallel in the central African context. But while the grounds for construing such an extension based on analogy might be apparent in its conditions, they are much less clear when judging its effects. We have already established that any simple account of the role of the Hamitic Hypothesis in genocidal contexts, as a ‘boomerang’ bouncing back to its supposed point of origin, presents a rather blunt analytical instrument. Neither can we narrow the analogies to such an extent as to construe parallels between perpetrator and victim groups. The absurdity of the latter attempt is patent: ‘Who ... in the moral universe of Holocaust parallelism, are the Tutsis? Are they ‘the Jews’, victims of intended extermination?’

14 German race-thinking, Arendt argues, had taken a different turn. With the French occupation, German race-thinking sought to unite people against foreign domination by invoking common origins. Thus, a race-thinking emerged that was not tied to the nobility (Arendt [1951] 1976: 165), but invoked a notion of ‘innate personality’ (Arendt [1951] 1976: 168).

15 One of the leading intellectuals who articulated this amalgamation relatively early on, and whose influence was felt throughout the second half of the 19th and early 20th century, was Joseph-Arthur Comte de Gobineau (with his *Essai sur l'Inégalité des Races Humaines* ([1853] 1967). While he held onto the 18th century doctrines of the divided origins of the French people (the bourgeoisie being descendants of Gallic-Roman slaves, and the nobility being of Germanic origin, international in character, he developed the idea of the ‘secret law of the fall of civilisations’ due to ‘mixture of blood’ producing the ‘degeneration of race’ (Arendt [1951] 1994: 165, 172). In the writings of Joseph-Arthur Comte de Gobineau, Arendt detects both the concatenation between ‘race’ and ‘elite’, and a modification of the ‘Hamite Hypothesis’ to the effect of postulating the appearance of a degenerate white race in Africa.

16 Foucault: Nazism was thus able to reuse a whole popular, almost medieval mythology that allowed State racism to function within an ideologico-mythical landscape similar to that to that of the popular struggles which, at a given moment, could support and make it possible to formulate the theme of the race struggle. ([1976] 2003: 82)

In a similar vein, the provisions of the Treaty of Versailles were rendered in Nazi propaganda in terms of the enslavement of the Germanic race by Slavs (Foucault [1976] 2003: 82).

nation? Or are they “the Nazis”, putative embodiment of a superior race?’ (Miles 2000: 112; quoted in Eltringham 2006: 439)

Both Arendt and Foucault outline the possible points of conjunction of race-thinking and racism; but they (Arendt in particular) do so only on the basis of a rigorous historical, conceptual and discursive differentiation and distinction of the conditions of the inter-articulation of race-thinking and racism, continental and overseas imperialism, respectively.

Latter-day scholarship on discursive regimes of empire, on the other hand, tends to conflate the ‘war of the races’ idea with modern biopolitical racism, tracing ‘scientific racism’ back to the Enlightenment and with it, the colonial enterprise. In an attempt to highlight the continuities between colonial racism, anti-semitism and genocide, this scholarship invokes the authority of Arendt’s *Totalitarianism* book; but it tends to neglect the distinction, carefully drawn by Arendt, between race-thinking and racism, continental and overseas imperialism.

Scholarship upholding these tenets, I would argue, misrecognises the contribution of Arendt’s book on which it – implicitly or explicitly – draws extensively for its own theorisations. The insights into the different lineages of racism in their divergences and conjunctions that are among the unique contributions of Arendt’s book, are only being brought to the fore in recent writing on the African post-colony.¹⁷

Arendt casts totalitarianism within a *longue durée* that provides a world-historical perspective on colonialism and genocide (Stockhammer 2005: 143). This perspective has inspired theorists of the African post-colony. As Mahmood Mamdani remarks, ‘unlike many who had tried to closet [the Holocaust] to the internal history of Europe, Hannah Arendt’s great merit was to locate it within the context of a wider history, that of Europe’s global conquest and expansion’ (Mamdani 2001: 76). In particular, this approach has motivated the analysis of what has mistakenly become known as the ‘Rwandan genocide’ to encompass the entire Central African region – including the Congo, Burundi, Tanzania and Uganda (Mamdani 2001: 8), and all of these countries in precarious post-colonial (nation) state formations. It is an ambit for which Hannah Arendt’s analysis of declining European empires and nation states at the beginning of the 20th century could have served as a template, pervaded, as both are and were, by movements of people dislocated by discrimination on the basis of both ethnic and racial categorisation; by homelessness, diaspora, statelessness, exile and renewed expulsion; by invasion and military-style repatriation; by civil war, state failures and

¹⁷ However, curiously, this is not what Mamdani acknowledges as his indebtedness to Arendt’s analysis.

sectionally usurped violence on a massive scale, and genocide.¹⁸

The categorisation of the Batutsi as a different ‘race’ casts them in the role as heirs of the colonial state, stoking a civic conflict played out as racial conflict. Establishing a structural equivalence between Batutsi and colonisers, both as caste and race, the genocide was legitimated as both democratic/social revolution and liberation from colonialism. Those claiming ‘Bahutu’ ethnicity did so by reference to symmetrically racialised ascriptions, considering themselves as ‘native peasants’ enslaved by aristocratic invaders, and liberated by the 1959 ‘social revolution’ (analogous to the French Revolution that had disempowered the aristocrats), which had restored to them the status of the only legitimate inhabitants (see Prunier 1995: 46).¹⁹

We recognise an Arendtian trajectory here, which finds its most consistent (though not explicit, deliberate or systematic) application in Mamdani’s work. Mamdani analyses the deadly dynamic of interlocking instituted social facts of various political forms of social domination, of nation, race (as both elite/caste and biologically construed ‘race’), and ethnicity converging in postcolonial Central and Southern Africa nation–state formation. This dynamic should lead us, likewise with Hannah Arendt, to challenge the equation of the democratic project with the national project.

18 Driven out by the pogroms against the Batutsi in Rwanda in 1959, exiled Batutsi had fled to other Central African countries, forming a diaspora. While they were considered to be of a different ‘race’ in Uganda, they were held to be ethnic Banyarwanda (which encompasses all Rwandans) in the countries that granted them refuge. In the early 1980s, the Rwandan government under President Habyarimana attempted to put ‘Bahutu’ and ‘Batutsi’ on an equal footing by instituting the category of ‘Batutsi’ as an ethnic category, and by admitting limited numbers of Batutsi to serve in government posts. However, this process of ‘indigenisation’ was not extended to those living in exile outside of Rwanda, who had effectively been rendered stateless. Batutsi exiles in Uganda formed the National Resistance Movement, pushing for Rwandan citizenship to be granted on the basis of residence (*ius soli*) rather than (ethnic) descent (*ius sanguinis*). This was rejected and, in 1990, the question of Rwandan citizenship was decided on the basis of ethnic descent exclusively, precipitating a crisis of postcolonial citizenship across the entire Central African region. Those exiled and rendered stateless on the basis of ‘race’ demanded indigenisation. Banyarwanda and people of Asian descent were expelled from Uganda. Banyarwanda tried to return first to Uganda, then to Rwanda, to claim citizenship rights. Under force of arms, exiled Banyarwanda were repatriated in Rwanda after the invasion of the Rwandan Patriotic Front in 1990. Racial categorisation of the Batutsi was revived in the conflict that ensued, and the distinct and mutually exclusive categorisation of Bahutu and Batutsi acquired renewed social and political significance. (Mamdani 2001: 17, 18, 135, 156, 160, 189, 232, 275).

19 Nigel Eltringham casts aspersions on Mamdani’s analysis in terms of a replay of the ‘native-settler’ dynamic in postcolonial Rwanda after 1959:

The argument that the 1994 genocide can be reduced to a playing out of the colonial dialectic ignores the fact that violence, from 1959 onwards, involved different configurations of external involvement (Belgian 1959; French 1990-1994); intra-Hutu rivalry (northern vs. south/central in 1973 and 1990-1994); the manipulation of external threats (*inyenzi* 1961-1968); events in Burundi (1972-1993). (Eltringham 2006: 434)

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HOTEL

A black and white photograph of a large, three-dimensional 'HOTEL' sign mounted on a building facade. The sign consists of thick, dark letters with a metallic, reflective inner surface. The building behind the sign features a grid of windows and balconies, with a series of vertical pipes or conduits running down the side. The sky is a flat, dark grey, providing a high-contrast background for the sign.

Hotel Rwanda – The challenges of historicising and commercialising genocide¹

Mohamed Adhikari

Hotel Rwanda is based on the true story of Paul Rusesabagina (Don Cheadle), portrayed as house manager of Kigali's luxurious Hotel des Milles Collines,² who used his position and influence to save 1,268 victims³ who had sought refuge at the hotel during the Rwandan genocide. In what many rank as the most horrifying episode in African history, an estimated 800,000 people, mainly Tutsi, were massacred by their fellow Hutu countrymen in little more than three months between early April and mid-July 1994. Most victims were hacked to death with machetes, spiked clubs or farming implements. A further half a million people died as a result of disease, famine and military action while over 2 million Hutus fled Rwanda for fear of reprisals when the invading Tutsi-dominated Rwandan Patriotic Front (RPF) took control of the country and its government in July 1994.⁴ These casualty figures are enormous if one takes into account that the population of Rwanda was approximately 7 million at the start of the genocide and that Tutsis formed about 15 per cent or just over 1 million of this total.⁵

A unique and disturbing feature of the Rwandan genocide was widespread popular participation in the killing. Estimating the number of

1 I would like to thank Benjamin Madley for reading and commenting on an earlier draft of this chapter.

2 In actuality Rusesabagina had since 1992 been general manager of the Hotel Diplomes, a smaller but more exclusive Sabena establishment within a kilometre of the Milles Collines. Prior to that he had worked at the Milles Collines since the late 1970s. Paul and his family escaped to the relative safety of the Milles Collines on 12 April 1994 (Rusesabagina 2006: 40, 47, 93-95).

3 This is the number given by both *Hotel Rwanda* and Paul Rusesabagina (Rusesabagina 2006: ix).

4 The latter figure does not take into account internally displaced persons as a result of the civil war of whom there were already at least a million on the eve of the genocide. The estimate of 800,000 slaughtered during the genocide, of whom about 50,000 were Hutu, is conservative. Some put the number at a million or more.

5 In pre-genocidal Rwanda the Hutu formed roughly 85 per cent of the population, the Tutsi 15 per cent and the Twa 1 per cent. The Twa were a forest-dwelling, hunter-gatherer people generally accepted as the aboriginal inhabitants of the region.

participants is difficult in the Rwandan case because there were often several killers per victim and killers commonly operated in crowds. While over 120,000 suspects were jailed by the RPF government by the end of the decade, many more participated directly in the killing.⁶ Even greater numbers were accessories to the crime for betraying the whereabouts of victims, urging on the killers and performing auxiliary tasks. A large part of the Hutu population was complicit by regarding the killing as necessary, turning a blind eye to it or failing to help victims.

At the start of *Hotel Rwanda* Rusesabagina is depicted as a suave, stylish man who, through a combination of deference, flattery and canny bribery, consciously stores up favours with the rich and powerful and, through his charm and resourcefulness, manages to keep the hotel's clientele happy. Paul, a member of the majority Hutu group, is married to Tatiana (Sophie Okonedo), a Tutsi, which puts them and their three children in grave danger once the slaughter begins. Left in charge of the hotel by the evacuating European management, Paul has little option but to allow more and more people fleeing the killing frenzy to cram into the Milles Collines, owned by Sabena Airlines. At first mainly interested in saving his own family, Rusesabagina subsequently takes responsibility for all the refugees at the Milles Collines when it becomes clear that intervention by the United Nations (UN) is aimed solely at evacuating foreign nationals. An uncaring and racist West was turning its back on the Rwandan crisis. In a series of daring escapades the inspirational Rusesabagina cajoles, bribes, outsmarts and confronts a variety of military officers and militia commanders in a desperate bid to prevent the Milles Collines refugees, including his family, from being killed as the madness of the genocide envelopes Rwanda. Through a combination of luck, resourcefulness and quick-witted responses in situations of extreme danger, Rusesabagina manages to keep the death squads at bay. Surviving several narrow escapes, the Milles Collines refugees hold out until the advancing rebel army allows them to flee to safety behind RPF lines in a convoy of trucks made available by the sympathetic UN colonel Oliver (Nick Nolte). Through much of the film Paul and Tatiana try desperately to find their nieces, two young children lost in the maelstrom of violence when separated from their parents who, it later transpires, had been killed. At the end of the movie the Rusesabaginas are miraculously reunited with the children in a refugee camp on their way to Tanzania.

6 For estimates of how many Hutu may have participated in the killing see Straus (2004: 85-98) and Eltringham (2004: 69).

An opportunity missed?

Hotel Rwanda makes little more than a cursory attempt to explain why the genocide happened or to sketch the political and historical context in which it unfolded. The film focuses instead on the intense drama around Rusesabagina's heroic attempts to save his charges. The choice of a strong dramatic centre clearly did not preclude the director and scriptwriters⁷ from providing sufficient background to make the reasons behind the slaughter easier to comprehend. This disembodiment of Rusesabagina's story from the complexity of its context is a central weakness of *Hotel Rwanda*.

Most obviously, better historical and political contextualisation would have made the genocide much more intelligible, and Rusesabagina's story more meaningful to viewers. Simply replacing some of the superfluous and repetitious scenes, especially those involving a tearful and frightened Tatiana, with ones clarifying some of the complexities of the Rwandan situation would have gone a long way towards achieving these objectives. Appropriate contextualisation would also have helped strengthen the flaccid plot line and greatly improved the coherence of the film. More importantly, being the first feature-length offering with mass appeal to deal with the Rwandan genocide – about which, it needs to be said, there is a good degree of ignorance despite widespread public interest – it would not be unfair to regard the film as having a duty to inform, perhaps even educate, viewers to a greater extent than it does. This is not to advocate overt didacticism but to ask for proper contextualisation. *Hotel Rwanda* is, after all, not a movie people are likely to want to see purely for entertainment.

On the contrary, *Hotel Rwanda's* simplistic approach to the genocide is more likely to perpetuate rather than dispel stereotypes of Africa as a place of senseless violence and roiling tribal animosities. The absence of a well-founded explanation of the genocide is bound to result in many viewers falling back on shopworn, racist conventions of Western attitudes towards Africa. Indeed, the film inadvertently reinforces such mystification. When Dube (Desmond Dube) asks Rusesabagina how such cruelty could be possible, Paul simply replies, "Hatred... insanity", as if the mass killing defies logical explanation.

⁷ The film was directed by Terry George and the script was co-written by Terry George and Keir Peirson.

Terry George's overall approach may be summed up as one of evading the key issues at stake in the Rwandan genocide.⁸ As one reviewer commented:

One of the ways filmmakers have traditionally tried to make unpleasant scenarios more palatable to audiences is by changing the focus from the awfulness of events to individual acts of bravery, from the complicity of the many to the heroism of the few. *Hotel Rwanda* saw the opportunity to take this path and did not hesitate. (*Cape Times*, 10/6/2005)

Many viewers will have been enticed into seeing the movie in the expectation of gaining insight into one of the most heinous crimes of the recent past. Instead, viewers come away with little real insight but a formulaic story about the triumph of the human spirit in which the focus is diverted from the dire human cost of the carnage and the disturbing questions it raises to the noble actions of a single hero and a love that transcends the chaos and brutality. *Hotel Rwanda* promotes a simplistic morality of good conquering evil and has very little of substance to offer by way of elucidating viewers as to why the Rwandan genocide was possible in the first instance.

This is not in the least to criticise *Hotel Rwanda* for focusing on an individual, for individual experiences can indeed be a most effective vehicle for illuminating broader social, even global, experiences and truths. The trick in doing this successfully is to bring into a simultaneous frame of reference localised detail and broader social structures and experience. *Hotel Rwanda* fails to do this through a lack of appropriate contextualisation of its subject matter and choosing to focus on a set of experiences that were atypical of the Rwandan genocide. Rusesabagina may well have succeeded in saving all of the refugees at the Milles Colines but nearly 80 per cent of the internal Tutsi population succumbed in the genocide. A large proportion of those who survived were physically maimed, many died in the aftermath, all were very deeply scarred emotionally and had little option but to continue a fraught existence as a small minority amongst a hostile majority.

This is also not in the least to argue that the film is not justified in reinforcing the optimistic message that the actions of individuals of conscience can make a big difference, even in the face of overwhelming odds and the most abominable evils imaginable. After all, like its

8 The key issues would include why the genocide occurred, why there was such widespread popular participation and how one explains the ferociousness of the violence that was perpetrated. The racially motivated inactivity of the West, which George foregrounds, though important, is of secondary significance in my estimation.

most obvious parallel, *Schindler's List*, *Hotel Rwanda* is based on a true story and Rusesabagina deserves to be lauded for his extraordinary courage, his integrity and his altruism. However, to communicate this message as ineptly as *Hotel Rwanda* does, represents a missed opportunity to disseminate a cogent understanding of the Rwandan genocide to an expectant world-wide viewership, the greater part of which has had little opportunity of grappling with the meaning of this atrocity through the popular media. This is all the more the case since the release of the movie during the 10th anniversary of the genocide generated added popular interest.

These criticisms are made in full recognition that there are limits to what can be packed into two hours of viewing, to the demands that can be made on the attention span of popular audiences and that commercial imperatives inevitably weigh on a movie of this sort. *Hotel Rwanda* could, however, have done a far better job, given the constraints of the medium and the opportunities offered by the Rusesabagina story, of informing a receptive audience about the Rwandan holocaust and of raising consciousness about the scourge of genocide. The feature film is an extremely powerful medium and the Rwandan genocide a potentially explosive issue but *Hotel Rwanda* comes nowhere close to fully exploiting their potential.

The particular challenge of the Rwandan genocide

In explaining the Rwandan genocide one is faced not merely with the questions of how and why the genocide occurred, but crucially, also with accounting for large-scale popular participation in the killing. In his insightful study, *When Victims Become Killers*, Mahmood Mamdani thus stresses: 'My main objective in writing this book is to make the popular agency in the Rwandan genocide thinkable' (Mamdani 2001: 8). The particular challenge of the Rwandan genocide is to provide an understanding of how and why the hatred of one social group towards another, when the two had lived together for centuries, intermarried extensively and shared an identical culture, could become so virulent that hundreds of thousands of members from one group could in a three-month rampage kill over 800,000 compatriots. Most of the slaughter was conducted in face-to-face encounters involving acts of unspeakable cruelty and in many cases the victims were the colleagues, neighbours, friends, even family of the perpetrators.⁹

⁹ Mamdani also points out that few of the perpetrators had killed before. Many of the leaders were highly educated professionals – clerics, doctors, judges – whose training militated against such abuses and much of the killing took place at sites of sanctuary – churches, hospitals, schools (Mamdani 2001: 7).

Hotel Rwanda provides no real answer to this question and offers little more than two short pieces of discourse that are meant to furnish historical background and political context to its plot. The first is a voice-over from an RTLM¹⁰ radio broadcast, presented against a black screen at the very start of the film, which summarises Hutu extremist attitudes towards the Tutsi:

When people ask me, good listeners, why do I hate all the Tutsi, I say, 'Read our history.' The Tutsi were collaborators for the Belgian colonists. They stole our Hutu land, they whipped us. Now they have come back, these Tutsi rebels. They are cockroaches. They are murderers. Rwanda is our Hutu land. We are the majority. They are a minority of traitors and invaders. We will squash their infestation. We will wipe out the RPF rebels. This is RTLM Hutu Powa Radio. Stay alert, watch your neighbours.

This is supplemented by a two-minute bar-room scene early on in the movie in which a Rwandan journalist explains the difference between Hutu and Tutsi to a Western counterpart, Jack Dalglish (Joaquin Phoenix):

According to the Belgian colonists the Tutsi are taller, are more elegant. It was the Belgians that created the divisions... They picked people – those with thinner noses, lighter skin. They used to measure the width of people's noses. The Belgians used the Tutsis to run the country. Then when they left, they gave the power to the Hutus and of course the Hutus took revenge on the elite Tutsis for years of repression.

After questioning two local patrons at the bar about their identities – one of whom turns out to be Hutu, the other Tutsi – an incredulous Dalglish comes to the conclusion: 'They could be twins'.

This elucidation of Hutu-Tutsi differences is grossly simplistic and misleading, and is blatantly untrue in some respects. The suggestion that Hutu and Tutsi identities are the arbitrary creations of Belgian colonialism is clearly untenable. Also, the insinuation that Hutu and Tutsi are physically indistinguishable from one another is disingenuous. While some people classified Hutu conform to the Tutsi physical stereotype, some Tutsi 'look Hutu' and a good proportion of people fall somewhere between the two racialised ideals, there clearly also is

¹⁰ *Radio et Television Libres des Milles Collines*, an extremist Hutu radio station funded by Hutu extremists within Habyarimana's inner circle, started broadcasting from July 1993 onwards. It disseminated virulent anti-Tutsi propaganda and urged on the killers during the genocide.

substantive correlation between social identity and outward appearance.¹¹ The best that can be said of the film's depiction of the Hutu-Tutsi distinction is that it embodies the idea that identities are socially constructed. Overall, the explanation of Hutu-Tutsi conflict provided by *Hotel Rwanda* does not make the genocide remotely credible.

Mamdani eloquently warns against ahistorical approaches of the sort deployed in *Hotel Rwanda*: '...atrociousness cannot be its own explanation. Violence cannot be allowed to speak for itself, for violence is not its own meaning. To be made thinkable it needs to be *historicized*' (Mamdani 2001: 228–29). This is not to suggest that the cause of the Rwandan genocide lies in ancestral hatreds or age-old tribal antagonisms as is often suggested in the Western media. On the contrary, the manipulation of social identities by politicians and political parties for their own purposes and short-term gain in the post-independence period was central to inflaming Hutu-Tutsi animosities. The film also hides from the viewer the intensifying struggle through the early 1990s for political power between factions of the ruling Hutu elite that precipitated the resort to genocide amongst extremists. Most immediately, the conflict could not have escalated into a genocide of such scale and efficiency without a degree of planning for mass violence against the Tutsi population as well as the mobilisation of both the state bureaucracy and the armed forces for this purpose. The Hutu-Tutsi cleavage and its intensification into blind hatred, however, has a longer history than *Hotel Rwanda* would have us believe because it predates the Belgian colonial presence even though Rwanda's colonial experience was integral to making genocide possible.

The historical and political context

A key observation of Mamdani's study is that colonialism was the crucible in which the pre-colonial identities of Hutu and Tutsi were recast and mythologised in ways that would later contribute directly to the genocide.¹² *Hotel Rwanda's* claim that 'the Belgians created the divisions' smacks of a 'merrie Africa' view of the pre-colonial past. Indeed, that assertion is patently false, for when Germany first assert-

11 This is of course not to suggest that the essentialised reifications and racialised caricatures of Hutu and Tutsi that have actuated Rwandan politics for generations exist in reality.

12 Because pre-colonial Rwandan society was pre-literate many aspects of its history are hazy, and because competing interpretations of its past have been pressed into service for political ends much of Rwandan history is highly contested. The following synopsis, which draws substantially on Mamdani's *When Victims Become Killers*, is offered with due caution.

ed imperial authority over this colony in the mid-1890s¹³ the greater part of present-day Rwanda was under the control of a centuries-old monarchical state¹⁴ fairly rigidly stratified into a ruling Tutsi elite that almost exclusively practised pastoralism and Hutu commoners who were mainly agriculturalists.¹⁵

In pre-colonial Rwandan society Hutu and Tutsi were neither ethnic nor racial identities. Firstly, there had been a thoroughgoing acculturation between the two groups by the time of colonisation. Over several generations Hutu and Tutsi intermarried extensively, came to share the same language, Kinyarwanda, as well as the same social customs and religion. Secondly, it was possible for a small number of the most successful Hutus to become Tutsi, through the practice of *kwii-hutura* (shedding Hutuness), and for a fall in social status from Tutsi to Hutu (*gucupira*) to occur.¹⁶ Also, Hutus were not completely excluded

13 Germany claimed Rwanda as a colony in the mid-1880s but only posted colonial administrators a decade later.

14 A Tutsi-dominated state emerged in east-central Rwanda from the early 16th century onwards and had developed into a highly centralised monarchical state by the middle of the 18th century. The mwami (king), considered to be of divine origin, was in control of a standing army and ruled through an elaborate bureaucracy of mainly Tutsi chiefs. The Tutsi aristocracy maintained control through a feudal-like arrangement of clientship known as *ubuhake*. In this arrangement of mutual obligation the patron would provide the client with cattle and access to land in return for loyalty, tribute payments and labour service (*ubureetwa*). Nearly all patrons were Tutsis and clients could either be Hutu or poorer Tutsi. Only Hutu were subject to labour service, underscoring their subservient status. Not all Tutsi were wealthy and not all Hutu were poor though high status and political power were firmly associated with the Tutsi.

15 The archaeological record indicates that about 3000 years ago migrating Bantu-speaking people probably from west-central Africa settled in the area of fertile highlands that today comprises Rwanda and Burundi. Their descendants would later form the basis of the Hutu grouping. Hutu identity is clearly not primordial but most likely emerged amongst subject people in response to Tutsi state formation. About six centuries ago they were joined by pastoralists who had most probably come from present-day south-eastern Ethiopia and Somalia. These people and their descendants came to form the basis of the Tutsi grouping. The new migrants were not only culturally distinct from the Hutu but were also physically different, being tall and slender with thin, elongated features which were an adaptation to the hot, dry climate from which they emanated. Some scholars would add that their tall stature was also partly due to a protein-rich diet of milk and meat. The evidence points to the pastoralist Tutsi and Hutu cultivators living together peacefully in the earlier period of contact. In Kinyarwanda the word Tutsi means 'rich in cattle' while Hutu means 'subject' or 'servant'. The correlation between identity and economic activity was far from absolute. There were many poorer, even cattleless, Tutsi and some richer cattle-owning Hutu in pre-colonial Rwanda.

16 A Hutu family that had gained significant wealth and managed to marry Tutsi women could over a period of a few generations become Tutsi. This co-opting of successful Hutu was crucially important for shoring up minority Tutsi control by preventing the emergence of a Hutu counter-elite.

from power.¹⁷ The distinction between Hutu and Tutsi was thus not rigidly defined by birth but was in essence a political one – about who exercised power and who was subject. Given this flexibility the Tutsi state was able to survive for over four centuries with surprisingly little conflict between Hutu and Tutsi.¹⁸

While *Hotel Rwanda* does not mention it, German colonialism was important in racialising Hutu and Tutsi identities and promoting inter-group conflict. The Germans' lack of interest in the colony and its resort to indirect rule meant that Tutsi structures of domination and state authority, the monarchy and the state bureaucracy, remained intact. Thus although the Rwandan state had lost its independence, the Tutsi elite actually became more powerful, using German backing to extend its control beyond the reach of the pre-colonial state and to exact higher tribute payments and labour service. These demands fell particularly heavily on the Hutu peasantry, creating intense resentment. Indirect rule meant that, to ordinary Hutu peasants, their lives were not dominated by German colonial masters but by an increasingly oppressive local Tutsi elite.

Very importantly, under German rule the colonial establishment resorted to the Hamitic myth to explain the nature of the society it encountered in Rwanda and to justify the colonial order it instituted. Both German colonial administrators and missionaries saw Tutsi political dominance as well as their typically tall, thin stature as evidence of Tutsi racial superiority and that they were of Hamitic origin while the Hutu were classified as Bantu and racially inferior.¹⁹ The Tutsis were thus seen as natural allies for governing this colony and

17 At the lower levels of the bureaucracy it was not unusual to find Hutu chiefs and there were even a few in the upper levels of the provincial administration. In its more mature form the pre-colonial Rwandan state consisted of several provinces, each of which was administered by three chiefs – one who oversaw issues relating to agriculture, another one who was in charge of cattle and grazing and a third responsible for military matters, especially recruitment to the army. While the latter two positions were always filled by Tutsis, the first-mentioned was sometimes occupied by a Hutu.

18 Much of the serious conflict was between rival Tutsi clans vying for power. For conflict between Hutu and Tutsi in the pre-colonial period see Vansina (2004).

19 Europeans used the Hamitic theory to explain away evidence of social or technological advancement in African societies by attributing these achievements to the influence of ancient Hamitic peoples who were supposed to have migrated into sub-Saharan Africa from Egypt or Ethiopia. Though dark-skinned, the Hamites were taken to be Caucasoid and therefore racially superior. They were deemed to have spread elements of their civilisation, be it metallurgy, building styles, state formation or irrigation methods, to the inferior Bantu peoples as they migrated through Africa, eventually becoming corrupted and absorbed by them. The Tutsis, generally being physically different from Hutus and of somewhat lighter skin tone, were held up as examples of descendants of these racially superior Hamites.

were taken up by the colonial state as collaborators to rule, administer and exploit in its name. The Hamitic hypothesis is important because it constructed Tutsis as an alien, conquering race, not even African, as opposed to Hutus who were characterised as indigenous, the sons and daughters of the soil. This idea of the Tutsi as racially distinct foreigners, as invaders, was later taken up by Hutu nationalism and helped to sharpen the hatred and inform the fear and distrust felt towards Tutsi.

Belgian colonial rule²⁰ was significantly more oppressive and exploitative than that of the Germans. The brunt of this exploitation was born by the Hutu peasantry.²¹ The demands of the colonial government for forced labour for building roads and railway lines, clearing bush, planting trees for reforestation and growing export crops were passed on by Belgian administrators to Tutsi chiefs who then used their discretionary powers to enforce these measures. With unfettered control over the Hutu peasantry under Belgian rule, the Tutsi elite became rapacious, increasing both tribute payments and demands for labour service.²² Hutu who failed to comply with the demands of Tutsi chiefs were severely beaten or were denied access to land, a sanction that spelt disaster for any peasant. This intensified exploitation impoverished the Hutu peasants and left them vulnerable to famine during years of poor harvests.²³ The effect of colonial rule was to harden patron–client relationships of the pre-colonial era into ones of out-and-out exploitation.

Besides solidifying the identities of Hutu and Tutsi into caste-like racial categories colonial rule removed the flexibility and safety valves that had blunted social conflict in the pre-colonial Rwandan state. Firstly, the Belgians removed all Hutus from the state bureaucracy,

20 With the outbreak of World War I, Belgian troops occupied Ruanda-Urundi which in 1923 became a mandated territory of the League of Nations administered by Belgium.

21 While the Belgians continued to rely on the Rwandan monarchy and its Tutsi bureaucracy to collect taxes, recruit forced labour and maintain social order, they ruled more directly through their own administrators, not hesitating to curb the powers of the mwami and his bureaucracy.

22 Labour service typically increased by more than 50 per cent from one in five days to two in six days. Tutsi chiefs required, amongst other things, that Hutu work in their fields, build houses for them, collect firewood, fetch water or act as night watchmen.

23 Some Tutsi chiefs were even able to confiscate Hutu clients' possessions or part of their crops with impunity. Conditions deteriorated to the extent that tens of thousands of Hutu fled to Uganda in the 1920s, preferring to work on plantations there than face the exploitation of Tutsi chiefs back home.

making it entirely Tutsi.²⁴ Tutsis were also given favoured treatment in the education system in that they were placed in a separate stream and taught a superior curriculum in French as opposed to Kiswahili for Hutus. This was meant to ensure that only Tutsis would be qualified to occupy positions in the state bureaucracy, that Tutsis would retain dominance over Hutu and that values and beliefs appropriate to Belgian colonial interests would be inculcated into their surrogates.²⁵ Very importantly, the Belgian administration took the ultimate step in institutionalising the Hutu–Tutsi divide when in 1933 it conducted a census. In the process all colonial subjects were classified as either Hutu, Tutsi or Twa and were required to carry passes that identified them as such. No longer could wealthy Hutu become Tutsi or disgraced Tutsi become Hutu. These identities now became permanent and inscribed in identity documents.²⁶ As is apparent in *Hotel Rwanda*, identity documents played an important part in killers identifying victims during the genocide.

The prospect in the late 1950s of Rwanda gaining independence²⁷ initiated an intense contest between Hutu and Tutsi over how and when decolonisation would occur because any degree of democratisation would either erode or overturn Tutsi political dominance. Tutsi hardliners demanded an immediate transfer of power to existing state structures while Hutu nationalists clamoured for further political reform to allow for Hutu majority rule. In this charged atmosphere of Tutsis claiming control of the state through right of conquest and Hutu nationalism painting the Tutsis as alien invaders that had enslaved the Hutu and stolen their land, a minor disturbance in central Rwanda in November 1959 escalated into a peasant revolt that soon spread to the rest of the country and became known as the Rwandan Revolution. Between 100 and 200 Tutsi were killed in the resulting pogroms, a number of Tutsi chiefs were forced to resign and

24 To streamline the administration the Belgians replaced the regional three chief system with a single Tutsi chief. These changes reduced the Hutu peasantry's channels of appeal and the chances of playing off one chief against another.

25 Hutus were not entirely excluded from education but a much smaller proportion received any schooling. The only professional outlet for better-educated Hutu boys was to train to become priests, which explains why the church network became such an important conduit for Hutu nationalism and why so many clerics collaborated with the genocidaires.

26 In the case of mixed marriages wives and children followed the designation of the father. Although there was some arbitrariness in the classification of people and a degree of manipulation of the system, people were on the whole classified in terms of their general acceptance within the society.

27 From the late 1940s the United Nations forced the Belgian administration to curb human rights abuses and implement political reform in Rwanda.

perhaps as many as 150,000 fled to neighbouring countries.²⁸ Unable to quell the unrest, the Belgian authorities ousted Tutsis from positions of power and replaced them with Hutus.

As a result of the revolution, Rwanda gained independence on 1 July 1962 under a Hutu-dominated government led by Gregoire Kayibanda. The Kayibanda regime was autocratic, corrupt and fiercely anti-Tutsi. Possibly as many as 2000 Tutsis were killed in a reign of terror in the months after independence. When exiled Tutsis launched an unsuccessful invasion of Rwanda in 1963 the Kayibanda government instigated the massacre of between 10,000 and 14,000 Tutsi living within the country. This set an ominous precedent of making the internal Tutsi population scapegoats for the actions of Tutsi exiles, of civilians participating in the killing and the property of victims being distributed amongst perpetrators. Further massacres of Tutsi occurred in 1967 and 1972-73, the latter in retaliation for the genocidal massacre of 200,000 Hutus by the Tutsi-dominated government of Burundi. Calm was restored to Rwanda when the minister of defence, General Juvenal Habyarimana, took advantage of the chaos to stage a coup d'état in July 1973.

The Habyarimana regime, though even more autocratic and corrupt than that of Kayibanda, was one of relative calm during the 1970s and 1980s partly because the price of its main export crop, coffee, remained stable at relatively high levels and partly because Habyarimana took a softened stance towards the Tutsi. He allowed Tutsi participation in the government and administration in terms of a rough quota of 10 per cent and tried to change the dominant Hutu nationalist discourse from one of seeing Tutsis as a race of alien invaders to one that presented them as an indigenous ethnic group that was part of the Rwandan nation. The attempt to ameliorate attitudes towards the internal Tutsi population was negated by the failure to address the danger posed by exiled Tutsis. This neglect was in retrospect the key failure of the Habyarimana regime for it was the actions of the exiles that was to trigger the civil war and the crisis that would lead to genocide.

Hotel Rwanda also provides little insight into the more immediate socio-political circumstances that contributed to genocide. There is no reference to the severe economic crisis into which the society was thrown when the international market price of coffee, from which

28 Gangs of Hutu, giving vent to frustrations pent up over decades of oppression, moved through the countryside attacking Tutsis, especially those in authority or wealthier ones, forcing them to flee and burning their houses.

Rwanda gained over half its foreign exchange earnings, plummeted in the latter half of 1989.²⁹ The resultant insecurity and hardship were important ingredients in the escalation of violence. Hard on the heels of the economic crisis came one of even greater proportions when, in October 1990, an RPF invasion from Uganda plunged Rwanda into civil war. The small, ill-equipped Rwandan army was unable to counter the guerrilla tactics of the battle-hardened, well-disciplined RPF fighting force backed by the Museveni government of Uganda.³⁰ Throughout the early 1990s Rwanda was in the grip of civil war, which went badly for the Rwandan army and Habyarimana. Put under severe pressure by the RPF invasion, the economic crisis and a dramatic rise in military spending, Habyarimana was forced by his foreign backers, especially President Mitterand of France, to agree to a process of internal political reform and to negotiate a settlement with the RPF. By the latter half of 1993 these talks, held at Arusha, Tanzania, yielded a ceasefire as well as an agreement to form a power-sharing transitional government with the RPF.

Demanding loyalty to the Hutu nation above all else in this time of unprecedented crisis, Hutu extremists, many of whom were to be found in the ruling party, the army and upper levels of the state bureaucracy, regarded Habyarimana's reforms as betrayal and were determined to derail the Arusha agreement. In this atmosphere of sustained and dire crisis that included economic collapse, effective defeat in civil war, heightened racialised hatred, recurrent political assassination, periodic massacre of Tutsis³¹ and a disintegration of social order, the Hutu extremist leadership resorted to mass violence against Tutsis as a solution to the problems facing the Hutu nation. Their tactics included the training of *Interahamwe*³² militia, the vilification of Tutsi through a concerted propaganda campaign, the importation of tens of thousands of machetes and the circulation of hit lists of promi-

29 Foreign income from coffee exports dropped to one fifth of its 1980s level within four years. The currency was severely weakened, state revenues fell drastically and peasants growing coffee faced destitution.

30 Exiled Rwandan Tutsis formed a significant proportion of Museveni's rebel fighting force and played a major role in his overthrow of the Obote government in the mid-1980s. Unable to meet their aspirations of citizenship because of growing Ugandan resentment of exiles, Museveni tried to rid himself of a potentially dangerous problem by supporting their armed repatriation to Rwanda.

31 The main massacres were of an estimated 300 Tutsis at Gisenyi in October 1990, of at least 1000 across the north and northwest provinces in January 1991, of several hundred in Bugesera in February and March 1992 and a further 300 in northwest Rwanda in January 1993.

32 *Interahamwe*, Kinyarwanda for 'those who attack (work) together', was the youth militia attached to the ruling MRND party.

ment Tutsis and moderate Hutus. The genocide itself was set in motion by the assassination of Habyarimana on 6 April 1994 when the aeroplane in which he was travelling was shot down over Kigali airport. A coup d'état by Hutu extremists followed and killings started almost immediately.³³ With 'a well organized civil service, a small, tightly controlled land area, a disciplined and orderly population, reasonably good communications and coherent ideology (of Hutu Powa) the lethal potential' of the Rwandan situation was realised during the next three months (Prunier 1998: 238).

Some aspects of the early 1990s crisis is reflected in the early parts of *Hotel Rwanda* in that the society is presented as dysfunctional, with palpable social tensions and a serious degree of political instability. Soldiers are a common sight on the streets of Kigali, an unruly Hutu Powa rally underscores the naked aggression felt towards Tutsis and radio broadcasts spew forth virulent anti-Tutsi propaganda. That Paul is forced to source hotel supplies from a business run by an *Interahamwe* leader, George Rutaganda (Hakeem Kae-Kazim), is indicative both of endemic corruption as well as the economic woes of the country. Not only are ordinary commodities such as whisky, beer, rice, beans and toilet rolls in critically short supply but their sale is monopolised by a small group of people who are either part of, or connected to, the political elite. While a sense of disorder and a climate of fear in the society is communicated to viewers within the first few minutes, *Hotel Rwanda* comes nowhere close to evoking the profound sense of crisis or the degree of social chaos that prevailed in Rwanda on the eve of the genocide. Though chilling, episodes such as the spilling of a crate of imported machetes in Rutaganda's warehouse and the arrest of one of Rusesabagina's Tutsi neighbours do not convey much about the deep feeling of desperation that prevailed throughout Rwanda. Popular participation in the genocide needs to be understood in the context of the acute, prolonged crisis that gripped Rwanda throughout the early 1990s. It was in particular the fear of invasion and the return of Tutsi domination that helped mobilise the masses to the cause of Hutu extremism.

Too much heroism, too little horror?

Hotel Rwanda has a decided tendency to understate the horrors of the Rwandan genocide and even to romanticise aspects of the story it tells. This is mostly due to a box-office strategy that seeks to make the

33 The debate around the origin of the Rwandan genocide has recently taken on an intentionalist versus functionalist aspect reminiscent of controversies over the Holocaust. For a review of the debate see Straus (2008: 521-27). For a 'twisted road' view that argues persuasively for a process cumulative radicalisation against the current consensus of a 'meticulously planned genocide' in the case of Rwanda see Straus (2006).

genocide more tolerable to a mass audience. It is also partly a result of trying to communicate an optimistic message about the ultimate triumph of human benevolence and partly a product of the decision to focus on a case that is unrepresentative of this catastrophe.

The pervasiveness of this propensity becomes strikingly evident when the film is compared with Paul Rusesabagina's restrained account of the genocide in his autobiography, *An Ordinary Man*, published in early 2006. *Hotel Rwanda* conspicuously underplays the miserable conditions under which refugees crowded together for those 76 days in the Milles Collines. Unlike the film where Rusesabagina had a spacious suite almost exclusively reserved for his family, in reality he shared it with up to 40 people. It became so crowded that his wife had to reserve a space next to her for him to sleep at night. Water and electricity supplies to the hotel were already cut in mid-April. The swimming pool, the only source of water, held less than two months' reserve at a quota of 1.5 gallons per person per day. Occupants were thus restricted to dipping the small, plastic, wastepaper bins in their rooms in its yellowing water twice daily. In addition to drinking, cooking and washing, this meagre supply had to be used to flush toilets clogged with a build-up of excrement as well. While Rusesabagina's description of the situation as one of 'people crammed together in the rancid half-light, each nursing their own horrors' is understated, scenes of the Milles Collines in *Hotel Rwanda* too often take on the aspect of a somewhat crowded holiday camp (Rusesabagina 2006: 110–14, 131, 139).

The penchant for romanticism is, however, nowhere more marked than in the clumsy wrapping-up of the story at the end of the film. The improbable saving of the UN convoy from an *Interahamwe* mob through a fortuitous RPF ambush is inept and the subsequent depiction of an all too orderly refugee camp with its all too ample medical facilities is another example of the movie's tendency to underplay the wretchedness of the Rwandan situation. Most conspicuously, however, the film succumbs to a cloying sentimentality with its conventionally Hollywood ending.³⁴ One piece of shameless distortion is that the film's ending gives one the impression that Paul and his family pass through the refugee camp on their way to Tanzania and then on to Belgium, picking up his nieces and a bunch of orphans for good

³⁴ The film conveniently neglects to inform viewers that Rusesabagina lost more than 15 members of his extended family including his mother-in-law, one of her daughter-in-laws and six grandchildren (Rusesabagina 2006: 173–75; *Sunday Times Magazine* 5/6/2005). See also <http://www.week.com/editorial/3109/5893/>, accessed on 24 February 2006.

measure – and off they go hand in hand into the sunshine to safety. The reality is that the Milles Collines refugees were taken to a camp just outside of Kigali where conditions were squalid, where they were abused by RPF soldiers and some would even die at the hands of the RPF. And instead of going off to safety in Belgium Paul and his family returned to Kigali where they lived for another two years in very trying circumstances. It was only after a botched attempt on his life by an army officer attached to the intelligence service that Paul decided that it was too dangerous for him to continue living in Rwanda and sought refugee status in Belgium (Rusesabagina 2006: 165–80). This and many other distortions are all for the sake of manufacturing an upbeat ending to fit the film’s moral and commercial agendas.

Hotel Rwanda’s sunny denouement also strikes a false note because it actively encourages uninformed viewers to conclude that with the RPF about to capture Kigali, the genocide will soon come to an end and Rwanda will settle down to an edgy calm. The first item on the endscroll intimates as much. Yet not only did substantive killing continue within Rwanda itself but the regional repercussions of the genocide were to result in devastation for large parts of the eastern Democratic Republic of the Congo and ongoing civil strife in Burundi through the latter half of the 1990s. *Hotel Rwanda* shows the mass exodus of refugees but is silent about its consequences – of chaotic, ramshackle camps in which death and disease were rampant; of genocidaires regrouping, gaining effective control of these camps and sowing further mayhem and violence in the region.

It should thus not come as any surprise that *Hotel Rwanda* quite deliberately avoids depicting the full horror of the violence perpetrated during the Rwandan genocide. In an interview in Johannesburg to promote the movie Terry George answered critics of his evasion of graphic violence by making clear that ‘...there was no way I was going to shoot a bloodfest film with people being hacked to death with machetes... I set out to create a political entertainment story rather than a pornographic depiction of the terror and violence’ (*Sunday Times Magazine* 5/6/2005).³⁵ Thus the only actual killing one sees is a short, indistinct sequence of people being hacked by machete, filmed at a distance and replayed on a tiny television screen by members of the news crew stationed at the Milles Collines. For the rest, the slaughter is presented indirectly. For example, a few corpses are strewn about the front gardens of houses and Rusesabagina’s blood-

35 In the interview recorded on the *Hotel Rwanda* DVD itself George reveals that this was part of his box-office strategy, ‘I did not want anyone to feel that they should avoid this film because it was gory and it would be distasteful to watch.’

spattered son serves as evidence of the murder of one of his neighbours. The high point of horror in the movie occurs in a fictional scene when Paul and Gregoire (Tony Kgoroge) encounter the victims of a massacre after being deliberately sent along the ‘river road’ by George Rutaganda. Driving along, their van suddenly seems to hit an exceptionally bumpy and deeply rutted stretch. Thinking that they had strayed from the road, Paul gets out of the vehicle only to fall onto mutilated bodies that had been left lying in their path. Their grotesque poses and facial expressions frozen in terror are depicted through the softening effect of pre-dawn darkness and swirling fog. The camera then pans upwards to reveal corpses carpeting the long stretch of thoroughfare in the gathering light.

An obvious response to Terry George’s defence is that confronting the reality of the iniquitous violence that transpired in Rwanda does not have to be ‘pornographic’ or require a resort to tactics of the ‘bloodfest’ genre. Depicting mass violence in ways that do not diminish its reality for the viewer yet do not denigrate victims or trivialise the pain of survivors is one of the core challenges movie-makers of genocide face. Such films will always raise vexing questions about the ethics of creating entertainment out of mass murder, of appropriate ways of commercialising atrocity, of how to engage viewers with visual representations of unspeakable cruelty without desensitising or alienating them. Finding a balance between these sorts of tensions lies at the heart of the making of feature films about genocide (Onstad 2005). The specific circumstances of the Rwandan genocide demand a degree of engagement with human depravity and mass violence that is lacking in *Hotel Rwanda*. Terry George gets the balance wrong. There is too much heroism and too little horror in *Hotel Rwanda*, too much romanticism and too little reality.

Exploiting Western guilt

A major theme in *Hotel Rwanda*, one that is relatively well accomplished, is the failure of the international community to act, even when it became apparent early on that the escalating massacres were not the product of a spontaneous, popular uprising but a planned extermination of the internal Tutsi population. It seems clear that playing on Western guilt about Rwanda is part of the movie’s commercial agenda. It is no coincidence that a key image used to market the film is of Rusesabagina and the rest of the Mille Collines refugees, nuns foregrounded, standing in the rain in front of the hotel as the intervention force and foreign nationals are about to leave, deserting the Rwandans in their hour of greatest need. The tagline used to promote the movie: ‘When the world closed its eyes, he opened his arms’.

When the violence erupted foreign governments were mainly interested in evacuating their citizens and cared little about the fate of Rwandan victims. A shameful aspect of the Rwandan genocide is that a little more than two weeks after the start of the massacres the United Nations Security Council (UNSC) passed Resolution 912 to reduce the troop strength of the United Nations Assistance Mission to Rwanda from 2500 to a mere 270 despite repeated pleas by its commander, Romeo Dallaire, to have reinforcements sent out and to be allowed to conduct arms seizures.³⁶ Member nations of the UNSC, especially the United States, feared being caught up in an intractable and costly conflict as had happened with US intervention in Somalia the previous year. The UNSC decision to reduce its troop presence to a token force signalled to the genocidaires that the international community would not intervene and that they would have a free hand in exterminating the Tutsi. Kofi Annan who headed the UN Peacekeeping Department at the time correctly judged it to be less a lack of information than a lack of political will that stood in the way of an effective response by the international community.³⁷

Some of this travesty is mirrored in *Hotel Rwanda*. Early on Colonel Oliver, loosely based on Dallaire,³⁸ states the UN's position in a television interview; 'We are here as peace-keepers not as peace-makers. My orders are not to intervene.' The determination of the West to avert its gaze even when it knew that a full-scale genocide was in progress is disclosed in the scene in which the refugees listen to a radio broadcast in which the hapless Christine Shelly, US State Department spokesperson, tries to defend the use of the term 'acts of genocide' as opposed to 'genocide' itself to describe what was happening in Rwanda. The Clinton administration resorted to these semantics because to admit that genocide was in progress in Rwanda would have obliged it as a signatory to the United Nations Convention on Genocide to act to stop the killing. That Paul within a matter of minutes is able to get Mr Tillens, the president of Sabena, to apply international pressure to avert their imminent slaughter when

36 Yet six days later the UNCG passed a resolution to send 6500 extra troops to Bosnia. (Klinghoffer 1998: 49).

37 In January 1994 Dallaire warned UN headquarters that a genocide of the Tutsis was being planned and the following month he informed his superiors that target lists and weapons for this purpose were being distributed. For Dallaire's account of his experiences as commander of UNAMIR see Dallaire (2003) and for studies on the international response to the Rwandan crisis see Klinghoffer (1998), Melvern (2000), Barnett (2002), Power (2003: ch. 10).

38 There would have been an uncanny resemblance had a moustache been added to Nolte's face.

all the hotel's occupants are ordered out of the building by a belligerent Rwandan army lieutenant, is meant to indicate how easily international pressure could have been applied to halt the killing and how little effort on the part of Western powers was needed to stop the genocide (Rusesabagina 2006: 141).³⁹ In reality, though, it was not his sympathetic Belgian boss's international connections that saved the day but Rusesabagina's frenzied phone call to the Rwandan chief of police, General Ndindiliyimana, that resulted in the evacuation of the hotel being called off.

Though highly critical of the UN, the film-makers are sympathetic towards the hamstrung Dallaire. Oliver is thus depicted as willing to intervene aggressively to stop the killing but frustrated by a lack of resources and a mandate that leaves him with little leeway to act. Nearly overwhelmed by a situation over which he has almost no control, Oliver nevertheless strives to do all he can to save Rwandan lives, not least those of the Milles Collines refugees. The real-life Rusesabagina is also scathing about the UN, considering it 'worse than useless' and saying they 'would have been better off' had it not existed because it 'allowed the world to think that something was being done... It created a fatal illusion of safety.' Rusesabagina is less sympathetic than *Hotel Rwanda* towards Dallaire. Though he recognised that Dallaire 'acted with honour and determination' under extremely difficult circumstances, he criticises him for not heeding his appeal to protect the Milles Collines refugees and feels that Dallaire 'should have disobeyed his foolish orders from New York and acted more aggressively to stop street murders from taking place' (Rusesabagina 2006: 103–5).

Given the inertia of the international community, it was left to the invading RPF to stop the genocide. Spurred on by evidence of widespread mass slayings, the RPF captured Kigali on 4 July and mopped up the remnants of Hutu resistance within the next two weeks. *Hotel Rwanda* is thus favourably disposed towards the RPF. Not only does the RPF magnanimously negotiate a deal with the Rwandan army through Colonel Oliver to allow the Milles Collines refugees to escape to safety behind their advancing line but RPF soldiers are also shown saving their convoy when an *Interahamwe* mob closes in on it as it is about to cross over into RPF-held territory. This one-sided portrayal of the RPF is somewhat naïve for although it ended the genocide, the RPF was complicit in the violence in a range of ways.⁴⁰ The

³⁹ For another description of this incident see des Forges (1999: 633–34).

⁴⁰ For an analysis of the ways in which the RPF-dominated government has exploited such simplistic perceptions of the Rwandan situation to its advantage see Pottier (2002).

RPF invasion was a key element in the potent mix that resulted in genocide, it perpetrated a good deal of violence during the civil war, RPF soldiers carried out revenge killings of tens of thousands of people during and after the genocide,⁴¹ and in April 1995 RPF soldiers were responsible for the deaths of perhaps 5000 people in the notorious Kibeho camp massacre.⁴² Rusesabagina himself is less than complimentary towards the RPF (Rusesabagina 2006: 165-67).

Throughout the first half of *Hotel Rwanda* Rusesabagina is confident that the UN or an international intervention force will soon put an end to the killing. Paul tries to comfort an anxious Dube with his misplaced conviction that the extremists' time will soon be over. He also dismisses his brother-in-law Thomas's warning of impending mayhem on the presumption that the current violence will be curbed because 'the UN is here now' and 'the world press is watching'. In a later encounter Paul tries to reassure Dalglish that he was glad that their camera crew had managed to film graphic footage of a machete massacre near the hotel because it would spur foreign intervention. The jaded Dalglish, however, does not share Paul's optimism. In a well-delivered line he explains that when Westerners 'see this footage they'll say "Oh my God that's horrible!" and they'd go on eating their dinners.' When the hoped-for international intervention force does arrive and it becomes clear that it was there only to evacuate foreign nationals, who in any event were not in immediate danger, Colonel Oliver expresses his anger by throwing a tantrum in which he slams his UN beret onto the ground at the feet of his commander. A dispirited Oliver soon after gives vent to his disgust at Western racism towards Africa; 'Paul, you should spit in my face... We [the West] think you're dirt, Paul... You're black, you're not even a nigger. You're an African... They're not going to stay, Paul. They're not going to stop the slaughter.' Later Mr Tillens points to Rwanda's lack of strategic significance to the West: 'They are cowards, Paul. Rwanda is not worth a single vote to any of them... The French, the British, the Americans.'

Interwoven with this theme of the international community betraying the people of Rwanda is that of the growth of Rusesabagina into an altruistic hero. The self-assured Rusesabagina that we see at the

41 See Eltringham (2004: 103-11) for a discussion of the subject. See also Dallaire (2003: 515) for the accusation that Paul Kagame, for strategic reasons, did not move as swiftly as he could have to end the genocide.

42 Kibeho was the last of the camps of internally displaced persons to be dismantled. Panicky because the camp housed a large number of hard-core Interahamwe militia, RPF soldiers fired indiscriminately into the crowd when a stampede occurred. For accounts of the Kibeho massacre see Pottier (2002: 76-81, 160-70) and Gourevitch (1998: 185-208).

start of the film essentially acts from selfish motives, revelling in his success and the acceptance he wins from Westerners and the Rwandan elite. He consciously cultivates those with power and influence for his own and family's benefit. Thus when his neighbour, Victor, is arrested early on in the movie and Tatiana implores him to use his high-level connections to intervene, Paul declines, saying that he is storing up favours for when he or his family needs them. 'Family is all that matters', he says. Early on Paul is also reluctant to shelter neighbours at his house or to take on additional refugees at the Milles Collines. Throughout the first half of the film one sees evidence of Paul becoming a more humane being as the situation he faces becomes progressively more desperate. The turning point, however, comes when it is apparent that the intervention force was aimed solely at rescuing foreigners. Western indifference to their plight comes as an epiphany for Paul. He confides to Tatiana: 'I am a fool. They (whites) told me I was one of them and...I swallowed it. And they handed me their shit.' The realisation that 'There will be no rescue... We can only rescue ourselves' has a galvanising effect on Paul. He takes full charge of the situation, devoting himself and all the resources at his disposal to saving the lives of those who continue to crowd into the Milles Collines. An inspired initiative is to use the hotel's functioning telephone line to launch a highly successful campaign in which the Milles Collines refugees persuade international contacts to lobby foreign governments on their behalf. Paul's advice that 'We must shame them into sending help' underscores the film's message about Western indifference. Rusesabagina's maturation into a heroic figure is complete when he demonstrates that he is prepared to sacrifice his life for the refugees he has taken under his wing. Thus when the opportunity arises for the Rusesabaginas to leave for Tanzania on a UN-escorted convoy, Paul on the spur of the moment tricks the rest of his family into leaving without him. He calls out to a near hysterical Tatiana trapped in the back of a departing truck, 'I cannot leave these people to die'.

In the process the film glorifies Rusesabagina as having almost singlehandedly saved the refugees at the Milles Collines. However much one might admire the figure of Rusesabagina in the film and however honourable his actions in real life, one is compelled to ask to what extent he deserves being elevated to this status. Paul Rusesabagina's less pretentious account in his autobiography confirms the suspicion that *Hotel Rwanda* considerably exaggerates his role in the whole affair.⁴³

43 For a more detailed discussion of this point and other issues covered in this chapter see Adhikari (2006)

Conclusion

In the final analysis *Hotel Rwanda* is a film of uneven quality. While it is moving, even potent in parts, the film has serious flaws. Based on a true story, it recounts many actual events with real characters, often with a high degree of accuracy. While one is able to point to many examples of bias and misrepresentation, the main way in which the movie distorts historical truth is through omission. It does this most notably by failing to place its story within an appropriate historical and socio-political context and considerably underplaying both the violence of the Rwandan genocide and the woeful situation at the Milles Collines. Being, it would appear, over-concerned with the marketability of the film, Terry George limits his ability to exploit his medium and undermines the efficacy of his message. His treatment of Rusesabagina's story deprives it of much of its power to provoke or enlighten.⁴⁴

44 The film won widespread critical and popular acclaim. Audiences seemed to like the mixture of suspenseful drama and tender love story set within the framework of an inspirational account of ordinary humanity triumphing over the most abhorrent of evils. Film critics generally agree that Cheadle gave a performance deserving of his Oscar nomination and praise Okonedo, Nolte and Phoenix as well. It is also rare for a film primarily about Africans and with an African hero with agency to receive popular endorsement from Western audiences. It won the People's Choice Award at the Toronto Film Festival, the AFI Audience Award and the Broadcast Film Critics Association Award for best picture amongst others. For a list of awards and nominations see <http://www.imdb.com/title/tt0395169/awards>. See also http://www.rottentomatoes.com/m/hotel_rwanda/.

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The making and meanings of the massacres in Matabeleland

Ian Phimister

Something too serious for silence has been happening in Matabeleland. Moto has heard from sources too varied and reliable to be discounted, tales of brutality, atrocities and killings which, under any circumstances, are unjustifiable. (Anon. 1983)

Between early 1983 and late 1986, approximately 20,000 people lost their lives in Matabeleland, that is, the western part of Zimbabwe occupied mostly by Ndebele speakers. The murders were carried out by the Fifth Brigade of the Zimbabwe National Army. Although widely reported at the time, the massacres were largely ignored by the international community. Neither the former colonial power, Britain, nor the United States of America was prepared to lift a finger. Described by Zimbabwe's ruler, Robert Mugabe, as Gukurahundi (the rain that washes away the chaff before the summer rains), these events constituted a defining moment for his regime. In attempting to explain them, this chapter is divided into three sections, the first of which briefly outlines the origins and course of the mass violence unleashed on Matabeleland. Section II examines in more detail contemporary reactions. When surveying the possible meanings of the massacres, the final section engages with elements of the recent literature on mass violence and genocide. In doing so, this contribution builds on Katri Yap's many insights (2001), even as it takes as its starting point Mahmood Mamdani's (2007) injunction to foreground the specificity of history and politics whenever atrocities are chronicled.

I

Towards the end of August 1981, Robert Mugabe, still only prime minister and not yet president for life, announced at a ruling party rally in north-east Mashonaland that North Korea had recently given Zimbabwe US\$ 12 million to establish and train a fifth brigade of the National Army. Declaring that he was suspicious of people who did not wish to join ZANU-PF, or attend its meetings, the prime minister closed by saying that he could not 'understand the intentions of people who refuse

to join the party that was responsible for the independence and freedom of Zimbabwe' (*Sunday Mail*, 30/8/1981). One of the first harbingers of Matabeleland's subsequent fate, this announcement juxtaposed the creation of the Fifth Brigade with the renewed articulation of an authoritarian and intolerant nationalism. Quite how ruthlessly the two would operate together was soon enough revealed. Starting in Matabeleland North in January 1983, and eventually expanding to encompass Matabeleland South the following year, a campaign of terror was waged by the North Korean-trained Fifth Brigade against the region's inhabitants. Largely if not exclusively Shona-speaking in composition (*Africa Confidential*, 3/3/1982, Ndlovu-Gatsheni 2003: 24–25), it was ostensibly deployed by Mugabe to suppress dissident guerrilla activity in Matabeleland. This unrest, which the Harare government claimed was perpetrated by forces loyal to Joshua Nkomo's ZAPU party who were not prepared to accept the result of the April 1980 election, was deemed all the more dangerous because of the opportunities it provided for proxy intervention by South Africa. That the apartheid-era Pretoria regime armed and controlled bands of so-called 'Super ZAPU' insurgents as part of a wider strategy of destabilising its neighbours would seem to be beyond dispute (Hanlon 1986; Martin and Johnson 1986 and 1987; and especially Woods 2007). But it would also appear that the scale of the threat posed by dissident activity, whether internally based or externally directed, was greatly exaggerated. It was a convenient justification, cynically used by official spokesmen to turn away criticism (*The Star*, 30/3/1983; Catholic Commission for Justice and Peace and Legal Resources Foundation 1997: 27–37). Indeed, the Fifth Brigade was never put up against such armed dissidents as there actually were. Its energies were devoted entirely to the rural civilian population (*Africa Now*, 1983; *Africa Confidential*, 1984). This single-minded focus, as the journalist and former editor of the Bulawayo *Chronicle*, Geoffrey Nyarota, later described it, saw 'an estimated 20,000...innocent civilians...brutally massacred by the time Five Brigade was withdrawn in 1986' (2006: 135). Probably 'hundreds of thousands of others were tortured, assaulted or raped or had their property destroyed', concluded the Zimbabwe Human Rights NGO Forum (2007: 3). 'Of the people who died, some were shot where they were found; some were "disappeared", then executed and buried or thrown down disused mine shafts; some were taken to torture camps where some died under torture or were later executed'.

Individual testimony of the tens of thousands of crimes committed by the Fifth Brigade, removed from the regular chain of military command and answerable directly to Mugabe, was harrowing in the extreme. As much of this is in the public domain and is now well

known, thanks to the joint efforts of the Catholic Commission for Justice and Peace in Zimbabwe, and the Legal Resources Foundation, two examples must suffice. 'The uniformed Fifth Brigade soldiers arrived and ordered my husband to carry all the chairs, a table, bed, blankets, clothes and put them in one room. They also took our cash – we had \$1500 saved, to buy a scotch cart. They then set fire to the hut and burnt all our property', recalled one woman of events in western Tsholotsho at the end of January 1983. 'They accused my husband of having a gun, which he did not have. They shot at him. The first two times, they missed, but the third time they shot him in the stomach and killed him. They then beat me very hard, even though I was pregnant. I told them I was pregnant, and they told me I should not have children for the whole of Zimbabwe... they hit me on the stomach with the butt of the gun. The unborn child broke into pieces in my stomach. The baby boy died inside. It was God's desire that I did not die too. The child was born afterwards, piece by piece. A head alone, then a leg, an arm, the body – piece by piece' (1997: 52).

In February 1984, three weeks after a government-sanctioned food embargo – the deliberate denial of food and other services to the approximately 400,000 inhabitants of Matabeleland South – had come into operation, people forced to attend a rally at Sibomvu, were harangued by a Fifth Brigade officer. He told them his name was Jesus, 'one of the leaders of the Gukuruhundi'. 'These are some of the things he said at the meeting: he had some gallons of blood in his car... He wanted more blood because his supply was running low. They had come to this place to kill, not to play. They had come to kill the Mandebele because the dissidents were found only [in] their area and not in Mashonaland... He did not mind thousands of people being killed. "You are going to eat...your children. After that you shall eat your wives. Then the men will remain, and because dissidents have guns, they will kill the men and only dissidents will remain. That's when we will find the dissidents". Commander Jesus spoke in Shona while one of the soldiers translated into Ndebele' (Catholic Commission for Justice and Peace and Legal Resources Foundation 1997: 117).

II

So far as reactions at the time are concerned, what is striking is just how much, at least in broad outline, very quickly became known to the outside world. Important elements of the international press were investigating Gukuruhundi rumours by as early as late January 1983. Certainly ZAPU itself lost little time in taking foreign journalists to scenes of atrocities in Matabeleland. After witnesses gathered at Mzilikazi Meth-

odist Church in Bulawayo had testified to what they had seen and experienced, Nkomo himself denounced the Fifth Brigade as a 'political and tribal army come to wipe out the Ndebeles' (*The Star*, 2/2/1983). For his pains, Nkomo was roundly abused in Parliament the very next day. He was attacked in turn by the minister of state for defence, by the security minister, and by the home affairs minister, all the while under the brooding gaze of Mugabe. Various descriptions of Nkomo as 'sinister, deceitful, slippery, opportunistic and a national confidence trickster' and as 'a self-seeking ageing leader', ministers claimed that under his 'megalomaniac' leadership, ZAPU was plotting to 'overthrow the Govt and the dissident activities had been devised to create a state of anarchy and virtual recession (*sic*) by the province [of Matabeleland] from Zimbabwe' (*The Star*, 4/2/1983).

By early February 1983 all this was headline news in South African newspapers. Under the banner of 'TERROR TRAIL OF DEATH REVEALED', the *Rand Daily Mail* spoke of 'many atrocities' in Matabeleland, under the headline, 'New War Flames Lick over Zimbabwe' (3/2/1983; and see *The Star*, 7/2/1983). International coverage was no less detailed. Britain's *Guardian* newspaper was particularly quick off the mark, although its local 'stringer' was later to pay for his investigative professionalism by becoming the first of several journalists to be deported for their 'false reports about the situation' (2/2/1983 and 23/3/1983). In the United States, *Newsweek*, one of whose reporters had slipped into Matabeleland North in defiance of a government ban, had no hesitation in blaming the 'brutal and undisciplined' Fifth Brigade for a campaign of murder and rape. If this was not enough, at the end of the month a public call by the Anglican Bishop of Matabeleland for an impartial commission of enquiry into reports of civilian massacres was promptly backed by Amnesty International (*The Star*, 14/2/1983 and 7/6/1984; *The Financial Times*, 4/2/1983; *Rand Daily Mail*, 25/2/1983).

Spokesmen for the Harare regime denied every foreign news report. 'These reports are based on the wildest speculation and not an ounce of fact', insisted the information director, Justin Nyoka (1983). Claiming that victims in Bulawayo had told him their attackers spoke Ndebele, and not Shona, Nyoka accused the Western media of 'distortions'. Far from 3000 civilians having been murdered, less than 100 people had died in crossfire between security forces and dissidents (*Rand Daily Mail*, 28/2/1983). Nor did Harare's stance alter in the face of mounting domestic criticism. Although Zimbabwe's two government-controlled daily newspapers could be relied on to toe the official line, the April issue of the Catholic Church's *Moto* magazine, published in early March 1983, devoted an article to the 'fear and horror' gripping Matabeleland. Referring to the article in

which ‘direct reports from unimpeachable sources supported many of the allegations of killings and brutality which had appeared in the foreign press’, an editorial criticised the local media for shying away from reporting what was virtually a ‘state of martial law...[where] the gun is ruling, [and] the people live in great fear’ (*The Star*, 9/3/1983). When neither this nor private approaches elicited any response from the government, at the end of March the Zimbabwean Catholic Bishops’ Conference released a pastoral statement condemning the killing and maiming of ‘hundreds and hundreds of innocent people’. There was, the statement declared, ‘incontrovertible evidence’ of continuing ‘wanton atrocities and brutalities... We appeal to the government to exercise its authority to put an immediate stop to these excesses and to appoint a judicial commission charged with the responsibility for establishing the truth, apportioning blame and distributing compensation’ (*Rand Daily Mail*, 30/3/1983).

Never known for backing down in the face of facts and reasoned argument, the Mugabe government dismissed the pastoral statement out of hand as ‘irresponsible, contrived and propagandist’. Rejecting the bishops’ appeal for a judicial commission of enquiry, the minister for information, Nathan Shamuyarira, characterised the statement as utterly one-sided and ‘formulated in response to prodding and promoting support from foreign interests and groups hostile to Zimbabwe’. With cynical disregard for the context in which the bishops had urged the government ‘to preserve the ethnic rights of the minorities within its borders’, Shamuyarira shamelessly played ZANU-PF’s version of the anti-apartheid card. ‘We reject utterly the retrograde and reactionary plea to preserve the so-called ethnic rights, a plea which in effect invites the government to adopt in Zimbabwe the principles that underpin the abhorrent Bantustan system of apartheid in South Africa’. In any case, he argued, as Harare had evidence linking dissident activity to South Africa, the actions taken by the government in Matabeleland ‘must be seen in this light’ (*The Star*, 30/3/1983). Predictably, Mugabe himself refused to give any ground. Dismissing the criticism as ‘sermonising by sanctimonious prelates’, Mugabe insisted that ZAPU dissidents, not the Fifth Brigade, had killed and maimed hundreds of innocents (*Rand Daily Mail*, 6/4/1983). At celebrations in Bulawayo marking the third anniversary of Independence, his message was uncompromising. While noting that ‘in areas where banditry and dissident activities are rampant and civilian sympathy is a common feature, it may not be possible to distinguish innocent from guilty’, Mugabe warned that communities which sympathised with dissidents ‘must not be shocked when the Government views them as enemies of peace as much as the dissidents themselves’ (*The Herald*, 19/4/1983).

Yet for all that the ruling party in Harare railed against ‘an exceedingly hostile Press campaign by the Western media’ (*The Herald*, 19/4/1983), it had little to worry about. Several well-informed articles in *Africa Now* (April 1983), a monthly news magazine, detailing an alleged ‘Zero Hour plan’ whereby the Fifth Brigade’s operation in Matabeleland was ‘aimed not at armed rebels but at ZAPU itself’ sank largely without trace, as had an unsparing ‘Panorama’ BBC documentary broadcast the previous month.¹ After all, Nkomo’s own precipitous flight into exile in March 1983 following a Fifth Brigade attack on his Bulawayo home, had no noticeable impact on British policy towards Mugabe and his regime. Embarrassed rather than chastened, the Foreign Office refused all comment as it sought ways of accommodating Nkomo’s presence in London without offending Mugabe (*The Star*, 14/3/1983; Nkomo 1984).² So unconcerned was the old colonial power by what was going on in Matabeleland that in August 1983 it even agreed to ‘re-train’ Fifth Brigade officers (*Rand Daily Mail* 3/8/1983). Questioned about events in Matabeleland, the foreign secretary, Francis Pym, claimed that the British government had made its concerns known to Harare. Explaining that it was ‘a difficult situation for Mr Mugabe to handle’ Pym insisted that Mugabe was ‘justified in saying that he can’t allow what’s been happening in Zimbabwe to continue... he’s got to deal with the situation as he finds it... in the course of doing that some incidents have taken place which obviously everyone disapproves of, I daresay he does himself, but he’s got to get control of his country’. Towards the end of the year, neither the British prime minister, Margaret Thatcher, nor her new foreign secretary, Geoffrey Howe, made any objection to meeting Mugabe at the Commonwealth Heads of Government summit in Delhi (Keane 2002).

For both Britain and the United States, Zimbabwe was treated as a significant regional partner in a Cold War context compounded by the political passions and regional destabilisation associated with apartheid South Africa. In December 1982 Ronald Reagan had added Zimbabwe to the list of countries deemed eligible for US military aid, declaring that the ‘stability and security of Zimbabwe, a pivotal new state striving with the support of the Western democracies to achieve national unity and economic and social justice after years of civil strife, is important to US interests in Southern Africa and to world peace’ (*The Star*, 3/12/1982). Nor, apart from Bishop Desmond Tutu, as bravely

1 For a detailed account of media coverage of Gukurahundi see Stiff (2000).

2 See especially a letter written by Nkomo to Mugabe on 7 June 1983, as published in *The Zimbabwean* (24/10/2005).

outspoken then as later (*The Star*, 22/3/1983), were any of Zimbabwe's independent African neighbours prepared to voice any criticism. Moral indignation was as selective as it was contingent. In Africa as in the West, Mugabe was showered with praise even as the Fifth Brigade went about its bloody business. In August 1983, Mugabe made a triumphant state visit to Botswana, which of all countries, must have known exactly what was going on in Matabeleland. Everywhere he went, he was greeted by large and enthusiastic crowds. At a banquet in his honour, Mugabe's audience 'roared their approval' when he warned the 'racist Pretoria regime' that no amount of intimidation would ever make African states compromise their principles. Mr Mugabe, said Botswana's President Quett Masire, represented 'a symbol of hope for the people [of Namibia and South Africa] to whom freedom and justice are distant dreams still to come true' (*The Star*, 15/8/1983).

The following month found Mugabe in the United States. Here too, he was accorded a 'warm reception'. Such criticism as there was from the House Foreign Affairs committee concerned Zimbabwe's recent UN Security Council abstention from a resolution condemning Russia's shooting down of a Korean airliner. Matabeleland issues were not raised publicly. Because the Reagan administration 'attached higher priority to encouraging the prospects it still sees of Zimbabwe becoming a stable bulwark against communist expansion into Southern Africa', it was 'clearly prepared to tread softly on controversial actions by the Mugabe Government' (*The Star*, 15/9/1983). It was certainly not prepared to be influenced by the *Washington Post*, whose front-page report detailing allegations of brutality by government troops in Matabeleland, was ignored in the State Department's background briefing to Mugabe's visit. Zimbabwe, journalists were informed, was 'a very key country' with whom the US needed to 'strengthen and deepen' its co-operation' (*The Sowetan*, 14/9/1983). Such briefing took its cue from an article in *Foreign Policy* by Jeffrey Davidow, a former deputy chief of mission at the American embassy in Harare. Despite its present difficulties, Zimbabwe was undoubtedly a success story, wrote Davidow. Its government was moving forward with 'the tasks of national reconstruction and development in a manner that is heartening' (as reported in the *Sunday Mail*, 5/2/1983).

This assessment was only challenged when for a brief period the United States felt obliged to threaten that it would stop aid unless the Mugabe regime lifted an embargo on food supplies to Matabeleland South. Once this was grudgingly done, however, it was back to business as usual. During testimony before a House of Representatives hearing on Zimbabwe in May 1984, a State Department spokesman

reiterated that a successful Zimbabwe was crucial to Washington's policy in Southern Africa. 'The success of Zimbabwe's experiment with nationhood sends a clear message to the region and the world about the prospects of lasting negotiated settlements in southern Africa and of reconciliation among the region's strife-torn peoples' (*The Argus*, 28/5/1984). It was a policy that had been maintained in the face of the administration's own human rights report for 1983 (*Rand Daily Mail*, 24/2/1984), and nor did it change with the publication in 1986 of a highly critical report by the Lawers Committee for Human Rights, all the more telling because of the pains it took not to give comfort to racist opponents of black majority rule. This widely publicised report accused the Zimbabwean government of atrocities, 'including summary executions, torture, beatings, arbitrary arrests and officially condoned mob violence...on a significant scale against members of the Ndebele ethnic minority' (*Washington Post*, 1/6/1986).

Little wonder, then, that in February 1984 Nathan Shamuyarira had been sufficiently emboldened, when lecturing British and North American audiences on the many positive achievements of independent Zimbabwe, to berate the 'sensation-hungry Western press' (*Sunday Mail*, 5/2/1984). Gratifyingly for the Zimbabwean minister of information, his theme was quickly taken up by a visiting member of Britain's opposition Labour Party. Speaking in Harare, a former minister of state, Ted Rowlands, attacked British media coverage of events in Zimbabwe. 'Reports of minor clashes in Matabeleland and the detention of British pilots tended to attract more attention in Britain', said Rowlands, 'than successes in development projects undertaken since independence.' The message coming out of Whitehall was no different. Zimbabwe was 'a classic case of Press neglect and misrepresentation', explained the Foreign Office minister responsible for African affairs (*The Herald*, 10/2/1984). In the circumstances, it was hardly surprising that an impassioned intervention by Christopher Sakala, formerly deputy speaker in the discredited Zimbabwe-Rhodesia government of Bishop Abel Muzorewa, was brushed aside as special pleading. Denouncing Mugabe's tactics of 'tribal genocide, imprisonment without trial and the reservation of jobs and houses for members of the ruling party', Sakala asserted that 'human rights are abrogated in Zimbabwe with the connivance of the Foreign Office because the present Zimbabwe govt is its babe' (*The Star*, 2/2/1984).

He might have saved his breath. Leading elements of the international press were already tiring of the story. A condescending cover story in *The Economist* (21/4/1984), on 'The Pain of Peace [in Zimbabwe]', made reference to the Fifth Brigade only in the context of 'crack-

ing skulls', as if the Gukurahundi campaign was merely some kind of robust police action conducted against unruly demonstrators. In May 1986, when Amnesty International published its damning report on human rights abuses in Matabeleland, the Mugabe regime did not even bother to rebut the charges. Instead the government-owned *Sunday Mail* attacked Amnesty for 'wasting away its credibility thanks to its growing naïve acceptance and use of baseless and alarmist reports created by dishonest and discredited sources' (11/5/1986; see also *Zimbabwe News*, June 1986). These 'dishonest and discredited sources' turned out to be the director and chairman of the Catholic Commission of Justice and Peace, both of whom were arrested. Charged with supplying information to 'the human rights group, Amnesty International, for its report on Zimbabwe', they were released after a brief spell in detention (*The Herald*, 28/5/1986 and 5/6/1986, and the *Sunday Mail*, 8/6/1986). Anxious to put the incident behind him, the Commission's chairman insisted that Mugabe was 'a good man who overturns injustices'. Despite everything, Zimbabwe remained one of the few African governments willing to tolerate internal critics. From the Church's perspective, he added, local policies were more humane than those of many Western countries critical of human rights in Zimbabwe, which 'have the most abominable record...on abortion... It makes Zimbabwe look a saintly place' (Askin 1986).

If the Commission for Justice and Peace had reason enough of its own to persist in trying to keep open channels of communication with Mugabe and his henchmen, others were keener still to see no evil. One anodyne study rushed into print in the latter part of 1983 concluded that the government's reaction 'to downplay, even deny, what has happened and to launch a counter-attack on foreign journalists and "meddlesome priests"' had 'some justification'. Its slide into 'authoritarianism and illiberalism' was 'understandable', if 'regrettable', given the universal tendency of power to corrupt. But for all that this particular publication preferred to talk about detentions and 'exemplary punishments' rather than mass murder, it did acknowledge that 'some atrocities have taken place and that women and children have been killed' (Hodder-Williams 1983: 19, 17-18). This was considerably more than could be said for the second article on Matabeleland to appear in these years. Published in *African Affairs*, the Royal African Society's journal, it purported to describe events in the troubled province, but without once mentioning the Fifth Brigade. Although the author professed to be 'in no doubt about the scale of...the brutalities of 1983 and 1985', he wrote as if the 'balance of terror' was weighted most heavily on the side of the dissidents. Underpinned by the belief that there was 'almost no suspicion of me as a historian sympathetic to ZANU/PF', and seem-

ingly oblivious to the possibility that informants located with the help of ‘a guide provided for me by the District Administrator’ might not be entirely forthcoming about state-sponsored mass violence in the very recent past, the article noted that there had been ‘too many collapses of discipline, too many rapes, too many killings’, but only on the part of dissidents. Beneficiaries of Mugabe’s ‘generosity and courage’ when dissidents were offered amnesty, the people of Matabeleland South’s Matobo district had apparently of their own accord reached a general opinion: ‘a condemnation of dissident violence’ (Ranger 1983: 162–163, 172).³ That this prudent expression of opinion might have been influenced by popular memory of Bhalagwe Camp, the huge detention centre in the south of the district where thousands of villagers were detained and tortured by the Fifth Brigade (Catholic Commission for Justice and Peace and Legal Resources Foundation 1997: 120–124), was nowhere considered in this myopic celebration of the peace of the grave in Matabeleland.

III

Explanations for the Mugabe regime’s actions in Matabeleland which focus on short-term causes, particularly the period 1980–82 when there were clashes initially between government forces and elements of ZAPUs armed wing prior to its disbandment, and latterly when conflict encompassed dissidents, South African destabilisation, and ZANU-PF’s determination to crush ZAPU and construct a one-party state, have undoubted merit. But for all the immediate contextual plausibility of such explanations, they fail fully to account for the extremely violent form assumed by the Gukurahundi campaign almost from the start. It is here that a valuable vantage point is provided by Daniel Chirot and Clark McCauley’s *Why Not Kill Them All? The Logic and Prevention of Mass Political Murder* (2006). Written by a historical sociologist and a psychologist, this study identified four main motives leading to mass political murder. While the necessary condition for mass political murder was obviously that one group has overwhelming superiority in power, it takes additional sufficient conditions to sometimes turn vast power over enemies into mass murder. These are convenience, revenge, simple fear, and fear of pollution. By ‘convenience’, Chirot and McCauley mean an ‘instrumental, cold-blooded calculation of costs and benefits’. If the material or political ambitions of the stronger group are thwarted by the weaker group’s opposition, then ‘eventually the stronger party may consider mass

3 Also see Ranger’s self-exculpatory ‘Narrative and Responses: the Zimbabwean Case’ (2006), where it is claimed that ‘human rights organisations did not publically condemn Zimbabwe in the 1980s’. But see Lindgren (2005).

expulsion or mass murder as the cheapest solution'. Put another way, this involved 'the killing of large numbers of civilians for utilitarian and limited ends'. By 'revenge' is meant vengeance for a prior attack. This, of course, could go far beyond any straightforward calculation of costs and benefits, especially where an internalised code of honour demanding revenge became a goal in itself. 'Simple fear' means the 'gnawing apprehension that an enemy group will, if it ever gets the power to do so, eliminate "us"', while by 'fear of pollution', Chirot and McCauley mean the 'intense feeling that a particular group is so polluting that its very presence creates a mortal danger'. This could imply either a sense that 'failure to ritually cleanse the social and natural order will result in catastrophe', or that 'when terrible events have occurred and societies search for explanations, they find them in past failures to observe ritual purity'. It is at this point that "'fanatical fury", a mixture of panic, rage and a wish for vengeance combine into a frenzied desire to rid the land of the filth causing all these problems' (2006: 19, 25, 27, 32, 36, 39).

Although issues of ruling party 'convenience' clearly were at work in Matabeleland, motives of 'revenge' and 'simple fear' were not of primary importance.⁴ 'Fear of pollution', in one form or another, however, does seem to have been a significant driving force behind the mass violence. As is well known, the very term 'Gukurahundi' carries such connotations – 'the early rain that washes away the chaff before the onset of the summer rains'. More than this, it can also mean the sweeping away of rubbish. Convinced that 'those Mashona wanted to finish off all the people in Matabeleland', many of those interviewed at the end of the 1980s in the Matabeleland South Bango chieftdom perceived 'the intent of the attack...in terms of moral renewal, the purification of the country from rubbish' (Webner 1991: 162). These four motives are not, of course, mutually exclusive. As Chirot and McCauley observe, fear and revenge frequently overlap. Arguing that motives may not always be distinctive, they identify a more precise ordering that turns on organisation, leadership, and the 'essentialised other' (2006: 44-45, 57-61, 80-81). A need for organisation is obvious enough: the slaughter or starvation to death of large numbers of people necessitates planning, deployment and execution, all of which were embodied in the deliberate establishment and brutal training of the Fifth Brigade. The fact that almost all its recruits were Shona speakers (*Africa Confidential*, 3/3/1982; Ndlovu-Gatsheni 2003: 24-25), added a specific dimension to the general point that 'membership in a group of killers creates powerful bonds of solidarity that legitimise

4 Although some Shona-speaking Fifth Brigade soldiers did justify looting by referring to 'the cattle stolen from our forefathers by you Ndebele'. See Werbner (1991: 162).

killing and reduce any dissonance felt by those who murder’ (Chirot and McCauley 2006: 57).

So far as leadership is concerned, Chirot and McCauley suggest that this must entail consideration of the psychology of those who ordered, planned and led politically-inspired mass murder. ‘In most instances of mass killing it is the perceptions of the group’s leaders that are the most important’, they write (2006: 59). Here there can be no doubt that the role played by Mugabe and the ZANU-PF Central Committee was absolutely crucial (Anon. 15/12/2005). In speech after speech, Mugabe and his immediate lieutenants repeatedly stoked up passions, legitimating Fifth Brigade actions as they did so. ‘ZAPU is irretrievably bent on its criminal path’, insisted Mugabe. ‘I’m sure the majority of our people will agree with me when I say the time has now come for us to show this evil party our teeth. We can bite and we shall certainly bite’ (Zimbabwe Human Rights NGO Forum 2007: 5; and Ndlovu-Gatsheni 2003: 29–30). ‘We want to wipe out the ZAPU leadership’, proclaimed the minister for home affairs, Enos Nkala. ‘You’ve only seen the warning lights. We haven’t reached full blast... the murderous organisation and its murderous leadership must be hit so hard that it doesn’t feel obliged to do the things it has been doing’ (Zimbabwe Human Rights NGO Forum 2007: 6; Catholic Commission for Justice and Peace and Legal Resources Foundation 1997: 53–54). Nor have Zimbabwe’s leaders ever admitted responsibility or expressed contrition for what happened. When first presented with the Catholic Commission of Justice and Peace report, *Breaking the Silence*, Mugabe’s immediate response was that ‘these people are trying to fan factional and personal divisions among us, digging up the past so that we could end up divided on tribal and even on village lines’ (*Business Day*, 14/5/1997). The closest Mugabe ever came to this was in July 2000, at a memorial service for Joshua Nkomo, when he described Gukurahundi as ‘an act of madness, we killed each other and destroyed each other’s property. It was wrong and both sides were to blame. We have had a difference, a quarrel. We engaged ourselves in a reckless and unprincipled fight’ (*Financial Gazette*, 4/7/2000). Indeed, top ZANU-PF officials and government ministers subsequently rowed back from even these disingenuous comments. Nathan Shamuyarira, when asked at a conference on ‘National Reconciliation’, if he regretted the Matabeleland atrocities, answered ‘No, I don’t regret. They [the Fifth Brigade] were doing a job to protect the people’ (*Zimbabwe Observer*, 2/10/2006). Not surprisingly, repeated calls since the 1990s for government acknowledgement of, and compensation for, the mass violence in Matabeleland have been ignored.

The last precise precondition identified by Chirot and McCauley is the idea of the ‘essentialised other’. For them, this is a key psychological concept in explaining violence against groups. They argue that ‘by definition, genocidal killing is killing by category, by membership in a group rather than by individual guilt or crime. It inevitably includes many who are...non-combatants who could not directly hurt the perpetrators’. Victims of genocide, ethnic cleansing or mass violence have inhabited many categories, not only ethnic, religious or national. It seems that ‘almost any kind of social category will do, as long as it can be considered self-reproducing’. Class, ideology, residence and culture have all been invoked as essentialising, as have traits such as skin colour, physiognomy and stature (2006: 81, 82). But for all that the inhabitants of Matabeleland were indeed turned into the ‘essentialised other’, it needs to be recognised that this was never done solely on ethnic grounds. The overriding intention, at least at the top of the political tree, was the destruction of ZAPU and the political re-orientation of the region’s inhabitants. ‘People in Matabeleland are being tortured, raped, robbed and murdered because of the selfish political interests of Dr Joshua Nkomo’, declared Mugabe at an election rally south-east of Plumtree. ‘I am asking you to vote for Zanu(PF) because we want to be one people’ (*The Herald*, 29/6/1985).

Much the same point was made at a press conference soon after the June 1985 election in which ZANU-PF had swept the board everywhere except in Matabeleland. Asked what he intended ‘to do about Matabeleland’, given the election result showing that the province was ‘still out of step with the rest of this country’, Mugabe’s reply was revealing. ‘It is really a pity that we are talking in terms of Matabeleland and the rest of the country’, he said. ‘Really the problem is Nkomo and ZAPU as I see it. Nkomo and ZAPU and the dissidents. Nkomo cannot accept a secondary role in our political order and so he must organise the people tribally, and if they cannot be organised tribally, he must set dissidents on them so that they do his will. We have been discussing this issue with the people of Matabeleland at various levels and there is no doubt in our minds that it’s more the fact of fear of the dissidents, fear of the wrath that should they be seen to be out of step... They [the people of Matabeleland] are not a strange people, they are not a foreign element – they are part and parcel of our population and we have interacted with them at various levels, governmental and political and we are satisfied that without ZAPU, without the dissident element, they will fall in line’. In answer to another question, Mugabe emphasised that ‘we do not distinguish them [the people of Matabeleland] from people elsewhere. Their fate is intertwined with the fate of others. Their destiny is the same as

the destiny of other people and we never talk in terms of Ndebeles, Shonas, Vendas, Tongas – we never do that... In fact we discourage that in our own political philosophy. The people in ZANU did not vote for me because they were voting against Ndebeles. They voted for me and the Party because of what the Party has done, because of the record of the Party. Everywhere we went we told the people they were one, and so it is the oneness of the people we are more interested in' (*Zimbabwe News*, October 1985).

Further support for the argument that Gukurahundi was driven by political rather than ethnic considerations comes from Geoffrey Nyarota, the former editor of the Bulawayo *Chronicle*, cited in section I of this chapter. 'Some Ndebele analysts argue that in deploying the Fifth Brigade in Matabeleland, Mugabe's agenda had been to wipe out the Ndebele', he writes. 'My own view is that Mugabe wanted to destroy the PF-Zapu political support structure. Once the role played by Nkala is factored in, it becomes difficult to accept that Zanu-PF's most senior Ndebele politician was motivated by a desire to decimate his own people. Nkala wanted Nkomo defeated as much as Mugabe sought to destroy Nkomo's political base'. For Nyarota, what clinches his argument is 'the fact that when opposition to Zanu-PF surfaced elsewhere than in Matabeleland, the full force of the ruling party's violence was directed there as well – in Harare, Chitungwiza, Mutare, Masvingo and other centres. Shona people, not Ndebeles, then fell victim to ruthless violence. They were assassinated, assaulted, arrested and displaced after their houses and property were destroyed by marauding war veterans and Zanu-PF youth militias from their own tribes. Mugabe had become obsessed with power, and it is entirely likely that the motive behind the Gukurahundi atrocities was to crush political dissent rather than to launch an ethnic-cleansing exercise' (2006: 132). However, given the close correlation between ethnicity and political support for ZAPU in Matabeleland, one massively reinforced by the Fifth Brigade's murderous attentions (Catholic Commission for Justice and Peace and Legal Resources Foundation 1997: 59), this fine distinction was doubtless lost on victims. Recalling the 'widespread rape and murder' for which the Fifth Brigade was responsible, Ndebele victims 'perceived the rapes as an orchestrated, systematic attempt to create a generation of Shona children in Matabeleland – a "shona-ization" of the region' (Ndlovu-Gatsheni 2003: 25). Nor did the actual perpetrators distinguish between ethnicity and party affiliation. Everyone living in the Matabeleland countryside was targeted. 'All Ndebeles were dissidents', and the Fifth Brigade's orders were to 'wipe out the people in the area' (as cited in Catholic Commission for Justice and Peace and Legal Resources Foundation

1997: 59). The Fifth Brigade, Nkomo maintained right from the start, was 'a tribal and political army that had come to wipe out the Ndebele' (*The Star*, 2/2/1983).

Central to the making of the 'essentialised otherness' of Matabeleland's inhabitants was a particular kind of nationalism. The broad point acknowledged by Chirot and McCauley, that 'the nationalism underlying twentieth century genocides and ethnic cleansings is...a modern phenomenon constructed to suit the needs of modernising states' (2006: 46), requires elaboration when applied to post-colonial states. What is needed is the historical and political specificity called for by Mamdani (2007). For Zimbabwe's ruling elite, nationalism has tended to be exclusive rather than inclusive. If there ever was an exception to this general rule, it only lasted for a brief period. This was immediately after independence in April 1980, when ZANU-PF paid lip-service to what has been termed 'civic nationalism', that is, a broadly inclusive nationalism of 'equal, rights-bearing citizens united in patriotic attachment to a shared set of political practices and values'. But this conception of an inclusive citizenship, very soon gave way to an exclusive, highly authoritarian form of nationalism, in which 'more complex if narrower categories of identity defined in terms of political loyalty and liberation war credentials' were foregrounded, and whose outcome was a 'lasting cleavage around selective citizenship' (Hammer and Raftopoulos 2003: 25; and Raftopoulos 2003: 225). It was this 'quasi-nationalism' that brought 'authorised violence down ruthlessly against marginalised antagonists who are in the nation yet for terrible moments not entirely of it. The brutalised in quasi-national violence are the people who seem to stand in the way of the nation being one under one leader' (Werbner 1988: 92).

Yet if the full-blown version of this authoritarian nationalism is now widely recognised as one of the defining, indeed mobilising, characteristics of the current crisis in Zimbabwe, its roots go much deeper than even the massacres in Matabeleland in the mid-1980s. Some of them stretch as far back as the hegemonic nationalist project under construction from the late 1950s onwards. The mainstream nationalist movements which fought against colonial racism and exploitation were also extremely patriarchal and utterly intolerant of dissent. While not all of these characteristics were present at all times, the fact remains that from early on, the signs were there (Raftopoulos 1995, and Slater 1975). But most of the roots of authoritarian nationalism will be unearthed in the process of taking a long, hard look at the Second Chimurenga, that is, the Shona term for the liberation war of the 1970s, so called after the first chimurenga/umvukela or uprising

against the settlers in 1896–7, and in particular at how the struggle was waged by ZANLA, the armed wing of ZANU. (Moore 1991; and Saul 1979). Like other Southern African anti-colonial movements, ZANU in the 1970s was ‘hierarchical and authoritarian’. More than this, ‘opposition to established leadership and received theory was regarded as both illegitimate and reactionary’ (Southall 2003: 259).⁵ Nor did anything much change after independence. Still ‘militaristic, vertical, undemocratic, violent and repressive’ (Freeman 2005: 165), ZANU continued to conduct politics through the barrel of a gun. It may be, as one historian has argued, that it was ‘the heritage of guerrillism [that] produced hierarchical, bureaucratic, and dictatorial tendencies ‘in post-independence governments (Legassick 2002: 61), or, as another has suggested, that aspects of the colonial system ‘reproduced themselves in the struggle for its abolition and subsequently in the concepts of governance applied in post-colonial conditions’ (Melber 2003: 42), but the conclusion to be drawn from both accounts is that ‘singularly and collectively, the ruling elites of southern Africa have demonstrated that they are less interested in democracy than they are in pursuing their self-interest and retention of power’ (Southall 2003: 268).

The making and meanings of the massacres in Matabeleland would appear to be the first but not the last legacy of the form of liberation struggle conceived and practised by ZANU-PF. Along the way, the democratic ideals and aspirations of ordinary men and women were ruthlessly subordinated to the logic of a commandist, intolerant movement whose post-independence policies readily embraced mass violence. That this violence was as regionally bounded as it was indiscriminating arguably brings it within the United Nations definition of genocide, which is the attempt to destroy ‘in whole or in part, a national, ethnical, racial, or religious group’ (as cited in Chirot and McCauley 2006: 11). But however the Gukurahundi atrocities are eventually defined, they occurred in a very particular political and historical context. In April 2005, speaking at a rally to celebrate 25 years of Independence, Mugabe reminded his audience that ‘it was the bullet that brought the ballot’ (*Reuters*, 8/4/2005).⁶ He might have added that in Zimbabwe the bullet has always trumped the ballot.

5 For the same point in a wider context see Phimister (2005).

6 For a critical re-evaluation of elections in Zimbabwe since Independence see Kriger (2005).

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KIMBABWE

Mass violence in Zimbabwe 2005 – Murambatsvina¹

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Murambatsvina, like Gukuruhundi,² is a Shona word which will be etched in the memories of Zimbabweans for decades. Its literal meaning is ‘sweep out the dirt’ or ‘clean out the rubbish’.³ In 2005 the ‘dirt’ were the urban poor of Zimbabwe and the ‘sweeping’ refers to the action of the Zimbabwe Republic Police backed up by municipal police and the army, when they smashed, burned and destroyed the homes, businesses and livelihoods of about a million Zimbabweans. It is the most dramatic recent event or series of related events which form part of an on-going assault on the Zimbabwean people by their government. Although the term generally refers to the events of early winter 2005, in fact the operation continues.

What happened?

Murambatsvina was a combined attack by central government on the informal trade and informal housing which had mushroomed in Zimbabwe’s cities as a result of failed policies over the preceding 15 or more years.

Assault on informal trade

Beginning in late May 2005, regular and riot police attacked the stalls of tens of thousands of vendors and the establishments of hundreds of cottage industries. They destroyed the stands, seized or destroyed goods, and arrested thousands of those engaging in trade. The attacks began in Harare, in the city centre as well as the suburbs, and then within a few days spread to Bulawayo and other urban and rural centres. Artists and

1 Most of the information presented in this paper is within the knowledge and personal experience of the writer. There have been various reports containing detailed research and survey information which are listed in the bibliography. These have been produced by ActionAid International, Solidarity Peace Trust and Zimbabwe Human Rights NGO Forum.

2 A large-scale massacre of civilians in Matabeleland by the Fifth Brigade of the Zimbabwean army, which took place between 1983 and 1985.

3 The government tried to whitewash its actions by translating the term as Operation Restore Order, hence the use of the term in the UN special envoy’s Report, even though it doesn’t convey the true meaning.

craftspeople were not spared as sophisticated sculptures, wood carvings, wicker furniture and wire toys were smashed to pieces.

Since the late 1990s, when Zimbabwe's economic structural adjustment programme (ESAP) had caused the loss of thousands of jobs, at a time when hundreds of thousands of school leavers entered the market each year, the government had loudly promoted the virtues of surviving in the informal sector. It had even pressurised local councils to look the other way and allow vendors to ply their trade without interference. An explosion of the informal sector occurred, with hair salons, car repairs, welding shops and a plethora of other cottage industries in back yards, on open ground and in the rabbit warren of petty businesses that made up Siyaso market in Harare. Private flea markets were established with the blessing of government ministers. In Bulawayo, as early as 1996 the council came to an agreement with vendors to provide purpose-built stalls and selling bays which they occupied in exchange for a rental fee. Only weeks before the Murambatsvina blitz the minister of small and medium enterprises opened a flea market in the Bulawayo constituency where she was contesting the parliamentary election. It was not approved by the council, but with the blessing of one minister and the additional presence of the minister for local government at the launch, why worry about legality? It appeared that the informal sector was now permanent, and semi-formal, providing revenues for councils and meeting an economic need both for the traders and their customers who could not afford to patronise formal businesses.

All of these structures and micro-enterprises became the target of Murambatsvina: smashed up, bulldozed, burned. Siyaso market in Harare, which had been a landmark of the informal sector since pre-Independence days, was torched, sending up billowing black clouds of smoke, which hovered over the city for several days. Panic ensued, as traders scrambled to salvage goods and building materials before they were incinerated. A week later the market had given way to a large, unseemly bulldozed empty space. In Bulawayo twisted pieces of metal remained where legal stalls had existed. Flower sellers, flea marketeers, vegetable vendors all evaporated.

It is estimated that at least 90,000 individuals lost their livelihoods when they were deprived of their places of doing business as well as their trading stock (Solidarity Peace Trust 2005a: 24) These individuals supported an average of at least four other family members, often more.

Assault on informal housing

Before anyone was able to take stock of the situation, the authorities extended their destruction to include homes. The dwellings ruined were not only shacks made of plastic and corrugated aluminium or traditional mud and pole huts; the majority were one- or two-roomed houses of brick or concrete block, and some were large, even two-storey houses built to architects' plans. Why should they be destroyed?

Through the 25 years since Independence, Zimbabwe's cities experienced the common post-colonial phenomenon of rural-urban migration, which was allowed to balloon as rural development policies failed, and population soared. By 2000 there were enormous housing backlogs in all cities. As early as the beginning of the 1990s it had become common for houses to be rented out room by room, with a couple or even a family with children, each taking a room, and all sharing ablution and cooking facilities.

Those in desperate need of housing took desperate measures, but they were assisted by sharks out to exploit. Well-connected members of the ruling party gained access to peri-urban land near Harare and established a variety of schemes, some in the nature of cooperatives, which would allocate plots where members could build houses. Some were bogus but others moved ahead and houses were constructed. Their legal status *vis-à-vis* Harare City Council's planning department was frequently hazy, but difficulties were overcome by the exchange of a bundle of notes, and the owners felt safe taking shelter under the wings of public figures.

As the economy faltered and went into decline through the 1990s, housing problems became more acute. Owners of homes in high-density suburbs discovered that even if they lost their employment, or were forced into retirement by age, they could retain a source of income by investing some of their retrenchment or pension money in constructing a back-yard shack – or two or three. Some of these were built of concrete block or brick and even had planning permission, while others were more like garden sheds of wooden clapboard, or makeshift materials. Some had no water or sanitation, so the inhabitants used the facilities in the main house; others used standpipes and outdoor toilets. In this way sometimes as many as 20 persons lived on a single property, contributing to an exceedingly high density of population and pressure on essential services, particularly water and sewage. But those desperate for housing, including teachers, nurses, industrial workers and the unemployed, found a place to call home and owners found an income for survival. In Victoria Falls, the

growth of tourism in the 1990s and the erection of new hotels and lodges was not matched by an increase of housing for workers. A large shack town of plastic sheeting structures arose just next to the formal high-density township, and back-yard shacks were built on almost every property.

From 2000 when the farm invasions began, the situation became much worse.⁴ In the first place, farms surrounding Harare became targets, not for acquisition by aspiring farmers, but for places to build houses. War veterans⁵ occupied several and parcelled out plots for building. Many of these went to members of the uniformed services, others to party faithful or hangers-on. The influx of displaced workers from the occupied farms of Mashonaland saw a flood of migration towards Harare and the explosion of informal settlements as well as an increase in the construction of 'back-yard shacks'. Some of these settlements were given the blessing of the Harare City Council, even launched by government ministers. Hatcliffe Extension, a settlement which was initially created in 1993 by a politically-motivated farm eviction, had qualified for World Bank funding for its water and sanitation system, after it had been 'legalised' by resolution of parliament. It was razed to the ground, along with its orphanage and AIDS clinic run by the Catholic Church.⁶

The government's own figures put the total of households 'affected by dwelling destroyed' at 133,534 – meaning at a minimum 570,000 individuals had their homes destroyed (Solidarity Peace Trust 2005b: 19, footnote 11). We can assume that the government's figures are conservative and that the real numbers are substantially higher. Add to these the numbers affected by their breadwinner's loss of income in the informal sector and we reach a total of over a million. While there was duplication, as some families lost both their homes and their livelihoods, the figures are impossible to verify. Nevertheless it is reasonable to suggest that 10 per cent of the population of the country were directly affected.⁷

4 A government-inspired programme of land distribution in which white commercial farmers were driven off their land by extra-legal means, and many hundreds of thousands of farm workers were also displaced.

5 Former fighters of the liberation war 1965-80.

6 For a discussion of Hatcliffe Extension see Zimbabwe Human Rights NGO Forum (2005b: 15), and Solidarity Peace Trust (2005a: 29).

7 For a full discussion of the various estimates of numbers affected, see Zimbabwe Human Rights NGO Forum (2006: 5).

Immediate consequences

According to UN figures, based on government estimates, at least 700,000 people lost their homes in the space of six weeks – about the same number of Croats were driven from their homes by the Serbian army over a period of seven months in 1991. Whole communities were broken up. Up to 100,000 families directly lost their livelihoods. However, many of those in formal employment who lost their homes lost their jobs as a result, as they had no place to stay or could no longer easily get to their work. Children could no longer go to school as they were moved from place to place. The Ministry of Education gave figures of 300,000 children in Harare alone who did not attend school in the weeks following the blitz. Many of these later found places in schools elsewhere, or eventually returned, but many others never continued with their education. Several thousand of the displaced were AIDS patients taking antiretroviral drugs; many lost contact with their source of medicine at their local clinic, and were thus exposed to a rapid deterioration in their health, leading to death for uncounted hundreds if not thousands.⁸

Where did the displaced go? Some returned to their rural homes, or sent their children there while looking for another place to stay. Many of the occupiers of back-yard dwellings simply moved into the main house, aggravating already seriously overcrowded conditions. Others moved in with friends or relatives, with the same result. Many thousands lived for varying periods in the open, trying to protect their property until they found a place to move it to, or because they were simply too traumatised or too destitute to manage a relocation. For these, exposure in a bitter winter resulted in illness and death. In Bulawayo, those evicted from squatter camps moved into churches where they were accommodated and fed, until the police swooped in late July, forced them into trucks in the middle of the night, and dumped them at a farm, from where they were quickly distributed to various rural centres. Others simply waited for the storm to pass, and used the building materials they had salvaged to rebuild a structure on the same site. Generally these rebuilt structures were absolutely minimal, pathetic, low, just big enough to crawl into in order to sleep. The owners have not been free of police harassment, and some have been chased away several times, thus living a life of hide and seek with the police.⁹

8 A full discussion of the consequences can be found in the various reports; a useful summary is given by Zimbabwe Human Rights NGO Forum (2006: 5-8) while the Executive Summary of the ActionAid Report is included as Appendix B (pp. 35-42) in the same publication.

9 A study of what happened to the displaced is included as Part II of a report by Solidarity Peace Trust (2005b).

Many of those who had nowhere to go were rounded up by police and dumped in holding detention centres; these were alleged to be temporary, but a year and a half later still held several thousand, in the most appalling of conditions.

A year later, a large proportion of those dumped in rural areas were back in town. They found that they were rejected by the communities to which they were sent, had no resources to start again, no income, and often were deliberately denied drought relief. Huge numbers of the displaced within towns live in much more crowded and unsanitary conditions than they did before, and some remain in the squalid holding camps which resemble prisons. Informal trade continues on a reduced scale, with slightly more regulation than before, but many dodge law enforcement on a daily basis, losing their goods to confiscation and theft by the police and surviving at a much lower level than they did before (Solidarity Peace Trust 2006: 19–25).

It is clear that the end result of this man-made disaster is equivalent to the result of a natural disaster on a mammoth scale: homelessness, destitution, disease, illiteracy and, above all, the creation of extreme poverty in a large number of families which were already poor. Many no longer cope and succumb to exposure, disease and malnutrition. While some remained leading rural lives in the communal areas, and others joined the multitudes of illegal gold diggers or migrants to South Africa, the vast majority remained in or returned to an urban environment, clinging to a precarious existence. They are the products of a government programme of deliberate destruction.

Why the destruction?

Reasons stated by government

The government made no attempt to announce or explain this programme before it began. Once it had started, and a cry of protest arose from civil society organisations, the government produced a series of justifications. It claimed that the businesses and houses were illegal and order must be restored; it claimed that the informal settlements and flea markets were havens for criminals, especially illegal foreign currency dealers; it wanted to put the economy back on track by wiping out the currency black market; there were too many people living in the city slums, and these must return to their rural homes.¹⁰ They never attempted to explain or justify the ambush style, speed and brutality of

¹⁰ For the text of the speech by the chairperson of the Harare Commission at the launch of the operation see Zimbabwe Human Rights NGO Forum (2005a: 6-7) or Solidarity Peace Trust (2005a: 42).

the operation. What they later presented to an astonished world was a programme of urban renewal to rid the country of slums. It is not difficult to discount the main thrust of these suggestions. Anyone with a genuine concern for urban renewal starts with a plan for construction, not destruction; and the concern for legality simply beggars belief, coming from a government which had made a virtue of ignoring and defying any law which stood in its way. The government itself had encouraged lawlessness, not only through its violent extra-legal approach to land reform, but through patronage, encouragement of informal trading and housing construction and deliberate subversion of impartial law enforcement. The black market currency trade was fuelled by the government through mismanagement, through sourcing its own forex (foreign exchange) on the black market, and through allocating cheap forex to cronies for profit making.

Furthermore, the government did not use legal means to achieve the ‘cleaning up’. One cannot combat illegality by another illegal act. It claimed to be acting under the Regional and Town Planning Act (Section 32), but this Act requires that a month’s notice be given to demolish an illegal structure. The Urban Councils Act (Sections 199 (2) and (3)) states quite explicitly that the individual owner or occupier of an illegal structure must be given notice of intention to destroy, and has 28 days in which to file an objection. Only after the operation had begun did Harare Council place blanket advertisements warning people of the pending destruction of illegal dwellings. A date for the beginning of the operation was given as June 20, but the demolitions began almost immediately. In Bulawayo high-density areas, police went street by street giving verbal notification of one or two days. In Victoria Falls shacks were just burned with virtually no notice at all. Certainly, a government notorious for its promotion of lawlessness and chaos cannot hide behind a claim of concern for legality and the need to restore order. Besides, many of the structures and businesses were in fact legal, built to plans approved by local councils, or operating under licences and paying rents to council for stands.

Probable underlying reasons

What was the real reason? Various explanations have been given, none of which seems quite adequate to explain the devastation which this campaign visited on hundreds of thousands of lives, and on the body of Zimbabwean society. But the government’s own explanations do give hints at the real reasons – whereas lawlessness and disorder on the farms may have seemed to promote government policy, the lack of regulation in towns was beginning to work against them.

Anti-urban campaign

Clearly the government was angry with the urban population for deserting ZANU-PF and shifting its loyalty to the opposition MDC. These people needed to be punished, they needed to be removed and scattered as the farmworker communities had been during the farm invasions. Murambatsvina can be described then as a programme of social engineering, not on the scale of Pol Pot's Kampuchea, but similar in type. If the urban population becomes restive, return it to its rural origins, where it will be more controllable. Subsequent increases in the powers and privileges of traditional leaders demonstrate this general ability of ZANU-PF to exercise their control more effectively in rural communities.¹¹

Re-asserting control of the economy

An informal economy creates collectively considerable wealth, which is difficult for government revenue collectors to tap or regulatory bodies to control. There is also no doubt that many informal traders, although a small minority, were engaging in illegal transactions, both in foreign exchange and in stolen goods. As the black market in both goods and currency ballooned, the government needed to regain control if inflation was to be tamed and order restored. In the face of a shrinking economy, government revenues were drying up, and the government needed to control all commercial activity in order to tax it.

Government usurping functions of local authorities

There is some indication that central government was using the operation to assume control of patronage-prone functions of local government – the issuing of trading licences and allocation of housing stands or houses. This might give them the capacity to re-assert control in towns in spite of opposition-dominated local authorities. In the wake of Murambatsvina, this assumption has been vindicated as all the houses built under Garikayi (only a few thousand in total, and mainly of very poor quality with no water or sewerage) have been allocated by central government (Solidarity Peace Trust 2006: 26-36). Vendors must now be finger-printed and vetted by central government before being allowed to buy licences from local authorities.

¹¹ Chiefs have recently gained greater judicial powers and their allowances and benefits have been substantially increased. These helped to buy their loyalty to ZANU-PF, to be demonstrated by denying civil rights and even the right to purchase food to members of the opposition in rural areas. Democratic space has been closed down even faster in rural areas than in towns.

Internal ZANU-PF power struggle

Some suggest that Murambatsvina could have been a side-show for the on-going power struggle within ZANU-PF. But if this is the case, it is not clear whose interests it promoted, and who were to be disadvantaged. Some of the razed settlements were sponsored by individual politicians, as were some of the black market foreign currency syndicates, and many war veterans and party members lost their homes and businesses in the operation. But the destruction was not selective and there does not seem to be any clear indication of which individuals and party factions benefited. An operation of this kind could not have been launched and sustained, however, without authority from the top and support from the upper levels of the security establishment, which in fact is probably where it originated. In this case it would be the faction of ZANU-PF most closely aligned to the military and Central Intelligence Organisation (CIO) who would have benefited, but this is yet to be demonstrated.

Pre-empting opposition resistance to ZANU-PF rule

Murambatsvina began less than two months after the parliamentary election in March 2005, an election which was clearly deeply flawed. The urban population was restive, facing a winter of increasing inflation, food shortage and deteriorating quality of life. The government feared extra-parliamentary opposition and it is probable that the general motive was to take the initiative to disorganise any potential organised activity, by disorientating the opposition support base at the most fundamental level. Those struggling to find shelter and food for their families would have little capacity for organised protest, let alone an uprising. The aim was to show Zimbabweans that ZANU-PF was in full control and not shy to use every weapon at their disposal.

Retaining power

ZANU-PF's primary motivation for any policy decision has been to retain power. As it has become increasingly panicky in the face of failing policies, a collapsed economy and widespread unpopularity escalating to bitter hatred, it has become steadily more vicious. Political issues of control take priority, with the economic and social consequences either disregarded or totally misunderstood. Those members of the government who caution against the irrational are brushed aside, and the military, and proponents of brute force, come to the fore. Compliance is more important than popularity – elections can be stage-managed

Ultimately, all of the above explanations will play a part in creating understanding of the motives for the operation, which emerges as some kind of grand design to solve in a single blow all political and economic problems facing ZANU-PF.

Characteristics of Murambatsvina

Firstly, it was described as an ‘operation’, a term normally used for military actions, but one being used frequently by the Zimbabwean government to describe its policies, as the bureaucracy becomes more militarised. Since May 2005 there has been Operation Garkayi/Hlalani Kuhle, Operation Taguta, Operation Sunrise and Operation Chikorokoza/Chapera. Operation Murambatsvina was announced at 12:00 noon on May 19, in a public speech, and before dark, much of the informal trade in the city centre of Harare had been destroyed. It was otherwise unannounced, and was more in the nature of an ambush, carried out with calculated violence and brutality. It involved coordination of various units of law enforcement including regular police, riot police, municipal police and some army units. Not only did it destroy the property of individuals, it also wasted government resources, particularly in the form of fuel to transport the policemen and bulldozers for demolition – this at a time of shortage of fuel for all purposes. The officers on the ground who carried out the demolitions were effective instruments of the policy, obedient to the last, even those (and there were many, although this has not been researched) who saw that it was both illegal and evil.

Secondly, the operation was blatantly illegal, violating rights guaranteed in the national constitution: particularly the right to freedom from arbitrary deprivation of property, and from arbitrary arrest, but also the right to freedom of movement, the right to protection of the law and liberty of the person. It failed to recognise rights granted individuals when they paid licence fees and rentals for recognised vending points. It ignored legislation providing for orderly processes of dealing with illegally built structures, and openly defied court interdicts prohibiting the demolition of certain structures. Some people were unlawfully arrested and forced to pay fines for activities that were legal. A government that said it wanted to eradicate criminal activity, and had a police force trained to identify and apprehend suspects, instead punished everyone carrying on activities in a specific area, without bothering to find out whether or not they were acting legally. Many vendors who displayed licences and receipts from local authorities had them ripped up.

Thirdly, the language used by some politicians and members of the uniformed services was the language of genocide. The president himself had during a previous election campaign referred to the inhabitants of Mbare, the oldest high-density suburb in Harare, as ‘totemless’, thus excluding them from the Zimbabwean cultural community. The minister for state security, Didymus Mutasa, had two years earlier shocked Zimbabweans by saying publicly that we only need a population of 6 million – we can do without the other 6 million. Some people felt the two were referring to Malawians and Mozambicans who have been absorbed into the population over the past century, but this has not been explicitly stated, and hundreds of thousands of citizens of purely Zimbabwean ancestry have also been victims. The commissioner of police referred to the Zimbabweans whose houses were being destroyed as ‘refuse’, even ‘maggots’ (Zimbabwe Human Rights NGO Forum 2005a: 23). This is the language used by those who turn their enemies into ‘others’, non-humans; in Rwanda, for example the genocidaires labelled those to be killed ‘cockroaches’. People described in this way are being deliberately dehumanised so that they then do not need to be treated as human beings.

Fourthly, the victims were blamed. They were in the way, committing crimes, sabotaging the economy and the orderly appearance of the towns. The poor were blamed for being poor, for engaging in informal trade and living in unregulated settlements. The implication was that they should have done something differently. Yet who other than the government was to blame for the deteriorating economic environment, the lack of adequate housing, the displacement of farm-workers, the retreat into the informal economy of so many former employees and school leavers? Even if the economic problems were not entirely of its own making, the government, instead of looking for rational solutions, turned round and blamed the victims for their situation and punished them viciously and violently.

Fifthly, the action was initiated, not by the government making a decision as government, but by a small group within the government and the security apparatus. The specific individuals responsible may not be known, but it is clear that many government ministers and members of the Politburo were taken unawares. But rather than trying to put a brake on the process, they quickly jumped on the bandwagon. While refusing to take responsibility themselves, they picked up the justifications given by the government and latched onto to the urban renewal and crime-fighting explanation. Although some ZANU-PF officials apparently voiced their concern privately, the lone public voice of complaint was that of a backbench parliamentar-

ian who resigned his membership of the ZANU-PF Central Committee as well as his seat in parliament.

It is quite clear that the violence of Murambatsvina, military in nature, was the act of Zimbabwean state agents, initiated from elements within the government. The aspect of communal violence occurring in some parts of Africa was not present; the perpetrators were members of the security apparatus, armed, and carrying out assaults on the person and properties of unarmed civilians.

Responses

Responses, too, need analysis. It is worth while examining the responses to Murambatsvina of different players, to look for common patterns.

The victims

The vast majority of victims, if not all, responded first with disbelief and then with passivity. While some vendors managed to flee, with or without their goods, the majority submitted, watched while their property was destroyed or seized, or even carried it into police trucks or on foot to the police stations. While there may have been isolated incidents of resistance, they have not been detailed in documented reports. Families watched as their houses were demolished by sledgehammer and bulldozer, frequently not even being permitted to salvage movable property or personal papers. Others dismantled their own houses, labouring brick by brick to save at least some of the materials. In this way they would avoid heavy fines that advance police patrols claimed they would pay if they left their homes standing, and they might manage to salvage roof sheets and some bricks which would otherwise surely be smashed by the demolition squad. This passivity has been noted in other contexts of mass violence, whether it be European Jews walking to their annihilation, Cambodians on death marches or Zimbabwean victims of Gukurahundi obediently hacking their own family members with axes. In all cases the victims appear paralysed with lack of understanding of what is happening to them, and the certain knowledge that in the face of superior brute force, resistance is futile.

Resistance only came later, but on a very individual and small scale. It took the form of stubborn rebuilding of some structures and in the return of vendors to their old turf. Now, however, the vendor displayed 2 oranges and hid the rest, ever on the alert to make a quick disappearance when a warning signal was sounded of police ap-

proaching. Although there were a few court challenges, interdicting evictions, and claiming compensation for property lost, these were generally ignored by the police, and the snail's pace of the court process discouraged most from attempting to use it.¹² The only other way to challenge the state force was through bribing individual police officers, something that those whose livelihoods keep them far below bare survival level have less and less capacity to do. Thus the response by victims was, with few exceptions, individuals working out their personal fates. Responses in groups were few – surely an indication that the government had succeeded in its goal of disorganising the urban population.

Witnesses

Witnesses include both eye witnesses or bystanders, and the broader society who were aware of the disruption being caused to other people's lives. How did the rest respond? Generally in the same way as the victims themselves – shocked, disbelieving, uncomprehending and initially paralysed.

But when the paralysis passed, those determined to 'do something' focused on two activities: assistance for the victims who were in the open, and informing the rest of the world. Churches primarily did the former, especially in Bulawayo, and NGOs as well as many individuals did the latter. Civil society members and organisations were busy collecting information, publishing and communicating. Some human rights organisations assisted with legal cases against the state. These responses were in contrast to reactions to the atrocities of Gukurahundi. Victims of Gukurahundi were at the time mainly assisted by their own families, occasionally by some churches and mission hospitals. And those who sought to inform the outside world were handicapped by the difficulty of collecting information from curfewed areas, the absence of e-mail and internet, and the disbelief of those foreign adorers of the 'revolutionary' but sensible government of Zimbabwe. In 2005, news of the atrocities spread rapidly, micro cameras, even satellites photographed the process, and since they took place in urban areas, hundreds of thousands witnessed the events. It was not possible to keep it quiet.

But the voice of formal political opposition was muted. Verbal condemnations were made, but no action was taken. Although Morgan Tsvangirai, the leader of the opposition MDC, made a condemnatory

¹² For a discussion of these see Zimbabwe Human Rights NGO Forum (2005a: 28-29, 2005b: 17-19).

speech on May 25, Africa Day, the organisation seemed paralysed and without a plan to react even to such gross provocation of their support base. The only group which protested visibly were the brave women of WOZA (Women of Zimbabwe Arise) whose demonstration march in Bulawayo on June 18, World Refugee Day, demanded an end to Murambatsvina. They called themselves ‘refugees with no refuge’, ‘living like birds in the trees’.¹³ The women were quickly arrested, and later remanded in custody. Answering a charge of obstructing traffic at a trial a few weeks later, they were all acquitted, with the imaginative comment by the magistrate that people in motion cannot block traffic.

International community

The history of the past century is laden with governments’ efforts to avoid their responsibilities under international law. Generally this begins with a reluctance to admit that atrocities have occurred. But in 2005, the international community heard and believed and responded to the call from Zimbabwe. The secretary-general of the United Nations sent a respected special envoy, Anna Tibaijuka, to investigate the abuses. She arrived in Zimbabwe a bare six weeks after the beginning of the operation – unfortunately, however, after most of the destruction had already taken place. She avoided the government’s attempt to control her movements and whom she spoke to and she engaged with all groups, including churches, NGOs, civil society and victims themselves. Within a very short time she produced a comprehensive report, condemning the government’s actions and calling on it to stop, and to accept international assistance for the victims. Even the African Commission on Human and Peoples Rights sent a special rapporteur to investigate the abuses, but he was prevented from carrying out his work by the government, and eventually left Zimbabwe without carrying out his mandate.

International organisations, including UN agencies, attempted to respond to the report’s call for humanitarian assistance to the victims, but were themselves prevented from doing much. They were kept away from the infamous detention camps where displaced people were being held, and were not allowed to distribute food or medicines. When the UN produced a model temporary shelter which they hoped to build in numbers for the displaced, the design was roughly rejected by the government as ‘substandard’, and the president himself ridiculed tents, saying ‘we are not tents people’(Solidarity Peace

¹³ These descriptive phrases appeared on a flier distributed by WOZA members during the demonstration.

Trust 2006: 69). The UN then went into appeasement mode, trying to negotiate the right to bring assistance. No move was taken by any government to initiate international legal mechanisms to punish or even censure the Zimbabwean government for gross violations of its commitments under international law.

Disappointing, as usual, was the response of African governments. Instead of condemning the massive rights abuses, most kept quiet, while some even praised Zimbabwe for achieving slum clearance. Sadly, this approach has come to be expected from the governments of Zimbabwe's neighbours, who appear secretly excited by the brazenness of the Zimbabwean government's crimes. They abrogate their moral and legal obligations under international and regional human rights instruments, possibly because they want to shelter themselves from censure for their own crimes.

Reports by UN envoys sometimes have a sobering effect on the perpetrators of injustice, but generally are not sufficient to change behaviour. Western governments had already imposed targeted sanctions on the Zimbabwean government and ZANU-PF individuals and had discontinued most government-to-government aid programmes, so there were few more actions open to them which might have changed the situation. They were reduced to pleading to be allowed to provide aid to the victims. And even here they faltered, in the face of government insistence that no aid was needed.

The Zimbabwean government

Two responses need to be noted: the government's attempts to pass off the mass violence as urban renewal, and its consistent efforts to prevent assistance reaching the displaced victims.

Throughout, the government and all its members were defiant in their determination to carry on with the destruction in spite of criticism. In response to the initial outcry, it produced all sorts of excuses, and then quickly invented a plan to claim that it was building houses for the displaced people through a programme named Operation Garikayi/Hlalani Guhle (live well). Ironically, this contradicted directly the instruction for people to return to their rural homes.

When Mrs Tibaijuka arrived in early July, the government was diligent in taking her to sites where signs of construction were hastily arranged. A pretence of building was displayed, with trillions of dollars being allegedly allocated, but no one was surprised when, more than a year later, very few houses had been constructed in urban centres

around the country, and virtually all of those houses were given to party and government cronies, members of the uniformed services, CIO and party members. Garikayi, the programme to provide new houses, was a hoax, as most observers had suspected from the beginning. If any displaced families were accommodated, they were ZANU-PF supporters.

When the government thought it could seduce the UN envoy, a fellow African, into believing its lies and prevarications, it coddled her, escorting her from site to site to demonstrate its good intentions. Ever the diplomat, she played her cards close to her chest while she was touring the country. But at the end of her visit, her preliminary comments left no doubt that the report would be no whitewash, and from that moment, the government sought to discredit her and poured scorn on her credentials. This has been its pattern with all UN personnel. Anyone who criticises is an agent of imperialism.

The other iniquitous response of the government was to frustrate the supply of humanitarian assistance from foreign donors to the victims, especially those in the detention or holding centres. When there were approximately 3,000 displaced persons sheltering in four Bulawayo churches, the government did whatever was in its power to prevent aid reaching them, and also visited the churches and harassed some of the victims. Then, without warning, only days after the UN envoy had left, when the government had received her report but before this had been made public, it pounced in the middle of the night and trucked the people away to be dumped at a variety of sites throughout Matabeleland, where it took some time for the churches to trace them.¹⁴ In Harare, people were moved to holding farms. Some are still at Hopley Farm on the outskirts of Harare, prevented from leaving. The distinguishing feature of these camps was that they were guarded and off limits for donors. Those few NGOs, such as *Médicins Sans Frontières*, who reached them, returned with harrowing stories of deprivation. Later IOM, the International Organisation for Migration, managed to access Hopley, where people were still being dumped, and have since been allowed to lay down concrete slabs on which plastic shelters are erected.

The government's purpose in refusing aid seems to be first to deny the effects of its own brutality, and second to hide them from outsiders. The government's deceit, to which Zimbabweans have been accustomed, is entirely self-serving, without concern for the devastat-

¹⁴ For a discussion of this event and its aftermath see Solidarity Peace Trust (2005b: 35-70).

ing consequences for the people rendered homeless and hungry, and deprived of the basics of sanitation and health care.

Thus the government has not repented of its actions, has maintained its claim regarding urban renewal and in fact continues nearly two years later to demolish buildings in informal settlements, and to arrest vendors on a regular basis.

What type of violation?

Is it genocide?

Under international law genocide is committed when acts intended to eliminate a specific group of people are directed against ‘a national, ethnical, racial or religious group’. The people directly affected by Murambatsvina were not killed by state agents, even though many died as a result of it. Nevertheless, genocide is excluded because of the nature of the group targeted. Unlike Gukuruhundi, when Ndebeles were specifically selected, Murambatsvina caught every ethnic group in its net. The criterion, rather, was poverty; or even those not so poor, who existed in the ever-widening cracks of informality within the formal social and economic structures. The vicious assault on up to 10 per cent of the country’s population may, in the popular imagination, constitute a form of genocide, but in the courts of international law, it would certainly not qualify.

Is it a crime against humanity?

In her report, Anna Tibaijuka, the special envoy sent by the UN secretary-general to investigate, stated that ‘a case for crime against humanity under Article 7 of the Rome Statute might be difficult to sustain’ (UN Special Envoy Anna Tibaijuka 2006: Recommendation 11). Diplomats have a habit of modifying their language, so the fact that she mentions it does suggest a category of international law and human rights violation into which Murambatsvina could be fitted. Article 7 of the Rome Statute defines the crimes against humanity which can be prosecuted by the International Criminal Court. These are ‘any...acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack’. Certainly Murambatsvina fits this description, as it was clearly systematic and widespread and directed against a civilian population. The crimes include murder, extermination, enslavement, but more relevant to our situation would be: 7(d), ‘deportation or forcible transfer of population’; possibly 7(h), ‘persecution against any identifiable group or collectivity on political...or other grounds’; and certainly 7(k), ‘other inhuman acts of a similar character inten-

tionally causing great suffering, or serious injury to body or to mental or physical health’.

Forcibly depriving hundreds of thousands of people of their livelihoods, destroying their only shelter, throwing them into the open in the winter, making it impossible for them to go to school or to access health provision, violently removing them from places of sanctuary and dumping them in other places where there is no shelter or food, with the result that substantial numbers die, surely qualifies as a crime against humanity.¹⁵

International law in general and the Statute of the International Criminal Court in particular provide that individuals involved in such crimes, whether they be the planners or the implementers, those giving orders or those following orders, are all liable to prosecution and punishment. While there has been some argument as to whether Zimbabweans are indictable under the Statute, since the government has never ratified it, others, including the executive director of the International Bar Association, have argued that they are.¹⁶

Murambatsvina is not over, and continues up to now. Traders are arrested, homes are destroyed, and the inhabitants dumped at Hopley Farm. In fact, Zimbabweans were shocked by a report in early November 2006 that the minister for local government and housing stated that ‘the spirit of Murambatsvina must not die’. He has not denied it.

No one has been called to account, been made to answer or been punished for the atrocities that have been committed, just as no one has been made to answer for Gukurahundi.

International responsibility

After World War II international law abandoned its respect for national state sovereignty in the face of the massive human rights abuses of Nazi Germany. It recognised that populations living under tyrannical regimes cannot protect themselves against the violence of their governments. The Convention against Genocide, the establishment of the tribunals for the former Yugoslavia and for Rwanda, and the constitution of the International Criminal Court signalled to abusive

15 The Zimbabwe Human Rights NGO Forum concluded in its third report (2006: 45) that it was a crime against humanity.

16 Mark Ellis in an article in the *International Herald Tribune* (27.12.05) entitled ‘Indict Zimbabwe’s Demagogue’.

governments that they would be answerable in international law if not their own laws. Sadly, political will to bring perpetrators to book has been notably lacking. And the rare cases where perpetrators (for example, some of the Rwandan and Serbian genocidaires, and now a Congolese warlord) have been prosecuted have evidently not yet been sufficient to deter others from committing the same types of abuse. The ‘Responsibility to Protect’ doctrine accepted recently by the United Nations is yet to make its mark.¹⁷ The international community is reluctant to intervene and, when it does, usually it is too late to prevent catastrophe and only in time to provide humanitarian assistance to the survivors. Atrocities continue in many parts of Africa, in Sudan, in Ethiopia, in Zimbabwe. Does it have to be this way? Is there nothing that can be done? What can we learn from Zimbabwe’s experiences? At the very least we should have learned the following:

1. Such atrocities take place in conditions where there is a lack of respect for the rule of law, and inadequate systems of accountability either through the courts, a human rights commission or the ballot box.
2. State perpetrators of crimes against their own people will not stop of their own accord. The lesson of Zimbabwe must surely be that if you allow a Gukurahundi to pass with impunity, you will eventually arrive at a Murambatsvina. And beyond Murambatsvina there may well lie more atrocities on a large scale.
3. A regime which has committed crimes will not allow itself to be removed from power by peaceful means, and will continue to commit crimes in order to remain in power.
4. It is extremely important to ensure that, whenever possible, governments that commit such atrocities are brought to justice as soon as possible.
5. However, we also have learned that the international community is slow to act and rarely acts purely on humanitarian grounds; there must be other interests at stake, and if these are in favour of the perpetrating government, no action will be taken. The South African response to Zimbabwe’s travails is evidence of this.

¹⁷ The report of the International Commission of Intervention and State Sovereignty published in 2001 took this as a title, and proposed that ‘where a population is suffering serious harm...and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect’. The principle was adopted by the General Assembly in the Summit Outcomes Document in 2005 and by the Security Council in Resolution 1674 in 2006.

The conclusion must be that we can avoid this type of mass violence by a government against its own people only by a combined response of Zimbabweans and the international community. The response must include the following:

- isolating the perpetrators from normal international interactions, naming them collectively and individually, identifying their crimes, and bringing them to justice in international tribunals
- working towards building the institutions, the political will and the effective precedents to create a world-wide culture of intolerance for human rights abuses which will alert potential abusers that they will not easily find impunity
- committing to developing accountable, democratic governments; in Zimbabwe this means giving birth to a new political culture with a new type of leader whose goal is to serve the people not exploit them; a new type of citizen who demands accountability; and new genuinely democratic institutions which effectively preserve the rights of all and ensure that the wealth of the nation is nurtured for the benefit of all.

How we all succeed or fail in achieving these will produce the conditions for the termination or continuation of episodes of mass violence, and will constitute the text of the history of human rights in the next generation.

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A luta continua!¹ – South African HIV activism, embodiment and state politics

Elina Oinas and Katarina Jungar

In February 2003 the South African HIV activist organisation, Treatment Action Campaign (hereafter, TAC), handed over dockets charging two ministers, Manto Tshabalala-Msimang, the minister of health, and Alec Erwin, the minister of finance, with culpable homicide. Their alleged crime was the failure to respond to the HIV/AIDS epidemic in South Africa. In addition, the TAC started a ‘civil disobedience campaign’, a political campaign that has a very strong symbolical meaning in South Africa. Using a tool that was used in the anti-apartheid struggle was quite a radical step in the new democracy, with the ANC in government (cf. Friedman and Mottiar 2006). During the civil disobedience rallies activists carried posters with photos of the two ministers and a text saying: ‘WANTED. Manto Tshabalala-Msimang, Alec Erwin, for not stopping 600 HIV/AIDS deaths every day’. The activists’ message was clear: these two are personally responsible for lives lost every day. At the same time the campaign pointed at the political machinery, addressing the government as a whole as an institution accountable for deaths in the country:

Our aim is to change government policy and to unite people to condemn government culpability in the deaths of more than 600 people every day. We will not be provoked into acts of violence. We aim to expose the violence of allowing 600 children, men and women to die because they are poor and cannot afford medicines..²

At that moment, in 2003, the focus was on the South African leadership, but earlier the same activists had targeted the multinational pharmaceutical industry and demanded that its profiteering should not lead to poor people’s unnecessary suffering. Thus, the activists address the international community and do not accuse only the South African politicians of negligence and murder. During the last five

1 The struggle continues. Angolan Freedom fighters used this slogan. It was later adopted by the anti-apartheid movement, and is now used by South African AIDS activists, alluding to the historical legacy of the struggle.

2 ‘Volunteer for Civil Disobedience,’ TAC E-Newsletter, 10 March 2003.

years the emphasis has been on state accountability for the wellbeing (or illness and death) of citizens. The TAC can be defined as one of the new social justice movements pointing at links between global injustices and individual lives, linking suffering and deaths to larger social structures. Their way of highlighting the body and health adds a dimension to ‘materiality’ that most social movements seldom discuss, including embodiment and high-tech biomedicine (see Ndour 2008). The ‘embodiment of violence’ means for the activists a simultaneous significance of the level of the cell and the virus, the level of community and national politics, and the level at which global intellectual property rights and a neo-liberal bio-economic order are maintained.

Accusations of criminal acts among politicians who do not show commitment to leadership in the face of the AIDS epidemic – that is, lack of political will being interpreted as a crime – have occurred before. The Malawian activist Chatinka Nwoma, during a rally at the Durban AIDS conference in 2000, is documented to have ‘grabbed the microphone, pointed to a building behind her where World Bank officials and drug company experts were discussing the cost-effectiveness of global AIDS treatment, and shouted to a sea of African faces like hers: ‘There is a crime being committed here! You cannot have 42 million people dying and have the issue be about money!’ (d’Adesky 2004: 7). Similarly, the Wola Nani activist Gary Lamont used the following language in a speech on the SA government’s lack of policy regarding antiretroviral treatment provision to pregnant women: ‘Every month that the government withholds these drugs is a cumulative act of genocide for thousands’ (Fassin 2007: 52).

The question here is whether such a connection is reasonable. Can mismanagement of health issues be interpreted as intentional murder and violence? More specifically we ask what kind of theory of politics of embodiment lies behind the activist view? What kind of relationship between the state and the individual body does this accusation entail? How are TAC ‘body politics’ actually theorised?

This article discusses the connection suggested by the activists between state responsibility and individual AIDS-related deaths. It asks what kind of a view on the political body lies behind the claim that the current HIV situation can be described in terms of mass violence. Here we discuss the activist agenda on health and politics by contrasting it to the theoretical approaches on embodiment provided by mainstream social sciences and post-structural theorists.

HIV and politics – urgency and negligence

What is the context of HIV and state politics in a general sense? Countless narratives of AIDS testify that there is no doubt that AIDS is about very intimate suffering (Fassin 2007). How can it at the same time be argued to be about politics, even mass violence, as activists claim? HIV, after all, is a tiny biological entity, a virus, and the infection happens in the natural processes in the body. It could be added that HIV touches upon the most intimate and anxiety-evoking arenas of public life, sexualities, which further opens a space for silence and hesitation (Richey 2008). It clearly differs from more obvious cases of mass violence (see Kössler in this volume).

Alex de Waal (2006: 179) suggests that the HIV epidemic is like climate change: it does not arrive with a visible drama like other disasters, and therefore it can be made to be invisible in the political realm. Our reading of the discourses of the AIDS epidemic in Africa is that it has a peculiar discursive existence: it is silenced and privatised on the one hand, *and* politicised and exposed as few illnesses before on the other (see also Jungar and Oinas 2008). On a discursive level, AIDS emerged from the very beginning in the early 1980s as an illness loaded with political imagery, from a gay disease to an African catastrophe, evoking old colonial images of a Dark Continent (Patton 1997). At the same time it evoked biomedical sentiments and interventions, and traditionally medicalization tends to de-politicise (Oinas 2001).

Thus, the context of HIV policies is a paradox: silence, negligence and political apathy have been and still are features of the discursive landscape (de Waal 2006); but at the same time there is an unprecedented media alarm, both constructive and scandalising. Further, among policy makers globally there has been a consensus about a growing urgency, as well as an increasing will to act, during the 2000s. The HIV/AIDS epidemic is seen as a major threat to African societies, affecting a wide range of areas from gender relations to economic and political development. High-ranking politicians across the globe state that HIV is a high global priority. All recent US presidents have used the alarm around the HIV epidemic in Africa when they have wished to demonstrate good will and their global responsibility. In 2000 the UN Security Council for the first time held a special session on a health issue – the HIV/AIDS pandemic. The Global Fund to Fight AIDS, Tuberculosis and Malaria was established in 2002 as one of the largest financial efforts to battle against a set of three single illnesses.

Yet, once again, despite the acknowledged urgency, critics maintain that little of the talk has been translated into radical re-oriented po-

litical agendas. On the level of state politics and budgeting HIV is present, but does not constitute a top priority in most African countries, states Poku (2005). For example, former President Mbeki's AIDS denialism and reluctance to proceed to serious HIV interventions were well known and ridiculed world wide, yet for a long time did not create serious damage to his status as a respected statesman (Hoad 2005, Fassin 2007, Mbali 2005)

How to understand this simultaneous political urgency and avoidance, which is a wider phenomenon than only Mbeki's? One way of studying the paradox is to try to place it in the context of different views on the concept 'political', or more specifically, the politics of embodiment. Such an examination can help to discover ways in which AIDS could become a meaningful political question, with policy alternatives based on sound reasoning.

Classic perspectives on health and politics

Ways of making sense of the virus as a political phenomenon can be sought from social theories on illness. In many ways the argument that an epidemic is linked to the political realm is old and commonsensical, shared by scholars with very different political orientations. Mainstream sociology has always maintained that the health of a population and a person has a link, although not a clear-cut one, with the political order of a country, the socio-economic organisation and – but not only – the health care system (see, for example, Durkheim 1952, Parsons 1952). The health care system is a central factor, but the sociological approach is more encompassing and goes further in viewing health as an issue beyond the medical: standard of living and lifestyle choices are affected by such issues as class, income, gender, social status, location and race (see, for example, Doyal 1995).

However, this consensus on the political nature of health covers a multiplicity of differences in what is meant by this relationship; how the interlinking of the social and the material embodiment is theorised. Marxists have pointed to the links between class and health (Navarro 1977). Feminist scholars have shown that women's health suffers from gendered structural inequalities (Doyal 1995). Black feminist scholars have pointed out the importance of addressing racialisation and location, both within a state, and globally (Davies 1982). While mainstream sociology of health and illness has used statistics to prove these links, since the 1980s qualitative studies have often been used to illustrate the political in the private experience of illness and embodiment (Martin 1997, Oinas 2001). With the arrival of poststructuralist perspectives and the enormous interest in

Michel Foucault's theorisation of the body (see, for example, Petersen and Bunton 1997), a new set of arguments were introduced, nevertheless pointing to the same basic message: individual experiences of health and illness, and society, are interlinked in a myriad of ways. Foucault-inspired health scholars joined the existing debate and further elaborated on the embodied subject as a collective enterprise of different social forces, where knowledge and power shape what is understood as 'real'. The radical shift that Foucault inspired was to view the embodiment as thoroughly political, as a materialisation of networks of power, and not merely a rather stable biological entity that is influenced by political decisions (Butler 1993). In the following, we will look more closely at some TAC practices in the light of theories of the body and the political.

This reading is, however, full of paradoxes, as any reading of a changing, diverse and dynamic social movement should be. Different commentators read TAC politics in different ways, in fact in extremely different ways, ranging from accusations of TAC being lobbyists for neo-liberal capitalism, due to their alleged promoting of pharmaceutical companies, to their hiding an underlying Trotskyist agenda. Some commentators have argued that the activists are simply bound to have an inherently neo-liberal political agenda, thus individualising AIDS, because the real interest is in the pharmacological component in the fight against AIDS. Therefore their attempts to address 'socio-politico-economic' roots and implications of AIDS amount to mere lip service to leftists' sentiments in the ranks. Jean Comaroff (2007: 212), for example, maintains that traditionally, the politics of citizenship remains tethered to a liberal model of subject and social contract, suggesting that the activist messages on citizens' rights are inevitably based on individualising liberal politics. Indeed, we will argue that the TAC actually utilises this liberal rhetoric very frequently. In the following we wish to show that the TAC turns at different moments to a Marxist vocabulary, a post-structuralist one, and a neo-liberal one, in different sequences in its agenda and practice. It utilises them all. What, then, needs to be asked is whether these discourses can in fact co-exist and still be useful. When do they become confusing and counter-productive? What are the gains and losses? How do the questions of culpability and state violence enter these discourses?

AIDS, knowledge, power

The following three examples show how different body politics appear in the official documents of the TAC. In the first, the political apparatus is addressed, thus claiming a structural link between health and political action:

Every day more than 600 people in South Africa die of HIV/AIDS-related illnesses. Many lives could have been saved had our government shown urgency and commitment. We still have a chance to save millions of lives. Regrettably, the Minister of Health continues to equivocate.³

In the second – in a lecture given by Zackie Achmat, a founding member of the TAC and its spokesperson at the time – a larger context is implicated, including discourses on sexuality and gender inequality:

We die because of excessive drug company profiteering. We die because our governments are in denial of the seriousness of the HIV epidemic by governments and bureaucratic procrastination and equivocation. We also die because men have greater access to resources and power than women; because rich countries invest substantially more in war than in public goods, and because many global corporations live outside the law of global human rights. We die because religious dogma and reactionary traditionalism suppress sexual freedom and because some African leaders label homosexuality unAfrican. And we die because we cannot buy life-saving medicines. Unlike some of our neighbours in the north, we cannot afford to buy life.⁴

The third quote exhibits a more clearly Foucauldian tone emphasising discursive power, asserting that embodiment is *shaped* by global biopolitics: the power/knowledge networks enable certain subjectivities, for example the resisting/victimised body of 'us', dying due to global injustices:

Our bodies are the evidence of global inequality and injustice. They are not mere metaphors for the relationship between inequality and disease. But our bodies are also the sites of resistance. We do not die quietly. We challenge global inequality. Our resistance gives us dignity. In the Treatment Action Campaign (TAC), the voices of our comrades, friends and children echo around the world to resist injustice. Our voices demand life even as our bodies resist death.⁵

To some extent, the first example, especially, presents a mainstream understanding of power, typical for example of Marxist perspectives, where power is conceptualised as binary oppositions, polarised pairs

3 'Volunteer for Civil Disobedience', TAC E-Newsletter, 10 March, 2003, See www.tac.org.za

4 Achmat, John Foster Lecture, 10 November 2004, p. 12. See www.tac.org.za

5 Ibid, p. 13.

of oppressors and oppressed, powerful and powerless. The TAC language often brings up oppositions between the rich and poor, politicians and patients, pharmaceuticals and poor people, government ministers and citizens. One group has a monopoly on resources as well as definitions of the body proper, and the other suffers, albeit not quietly. At the same time dichotomies are also disrupted. The TAC also continuously challenges the idea of differences in the face of the epidemic. Here, for example, it is the democratic nation in total that is addressed: ‘This failure to confront the epidemic *as a nation united in action*, may have permitted a continued advance of the HIV epidemic’ (Heywood 2005: 378). In the following e-mail to TAC activist e-mail list on 14 February 2008 Achmat thanks many different actors for new PMTCT (prevention of mother-to-child transmission) policy guidelines established by the government, thus indicating that policies are made collectively:

A special thanks to all comrades, friends, clinicians, lawyers, nurses, unionists, religious leaders and scientists who made the change possible. It has taken four years but the progress is a victory for civil society. A special thanks to Gauteng TAC for mobilizing the march on SANAC [the South African National AIDS Council] on 10 September 2007 and then mobilized in Ekurhuleni to march for the policy change and its implementation – despite a difficult time with their own staff shortages. Now our job is to ensure that our country reduces MTCT [mother-to-child-transmission] of HIV to less than 5%. Western Cape has achieved an overall 5.3% and in Khayelitsha, a transmission rate lower than 4%. Our country is behind Botswana and many others. Thanks, Zackie.

A polarisation between the power of the government versus lay civil society thus appears in some statements but is also challenged. Sometimes a juxtaposition of ‘us’ and ‘them’ is there, sometimes everyone is part of the ‘nation’, or ‘us’. Similar contradiction (or, rather, a double strategy) applies for who is ‘affected’ by AIDS: sometimes there is a clear ‘us’ who are dying, sometimes ‘everyone’ is included. For example, the famous T-shirts stating HIV POSITIVE that participants in TAC rallies wear, indicate an erasure of difference between HIV patients and others. The message is that everyone is affected by the epidemic. A T-shirt does not mark the identity of a HIV-positive person, but a commitment to resistance. ‘We all need treatment to be made available’ (Cameron 2005: 130). With the message that AIDS affects everyone, victims cease to be a clearly defined group of Others. Rather, the epidemic compels everyone to responsibility – including government ministers. The government is implicated in a different way because of a different access to resources and the possibility to

make policy and budget decisions, but often the campaign points to the possibility for everyone to act and be part of a change.

For the majority of activists, most of whom live in poor townships (Robins 2004), the campaign aims at creating new ways of understanding the ‘victim’ of HIV. The HIV-positive activists are recast as legitimate political actors, thus reformulating ideas of AIDS in Africa, often depicted as passive, anonymous dying. Most obviously, the activists’ active presence point to the shift in discourse about their own agency: they are part of a collective change, where they are re-situated not as marginalised non-persons but as citizens (Robins 2004).

This in itself is a major shift in the media, and in the policy field. The need to challenge the discourse of a specific Third World AIDS – of anonymous, passive, simple dying (Patton 1997; cf. Biehl 2001) – is beyond doubt, for any positive development in curbing the epidemic to take place. Jean Comaroff, among others (Treichler 1988, Fassin 2007), has pointed to the emergence of a new neo-colonial ‘avalanche of mythmaking’, justified by the epidemic: ‘...as is often the case when Western self-images of reasoned control face home-grown disruption, the disease was deflected onto Africa as primal other, Africa as an icon of dangerous desire, Africa as the projection of a self never fully tameable’ (Comaroff 2007: 197), seriously injuring any meaningful policy intervention. Many have perceived unease with such colonial and racist myths to be the growing ground of former President Mbeki’s denialism. In this particular case there is, thus, a clear link between Western racist discourses on Africa, a counterproductive reaction to them by the Mbeki government and the serious national policy crisis that ensued, resulting in thousands of unnecessary deaths (Mbali 2004, Fassin 2007, d’Adesky 2005).

To conclude, TAC agenda includes both binary, hierarchical views on politics and power (the government as the ruler, the population as victims) and statements that allude to a more all-inclusive, shared view on politics as collective forces of civil acts. In order to specify the differences, a closer reading of the TAC from a Foucauldian perspective might be helpful.

HIV activism as Foucauldian body politics?

The post-structural tendencies in the activist agenda have been less explored in the otherwise widely discussed TAC politics (for recent publications on the TAC see for example Robins 2004; 2005, Friedman and Mottiar 2005, 2006; Mbali 2005, Fassin 2007, Comar-

off 2007). In particular the Foucauldian perspective, especially in its feminist adaptations, will be here further elaborated on as it seems to us to open up some aspects in the TAC activist agenda on health and politics (see also Kistner 2003).

The Foucauldian perspective on embodiment operates on several levels. It includes the level of biopolitics that traditionally is seen as political, like state policies and livelihood opportunities that effect material bodies, but it also points to the political nature of all social acts and all knowledge/power formations. This specific feature of the theory has been claimed to explain its popularity among scholars today: it enables an analysis of both the structural and material workings of power – such as the usual issues of class and injustices – *and* the less obviously political nature of discursive power that shapes the conditions in which political acts occur (see, for example, Diamond and Quinby 1988; Butler 1990, 1993, 1997; Ramazanoglu 1993).

The Foucauldian thinking on power and its knowledge effects can be described as a set of complex discursive networks that constitute the intelligible domain and its subjects. There is no inner truth to a subject outside the discursive, thus no ‘real’ AIDS victim who could be simply freed from an oppressive structure. Rather, Foucault encouraged the asking of questions such as *how* certain truths and normative realities become constituted in power, in language and in everyday-life practices (Foucault 1972, 1980: 92). In the campaigns that challenge the image of African AIDS, Foucault’s concept of power is utilised: power is not conceptualised as a linear relationship between two poles but a process. Power is another name for a temporary concentration of normative knowledge on a certain field. Hence it follows that the knowing subject does not produce knowledge but is one of its effects. Even if power is understood as something constructive, effects of power can be negative for certain groups of people, for example homosexuals in a culture where heterosexuality is the only hegemonic discourse (Foucault 1978). Likewise, the activists situate themselves as both victims and discursive openings for change, as resistance is latently present in every discourse.

While the murder charges at first glance would indicate an authoritarian, binary view on state power and politics (the state yielding power, the citizens as objects of interventions), TAC demonstrations also offer other definitions of politics. They include the aspect of knowledge and power being positively interrelated, especially when the transformative power of collective action is invoked. In Foucault, power cannot be negative or oppressive because it produces that which is under-

stood as reality. Also the knowing subject, and the body, are a product of a historically specific regime of truth. 'Power seeps into the very grain of individuals, reaches right into their bodies, permeates their gestures, their posture, what they say, how they learn to live and work with other people' (Foucault cited in Sheridan 1980: 217). Thus, power is not a property of the politicians but politics consists of networks of power where the activists are an integral part of the South African political field, whether this is to the president's liking or not.

The Foucauldian view on power implies also a refusal to accept essentialised moral high ground, as everything, all knowledge, is situated and inherently political. This can be seen both as the theory's strength and weakness when applied in political activism. There can be no references to right and wrong in a factual sense, only struggles over legitimacy of arguments. Even more: if the understanding of reality is a shared enterprise of networks of actors, it indeed needs to be asked if a person in particular, in a democracy, can be blamed for the AIDS catastrophe. Partly, through its literacy campaigns and mass mobilisation, the TAC teaches a Foucauldian lesson in politics. But it also withholds the possibility of demanding accountability, resorting instead to moral high ground argumentation. It teaches shared responsibility, but returns to tactics of shame and blame when seen as necessary. Later we will argue that this may become a problem in terms of consistency of arguments and credibility, but there are also ways out. First, however, it is necessary to show the positive, encouraging aspects of deconstructive body politics in the landscape of the epidemic.

Education in democracy and body politics

A practice of civic education and political engagement to ensure true SA democracy is an aspect of TAC work that is repeatedly celebrated by activists in their testimonies of what it means to be an activist. What we have observed is that, to some extent, TAC events also work as a learning practice in a Foucauldian perspective on body politics: TAC meetings are sites for deconstructive speech acts. In training sessions one 'unlearns' stigma and personal guilt for the HIV infection, and rehearses what a politicised embodiment means: situatedness in a context, the socio-sexual landscape of a certain historical moment in South Africa. When pointing at the lack of treatment, the activists do not address the absence of pills only, but critique a political system that denies hope to poor people, as in the following quote:

We are not going to change people's perceptions; we are not going to change behavior because the value of life is not significant in

South Africa, because people continue to die while we know full well what we can do to save peoples lives.⁶

In this speech Siphso Mthathi challenges the idea that in Africa ‘misery is endemic, life is cheap, and people are disposable’ (Comaroff 2007: 201), when trying to explain the intertwined relationship between education, hope, politics and treatment. These evoke through the virus not only political debates in South Africa on the future of the welfare state and democracy, but also political questions about globalisation, development and poor people’s agency. For example during the court case where the TAC was supporting the South African government’s case against the multinational pharmaceutical companies in 2001, the message that African lives, too, could be saved if there were sufficient political will, was broadcast world wide and the activists were seen as the heroes in this David-versus-Goliath battle. The TAC argues that in order to contest stigma social issues need to be addressed, and people living with HIV themselves can be in the forefront of this political battle.

Such politicisation is clearly a counter-politics to stigmatising and fetishising discourses that are often fuelled and reproduced by campaigns that target communities from the outside, and that insist on individualistic behaviour changes in a moralising way, implying that without the campaign uneducated people would behave ‘badly’, have bad sex. In such campaigns, a patronising acknowledgement that the social and economic circumstances for youth are indeed harsh does not change the overall picture of individuals being made responsible for the spread of the epidemic by emphasising behaviour *choices*.

Strategic or problematic moral high ground?

The interesting point in this perspective is that the illness is thoroughly politicised – and therefore the interventions should also be viewed as all equally political, political here meant in a constructive, positive way. If there is no single ‘reality’, ‘truth’ or ‘right’ that would indicate the only correct course of action, but temporary truths that can and should be contested, an assumed shared moral ground, disappears. In such a scenario, insisting on the moral high ground is not an effective way of settling policy disputes; instead, one needs to convince by tracking the possible consequences of different choices and weighing them up against each other. Again, the TAC seems to have paradoxical strategies here, often using a rational argumentative style and detailed background investigations but also keeping the moral high ground door open.

6 Siphso Mthathi at SA Commission on Gender Equity, 1 April 2003.

Often, when debating policy implications in the media the discursive politics disappear and the ‘human rights language’ enters. Some commentators have argued that it is exactly the usage of a human rights approach that has granted the activists their victories (Mbali 2005) and we do not doubt the necessity felt on the ground to use any tools to save lives. Yet, we argue that in terms of civic education on the politics of embodiment the human rights route is a cul-de-sac. It counteracts the otherwise nuanced perspective on embodiment and politics and teaches a politics of dichotomies: either-or; good-bad; us-them.

Again, the campaign has different lines of argumentation. While some of it insists on a model of shared power and popular engagement, a view on society as a collaborative accomplishment, the human rights discourse points at mass violence and culpability of a camp of politicians who are then shamed and vilified. Here, Natrass explains the TAC tactic as a good strategy: ‘In all its campaigns, TAC sought to maintain the moral high ground in order to win sympathy for people living with AIDS and to shame government into more progressive action’ (Natrass 2007: 46). Surely a powerful tool, but a risky one, we will argue.

Antiretrovirals as a human right and scientific truth

Many commentators argue that precisely the human rights line in the campaign has finally made the government change direction, albeit reluctantly (Mbali 2005). The human rights language, however, also disguises the potentially possible political choices of how to concretely manage the epidemic. It limits the question to an ‘either this, which is our right, or we die’ argumentation. What remains are clear, black and white either-or-choices, rights and wrongs. If politicians do not offer antiretrovirals (ARVs) for free through the public health care system, they kill people. They consciously deny people their human rights. In the following, Mark Heywood, treasurer and one of the key figures in the TAC, openly declares that the human rights approach was chosen because it indeed is more efficient than a route that would openly debate political or ideological questions, because such debates are currently in crisis:

In South Africa defining and mobilizing struggles of the poor as primarily moral contests, rather than ideological ones, has proved to be a strategy with great potential for mitigating social crises and forcing the reallocation of resources by both private capital and the State to address the needs of the poor. Indeed, it might be ar-

gued that this is *currently* the only way to contest pro-poor struggles given that the political ideology of the poor (still described as socialism but rarely defined) still faces a crisis of theory and thus legitimacy (Heywood 2005: 208).

What happens is a polarisation of the debate. This pushes the government into a corner, characterises differences of opinion as either stupid or immoral, hampers collaboration and dialogue, and removes the larger debate of the future of the state and democracy from the table. When political choices are turned into moral questions, the politics of the future of the state cannot be openly discussed.

What the TAC is covertly arguing for is a social democratic welfare *state* model, unlike, for example, the Ugandan combination of private-public partnerships. This is sometimes openly discussed, but mainly hidden in the human rights talk. Furthermore, the issue of *how* health care provision is concretely implemented can be lost in the battle. Here, for example a South African pharmacologist regrets the state of the debate:

As with any other highly contested terrain, debates around the provision of antiretroviral treatment in South Africa, and in particular in the public health sector, have been characterized by starkly stated and firmly held opinions. Such opinions have reduced the space for meaningful debate about the very real challenges of implementing antiretroviral treatment in the country. The debate has instead become a contest between notions of toxicity and/or infrastructural deficiencies on the one hand, and the moral and ethical imperative to take immediate action on the other (Gray 2005: 524).

The argument that there is only one good way to go is backed up by a faith in a pure scientific truth on HIV/AIDS. Claiming certainty and neutrality of scientific knowledge and biomedical facts (of any illness or bodily phenomenon) must of course be understood in the context of the AIDS denialism that emerged in the previous leadership of the country. In such a context it became crucial to defend ARV science as legitimate. In order to accomplish a firm counterstrike to denialism, a rhetoric of indisputable scientific authority was deployed. For example, Nicoli Nattrass, a scientist who identifies with the activists, ends her book with: ‘Only when science is *firmly re-established* as the benchmark for AIDS treatment will its ghost finally be exorcised (Nattrass 2007: 184; italics ours).

But, as many scholars of science, technology and medicine today claim, science does not need to be defended as an apparatus of firm truths. Scientific uncertainty does not necessarily open space for out-

right ideological denialism. Denialism could instead be refuted by assertion of best contemporary understanding. Contemporary ARV science is not based on certainty, but is certain enough to motivate comprehensive ARV policy now. Even if the future may show possible other understandings that will refute this one, science points to certain credible paths at this moment in time. It is not necessary to speak of outright lies and misrepresentations of facts by denialist politicians, but rather that denialism denies ‘facts that others *generally accept* as proven on the basis of massive and overwhelming evidence’ (Cameron 2005: 132, italics ours). Today, surely, people undeniably die in need of interventions that could keep them alive. Thoroughly political, the virus has its existence as an ‘intra-actor’ (Barad 2003) in an illness scenario of AIDS, a scenario that can be altered with ARVs: there is overwhelming evidence, even if no certainty. It is hardly necessary for strategic purposes that some areas of policy are blatantly de-politicised. It is worrying if the biomedical knowledge loses its intra-active character, and activists demand a blind faith in science, and argue that science has sanctity and authority that is to be taken for granted.

There are ways of arguing for a biomedical intervention without needing to resort to the medical authority card. Also the TAC practices describe biomedicine as a web of changing understandings, conceptions and practices, where the patients’ views and practices matter too. In such a representation a polarity between the lay and the medical is not necessary. Neither is the emphasis on hierarchy and the notion that the lay sphere should not scrutinise or criticise the medical domain (because what can ‘ordinary people’ know about that?). In many TAC practices, a ‘collaborative’ view on medicine is promoted – the patients’ active collaboration in care and decision-making is key to a successful treatment regime. But then again, often, the ‘authoritarian’ view is also promoted, especially when Mbeki’s denialism is ridiculed.

The major argument here is that when such, rather understandable, expression of frustration takes the shape of deliberate de-politication of the body and the biomedical knowledge about it in the activist discourse, there is a cost that undermines some of the most valuable aspects of the campaign: the message that the HIV/AIDS epidemic is political, its trajectory can be changed by political will and action, and a multitude of actors can be involved in this.

The powerful message that a failure to engage in meaningful HIV policy is a crime committed by the politicians in charge can, in fact, be backed up by a vision of politics that thoroughly politicises the body.

In this terrain, no easy moral high ground can be occupied, however. In the thoroughly political space of embodiment, easy rights and wrongs cannot be pinpointed, but, rather, different configurations of power. This kind of politics builds on the belief that people can be convinced that some policies save lives and some lead to unnecessary loss of life. These conclusions, however, need to be set alongside questions of *how* to design health and economic policies that enable life. In the aftermath of Mbeki's resignation, one can ask whether activists' resorting to a rights and facts discourse signals resignation, and lack of faith in fair political debate. In our analysis of democratic practices and the role of civil society, such a signal is alarming.

Obviously, South Africa's apartheid history with its oppressive health policies, and moreover the struggle over HIV/AIDS policy during the last 10 years, has created a trauma, a psycho-societal monster of endless lies, accusations, misunderstandings and betrayals (Fassin 2007). But during the same process the country has, actually, also managed to develop the largest publicly funded ARV treatment programme in the whole world, an achievement with enormous impact on the nation and internationally, and especially for the African continent, as an example of what is possible. Currently, the social movements remain alive and kicking, and the ANC has shown that it is not unable to undergo change: the South African state is still in its making, and it has great potential.

Public health, public politics

An analysis of the TAC's relationship with the state and the government from a social movement research perspective understandably employs a militarised language – the campaign is about wins, gains and battles (see, for example, Friedman and Mottiar 2006: 27), but this perspective may not describe the whole picture of TAC as a public health social movement. As it aspires to influence government health policy and service delivery, it cannot 'win' a struggle *over* the government. A public health campaign is always in a situation of shifting policies and uncertain outcomes, and cannot but work *with* the government if it is to succeed. In comparison to an organisation like ACT UP in the United States, where activists clearly were not working *with* the US government, the TAC 'has to be so much more sophisticated' (private discussion with a former ACT UP activist at Global Treatment Access congress, Cape Town, 2003). Success means not only winning the support of the constituency but ensuring a government-funded and orchestrated delivery of health services and medication. Therefore, political play is more contested and risky in a case like this, compared to – for example – a situ-

ation where the landless people fight over land. Once the land is theirs, there is a clear victory. With this campaign, the political dimension is indisputably there, but the camps of aggressors and enemies, and the clarity in wins and losses, are by definition unclear.

We have sought to show in this article that the TAC argument does not need to be built on the assumption that there are no other alternatives. It can be based on an argumentation that this is a good, even the best alternative indicated by different calculations and studies. Or, activists can argue that the popular discourse in general directs the government to this option anyway. Or, that the ANC needs to follow up on its own promises. Further, and maybe most importantly, the South African Constitution can and has been used. TAC-initiated litigation has shown that ARVs are what the Constitution promised its citizens – but of course there is room for negotiation, which is why the government has trouble trying to prove its point (Heywood 2005).

To conclude, the TAC has many lines of argument: it sometimes uses ‘the only option’ discourse, sometimes ‘the wise option’, and sometimes a ‘politically right option’. While this shows that the TAC is thoroughly strategic and political, it is important to keep in mind that its politics are in line with the politics of scientific knowledge, the long-term promises of the ANC, the Constitution, and individual politicians. With such promises and commitments taken together, there indeed is ‘a case’ of mass violence. People die while politicians have promised to provide services that can keep them alive. This, however, is a different claim than politicians murdering citizens on the basis of their assumed rights. The earlier version points to a political field in the making, a fruitful ground for democracy:

TAC believes that the delay by government *in acting on its own policies* and recommendations is leading to immense suffering and loss. It is also creating new inequalities in SA. MPs have access to ARVs. People with medical aid have access to ARVs. Parastatals such as Transnet and Eskom provide employees with ARVs. The SANDF is designing an ARV programme. It is only the poor, those employed in the informal sector and small and medium sized enterprises, and the unemployed – ie those who are totally dependent on the public health service – who, as a matter of policy are denied these medicines. [...] our protest is against political negligence and unjust policies which willfully withhold life-saving medicine and other resources from people in desperate need.⁷

7 ‘Dying for treatment: TAC Briefing Document on the Civil Disobedience campaign’, TAC E-Newsletter, 10 March 2003. http://www.tac.org.za/newsletter/2003/ns10_03_2003.html (last accessed 14.2.2007).

Conclusion: Antiretroviral treatment as body politics?

Can lack of a certain kind of pill, here antiretroviral medication, in a public clinic, be read as mass violence? Despite the agreed importance of the inter-linkages of health and political order, in the popular thinking and political apparatus health is often still perceived as a technical issue of biomedicine administered by some devoted, dull public health people, who are involved in rather neutral, straightforward, medico-technical work. The disconnection between an obvious interest in the socio-political nature of health within social sciences and a biomedicalisation of contemporary epidemics calls for further attention. The major problem in this debate, especially when the object of inquiry here is access to ARV treatment, is the question of the ‘medical’ that seems to haunt social scientists. In mainstream social science medical interventions are seen as a distraction from more social and political agendas. The activist agenda can be helpful here, as it seems to offer a way to grasp the political nature of biomedicine. This, however, is also an area where the activists operate with a double agenda, both politicising and neutralising.

A major part of the activist discourse argues that there is no body free of politics. Furthermore, politics is not here seen as the dirty business of politicians, but as a positive, constitutive feature in everyday lives. The policies, the physical vitality of the organs, and the daily lives together contribute to what is the reality of living with the illness. Similarly, there are no neutral agendas, there is no pre-discursive embodiment and there are no politics-free zones where stakeholders can unite in terms of absolute good: the body cannot escape the social order, it materialises only through political battles. How can the activist agendas be situated in terms of such a view on body politics? We have argued that the TAC has a politicising agenda that has been helpful in re-formulating HIV/AIDS politics, but there is also a growing tendency of depicting the policy scenario in ‘human rights’ and pure science frameworks that operate with a de-political agenda.

What are the perspectives on the state and the illness that may allow the activists to frame the SA government (in)action as mass violence? Inaction can be read as murder in different perspectives used by the TAC. First, in a political model where the government holds all power, and has the possibility of letting people either live or die, the state holds individual lives in its hand like flies. This, however, is a model of a state that does not hold in contemporary democracies, and complex health care systems. Second, in a rhetorical space opened up by the human rights discourse, such an accusation can be used as a rhetorical tool to point to the urgency of government action. The

human rights discourse cannot, however, take into account the realities of health care delivery. The complex nature of health care policies and the political decision making is not there, because logic demands they are kept on the level of simplified arguments. Thus, it is a powerful lobby tool, but does not back up the argument that lack of action is mass violence.

The third alternative is the Foucauldian framework of power/knowledge/embodyment where government inaction can in fact be seen as mass violence – if it is discursively so defined by the workings of power in the context of the South African political battle over AIDS. There is no simple murderous act here, and no moral high ground where certain acts can be pronounced as violence as such. But, when all the generally accepted promises and premises of the government are considered – and there is a clear indication that in this political game the government has indicated that it should act on HIV/AIDS in a certain way, yet still do little – the mass violence case is there. The government played itself into a corner where it can be defined as a perpetrator of mass violence and lethal biopolitics on a mass scale. The ANC commitment to a welfare society, its commitment to the socio-economic rights stipulated in the Constitution, its paradoxical AIDS policies including a biomedical component and public health service delivery model, leave at hand a tragedy where useless politics costs lives, while other choices could have been made. Having said this, it still is important to bear in mind that exactly how the ARV delivery is organised is not a matter of one route only.

The human rights scandal, in contrast, is a dangerous discourse, not because it points fingers but because it reduces alternatives to two diametrical ones, and actors to either good guys or bad guys. Fingerprinting is needed to hold politicians accountable, but in a democracy and in the uncertain times of postmodern global bodies, the politicians should be held accountable to their promises, and they should be made to promise political futures, not unquestioned truths. Certain truths are the domain of dictatorships or technocracies. The post-structuralist AIDS debate acknowledges power play, and plays with open cards. Justice is still a possible value but it is not uncontested or holy. Activists, lobbyists and politicians should be scrutinised, not according to some absolute rights defined by an international body, but according to their commitment to the ideals of their own choice, their ability to convince others of the rationale of such ideals. And their ability to fulfil the promises. If the result is death, albeit by a virus, there can be culpability.

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‘The unpredictable past and future of genocide’

*A genocide dialogue conference at Voksenåsen,
Oslo, 16-17 November 2007*

Concluding the conference by presenting the Voksenåsen Statement, Henning Melber, director of the Dag Hammarskjöld Foundation, said that presenting common concerns had been more important than reaching a common view: ‘We are not imposing a common statement on all but offer ours. Yet the intention is not to leave the Voksenåsen genocide conference initiative as a single event. Even though our shared concerns will not be solved in a further meeting, we should follow these up.’

The statement was the result of joint efforts by participants at the conference organised by Voksenåsen Culture Centre; the Dag Hammarskjöld Peace Centre at Mindolo, Zambia; the Dag Hammarskjöld Foundation, Uppsala, Sweden; and Networkers SouthNorth, Oslo.

The themes of genocide and mass violence approached in the conference as well as in the statement are complex, with a wide range of stories and histories, acting groups, forces and scenarios, vested interests and lots of room for getting lost in controversy and conflict.



*Emily Zikazwe, Hassan
Abubakar Jallow, Henning
Melber, Alejandro Bedana,
Jimmy Juma and Joyce Apsel*

In short, both the understanding of the past as well as expectations for the future of genocide are unpredictable. And we are reminded of the 'Never forget' of the many Holocaust memorials, as well as of Harold Pinter's Nobel address: 'But it never happened. Nothing ever happened. Even while it was happening, it wasn't really happening. It didn't matter. It was of no interest!'

The contributors to the conference were well schooled and experienced in the theme and content of genocide, as academics, activists or politicians. The focus for the conference was primarily on, but not limited to, Africa. The speakers were invited to respond to broadly sketched themes identified through preparatory talks, including:

- Are there specific Northern and Southern perspectives on the theme of Genocide? And what are the ramifications of the answer to that question?
- Have we forgotten the role of the coloniser, blacked out crucial parts of the history of genocide, or even hidden it deliberately?
- Can the history of genocide be distilled and converted into lessons learnt?
- What is the role of hegemonic powers or collective efforts in creating new options for peace and development in the wake of genocide?
- Beyond vested interests, vengeance and sacrifice in the history of genocide: how can we develop effective mechanisms for prevention, based on insight and hope.
- What are the burning issues of today?

The speakers were:

- Hassan Abubakar Jallow, chief prosecutor of the UN Criminal Court Rwanda
- Jan Egeland, director of the Norwegian Institute for International Affairs (NUPI), former UN Deputy Secretary-General, Norway
- Charles Abugre, head of policy, Christian Aid, UK and Ghana
- Alejandro Bendaña, director of the Centre for International Studies, Nicaragua
- Henning Melber, director of the Dag Hammarskjöld Foundation, Sweden.

Other participants and panellists included:

Former President Kenneth D. Kaunda, Zambia; Dr Alex Obote, Uganda; Ambassador Ragnar Ängeby, Sweden; Ambassador Bernt H. Lund, Norway; Dr Joyce Apsel, USA; Director Emily Zikazwe, Zambia; Ambassador Michael Sahlin, Sweden; Director Jimmy Mulanda Juma, Congo; Dr Bernt Hagtvet, Norway; Editor Arne Ruth, Sweden; Director Gunnar Sørboe, Norway; Dr Ingrid Samset, Norway.

Some key contributions at the conference are presented in the following part of the volume.

John Y. Jones, Networkers SouthNorth



Colonialism, genocide and mass violence – Integral parts of modernity

Henning Melber

*The sea so deep and blind
The sun, the wild regret
The club, the wheel, the mind,
O love, aren't you tired yet?
The blood, the soil, the faith
These words you can't forget
Your vow, your holy place
O love, aren't you tired yet?
The blood, the soil, the faith
O love, aren't you tired yet?
A cross on every hill
A star, a minaret
So many graves to fill
O love, aren't you tired yet?
So many graves to fill
O love, aren't you tired yet?*
(Leonard Cohen, 'The Faith',
based on a Quebec folk song.)

This article builds on earlier work on the history of the colonial view (Melber 1992). Its intention is to offer some food for thought on the inherent nature of current forms of mass violence rooted in Europe's expansionist history (and mindset) developing since medieval times and culminating in the colonial mass violence executed in the name of a 'civilising mission', the true aim of which was to exterminate the brutes.¹

¹ 'Exterminate the Brutes!', a phrase coined in the novel *Heart of Darkness* by Joseph Conrad, became a watchword characterising the *Zeitgeist* of colonial-imperialist Europe at the turn of the 20th century (cf. Lindqvist 1997). This perspective of mass extinction as a kind of 'civilising mission' was *inter alia* documented in the words 'Pardon is not given! Prisoners are not made!' by the German Emperor Wilhelm II in his *Hunnenrede* on 27 July 1900 in Bremerhaven, ordering the soldiers of the German East Asian expedition corps deployed to China to show no mercy when dealing with the rebels rising against German rule in the 'Boxer War' of 1900/1901. See for further details <http://www.economy-point.org/h/hunnenrede.html>.

The arguments exchanged between the philosopher Ginés de Sepúlveda and the Dominican padre and bishop Bartholomé de Las Casas at the Spanish court in Valladolid in 1550 over the annihilating effects of the Conquista on the South American population marks the final entry into what might be termed European modernity in the wake of the first stages of colonial-imperialist expansion some 500 years ago. The legal-philosophical exchange over the fate of South America's indigenous Indian people showed that the emerging era of enlightenment (considered emancipatory in substance and nature), was at the same time nonetheless infected by a racial hierarchy. Since then the people of this world have been structured according to a pyramid model – with the most 'civilised' European nations and their citizens at the top. According to Las Casas, Sepúlveda's humanist opponent, South American Indians deserved to be spared forced labour in the mines. Instead, Las Casas suggested using negro slaves from Africa, since they were in his view inferior to Indians. What was widely celebrated as an achievement – and still is today at times – is revealed at a closer look as merely another ideological articulation of the civilising mission abused for centuries to follow.² Since then this view has been modified, but it survives as an integral part of the concept of European modernity and rationality that emerged as a hegemonic paradigm with the era of enlightenment.³

The abolitionist views so vehemently advocated by the French aristocrat and *citoyen*, the Marquis de Condorcet (in 1794 himself a victim of the guillotine), reinforced at the same time a mystification of progress similar to that already advocated by Las Casas, which appealed to a bourgeois humanism with all its inherent discriminations. His linear evolutionism represented absolute belief in progress and development within a hierarchical worldview, which considered European nations and people to be the top of the pyramid. All other people, while recognised as human beings, had to be uplifted to this level in the course of the civilising mission – or had to disappear. An advocate of the abolition of slavery, he was nevertheless caught in a mindset that considered emancipation of fellow human beings as synonymous with the domestication of the 'savage', thus emulating the French and Anglo-Americans, considered the most civilised human

2 See, on the debate itself as well as the fundamental consequences it had, Hanke (1959), Hernandez (undated), Kristeva (1991) and Todorov (1984).

3 Confronted with the horror of the Nazi regime, Max Horkheimer and Theodor W. Adorno, as the most prominent protagonists of Critical Theory and the Frankfurt School of Thought, reflected most sensibly on this in their 'Dialektik der Aufklärung' (Dialectic of the Enlightenment), first published during the 1940s in Amsterdam; for an English version see Adorno and Horkheimer (1997).

beings (de Condorcet 1822).⁴ The German philosophers Immanuel Kant (1724–1804) and Georg Wilhelm Friedrich Hegel (1770–1831) were the most prominent protagonists of the Eurocentric civilising mission in Germany. John Stuart Mill (1806–1873) represented within the tradition of the ‘Philosophical Radicals’ the ambiguities of such an era of enlightenment with its two-sided message in the emerging English industrial-capitalist society.

The colonising crusades of the imperial Europeans were the civilising mission in this kind of ideological packaging. They were aimed at subjects at home and in the colonies who had not yet internalised the virtues and norms of the emerging industrial-capitalist mode of production. In parallel processes, ‘savages’ both at home and abroad were trained to become either citizens or subjects – and commodities – within a new system of social reproduction. The founder of the Salvation Army published a programmatic manifesto in the late 19th century. In a clear reference to Henry Morton Stanley’s travelogues, *In Darkest Africa*, he gave it the title *In Darkest England*. These processes of inculcating responsible labour ethics in workers were seen as modes of affect modelling within the formation of a disciplining society (Norbert Elias 2000)⁵, or *as* disciplinary society (Michel Foucault)⁶. It was about the domestication of inner nature, which went hand in hand with that of outer nature. The expansion into other territories took place with regard to both the interior, mental landscape (socialisation of the ‘savage’ psyche) and the exterior, geographical map (subjugation of ‘savages’ in the colonies).

The dispositions created corresponded with the power structures and had long-term effects. They were an inherent part of every modernisation philosophy, no matter what its political-ideological orientation. Decolonisation processes since the mid-20th century have never emancipated the people – whether colonisers or colonised – from the

4 See, as an introduction, *The Future Progress of the Human Mind*, Modern History Sourcebook: Condorcet, <http://www.fordham.edu/halsall/mod/condorcet-progress.html>. [no author given]

5 Elias originally published his monumental work on the shaping and formation of habits and dispositions with reference to the central European late feudal aristocratic societies in transition to early capitalism in Germany during the late 1930s. For a revised translated version see Elias (2000); for an analytical summary of his approach see van Krieken (1998).

6 The numerous complementary works of Foucault on the related subjects of disciplining and compartmentalisation of individuals in the medical, psychological and other sciences, and the introduction of corresponding regulations to create and enforce ‘docile bodies’, include – as maybe the best example of the notion he advocates – an analysis of the introduction of the prison system (Foucault 1977).

dominant paradigms of ‘developmentalism’ and the mental affinities to such modernity. The virus survived, even in the ambivalences of a Eurocentric critique of the origins of totalitarian rule as presented in the pioneering work, *The Origins of Totalitarianism* by Hannah Arendt (1951), who herself was infected by racist perceptions that were not always subtle. A clear indication of the ‘success story’ of bringing Europe to most other parts of the world is that the institutions created by colonialism to reproduce societies (state, school, and so on) survived colonialism and remained largely unquestioned and intact. While those controlling and executing social power may have changed, the concept of power has not.

Similarly, the colonial legacy has remained, in most former colonising nations, a chapter that has yet to be fundamentally questioned and critically explored in terms of the dominant ideology applied within these countries – that of civilising the ‘natives’. That the hegemonic discourse since then has changed very little in its principles is evident with regard to West German society’s attitude to the unification of Germany since 1990, which in its nature was hardly different from colonial subjugation, and imposed the self-declared superiority of the guardian over the foster child, or *Mündel*. The patronising, paternalistic hierarchy imposed on the inferior system and its individual members resembled basic features of the colonial mind. It is therefore still possibly a sign of bad taste (but not as misleading as it might appear at first sight) that a prominent ‘unification politician’ from the former GDR, writing in *Die Zeit* around 2004 with reference to the redistribution of property, used the analogy that East Germans were treated like the Herero in Namibia. They were not, of course, since the Herero and the Nama were almost annihilated, which qualified the colonial war by the German *Schutztruppe* (literally, ‘protection troops’!) in South West Africa a century earlier as genocide. Hence such an analogy is at the same time a deeply offensive statement, adding insult to injury, and an expression of subtly racist dispositions – expressed at a time when commemoration activities aimed to bring this dark chapter into public discourse and collective memory (cf. Melber 2005).

The inability to mourn, as diagnosed by Alexander and Margarete Mitscherlich (1967) with reference to the reluctance of post-World War II Germany to come to terms with the Holocaust, and express remorse, is a phenomenon which can also be seen in the failure to address the issue of mass violence under colonialism. It is also applicable to the refusal to accept the fundamental challenges in terms of re-thinking power and dominance (as well as their application in forms of subjugation and oppression, culminating at times in exter-

mination) in the context of conceptual notions such as ‘development’, ‘progress’ and ‘modernity’ – all concepts defined in an linear mode of thought as normative and absolute paradigms. None of the previous colonial powers, in their collective memories and commemoration practices, has to my knowledge accepted so far the fundamental challenge to deconstruct the foundations upon which the colonial mind-set abused the ‘civilising mission’ as forms of predatory capitalism. A mode of production, by the way, upon which the relative prosperity and wealth of most industrialised Western societies are based.

There might exist different forms of dealing with a colonial past in these former colonial powers. But hardly any of them would so far accept that many forms and ways of colonialism were a prelude of European modernity to two world wars, the Shoah and the Gulag, as much as the nuclear bombs dropped on Hiroshima and Nagasaki and other forms of mass extermination aimed at those defined or perceived as enemies to be destroyed. The forms of indiscriminate violence mean that the perpetrators rather than the victims of such extermination strategies merit the classification ‘brutes’. The garden-ing state – an image introduced by Zygmunt Bauman to characterise the centralised bureaucratic agencies that are prepared to include mass destruction and extinction strategies in their system of dominance and subordination (Bauman 1989)⁷ – consolidated its (self-)image and outer appearance in the era of colonial expansion and has never been rigorously deconstructed since then.

The fate of the Herero and Nama in South West Africa – as of the victims of the scorched earth policy in East Africa, in response to the Maji-Maji uprising – did not belong to a specifically German trajectory, although the notion of the German *Sonderweg* (‘special path’) might still be a worthwhile, albeit inconclusive debate – if only to suggest that such a *Sonderweg* could have happened elsewhere too, and therefore is no *Sonderweg*. The massacres in the Congo by the Belgians, which began in the late 19th century and were described by Joseph Conrad in his novel *Heart of Darkness*, were of a similar nature. Settler colonial extermination strategies of autochthonous people in North America, Canada and Australia hardly differed. US-American warfare in the Philippines, the British army’s slaughter of people in the Sudan, the Spanish and Italian bombings of civilian populations in North Africa and the Horn of Africa respectively, the Portuguese massacres in Angola and Mozambique, all belonged to the same category. The resistance of the Mau Mau movement among the Kikuyu

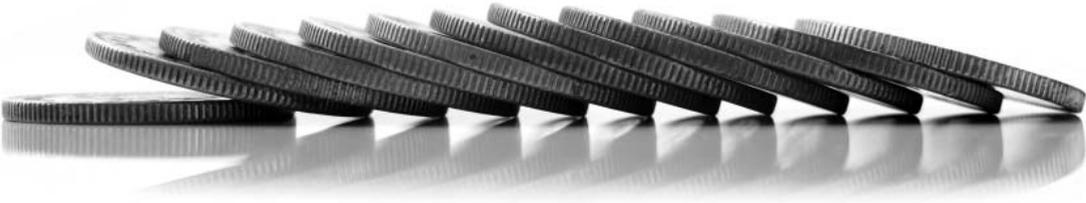
7 For a summary see also Bauman (2005), Kriek (1997) and Varcoe/Kilminster (1996).

in Kenya was met with similar indiscriminate force by the British colonial army as late as the 1950s, competing in terms of atrocities with the French massacres among the Algerian population resisting foreign rule. All these and many more organised and systematic crimes against humanity committed in the name of a superior Western civilisation reflected the uncompromising will of extermination, which has been reproduced since then in other places and at other times in this world. Colonial strategies of oppression, subjugation, annihilation, imposition of foreign or minority rule and warfare against those who resist have by no means been confined to colonialism and survive unabated into the present day. The vital question that needs to be explored – namely to what extent these current practices and mindsets represent a continuity of (hardly modified) colonial thinking and its application – is rarely asked, and even less explored further with the aim of being answered. Certainly it has never yet been seen as a so-called mainstream issue in any of the former colonial powers, which as a debate in itself would imply willingness to accept that the past is not even past, but constantly reproduced in manifold (though not always obvious) ways.

Colonialism remains – at least through the colonial mindset which has not yet been abandoned – an integral part of European modernity, as manifest also elsewhere (cf. Nandy 1984). Worse: it hasn't even been acknowledged so far in the dominant cultures of the former colonial powers as such, not to mention the missing efforts to bring about true decolonisation. Such efforts would need to allow questioning of the fundamental values and norms that determine our concepts of legitimate use of power and the inherent practices of dealing with deviations from what is considered to be the acceptable norm. They would also implicitly require a fundamental re-definition of concepts currently applied in terms of social engineering and 'good governance'. They would require the replacement of the hegemonic discourse by new concepts of (dis-)empowerment and of equality between 'the same' and 'the other' and thus the implicit justification of discriminatory practices would lose its legitimacy. They would, perhaps, allow us to move a bit closer towards a true emancipation of human beings in respect of the diversity of life in this world.

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Behind most mass violence lurk economic interests

Charles Abugre

Before I deal with the issue of the economic dimensions of genocidal manifestations in Africa, I would like to emphasise a point made yesterday by the Chief Prosecutor of the ICTR, Hassan Bubakar Jallow, to the effect that the focus on what goes wrong in Africa severely clouds out the remarkable changes and transformations taking place across the continent. The continent has shown positive per capita GDP growth for five years running and some of the world's fastest-growing economies are based in the continent. Even Nigeria, once written off as too corrupt to make progress, is now one of the hottest destinations for equity capital. Military coups and old-fashioned brutal dictatorships are the exception, and countries such as the Democratic Republic of Congo (DRC), Liberia and Sierra Leone weathered immense odds to run relatively free and fair elections. Democratic institutions are deepening throughout the continent, as parliaments become more mature, the media more liberalised and civil society bodies find their voices. With debt relief (at least for a few), an upturn in commodity prices and the easing of the worst forms of structural adjustment policies, we see education attainment rising rapidly once more; and with China's involvement, there is renewed attention to infrastructure. At the continental political level, we see signs of progressive policies through the Africa Union. Africa is not just a continent of crisis and negatives, it is a continent making steady progress, even rapid progress relative to its history.

I would also like to say that my comments are not about predicting genocides. It is simply impossible to do that; not even genocidal conditions can be generalised with any certainty. Instead, I will try to draw attention to flashpoints, and to areas for potential flashpoints that trigger mass deaths.

My focus is on genocidal conditions, and by that I mean any conditions that lead to, or trigger mass deaths. We have to remember that genocide is not just pornographic, nor is it simply a result of demagoguery. All genocides are rooted in history. Africa's genocides are rooted in Africa's historical relationships amongst its different parts and between its communities, where identities, and early state formations are important factors. But they are also rooted in Africa's

historical relationship with the West, from periods of exploration, to slavery, to colonisation. At the heart of most conflicts, violent or slow-burning, there also lies contestation over the use of, and control over, economic resources and economic conditions, which can create desperation, ignite or lead to insane behaviour. It is tragic, therefore, that the economic dimensions of genocidal violence tend to be marginalised, as they are in the Genocide Convention itself.

I would also like to note that not all mass deaths, including threatened extinctions of whole groups of people, arise from the violence of armed conflict or even from physical violence. Many, often slow-onset mass deaths are consequences of public policy or the neglect of the same. Therefore, do not be surprised that my comments are about more than deaths arising from physical killing and include the economic conditions triggering mass killing, especially conditions arising from public policy.

Genocide in Africa is not an exclusively 20th century phenomenon. It dates back to the period of slavery. Adam Hochschild's book *King Leopold's Ghost*, a true master-class, chronicles most vividly the horrors visited upon the people of the Congo Free State in the 19th century. Hundreds of thousands of men, women and children died, or suffered amputations, were tortured and maimed owing to King Leopold II's pursuit of rubber and other loot. Joseph Conrad, a young English sailor shocked by the brutality of Leopold's Congo observed in his book, *The Heart of Darkness*, the 'vilest scramble for loot that ever disfigured the history of human conscience'. Mark Twain writes that between 1890 and 1910, and immediately preceding this period, Belgium's brutality may have led to the death of 8 to 10 million Congolese. Estimates are of course always difficult to verify, but even if only half of these deaths occurred the scale was staggering, especially compared to the size of the total population at the time.

This was of course the result of internal slavery. Whilst Leopold was lauded in Europe as an abolitionist and benevolent king who brought progress to his African *vassals*, behind it he created a kingdom of slaves, of forced recruitment and conscriptions; of hard labour, driving people people armed with machetes and cutlasses to fight against people with rifles and guns. And many of his soldiers were to write how endlessly they fought, month after month, with these folks coming in droves with sticks and cutlasses, mowed down by their rifles. At the height of it, one of these soldiers wrote, 'I cannot say that we are anywhere near even subjugating them. They simply preferred to die'.

The genocide of today in the Democratic Republic of the Congo may have been dwarfed by the genocide of the 19th century, but the dynamics remain the same – the consequences of a violent scramble for loot, in which foreign interventions exploit and exacerbate primordial identity politics with cunning, proxy armies, mercenary armies and full-scale invasions.

But the villains of the DRC are not just gun-toting, bleary-eyed young men high on drugs, they are also besuited technocrats, a steaming flow of lawyers, accountants, surveyors – and World Bank ‘experts’. The World Bank in particular is crucial in legitimising the division and the grabbing of the loot and the spoils through contracts where no civil bases exist for such contracts. These legitimising contracts do not only result in unjust wealth extraction, they fuel the wars by encouraging facts on the ground, whereby minor companies force their way into mineral patches by paying local armed factions for protection or bringing their own in, if that is more convenient. The contracts supported by the World Bank create ‘legal’ rights and obligations in an illegal occupation reminiscent of the tactics of the Israeli government in Palestinian lands. The world must hold the World Bank to account for its role in the genocide, not just armed killers.

There is a new old scramble for the continent. This scramble is old in the sense that the drivers are the same – the scramble for economic resources. It is new in terms of shifting emphasis on the nature of strategic resources. This time energy resources such as fossil fuels, bio fuels and water-based energy top the bill. With fossil fuel discoveries and extraction expected to peak globally in the coming decade, and no viable alternatives found to drive industrial and vehicular transport, the scramble is on to claim and enforce claims on known deposits. The implications are immense. Confirmed deposits of oil of varying quality and gas have been found in about 70 per cent of the African countries. In the next few years, Africa is expected to provide 25 per cent of total US imports of petroleum. The Gulf of Guinea has become one of the hottest geo-political spots on earth, as evidenced by American military intelligence activity and the expressed desire of the United States to physically establish its African military high command (AFRICOM) on African soil.

We also witness the expansion of foreign intelligence facilities in many African countries, including alleged expansion of the Khar-toum CIA post into the key intelligence hub for North Africa and the Middle East, as well as the Sahara. Add to this mix, heightened military collaboration between France, Britain and the US in Djibouti

and the Ogaden region. Throw in China's expanding presence, the so-called 'war on terror', and it is not hard to perceive a powder keg ready to explode some time somewhere.

The least talked about, however, is a scramble for Africa's rivers and water bodies. This is in part due to the understandable but uncunning desire of the New Partnership for Africa's Development (NEPAD) to facilitate investments in large-scale energy projects in order to bring about African integration and African industrialisation. However, if these projects are financed largely by foreign energy companies through privatised models, there is a clear danger that water bodies lying at the heart of Africa also become strategic installations of Western powers. Not to mention the struggle that can ensue between communities and states over the protection of water bodies that communities can legally lay claim to, but for which new contracts have been established. The kinds of crises occurring in the Niger delta area may be very small examples of what is likely to happen with the strategic occupation by foreign interests of African water bodies. This is an issue that the African Union needs to take seriously and to address strategically.

Genocide can result from public policies as well, where policies either lead to massive economic retrogression or to a radical redistribution of wealth, which in turn may lead to real or perceived discrimination or great inequality. Let us look at recent economic history. Contrary to popular perceptions, Africa was already the least achieving continent at the dawn of independence. In the period 1950-1960, Africa was the slowest-growing developing continent, with a 1.5 per cent GDP growth rate on average, compared to 3 per cent for Latin America and Asia. It was the least educated: the average adult had 0.9 years of education, compared to 3 years of education for non sub-Saharan African (SSA) developing countries. Its agriculture was the least developed: only 6.4 per cent of arable land was irrigated, compared to 14.2 per cent for non-SSA developing countries, and it had the lowest consumption of fertilisers. Between the period 1960-1980 however, Africa made significant progress to narrow these gaps. In the period 1965-70, GDP growth rate had caught up with Latin America and the Caribbean. Similar progress was made in school enrolment, reducing mortality, increasing nutrition levels, access to health care, roads, reducing poverty, the whole spectrum of development. These convergences peaked in the mid-1970s and were reversed radically in the period of 1980 to 1995, largely due to policies, not simply bad governments. The story of Malawi is a graphic current example of why the food crisis in Africa is not simply a result of bad governance but

of public policy. Malawi's agriculture collapsed; in 2004/5 the country experienced mass famine when the rains failed. However when the Malawian government found the courage to defy the World Bank and IMF and introduced farm input subsidies Malawi turned, literally overnight, into a food-surplus nation, which now exports to the likes of Central African Republic. Structural adjustment policies not only deepened poverty but killed people in droves, reduced tolerance between peoples and made democratisation even more difficult

These days it is customary for the IMF and the World Bank to pronounce that they accept some responsibility for failed policies. Yet they are not held to account in the way that individuals perpetrating mass killing in Rwanda or Sierra Leone or Liberia are. Although the Paris Framework for Aid Effectiveness makes a point about the need for mutual accountability, it fails to define in concrete terms what that means when aid agencies inflict such a degree of harm and death on recipients 'forced' to adopt their policies in return for desperately needed financial resources.

I could go on chronicling public policy failures in Africa, most of it externally imposed. My point really is that there is ample evidence that some genocidal conditions have resulted from economic policies which were largely externally imposed on hapless, or even complicit, African governments. The least we can do is stop imposed economic policies and the use of loan and aid *conditionalities*. We can stop the World Bank and the IMF from abusing conditions. We can stop the IMF from imposing itself as the sole arbiter of aid and economic policies. Norway and Sweden, alongside the major countries of the West, do use the IMF regularly as instruments to force policies on developing countries that they themselves wouldn't implement in their own countries. We can ask them to stop this behaviour, immediately. But more importantly, we can support the African Union's effort to build alternative institutions. In fact, the economic advisor to the chairman of the African Union Commission said to me recently at a meeting in South Africa on the role of the IMF in Africa, 'Do you know, Charles? We had decided that we will not allow the IMF and the World Bank to come and visit the African Union, let alone finance it, because of the damage they caused the continent throughout the '80s and '90s. We had decided that it was best to shape Africa's destination, keeping these institutions at arm's length.' He said, 'Unfortunately, we had to agree to talk to the World Bank recently as a courtesy to the new vice-president of the World Bank who is a Nigerian woman, and it is very impolite to turn down a visit of one of the few African women leaders in the world.' This reveals that there is quite wide-

spread and deep-seated apprehension of the role that these institutions have played in Africa's decline. It is important therefore that Norway continues to be a voice that stands with and by poor countries for the sake of justice and does not join with those who seek to impose their will or their brand of wisdom.

On actions to prevent genocide, I would only like to observe that a prerequisite is respect, trust and support by the international community in relation to African initiatives, including diplomatic initiatives, and analysis. Above all, there is very little real listening to Africans on Africa. This brings us back to Mugabe. Honest debate about the best way to approach the Mugabe saga is sorely needed as neither the personality of Mugabe nor how to bring about a resolution is straightforward. Many of us have found ourselves saying at one breath, 'Damn this bastard, and what he is doing to his people and the liberation ideal. BUT...' And this 'but' is an absolutely crucial point. Because it's at the heart of the 'but' that real solidarity can be found or not found. The 'but' for me is the following: I do not want Mugabe to leave the office disgraced, in spite of what he has done. I would like Mugabe to leave office with some honour, which does not preclude paying for his actions. I would like to see the Zimbabwean economy on the up rather than brought to its knees, as Mugabe bows out. Whatever actions we take, we must keep the well-being of the Zimbabwean people paramount and I do not believe that any further destruction of the livelihood conditions is desirable ostensibly to hasten Mugabe's departure. I think Western policies are wrong-footed on this. The perception that there is no outcry in Africa against Mugabe is wrong. It's just plain wrong. But the view that the reaction to Mugabe ought to be loud, critical and adversarial, smacks of lack of understanding of how political relationships in the sub-region work and can work. The perception of what Thabo Mbeki can do or not do is actually slightly wrong-footed. It is important that Zimbabwe does not escalate into another mass murder situation. Now, it's a flashpoint which we can resolve in the same way, as it is important that Sudan does not escalate into a mass murder situation should the Comprehensive Peace Agreement (CPA) collapse while the Western media prostitutes itself over Darfur. We can avoid potential mass deaths by dealing with, and making sure that the CPA is implemented, and by ensuring that there is a more complex understanding of the nature of Darfur, an understanding that avoids the oversimplification of the conflict on primordial lines – Arabs versus Africans, North versus South, and so on.

My final point is the following: that there has got to be an investment in the building of civic consciousness in Africa. The early fathers,

people like Nkrumah, Kaunda and Nyerere, invested a lot in the bid to create a 'one nation with a common destiny' mentality, crucial for turning groups of disparate peoples into a nation. A 'One Ghana, One Nation' and a 'One Africa, One Nation' doesn't remove completely the identity politics, but it creates a different form of identity to strive towards. One of the things structural adjustment did was to destroy the need to build a civic body of law. And Mahmood Mamdani has been making this point quite strongly, that you must remember it was only with the liberation from colonialism that the concept of civil law began to be applied to Africans. At the moment many of us, deep in our consciousness, are still natives, subject to the rules of native law that allowed the colonisers to divide and rule and in the process excuse and accommodate barbarity. To overcome the mentality imposed by this second-order law, we have to invest in civic consciousness. This is the central challenge for elevating the rule of law over the inflammations of narrow identities.



Is there a south perspective on genocide?

Alejandro Bendaña

It is unfortunate that we feel it necessary to introduce a South perspective in contraposition to North perspectives. What we need to work for is a universal conception and action plan. We need to take heed of what Richard Falk reminds us is the responsibility of the public intellectual, or of what Hannah Arendt termed the intellectual in dark times – a public intellectual is morally and politically motivated to speak out on particular topics, more as a citizen than as a scholar or a teacher.

If genocide is a term that confuses people, that keeps them from liberating themselves, then it must be targeted. That great whistleblower Tom Paine warned that if the majority of the people were denied the truth and the ideas of truth, it was time to storm what he called the Bastille of words. That time is now.

And to carry out that task in this day and age, what is most needed is real information, subversive information, empowering as it is, which of course we do not get from most of the journalists and academics. Only politicians and media owners like to believe that the media speaks for the public, as Pilger states. But what they need is truth. Journalists and social scientists ought to be agents of truth, not the courtiers of power.

Here are some truths, as seen and felt from the South.

Selectivity in remembering and labelling

A quarter of a century ago, on 16 September 1982, Ariel Sharon, then Israel's defence minister, gave orders to root out '2,000 terrorists' he claimed were hiding in the Palestinian refugee camps of Sabra and Shatila in Lebanon. After a day of bombardment, what ensued, at the hands of the Lebanese right-wing Christian militia known as the Phalangists – armed and trained by the Israeli army – was '[a] massacre so awful that people who know about it cannot forget it. The photos are gruesome reminders – charred, decapitated, indecently violated corpses... For the victims and the handful of survivors, it was a 36-hour

holocaust without mercy. It was deliberate, it was planned and it was overseen. But to this day, the killers have gone unpunished.¹

Is there some selectivity at work when it comes to remembering and labelling – Jews yes, Arabs no? That would seem to be true. If it were not, we would not have to tell the Tale of Two Genocides: Congo and Darfur.

Possibly a quarter of a million people have lost their lives in Darfur. The US government screams its head off in denunciation of genocide. But in the case of the Democratic Republic of Congo (DRC), as many as 5 million have died since 1994 in overlapping convulsions of ethnic and state-sponsored massacres – and not a word of reproach from Washington. A human death toll that approaches the scale of the Nazis' annihilation of Jews in World War II, an ongoing holocaust without a whiff of complaint from the Superpower.

Why is mass death the cause of indignation and confrontation in Sudan, while exponentially more massive carnage in Congo unworthy of mention? The answer is simple: in Sudan, the US has a geopolitical nemesis to confront: Arabs, and their Chinese business partners. In the Congo, it is US' allies and European and US' corporate interests that benefit from the slaughter. Therefore, despite 5 million skeletons lying in the ground, there is no call to arms from the US government. It is they who set the genocidal Congolese machine in motion.

Both holocausts are crimes against humanity, but only the smaller one, Darfur, is a fit subject for inclusion in the US political debate. During the CNN Democratic debate of 3 June 2007, moderator Wolf Blitzer demanded that the candidates raise their hands if they supported the imposition of a no-fly zone in Darfur – an act of war against the Khartoum government according to international law. Only Kucinich and former Senator Mike Gravel declined to endorse the violation of Sudanese sovereignty.

The US Congressional Black Caucus follows the same script. They lobby and demonstrate against the Sudanese regime, to the applause of the corporate press, but they never say a word, as a body, about the carnage in Congo. It is a taboo subject, too close to 'vital American interests'. But the Sudanese conflict is fair game.

¹ Karkar, Sonja (2007), 'Sabra and Shatila: On Massacres, Atrocities and Holocausts', *JUST Commentary*, vol. 7, no. 10 (October). Karkar is the president of Women for Palestine.

The preferred narrative of Darfur fits nicely with that of the Israel lobby in the US. Although all the antagonists are Black Africans and Muslims, the aggressors are classified as 'Arabs'. A regional inter-African, inter-Muslim conflict is made to appear part of the 'clash of civilisations'.

It is a matter of racism. Darfur has been made into a stage-set of anti-Arab conflict, which perfectly suits the pro-Israel and right-wing Christian lobbies in the US. Congo, where far more people have died, remains a gargantuan killing field, not covered by the corporate media and ignored by the Congressional Black Caucus and the array of Democratic presidential candidates.

In his seminal article, 'The Politics of Naming', Mahmood Mamdani² points out how many opinions on Darfur call for 'force as a first-resort response'. 'What makes the situation even more puzzling,' Mamdani writes, 'is that some of those who are calling for an end to intervention in Iraq are demanding an intervention in Darfur.' Journalist Bryan Hunt points to the duality between the US Pentagon's recent installation of a new unified *Pentagon* command center in Africa to be established next year gaining acceptance as a humanitarian effort and not as part of the drive to control African's oil and extend the war on terror, as is actively being fought in Somalia, for example, with operations carried over from US bases. At the same time, calls grow for humanitarian intervention in Darfur. How coincidental that this opens up the possibility for military engagement to deliver regime change in another Islamic state rich in oil reserves. Does the definition and practice of genocide depend on who is doing the killing? Apparently.³

We need to be informed and make the connections

On 3 October 2007, Human Rights Watch presented testimony on the Ogaden before the Foreign Affairs Committee of the US Congress. The focus was on the conduct of the Ethiopian military, not only because the Ethiopian government's military forces have systematically committed atrocities and violated the basic laws of war, but because Ethiopia is a key ally and partner of the United States in the Horn of Africa. HRW stated, and let me quote this long passage for you:

2 Mamdani, Mahmood, 'The Politics of Naming', *London Review of Books*, 8 March 2007.

3 Ford, Glenn, 'A Tale of Two Genocides, Congo and Darfur', *Black Agenda Report*, 18 July 2007. Ford is the editor of *Black Agenda Report*.

[In the Ogaden] we have documented massive crimes by the Ethiopian army, including civilians targeted intentionally; villages burned to the ground as part of a campaign of collective punishment; public executions meant to terrify on-looking villagers; rampant sexual violence used as a tool of warfare; thousands of arbitrary arrests and widespread and sometimes deadly torture and beatings in military custody; a humanitarian and trade blockade on the entire conflict area; and hundreds of thousands of people forced away from their homes and driven to hunger and malnutrition. The Ogaden is not Darfur. But the situation in Ogaden follows a frighteningly familiar pattern: a brutal counter insurgency operation with ethnic overtones in which government forces deliberately attack civilians and displace large populations, coupled with severe restrictions on humanitarian assistance. Unlike in Darfur, however, the state that is perpetrating abuses against its people in Ogaden is a key US ally and recipient of seemingly unquestioning US military, political, and financial support. Furthermore the crisis in Ogaden is linked to a US-supported military intervention by Ethiopia in Somalia that has been justified in terms of counter-terrorism. Because the United States has until now supported Ethiopia so closely, there is a widespread and growing sentiment in the region that the United States also shares some of the blame for the Ethiopian military's abusive conduct...

While the Ogaden is not Darfur yet, it is probably only a few months away from sliding over the edge into a full-blown humanitarian crisis of massive proportions.⁴

Needless to say, there is a lot to be learnt from this statement by HRW about the need to secure and scrutinise the information we receive in times of conflict – and the probable consequences of not doing so.

None of this happens in isolation, but attention gets focused or deflected by others, who have the power to do so. One can't help but detect a pattern. If the killings take place in the South, or in a place where the North does not have vital interests, then we speak of a 'form of culturally-generated mass violence', a 'civil war', 'armed conflict', as opposed to the more legally and morally stringent category of 'genocide' that has taken place periodically in the North.

4 The House Committee on Foreign Affairs 'The Human Rights and Humanitarian Situation in the Horn of Africa', submission by Human Rights Watch, 3 October 2007. <http://hrw.org/english/docs/2007/10/03/ethiop17010.htm>.

When the label of genocide *is* used by the North in relation to particular events and places in the South, we find that leaders in the South make enormous efforts to ward off intervention by avoiding the ‘G’ word. The end result is that the term becomes a political football. Thus Olusegun Obasanjo, the former president of Nigeria, claims that it was not genocide taking place in Darfur, but conflict

A South perspective must therefore, as Henning Melber said earlier here today, ‘include the political dimension of the subject as an integral part of the effort to come to terms with a massive challenge’. Or we will have to get into the ‘politics of naming’. And when you get into that politics, you rapidly get into North–South power relations.

There can be no impunity, and it cannot be only the North that does the judging

The North not only assumes the right to name the genocide, to protect the victims, but also to act as judge and executioner. The North may have its own standards and procedures, which they term universal, save for the fact that war criminals who occupied high positions in the rich countries, or in countries that are their allies, are somehow exempt from the militarist madness, which is reserved for the South: Kissinger, De Klerk, Sharon, for example (all of whom were awarded Nobel prizes), or Albert Gore, not exactly a peace promoter during his vice-presidential period. Milosevic is something of an exception, but among his crimes stands out his rhetorical rebellion against the West and NATO.

I would ask the chief prosecutor [Hassan Bubacar Jallow of the International Criminal Tribunal for Rwanda - ICTR] about another double standard that has recently been reported. We are now told that Rwandan genocide perpetrators should be tried in the North by white jurors because courts in the South cannot be trusted. For example, the Rwandan government has issued formal and informal requests to several governments – including the UK, the Netherlands, Canada, France and Finland – for the extradition of several individuals accused of genocide, war crimes and crimes against humanity in Rwanda during the 1994 genocide. In June 2007 the prosecutor of the ICTR filed a request to transfer its first case to the Rwandan courts. However, Amnesty International urged the ICTR not to transfer any of its cases to Rwanda ‘until the Rwandan government can demonstrate that it can and will conduct trials fairly and impartially’. Yet, Rwandan communities have mechanisms for reconciliation and justice; they are not perfect, but they demand respect.

Does the North have a monopoly on the theory and practice of what is fair and impartial? The point here is not to quibble about legal procedures but to establish an important point of principle, which is that our own countries in the South, our own national courts, in this case Rwandan, must take responsibility for investigating and prosecuting persons accused of the heinous crimes that are committed in their own territory. Of course, there will be problems and limitations – but there should be no compromise on the principle; nor should the principle of respecting the rights of the victims be compromised. In Uganda you have the ICC demanding the extradition of leaders of the Lord’s Resistance Army (LRA) for prosecution, but religious leaders from Uganda and others feel that if mechanisms on the national and local level for justice are there, and willing to address issues of impunity, there is no clear role for an ICC. It gets in the way of peace negotiations.

We know there are problems in the whole system of criminal prosecution (what country does not have them?), yet we are also witnessing how those shortcomings are actually utilised by the United States for purposes of so-called extraordinary renditions – that is, transferring prisoners to compliant neo-colonial countries so that torture and other inhuman, degrading and cruel treatment can be applied. So if it is for purposes of the war on terror, extradition is fine; and the less developed our national justice systems, the better they are for purposes of the war on terror. One could say that we deal with ‘their’ criminalised and they deal with our criminals. Some justice. Is it a case of there being particular yardsticks for ‘justice’ – as for ‘good governance’ or ‘corruption’ – that apply only to Africa and the South? Should we award prizes, like the Mo Ibrahim Prize, for ‘good justice’ in Africa?

No apologies accepted

It is fashionable now in some quarters to apologise. The suggestion seems to be that somehow, if the intentions were ‘good’, then what resulted was a historical injustice, not a historical crime, not a crime against humanity, not genocide. The criminals thus get off Scot free, both in the historical record and in terms of prosecution, because everything was done in the name of progress, civility and civilisation. It was the white man’s burden, his civilising mission, his manifest destiny. And it is in this way that the greatest crime ever committed against a people goes not simply unpunished but often unrecognised. I am talking about the crime of colonial expansion and colonialism.

The crimes are against those on the receiving end of the ‘civilising’ expansion of capitalism, beginning with the so-called ‘age of discov-

ery'. The results are still with us today. Yet even Marx felt that capitalist expansion, though it could be cruel, was progressive, as he made clear in the first section of the Communist Manifesto.

Yet for the 'discovered', for the objects of the civilising mission, the expansion of capitalism amounted to genocide, in the form of disease, theft of land and other resources, destruction of language and culture, and either forced labour or outright slavery. Anthropologist Darcy Ribeiro calculates that at the end of the 15th century, when the first Spanish conquerors arrived in the Americas there were approximately 70 million indigenous inhabitants. Only 150 years later, he states, there remained just 3.5 million, left in indigence and deprived of the land that had belonged to them for centuries because it now all belonged to the Spanish king. So to solve the problem, the slave trade began taking the genocide to the shores of Africa.

This is what we call 'the indigenous genocide' because the European conquerors implemented a series of practices that had the result of virtually exterminating the population, enforcing inhuman work practices in order to produce the tons of gold and silver that underwrote the expansion of commerce in Europe and the Industrial Revolution (practices that sometimes led to mass suicides when communities saw that their future was misery and slavery). And then there was the unspeakable crime of slavery and the holocaust that it produced, and yet at the last Conference on Racism in Durban in 2001, the Northern countries objected strongly to formally recognising and apologising for the crime.

Genocide: not only an event but also a process

The killing and dispossession continues. To this day white people from Canada down to Argentina and Chile continue to confiscate indigenous land, while the communities suffer and remain in a limbo, as their land is not recognised by much of Western law. The same is the case with the descendants of the slaves in the Americas.

Look at the situations of the indigenous communities today, and the rebellions (including the electoral rebellion that more than 500 years after the conquest has produced the first indigenous social leader to become president in Bolivia). Otherwise, though, it is the same pattern of racism and contempt that prevails today. They are second and third class citizens – 'indios'. Eduardo Galeano ironically stated⁵ that these are indigenous populations who don't speak languages, but dia-

5 In his poem 'The Nobodies' (1997).

lects; who don't produce art, but handicrafts; who don't have culture, but folklore.

Pope and king are implicated. Yet there were and are priests who insist that Christianity meant accompanying the indigenous peoples in their struggles to conserve their spiritual and cultural identity, and to regain their land and resources stolen by the new landed elite and by huge corporations. This is a struggle that continues, since governments and corporations seem bent on finishing the job of genocide begun by the first European conquerors 500 years ago.⁶

Gordon Brown, during a visit in 2005 to Tanzania, said, 'The days of Britain having to apologize for the British Empire are over. We should celebrate.'⁷ Like Blair, like Clinton, like Bush, Brown believes in the liberal truth that the battle for history has been won; that the millions who died in British-imposed famines in British imperial India will be forgotten – just as the millions who have died in the American empire will be forgotten. And like Blair, his successor is confident that professional journalism is on his side. This may very well be the most powerful and dangerous ideology we have ever known because it is open-ended. This is liberalism – liberal imperialist genocide.

Journalism and the depoliticisation of genocide and violence

Mamdani poses a critical question:

What would happen if we thought of Darfur as we do of Iraq, as a place with a history and politics – a messy politics of insurgency and counter-insurgency? Why should an intervention in Darfur not turn out to be a trigger that escalates rather than reduces the level of violence as intervention in Iraq has done? Why might it not create the actual possibility of genocide, not just rhetorically but in reality? Morally, there is no doubt about the horrific nature of the violence against civilians in Darfur. The ambiguity lies in the politics of the violence, whose sources include both a state-connected counter-insurgency and an organised insurgency, very much like the violence in Iraq.⁸

6 Benadava, Daniel E. (2005), 'Mas de 500 anos de "Genocidio Indigena" en America', *ADITAL*, 13/07/07

7 *Daily Mail*, 15 January 2005...

8 Mamdani, Mahmood (2007), 'The Politics of Naming: Genocide, Civil War, Insurgency', *London Review of Books*, no. 8, March.

That is a line of thinking you will not see in the mainstream press. It is too subversive – what is worse, the media is heavily responsible for the confused thinking. You can't really accuse journalists of being misinformed; the problem may have more to do with corporate power and the old saying that it is difficult to understand a problem if your salary depends on not understanding it.

Mamdani goes on to remind us of some important facts about journalism:

Journalism gives us a simple moral world, where a group of perpetrators face a group of victims, but where neither history nor motivation is thinkable because both are outside history and context. Even when newspapers highlight violence as a social phenomenon, they fail to understand the forces that shape the agency of the perpetrator. Instead, they look for a clear and uncomplicated moral that describes the victim as untainted and the perpetrator as simply evil. Where yesterday's victims are today's perpetrators, where victims have turned perpetrators, this attempt to find an African replay of the Holocaust not only does not work but also has perverse consequences. Whatever its analytical weaknesses, the depoliticisation of violence has given its proponents distinct political advantages.⁹

One of the oldest clichés of war is that truth is the first casualty. No it's not, says Pilger: journalism is the first casualty. He argues that in Iraq the Pentagon invented the embedded journalist because it believed that critical reporting had lost Vietnam. This is what Saul Landau calls 'the mind-altering glue inherent in imperial memory'.

We choose not to speak the unspeakable. It never happened! Harold Pinter's subversive truth, I believe, was that he made the connection between imperialism and fascism, and described a battle for history that is almost never reported. This is the great silence of the media age.

We see the same phenomenon with the scale of civilian casualties in Afghanistan. And the enduring tragedy of Palestine is due in great part to the silence and compliance of the so-called liberal left. Hamas is described repeatedly as being intent on the destruction of Israel. The *New York Times*, the Associated Press, and the *Boston Globe* all use this line as a standard disclaimer, and it is false. That Hamas has called for a 10-year ceasefire is almost never reported. Even more important, that Hamas has undergone a historic ideological shift in the last few

⁹ Ibid.

years, which amounts to a recognition of what it calls the reality of Israel, is virtually unknown; and that Israel has sworn to destroy Palestine is unspeakable.

Silence also surrounds what is happening in Iraq. Between 2007 and 2008 the bombing has doubled, and this is not being reported. And who began this bombing? Bill Clinton – with the knowledge and approval of the Nobel Peace Laureate of 2007, Al Gore. During the 1990s Clinton rained bombs on Iraq in what were euphemistically called the ‘no fly zones’. At the same time he imposed a medieval siege on the country in the form of economic sanctions, killing perhaps a million people, including a documented 500,000 children. Almost none of this carnage was reported in the so-called mainstream media, says John Pilger.¹⁰

What happens when aggression takes place against an entire nation like Iraq? How much do you read in the press about the economic sanctions imposed on that country for decades by the United States? Or one could take the case of Cuba. The Cuban government speaks of the genocidal embargo placed on their economy by the US, which affects the entire population – genocide as a form of economic war or blockade.

Structural violence and neoliberalism

A people’s South perspective on genocide would look at the mass death and destruction that takes place on a day-to-day basis as a product of the global power order. For example, payment of debt, the debt relation as managed by the IMF and the World Bank, and the imposition of constraints on state-led autonomous economic development paths under the coercion of World Trade Organization regulations (so-called investor rights, intellectual property, and other inside-the-border rules) have served as key tools leveraging imperialist control and extraction of surplus from the Global South. This is not just modern-day slavery and exploitation, but also genocide: witness the infant mortality rates and deaths occasioned by preventable disease. That violence is being supported by every major Northern donor agency, with your tax money!

Global neoliberalism as an instrument of imperialist domination forces privatisation of public goods and basic services, turning them over

¹⁰ ‘Freedom Next Time: Filmmaker and journalist John Pilger on Propaganda, the Press, Censorship and Resisting the American Empire’, 7 August, 2007. www.democracynow.org

usually at bargain prices to capitalists, often to foreign investors from the core countries. Core governments push such policies as liberalisation, opening local markets to transnational capital, lower taxes on capital, and a smaller role for government through deregulation of markets and reductions in the social wage. Thus peripheral states have been reorganised in form and function by the global economic governance institutions to extract to the maximum locally produced surplus and allow its appropriation by foreign capital and local collaborators.

Imperialism, by its very nature, is genocidal. It is not simply a Clinton or a Bush. The idea is the expansion of corporate through the creation and modification of trade and investment relations on a global terrain..

The right to reparations

If slavery was a form of genocide, then should not the descendants of those that benefited from that awful business compensate the descendants of those slaves? Manning Marable, a black US scholar, looked at this issue and found that in the US, when asked whether 'corporations that made profits from slavery should apologise to black Americans who are descendants of slaves' 68 per cent of African Americans responded affirmatively, with 23 per cent opposed, while 62 per cent of all whites rejected the call for an apology, with only 34 per cent supporting it. On the question of financial compensation, however, whites closed ranks around their racial privileges. When asked whether corporations benefiting from slave exploitation should 'make cash payments to black Americans who are the descendants of slaves', 84 per cent of all whites responded negatively, with only 11 per cent supporting payments. A clear majority of African Americans polled, by contrast, endorsed corporate restitution payments, by a 57 to 35 per cent margin, with 8 per cent expressing no opinion. 'America's version of legal apartheid created the conditions of white privilege and black subordination that we see all around us every day. A debt is owed, and it must be paid in full', says Manning Marable.¹¹

Genocide, like racism, is also a structural issue; it may be more grounded in institutional processes than in individuals' behaviour. Marable explains: 'Racial prejudice is reproduced by America's basic institutions – economic, educational, social, and political – of our society. The racial myths of white history are used to rationalise, explain away, and justify white supremacy and black inequality. What

¹¹ Marable, Manning, 'In Defense of Black Reparations', *ZNet*, 30 October 2002.

reparations do is to force whites to acknowledge the brutal reality of our common history, something white society generally has refused to do. It provides a historically grounded explanation for the continuing burden of racial oppression: the unequal distribution of economic resources, land, and access to opportunities for social development, which was sanctioned by the federal government.¹²

Manning ads: ‘Consequently, it is that same government that bears the responsibility of compensating those citizens and their descendants to whom constitutional rights were denied.’ Affirmative action was essentially ‘payback equality’, in the words of political scientist Ronald Walters; it created millions of job opportunities, but did relatively little to transfer wealth from one racial group to another: ‘One-third of all African-American households today has a negative net wealth. The average black household’s wealth is less than 15 percent of the typical white household’s. Most of our people are trapped in an almost bottomless economic pit from which there will be no escape – unless we change our political demands and strategy from liberal integrationism to a restructuring of economic resources, and the elimination of structural deficits that separate blacks and whites into unequal racial universes.’

Introducing the reparations component in our deliberations is fundamental, as Manning argues: “‘Reparations’ transforms the dynamics of the national racial discourse, moving from “handouts” to “paybacks”. It parallels a global movement by people of African descent and other Third World people to renegotiate debt and to demand compensation for slavery, colonialism, and apartheid... [T]he greatest challenge in the national debate over African-American reparations is in convincing black people, not whites, that we can actually win. The greatest struggle of the oppressed is always against their own weaknesses, doubts, and fears. The reparations demand is most liberating because it has the potential for transforming how black people see themselves, and our own history.’

Conclusion

In his acceptance of the Nobel Prize for Literature, the playwright Harold Pinter made an impassioned and powerful speech. He asked why ‘the systematic brutality, the widespread atrocities, the ruthless suppression of independent thought in Stalinist Russia were well known in the West, while American state crimes were merely superficially recorded, left alone, documented’.

¹² Ibid.

Across the world the extinction and suffering of countless human beings could be attributed to rampant American power. 'But,' said Pinter, 'you wouldn't know it. It never happened. Nothing ever happened. Even while it was happening it wasn't happening. It didn't matter. It was of no interest.' Pinter's words were more than the surreal. The BBC ignored the speech of Britain's most famous dramatist.

I will end on a sad note, about my own country. Four days ago [in November 2007] the legislative assembly approved a new criminal code that makes it a crime for any woman to interrupt her pregnancy for therapeutic reasons including danger to the mother's own life. All the more tragic, because the majority governing party, the Sandinista front, voted overwhelmingly in favour of the measure, on account of its alliance with the Catholic Church hierarchy. Nicaragua became the sixth country in the world to ban all forms of abortion, after the Vatican, Malta, El Salvador, Honduras and Chile. Poor women in Nicaragua are being condemned to death, because the rich ones can seek a life-saving abortion, or any abortion, outside the country.

This targeted violence against women, this genocide, can be prevented, if people and organisations act and stand with the women of Nicaragua. Yesterday president Kaunda reminded us where we all came from. That common motherland is being targeted. Let men defend our mothers, our daughters, our spouses and our sisters. All women, at any time, in any place. They – you – are the best of what we are and what we can be.

Report from the panel debate on 'What is Genocide?'

John Y. Jones

This panel debate followed and responded to the keynote speech by Alejandro Bendana. Joyce Apsel from New York University, guest lecturer at the Holocaust Centre in Oslo, started by arguing that memories are selective. It is decisive who we are, who we represent, and what interest we represent. We should therefore reflect upon where our outrage is coming from. She also claimed that we needed to move beyond the narrow genocide debate. There isn't one single greatest atrocity; but rather, many different types of atrocity. The question is how we can address both past and also present atrocity. The issues of colonialism, nationalism and ethnic conflict will continue to be ongoing; one cannot isolate them, but need to 'co-mingle' them. Concerning prevention of genocide, and intervention, the question will be how we can leave with concrete proposals, for example for lobbying or sanctions, to alleviate the crimes which have gone on throughout history, and whose spill-over effects continue to our time.

For Jimmy Juma, Congolese journalist working at the Mindolo Centre in Kitwe, Zambia, genocide is a process. This is evident in the case of the Congo where women were buried alive in South Kivu and others killed by the RCD (Rassemblement Congolais pour la Démocratie). In the case of Burundi, too, genocide is a process, a cycle of violence where victims become violators and vice versa. 'Genocide' depends on who is committing the crime. And interventions must rest on the do-no-harm principle.

Bernt Hagtvet, Professor at the University of Oslo, reflected on the fact that our positions are conditioned by our political values. Concepts are prostitutes, lending themselves to all kinds of abuse; an example is democracy. There is also a conceptual inflation: genocide is a trump card, and everyone seeks to be included. That's understandable but it's not defensible.

In our work to prevent genocide, we have first of all to strive to be honest. In the case of Mugabe, Hagtvet asked why African leaders seemed to be unable to tell the truth and confront him.

Hassan B. Jallow, chief prosecutor of the International Criminal Tribunal for Rwanda (ICTR) pointed to the fact that genocide is not

confined to one world region or one historical period. We see it pop up in Sierra Leone as well as in Rwanda. He also asked, ‘What can we do to prevent it?’ And he offered an answer: A plausible response has to be even across the board. It is also important to recall that conflicts in Africa are essentially *not* tribal conflicts. There is accommodation between the thousands of tribes in Africa; there is little conflict – unless you have some external factors coming in. Jallow pointed to the UN action plan to combat genocide, launched in April 2004 that looks at the causes and context in which genocide occurs, and lists steps that need to be taken to deal with it, like good governance, rule of law and human rights, early warning mechanisms, prevention, intervention once the genocide is underway, but we should also remember that intervention should not be unilateral, and should take place within the context of the UN Charter. Finally it is required to look at the issue of post-genocide justice and the need to bring those responsible to account. He was concerned that international criminal justice system has its limitations, and concentrates only on the ‘big fish’. That’s why the ICTR had embarked on a process to transfer cases to Rwanda, because Rwanda has now fulfilled the conditions for fair trials: it has abolished the death penalty, built up the capacity of its legal systems, and included the relevant legal codes. Legal justice is expected to have a deterrent effect. The UN has developed a development and action plan. But we should not leave it to them alone. As individuals and organisations we should engage ourselves in the implementation of it, including in monitoring that implementation.

Emily Sikazwe, director of Women for Change, Zambia, reminded us of Chenjerai Hove’s phrase, ‘To name is to own.’ As for the concept of genocide, those who refuse to broaden the definition, they named it and they own the concept. They continue to be selective as to what crimes are the worst. On the lack of African criticism of Mugabe, she asked ‘Why does Mugabe get so much attention, in contrast to Ethiopia, for example? Could it have to do with the fact that Zimbabwe was one of the African countries with most white settlers?’

Henning Melber, director of the Dag Hammarskjöld Foundation, remarked that an estimated four million Zimbabweans are today living in exile. The figure has never been higher before. ‘If that is what liberation movements have achieved, they haven’t achieved anything,’ he stated.

Among comments from the floor the Swedish ambassador to Norway, Michael Sahlin, asked Alejandro Bendaña whether he was suspicious of the EU altogether: ‘Is the EU a positive element, or is it just representing a new phase of (French-led) colonialism?’ he asked.

On the issue of contemporary armed conflict and genocide, Obote Odora held that the Genocide Convention implies legal consequences regarding prevention and intervention. As many people die, one begins to wonder where civil war/internal armed conflict end and genocide begins, he stated.

Discussing restitution and prevention, Robert Ndaka claimed that the Rwanda genocide was clearly preventable. The UN is hiding some crimes, such as those of America and China. But since the so-called superpowers are the owners of the legal framework, they are apparently not accountable to anybody, he continued.

Professor Ingrid Eide, Oslo, identified three serious dilemmas: there are increasing numbers of civilian deaths in conflict, regardless of what the conflict is called; freedom of expression is also used to incite violence – for example in the cultural industries violence is entertainment; and lastly, in our concern for our common humanity we must find a balance between the need to look back back – dealing with past crimes, naming and shaming, and so on – and the need to move forward.

The panel's response to the floor included Apsel's appeal that we need to move from rhetoric to reality, and come up with concrete type of proposal; Juma's pointing to the need for better education in this field, which he labelled 'weapons of mass salvation'; and Jallow's view that democratic processes sometimes throw up demagogues and others who abuse their power, for example by planning and implementing genocide. Freedom of expression cannot become so absolute that it is used to incite violence. The African Charter on Human and Peoples' Rights is a good starting point, as it recognises rights with responsibilities, Jallow concluded. Discussing reconciliation, Sikazwe noted that even if one says that Africans can forgive, it should also be said that 'we cannot forget'. Bendaña still believed that there is a clear North-South divide in approaching the issue of genocide. The first step towards universality in our action is to recognise that such a divide exists. There is an overestimation of the power of the North, at least in the North. Yet there is also an underestimation of the power of the South by the South itself. 'In the North we see a preoccupation with discourse,' Bendana claimed. 'Terms, notions, mechanisms, formulas which are policy- or project-oriented, are more than political.' But the North should recognise that many crises cannot be prevented, and that many conflicts should not be prevented. 'Sometimes conflict is necessary to promote progressive change,' Bendana ended.

The Voksenåsen Statement

Genocides and other mass atrocities are consequences of complex political actions not, as they are often characterised, simply senseless slaughter based mainly on identity or cultural difference. This means that besides the humanitarian actions to stop or minimise killings, torture and rape of civilians, especially women and children, the crucial challenge to managing or solving them requires political solutions, rooted in participation of all affected persons, truth, power restructuring and reconciliation.

Strengthening multilateral processes, codified by such norms as human rights and the responsibility to protect, adopted as universally applicable standards and norms by all members of the United Nations, is an obvious avenue to be pursued further. In strengthening, implementing and protecting these normative goals guiding political practice, however, policies must avoid abuse by hegemonic interests of those exerting the power of definition over others for their own interests. The only hegemony acceptable is the hegemony of human rights-based ideals serving all people of this world as human beings in their equal and undivided rights.

It also requires support for preventative actions, starting from the community levels, involving all affected persons (including internally displaced persons and refugees and women in particular), in peace-building and peace-strengthening initiatives and improving capacity for early warning.

Such an approach also requires us to (self-)critically reflect on processes which for centuries have divided this world and its societies into haves and have nots, often based on violent expansion and coercion, exploitation and institutionalisation of structures of inequality between people and between societies. This requires further sensitisation to other forms of physical as well as structural violence, often resulting in larger numbers of victims than those killed as a direct result of genocide or other codified forms of violations of fundamental human rights. To protect the right to a decent living requires an expansion of the notions and categories seeking to address injustice.

This dialogue conference was a first, initial step towards further reflections and explorations concerning the complexities of the matter. We intend to continue the painful path into investigating ourselves and the challenges we and others are facing, so as to respond more adequately to the ever-growing numbers of victims of global, regional and local injustices committed. We will consider putting together a working group on the prevention of genocide and mass atrocities, in line with the UN Declaration on the Responsibility to Protect signed up to by most governments of the world in 2005.

Oslo, 17 November 2007

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This *Development Dialogue* is published on the occasion of the 60th anniversary of the Genocide Convention, adopted by the United Nations General Assembly on 9th December 1948. On the basis of the normative framework created and more recently also applied in a few cases, the contributions seek to explore further the socio-historical and -political contexts of genocide and mass violence and test the common approaches against analyses of social realities as well as theories. The historical dimension is of significance to many of the chapters. These are based on two conferences held in Uppsala in

December 2006 and Voksenåsen/Oslo in November 2007, presenting scholarly as well as politically and morally guided forms of engagement. This blend seeks to acknowledge the need to unite differently posed concerns and appeals in their common efforts to examine further the notion of genocide (as well as its limitations), with the aim of reducing the risks of history repeating itself.

development dialogue

development dialogue is addressed to individuals and organisations in both the South and the North, including policy makers, international institutions, members of civil society, the media and the research community.

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