*Studies on War and Genocide*

**General Editors:** Omer Bartov, Brown University and A. Dirk Moses, University of Sydney

*Volume 1*
The Massacre in History
Edited by Mark Levene and Penny Roberts

*Volume 2*
National Socialist Extermination Policies: Contemporary German Perspectives and Controversies
Edited by Ulrich Herbert

*Volume 3*
War of Extermination: The German Military in World War II, 1941/44
Edited by Hannes Heer and Klaus Naumann

*Volume 4*
In God's Name: Genocide and Religion in the Twentieth Century
Edited by Omer Bartov and Phyllis Mack

*Volume 5*
Hitler's War in the East, 1941–1945
Rolf-Dieter Müller and Gerd R. Ueberschär

*Volume 6*
Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History
Edited by A. Dirk Moses

*Volume 7*
Networks of Nazi Persecution: Bureaucracy, Business, and the Organization of the Holocaust
Edited by Gerald D. Feldman and Wolfgang Seibel

*Volume 8*
Gray Zones: Ambiguity and Compromise in the Holocaust and Its Aftermath
Edited by Jonathan Petropoulos and John K. Roth

*Volume 9*
Robbery and Restitution: The Conflict over Jewish Property in Europe
Edited by M. Dean, C. Goschler and P. Ther

*Volume 10*
Exploitation, Resettlement, Mass Murder: Political and Economic Planning for German Occupation Policy in the Soviet Union, 1940–1941
Alex J. Kay

*Volume 12*
Empire, Colony, Genocide: Conquest, Occupation, and Subaltern Resistance in World History
Edited by A. Dirk Moses

*Volume 13*
The Train Journey: Transit, Captivity, and Witnessing in the Holocaust
Simone Gigliotti

*Volume 14*
The 'Final Solution' in Riga: Exploitation and Annihilation, 1941–1944
Andrej Angrick and Peter Klein

# Empire, Colony, Genocide

## *Conquest, Occupation, and Subaltern Resistance in World History*

Edited by

A. Dirk Moses

*Berghahn Books*
New York • Oxford

First published in 2008 by
*Berghahn Books*

www.berghahnbooks.com


First paperback edition published in 2010



**Library of Congress Cataloging-in-Publication Data**

Empire, colony, genocide : conquest, occupation, and subaltern resistance in world history / edited by A. Dirk Moses.
p. cm. – (Studies on war and genocide ; v. 12)
Includes bibliographical references.
ISBN 978-1-84545-452-4 (hardback : alk. paper) 1. Genocide–History. 2. Crimes against humanity–History. I. Moses, A. Dirk.
HV6322.7.E46 2008
364.15'1–dc22 2008008207

**British Library Cataloguing in Publication Data**

A catalogue record for this book is available from the British Library.

ISBN 978-1-84545-452-4 hardback

# Contents

**Section II: Empire, Colonization, and Genocide**







**Section III: Subaltern Genocide**

# Preface

This book was inspired by a conference called "Genocide and Colonialism" that I hosted at the University of Sydney in July 2003. The conference was, as far as I can determine, the first held on this topic. Eight of the chapters published here first saw the light of day on that occasion, while two of the papers from the conference were published elsewhere: Michael Rothberg, "The Work of Testimony in the Age of Decolonization: *Chronicle of a Summer*, Cinema Verité, and the Emergence of the Holocaust Survivor," *PMLA* 119, no. 5 (2004): 1231–46; and Norbert Finzsch, "'It is Scarcely Possible to Believe that Human Beings could be so Hideous and Loathsome': Discourses of Genocide in Eighteenth- and Nineteenth-century America and Australia," *Patterns of Prejudice* 39, no. 2 (2005): 97–116 (reprinted in A. Dirk Moses and Dan Stone, eds., *Colonialism and Genocide* [London: Routledge, 2007]). I commissioned the balance of the chapters in order to cover as much of the globe as possible.

Even with nineteen chapters, of course, the book only scratches the surface of world history. No claim to comprehensiveness is made. *Empire, Colony, Genocide* presents case studies of genocide in colonial and imperial contexts in order to stimulate an underrepresented research agenda in the field of genocide studies. To date, the field has been dominated by social scientists who, understandably enough, rely on secondary literature and focus on the twentieth century. The authors in this book are overwhelmingly historians of the early modern and modern periods with detailed knowledge of the archival sources in their area of research. By embedding their empirical expertise in the transnational approach of comparative colonialism and genocide studies, as well as uncovering the colonial roots of the genocide concept itself, they are trying to operationalize Raphael Lemkin's original but ignored insight that genocides are intrinsically colonial and that they long precede the twentieth century. The history of genocide is the history of human society since antiquity.

Although most of the cases studied here cover European encounters with non-Europeans, it is not the intention of the book to give the impression that genocide is a function of European colonialism and imperialism alone. Lemkin himself was interested in many cases, such as the Athenian, Roman, Mongol, and Ottoman empires. We hope to revive interest in his research program and humanitarian view of world history.

No book like this can be produced without the help of friends, colleagues, and institutions. The Humanities Research Centre and the Herbert and Valmae Freilich Foundation at the Australian National University sponsored and largely financed the conference. The School of Philosophical and Historical Inquiry and the Faculty of Arts at the University of Sydney also chipped in. Ann Curthoys and John Docker at the ANU encouraged me along the way, gave papers at the conference, and wrote chapters for this book. My colleagues in the Department of History were most supportive, particularly Robert Aldrich, Alison Bashford, Stephen Garton, and Richard Waterhouse.

I completed some of the work for this project as a Charles H. Revson Fellow at the Center for Advanced Holocaust Studies at the United States Holocaust Memorial Museum, and I am grateful to its staff for their assistance during my months in Washington, DC. The book was finalized while on teaching relief funded by the Australian Research Council (ARC), whose grant on genocide and colonialism allowed me to conduct broader research on this topic. Every Australian academic who has been given time to research and write thanks to ARC teaching relief is a model of productivity and gratitude. I am also indebted to Omer Bartov, the editor of the series in which this book appears, and to the publisher Marion Berghahn for supporting the project and consenting to late changes and endless delays with grace and good humor. Unfortunately, I cannot name the colleagues who acted as anonymous referees, but their erudition and professionalism needs to be acknowledged. My thanks are extended to Marianne Ehrhardt for preparing the index, and to Patrick Wolfe for advice on various matters.

Mustering so many authors and shepherding them towards completion more or less according to plan was no easy task—for them or myself. I thank those who joined the project late in the day for their forbearance in the face of my unremitting strictures regarding form and content, as well, above all, the early contributors who waited patiently for years for the book to appear. I hope they, and readers generally, think that the wait was worthwhile.

These chapters have been anonymously peer reviewed.

ADM, Sydney, November 2007.

*– Section I –*

# Intellectual History and Conceptual Questions

– *Chapter 1* –

# Empire, Colony, Genocide
## *Keywords and the Philosophy of History*

A. Dirk Moses

> If we demonstrate by our behavior that we consider the native population merely as an obstacle to be circumvented or smashed, if by our rule we bring them not well-being and enlightenment but destruction, then the only issue between the two races will be that of life and death. Sooner or later Algeria will become the bloody arena for a mortal combat between these two peoples with mercy neither offered nor accepted. In such a struggle, one or the other would have to die. May God forbid that this be our destiny.
>
> —Alexis de Tocqueville[1]

> Thus we constantly approach the South American Indian with both the attitude of the scientific researcher, trying to be objective, and the consciousness of being part of a civilization that has committed a kind of unpardonable sin—in my opinion the greatest sin ever committed in the history of humanity, which is to have destroyed or attempted to destroy half of the richness of humankind.
>
> —Claude Levi-Strauss[2]

### Introduction

Empire," "colony," and "genocide" are keywords particularly laden with controversial connotations. Few are the societies that were not once part of empires, whether its core or periphery. Few are the societies that are not the product of a colonization process, whether haphazard or planned. Many are the genocides that have marked imperial conquest through the ages. What is more, the first two of these terms are generally viewed through the lens of their nineteenth and twentieth century relatives, imperialism and colonialism, words of implicit opprobrium because they

connote European domination of the non-European world. Imperialism was coined in the middle of the nineteenth century to criticize ambitions for domination and expansion. A century later, to accuse a country of colonialism was to condemn it for enslaving and exploiting another.[3]

These keywords imply an interpretation of world history—indeed, human history tout court—shared by both proponents and critics of this European hegemony. Thus F. A. Kirkpatrick of Cambridge University referred to "colonization" and "empire" rather than "colonialism" or "imperialism" when he told his audience in 1906: "Down to the fifteenth century our ancestors were confined to this little Europe, and knew nothing of empty or half-empty countries inviting their occupation beyond the seas. Modern colonization and empire means the spread of Europe over the world."[4] Writing almost twenty years earlier, the future US president Theodore Roosevelt attributed the expansion of civilization solely to the "English-speaking Peoples." Unlike the Spanish colonists who intermarried with Indigenes in the Americas, Anglophone settlers had retained the conquering prowess and racial purity of their Germanic ancestors: "The average Englishman, American, or Australian of today who wishes to recall the feats of power with which his race should be credited in the shadowy dawn of its history, may go back to the half-mythical glories of Hengist and Horsa, perhaps to the deeds of Civilis the Batavian, or to those of the hero of the Teutoburger fight." Roosevelt also distinguished the English Teuton from the Spanish and French by the nature of his ruthless nation building. "The English had exterminated or assimilated the Celts of Britain, and they substantially repeated the process with the Indians of America."[5] The cause of progress assuaged the conscience. Writing between the world wars, the English soldier, collector, and archaeologist George Henry Lane-Fox Pitt-Rivers advised that when a "superior race" overwhelmed an inferior race, "humanitarian sentiments [are] often irrelevant and for the most part quite unreasonable . . . there should be no reason for members of a superior race to regret the gradual extinction of an inferior race if only the future enrichment and welfare of the world is considered."[6]

Critical observers shared such frank recognition about the price of civilization, but without the celebration. The French anthropologist Georges Balandier noted somberly in 1951: "One of the most striking events in the recent history of mankind is the expansion throughout the entire world of most European peoples. It has brought about the subjugation and, in some instances, the disappearance of virtually every people regarded as backward, archaic, or primitive."[7]

Frantz Fanon, the Martinican psychiatrist who wrote influential books on "third world" liberation, essentially concurred, turning Hegel upside down: "The West saw itself as a spiritual adventure. It is in the name of



the spirit, in the name of the spirit of Europe, that Europe has made her encroachments, that she has justified her crimes and legitimized the slavery in which she holds four-fifths of humanity."[8] Although they were writing soon after the United Nations passed the "Convention on the Punishment and Prevention of Genocide" in 1948, Balandier and Fanon did not use this neologism, invented during World War II by Raphael Lemkin (1900–1959), to describe the fate of "people regarded as backward, archaic, or primitive." Nonetheless, the link between human catastrophes and the metanarrative of human progress was clearly in the minds of Europeans and non-European intellectuals at this time.

What precisely this link was and is has bitterly divided debate on the three keywords of this book because the moral legitimacy of Western civilization is at stake, as well, by implication, as the legitimacy of anti-colonial struggles of national liberation, especially in light of the anti-imperial rhetoric of postcolonial dictators. Contributors to the debate pose a number of conflicting questions. Was the expansion of the West—that, is, European colonialism and imperialism since the late fifteenth century—inherently genocidal and generally criminal?[9] Or were non-European societies so nasty and brutish that they screamed out for the milk of European civilizational uplift?[10] And did not genocide and totalitarianism really inhere less in European empires than in their negation, the anti-imperial, anti-Western "liberation movements," of Islamism, Pan-Arabism, the "third world socialism" of the Khmer Rouge and Afrocommunism, even National Socialism?[11]

If these terms seem improbably stark, anachronistic, even crude, consider discussions in the first decade of the twentieth-first century by supposedly subtle intellects. Benny Morris, the Israeli historian whose assiduous archival work helped dispel myths about the "Birth of the Palestinian Refugee Problem" in 1948, nonetheless defended ethnic cleansing and genocide as integral to the formation of (some) nation states and march of human progress. "Even the great American democracy could not have been created without the annihilation of the Indians," he told an interviewer in 2004. "There are cases in which the overall, final good justifies harsh and cruel acts that are committed in the course of history."[12] Also weary of leftist anticolonialism, antiracism, and anti-Zionism, the French philosopher Alain Finkielkraut sought to trump the victim narratives of the non-European colonized with his own:

> I was born in Paris, but I'm the son of Polish immigrants. My father was deported from France. His parents were deported and murdered in Auschwitz. My father returned from Auschwitz to France. This country deserves our hatred: What it did to my parents was much more violent than what it did to Africans.

> What did it do to Africans? It did only good. It put my father in hell for five years. . . . I think that the lofty idea of "the war on racism" is gradually turning into a hideously false ideology. And this anti-racism will be for the 21st century what communism was for the 20th century. A source of violence. Today, Jews are attacked in the name of anti-racist discourse: the separation fence, "Zionism is racism."[13]

What these stances show is that, in the wake of the so-called "war on terror" after 11 September 2001 in particular, the debate about empire, colony, and genocide is marked by a phallic logic. Commentators shout, "my trauma is bigger than yours" in order to defend or attack the theodicy that the brutal extermination and disappearance of peoples over the centuries is redeemed by human progress in the form of the Western-dominated global system of nation-states.[14]

Instead of indulging in speculation about the philosophy of history, scholars can offer their readers more than these simplistic polarizations by asking middle-range questions that are amenable to empirical scrutiny.[15] The following are apposite: What did the founder of "genocide studies," Lemkin, have to say about the links between empires, colonies, and genocides? What can one say more generally about their interrelationship? And how is the Holocaust linked to them? Posing these questions allows us to ponder whether colonial wars of conquest and counterinsurgency are qualitatively different to genocides in Europe. Indeed, whether "colonial genocide" or "indigenocide" should be a subcategory of analysis distinct from genocide proper.[16] Or whether colonial logics inhere in all genocides. Must the state be the perpetrator in cases where settlers killed indigenous people without official authority? Conversely, can indigenous people commit genocide against the settler colonizer? And, finally, is any consistency or pattern discernible in the relations between our three keywords and in phenomena so complex and riddled with contradictions as empires, with their bewildering array of governing modes and varying types of enlistment of subject peoples in their projects?[17]

In answering these questions, historians would do well to consider a pitfall inherent in genocide studies.[18] Because genocide was originally conceived as a legal concept and crime in international law, the temptation is great to "catch a crook" rather than "write a book."[19] If the moral and emotional satisfaction of identifying and excoriating the evil-doers strikes a symbolic blow for surviving victim communities, writing as a hanging judge brings with it the danger of oversimplifying the historical record by casting each genocidal conjuncture as a tidily organized drama of passive victims, wicked perpetrators, and craven bystanders.[20] The complexities of empire, such as the tensions between indirect rule and authoritarian administration, resource exploitation and economic modernization, settler



foundations and cultural adaptation cannot be reduced to the single question: was there a genocide? There are as many ways of studying these phenomena as there are instances of colonies and empires.[21]

At the same time, neither ought the cultural and physical destruction that attended the foundation of colonies and expansion of empires be played down by conservatives in the name of Western self-congratulation and Edwardian nostalgia, or ignored by the unintentionally quietist, postcolonial fascination with the construction of identities and intricate networks of cultural circulation.[22] Notwithstanding the different political intentions between these two positions, they share a desire to disrupt the binaries of colonizer/colonized, dominator/dominated, and center/periphery in order to view empires and colonies in less rigid terms. Together, they see

> colonialism as often being a source of creativity and experiment, and while certainly not being without pain, colonial encounters cause the dissolution of values on all sides, creating new ways of doing things in a material and social sense. A stress on creativity takes us away from notions such as fatal impact, domination and resistance or core and periphery, emphasizing that colonial cultures were created by all who participated in them, so that all had agency and social effect, with colonizer and colonized alike being radically changed by the experience.[23]

This is a view of colonization and empire that does not really admit the possibility of genocide. But need the historiography be a zero-sum game? Investing agency in the colonized does not mean empire needs to be seen as a symmetrically structured opportunity for cultural exchange. Remaining faithful to the complexity and contingency of the past need not entail abandoning the search for patterns or logics. It means that the object of inquiry is the sum total of economic, social, and political relations between people in a colonial situation; the various bids for power and the resistances to them; the processes of escalation brought on by real, contrived, or perceived security crises; the success of the colonial state in "pacifying" and either absorbing or expunging the "native"; the conscription of parts of indigenous society in such projects; as well, equally, as the failure of metropoles to realize their ambitions. The right note has been sounded by Donald Bloxham, who observed in relation to the Armenian genocide that "it may be said categorically that the killing did constitute genocide . . . but recognizing this fact should be a 'by-product' of the historian's work, not its ultimate aim or underpinning."[24] Genocide is to be explained as the outcome of complex processes rather than ascribable solely to the evil intentions of wicked men. It is the job of historians to trace how highly structured relationships between geopolitics and states, states and subaltern groups, elites and their bureaucracies become incarnated in and are themselves affected by the agency of individuals in particular situations.[25]

Raphael Lemkin, the Polish-Jewish lawyer who coined the term *genocide* in 1944 and campaigned for its criminalization in international law, wrestled with the dilemma of judging the past.[26] Historians, he thought, were in thrall to the Rankean fascination with interstate relations at the expense of "the role of the human group and its tribulations."[27] "Maybe . . . historians are somewhat guilty because they are used to present history in most cases from the point of view of wars for territorial expansion, of royal marriages, but they did not stress enough the death of civilizations as a result of genocide."[28] It was time to regard history in terms of human group survival, he thought, because "the fight against the destruction of the human group has a more profound moral significance than the fight between states."[29] Lemkin's intention to reorient historical study was therefore explicitly activist: historical knowledge was to serve consciousness-raising in the present. Consequently, the study of genocide was to be scientific, and he drew on the scholarship of his day to develop his concept and write his analyses. For that reason, any analysis of colony, empire, and genocide should commence with his body of ideas.

## Lemkin, Genocide, and Empire

Demonstrating that genocide had been a recurring feature of human history was at the heart of Lemkin's public campaign to outlaw genocide in international law in the late 1940s and 1950s. Before his death in 1959, he had almost completed a book on genocide in world history but, unfortunately, publishers were uninterested in his manuscript.[30] Apart from his book manuscript, he also wrote about genocide in the press. Here is a typical statement from his publications at the time of his campaign: "The destruction of Carthage, the destruction of the Albigenses and Waldenses, the Crusades, the march of the Teutonic Knights, the destruction of the Christians under the Ottoman Empire, the massacres of the Herero in Africa, the extermination of the Armenians, the slaughter of the Christian Assyrians in Iraq in 1933, the destruction of the Maronites, the pogroms of Jews in Tsarist Russia and Romania—all these are classical genocide cases."[31] Many of these cases occurred in colonial and imperial contexts, or were instances of colonization as with the "Teutonic Knights and the Prussian Pagans" in the thirteenth century where "partial physical and total cultural genocide" occurred.[32] In fact, most of his case studies from the Eurasian land mass were taken from continental empires: the Roman Empire, the Mongols, the Ottoman Empire, Charlemagne and the spread of German peoples eastwards since the Middle Ages.[33]



Extra-European colonial cases also featured prominently in this projected global history of genocide. In "Part III: Modern Times," he wrote the following numbered chapters: (1) Genocide by the Germans against the Native Africans; (3) Belgian Congo; (11) Hereros; (13) Hottentots; (16) Genocide against the American Indians; (25) Latin America; (26) Genocide against the Aztecs; (27) Yucatan; (28) Genocide against the Incas; (29) Genocide against the Maoris of New Zealand; (38) Tasmanians; (40) S.W. Africa; and finally, (41) Natives of Australia.[34] And he thought carefully about the modalities of genocide in situations where the Europeans were usually outnumbered by the indigenous inhabitants. "It must be clarified here that subjected groups may be a majority controlled by a powerful minority *as in the case in colonial societies*. If the majority cannot be absorbed by the ruling minority and is considered a threat to the minority's power, genocide is sometimes the result (i.e., the American Indian)."[35]

But Lemkin did not just write about genocide in colonial contexts; he defined the concept as intrinsically colonial. On the first page of the relevant chapter in his book, *Axis Rule in Occupied Europe*, he wrote: "Genocide has two phases: one, destruction of the national pattern of the oppressed group: the other, the imposition of the national pattern of the oppressor. This imposition, in turn, 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* of the area by the oppressor's own nationals."[36]

While Lemkin's linking of genocide and colonialism may surprise those who think that his neologism was modeled after the Holocaust of European Jewry, an investigation of his intellectual development reveals that the concept is the culmination of a long tradition of European legal and political critique of colonization and empire.[37] Indeed, the new discipline of "genocide studies" is a continuation of the long-standing European debate about the morality and legality of occupying and dominating other peoples. As Andrew Fitzmaurice shows in this volume, European theologians, philosophers, and lawyers have been debating the morality of occupation since the Spanish conquest of the Americas in the sixteenth century. These Spanish intellectuals—in particular by Bartolomé de Las Casas and Francesco de Vitoria—based their case on natural law that invested rights in Indigenous peoples. Hugo Grotius, Samuel Pufendorf, Emeric de Vattel, and Christian Wolff continued this line of critique. It was incarnated in different ways in the nineteenth and twentieth centuries by humanitarians who assailed the mistreatment of "native peoples" by colonial authorities and settlers.[38]

Twentieth-century jurists who defended indigenous rights, like Charles Solomon and Gaston Jèze, studied Vitoria carefully in making out their views. So did Lemkin, who likely knew Jèze in the 1920s. But Las Casas

was his hero: his "name has lived on through the centuries as one of the most admirable and courageous crusaders for humanity the world has ever known."[39] Lemkin explicitly appropriated Las Casas' viewpoint in his study of the "Spanish Colonial Genocide." He called his book on the Nazi empire *Axis Rule in Occupied Europe* in order to place it in the tradition of criticizing brutal conquests. Genocide for Lemkin, then, was a special form of foreign conquest and occupation. It was necessarily imperial and colonial in nature. In particular, genocide aimed to permanently tip the demographic balance in favor of the occupier. In relation to the Nazi case, he wrote that "in this respect genocide is a new technique of occupation aimed at winning the peace even though the war itself is lost."[40] Any doubt that the roots of the genocide concept lie in the five-hundred-year tradition of natural law-based critique of imperialism rather than in Lemkin's reaction to the Armenian genocide or Holocaust can be dispelled by his own words:

> The history of genocide provides examples of the awakening of humanitarian feelings which gradually have been crystalized in formulae of international law. The awakening of the world conscience is traced to the times when the world community took an affirmative stand to protect human groups from extinction. Bartolomé de las Casas, Vitoria, and humanitarian interventions, are all links in one chain leading to the proclamation of genocide as an international crime by the United Nations.[41]

### *Anticolonialism and Anti-imperialism?*

Although himself a liberal, Lemkin did not share the affirmation of empire by liberals like Alexis de Tocqueville, who passionately endorsed the violent French conquest of Algeria.[42] Lemkin was shocked by the dismal record of subaltern suffering at the hands of occupiers, just as a postliberal like Jean-Paul Sartre was incensed by the French reprisals in the Algerian town of Setif and the bombing and shelling of Muslim civilians nearby that killed perhaps many thousands of Arabs in 1945, episodes that the Algerian government now regards as genocidal.[43] Indeed, Lemkin shared with such postliberal anti-imperialists a vision of a noncoercive human group interaction. If Aimé Césaire famously denounced colonialism because it did not enable an authentic blending of "different worlds,"[44] he and Lemkin doubtless would have affirmed what the historian Richard White calls the "middle ground": spaces in which peoples traded and negotiated with one another in mutually created forms of accommodation that were not reducible to the simple binary relationships of domination and subordination.[45] Drawing on Bronislaw Malinowski's theory of cultural change, Lemkin favored what he called "cultural diffusion" via intercultural exchange. It comprised



> gradual changes occur[ing] by means of the continuous and slow adaptation of the culture to new situations. The new situations arise from physical changes, creative energies within the culture and the impact of outside influences. Without them the culture becomes static; if they appear but are not met with adaptation of the whole culture pattern, the culture becomes less integrated. In either case, it becomes weaker and may disintegrate entirely when exposed to strong outside influences. The rise and fall of civilizations have been explained on this general basis.[46]

But whereas Césaire thought that "no one colonizes innocently," Lemkin, like Las Casas, did not oppose colonization or empire per se.[47] Empires, humanely governed, contributed to human progress through "diffusion," he implied. Like Malinowski, Lemkin thought that cultural change was induced by exogenous influences, as weaker societies adopt the institutions of more efficient ones or become absorbed by them because they better fulfill basic needs. "Diffusion is gradual and relatively spontaneous," Lemkin wrote, "although it may lead to the eventual disintegration of a weak culture."[48] He would not have opposed the Phoenician colonization of the western Mediterranean, where a "coming to terms with and utilization of the indigenous population" and fruitful cultural interaction resulted in their assimilation within two generations.[49] An empire that promoted diffusion governed by "indirect rule," Malinowski argued, because it supposedly enabled the autonomous indigenous acquisition of European institutions.[50] Lemkin agreed with this assessment, as we will see below.

What is more, Lemkin possessed a liberal faith in international law that he regarded as the central civilizational instrument to combat genocide. For genocide, in his view, was a reversion to barbaric times when no laws of war existed to protect civilians. Since Western imperialism, however brutal at times, had spread this international law, Lemkin did not share the outright anti-imperialism of leftist intellectuals like Sartre and Fanon, for whom all empires, at least capitalist ones, entailed the exploitation and degradation of the indigenous people.[51] As we have seen, Fanon had no truck with such liberal self-narrations of moral or ethical progress, which he regarded as inevitably taking place at the expense of non-Europeans.

### *Genocide and Culture*

Lemkin was disturbed by occupations like German colonial rule in Africa that ultimately culminated in genocide in German Southwest Africa and German East Africa between 1904 and 1907. "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. If the chiefs failed to cooperate in everything demanded of them, they were systematically ill-treated, flogged and imprisoned, even for the most trivial offenses."[52] This quotation gives us clues to Lemkin's conception of genocide. He was more concerned with the loss of culture than the loss of life. In his correspondence with the Nuremberg prosecutors, he urged them to amend the indictment of the Nazi leaders to include genocide. He wrote,

> It appears in light of this evidence that the term genocide is a correct one since the defendants aimed to destroy, cripple, or degrade entire nations, racial and religious groups. The terms mass-murder or mass-extermination in the light of hitherto produced evidence seems to be inadequate since they do not convey the racial and national motivation of the crime. [M]ass-murder or extermination do not convey the elements of selection and do not indicate the losses in terms of culture represented by the nation's victims. If all the 125 000 Islanders will be killed off, this would mean a disappearance not only of 125 000 human beings but also a disappearance of the Islandic culture with its old language, institutions, national aspirations and all contributions which the Islandic nation made or is able to make to mankind in the future.[53]

Why was culture so central to Lemkin's conception of genocide? Drawing on the functionalist anthropology of Sir James Frazer and Malinowski, he argued that culture, which he called "derived needs" or "cultural imperatives," was as constitutive for human group life as individual physical well-being (i.e., basic needs). Culture integrated society and enabled the fulfillment of individual basic needs. These "so-called derived needs," Lemkin wrote, "are just as necessary to their existence as the basic physiological needs." He elaborated this point thus: "These needs find expression in social institutions or, to use an anthropological term, the culture ethos. If the culture of a group is violently undermined, the group itself disintegrates and its members must either become absorbed in other cultures which is a wasteful and painful process or succumb to personal disorganization and, perhaps, physical destruction."[54] For these reasons, he concluded, "the destruction of cultural symbols is genocide." To destroy their function "menaces the existence of the social group which exists by virtue of its common culture."[55]

Herewith, we come to the thorny issue of "cultural genocide," an issue central to the study of colonialism because it so often involved projects of indigenous assimilation. Lemkin has been fundamentally misunderstood by scholars of genocide who contend that he did not support the concept of cultural genocide. In fact, he wanted cultural genocide included in the 1948 convention. Referring to the Secretariat's draft convention of 1947 that included a section on cultural genocide, he wrote that "Cultural Genocide is



the most important part of the Convention."[56] He only reluctantly acceded to its eventual exclusion on tactical grounds.[57] Even so, it is difficult to obtain a clear answer about his own definition of the term from his many statements on the topic. Was forced religious conversion genocidal? At times, he suggested it was: for instance, in the actions of Spanish priests in the Americas.[58] At others, he denied it: "cultural genocide need not involve the substitution of new culture traits (such as forced conversion), but may maliciously undermine the victim group to render its members more defenseless in the face of physical destruction."[59] In *Axis Rule*, he suggested that terms like "denationalization" or "Germanization"—the imposition of the conqueror's "national pattern" on the conquered people—were unsatisfactory because "they treat mainly the cultural, economic, and social aspects of genocide, leaving out the biological aspects, such as causing the physical decline and even destruction of the population involved."[60] Was he hopelessly confused?

Closer inspection of his writings reveals that, true to his concept of group life, he did not consider cultural destruction in isolation from attacks on the physical and biological elements of a group. In the cases of genocide he studied, attacks on culture were inextricably interwoven with a broader assault encompassing the totality of group existence: "Physical and biological genocide are always preceeded by cultural genocide or by an attack on the symbols of the group or by violent interference with religious or cultural activities. In order to deal effectively with the crime of Genocide one must intervene at the very inception of the crime."[61] Nazi mass murder, too, could not be separated from their attack on culture. "Side by side with the extermination of 'undesirables' went a systematic looting of artworks, books, the closing of universities and other places of learning, the destruction of national monuments."[62]

We can encapsulate Lemkin's position on genocide by regarding it as a "total social practice" that affected all aspects of group life.[63] Certainly, it could not be reduced to mass killing, as it is so often in popular consciousness and even genocide studies. "Like all social phenomena," he wrote, "it represents a complex synthesis of a diversity of factors."[64] It was, therefore, "an organic concept of multiple influences and consequences."[65] As a total social practice, genocide comprised various techniques of group destruction. In *Axis Rule*, he outlined eight techniques used by the Nazis. They warrant listing in full because they illustrate his holistic conception of genocide, and demonstrate that mass killing was only one of a number of methods of group destruction. They are discussed here briefly in the order given by Lemkin.[66]

*Political* techniques refer to the cessation of self-government and local rule, and their replacement by that of the occupier. "Every reminder of former national character was obliterated."

*Social* techniques entail attacking the intelligentsia, "because this group largely provides the national leadership and organizes resistance against Nazification." The point of such attacks is to "weaken the national, spiritual resources."

*Cultural* techniques ban the use of native language in education, and inculcate youth with propaganda.

*Economic* techniques shift economic resources from the occupied to the occupier. Peoples the Germans regarded as of "related blood," like those of Luxembourg and Alsace-Lorraine, were given incentives to recognize this kinship. There were also disincentives: "If they do not take advantage of this 'opportunity' their properties are taken from them and given to others who are eager to promote Germanism."

*Biological* techniques decrease the birth rate of occupied. "Thus in incorporated Poland marriages between Poles are forbidden without special permission of the Governor (*Reichsstatthalter*) of the district; the latter, as a matter of principle, does not permit marriages between Poles."

*Physical* techniques mean the rationing of food, endangering of health, and mass killing in order to accomplish the "physical debilitation and even annihilation of national groups in occupied countries."

*Religious* techniques try to disrupt the national and religious influences of the occupied people. In Luxembourg, the method entailed enrolling children in "pro-Nazi youth organizations" so as to loosen the grip of Roman Catholic culture. Alternatively, in Poland, where no such assimilation was possible, the Germans conducted "the systematic pillage and destruction of church property and persecution of the clergy," in order to "destroy the religious leadership of the Polish nation."

*Moral* techniques are policies "to weaken the spiritual resistance of the national group." This technique of moral debasement entails diverting the "mental energy of the group" from "moral and national thinking" to "base instincts." The aim is that "the desire for cheap individual pleasure be substituted for the desire for collective feelings and ideals based upon a higher morality." Lemkin mentioned the encouragement of pornography and alcoholism in Poland as an example.

### *Genocide, Assimilation, and Indigenous Survival*

The congruence of these techniques with those of many instances of European colonial rule is striking. Food rationing, forced conversion, inculcation of the new ruling culture, marriage and reproduction restrictions, the sequestration of economic resources, and introduction of European addictions have visited terrible cultural and physical devastation on indigenous peoples. London critics of British settlers listed abuses that largely replicate Lemkin's techniques of genocide. The *Report of the Select Committee on Aborigines (British Settlements)* in 1837 complained that "Too often, their [Aborigines'] territory has been usurped; their property seized; their numbers diminished; their character debased; the spread of religion impeded. European vices and diseases have been introduced amongst them, and they have been familiarized with the use of our most potent instruments for the subtle or the violent destruction of human life, viz. Brandy and gunpowder."[67]



Not for nothing do the perceptions of indigenous people about their experiences accord with Lemkin's phenomenology of genocide. Consider this summary by an Australian indigenous leader.

> While the 1788 invasion was unjust, the real injustice was the denial by [Governor] Phillip and subsequent governments of our right to participate equally in the future of a land we had managed successfully for millenniums [*sic*]. Instead, the land was stolen, not shared. Our political sovereignty was replaced by a virulent form of serfdom; our spiritual beliefs denied and ridiculed; our system of education undermined. We were no longer able to inculcate our young with the complex knowledge that is acquired from intimate engagement with the land and its waterways. The introduction of superior weapons, alien diseases, a policy of racism and enforced biogenetic practices created dispossession, a cycle of slavery and attempted destruction of our society. The 1997 report *Bringing Them Home* highlighted the infringement of the UN definition on genocide and called for a national apology and compensation of those Aborigines who had suffered under laws that destroyed indigenous societies and sanctioned biogenetic modification of the Aboriginal people.[68]

One of the issues raised by the *Bringing Them Home* report was whether forcible assimilation was tantamount to cultural genocide.[69] Lemkin's statements above and his unpublished studies on colonial behavior, especially his aversion to forced religious conversion, suggest that he equated the two. But he was also a pragmatist. In order to ensure that cultural genocide survived the objections to its inclusion in the various UN committees in 1947, he suggested that it be limited to "acts which are disapproved or incriminated [*sic*] by all national, penal courts such as arson, burning of books, destruction of churches and schools" rather than legal administrative measures, i.e., forcible assimilation by lawful means.[70] In other words, he limited cultural genocide to "acts of violence which are qualified as criminal by most of the criminal codes."[71] Legal assimilation was not cultural genocide, then, a conclusion that advantaged states which sought to assimilate their indigenous populations and other minorities after World War II. Lemkin's residual faith in Western civilization as the source of international humanitarian law may also have encouraged this narrower reading of cultural genocide. But in the end, even this restriction of cultural genocide's meaning was unsatisfactory for most UN delegates,

who understood the Secretariat's draft convention as equating the closing of libraries with mass murder. Cultural genocide was eventually dropped from the final version of the convention.[72]

Lemkin's equivocation on forcible assimilation may be linked to his unwitting participation in the discourse on indigenous extinction common in the cultural evolutionism of anthropology since the nineteenth century.[73] In keeping with this view, he tended to regard the encounter between European and Indigene as grossly asymmetric, thereby playing down both indigenous agency and the often-tenuous European grip on power, particularly in the initial stages of colonization. In German Southwest Africa, for instance, he did not see that the German governor was initially reliant on local chiefs. In fact, such reliance was most likely the norm, because collaboration with indigenous elites made imperial rule both cheap and efficient. In such cases, the imperial overlords cooperated with these elites rather than trying to Europeanize local culture, although it goes too far to describe these dynamics as "empire by invitation."[74] In fact, indirect rule often disrupted indigenous polities as well by promoting chiefly authority at the expense of other social actors or by fetishizing ethnic differences ("tribes"), which programmed these societies for genocidal conflict after decolonization, as in the case of Rwanda.[75] Nor did Lemkin appreciate that the Herero survived the German genocide of 1904/05 because, as one scholar put it, he "just saw the Herero as helpless victims whose fate was sealed for all time."[76]

Such pessimism about the "disappearing savage" and "fatal impact" of Western colonization conveniently left the Europeans in sole occupation of the land, and worked against the interests of indigenous groups who survived genocidal assaults and later made claims for recognition and recompense. Recent research contests the myth of the "disappearing savage" by arguing that indigenous peoples creatively adapted to new circumstances. The Natick Indians, contrary to the well-known assertions of de Tocqueville that Indian society dissolved upon contact with the settlers, successfully maintained an Indian dimension to the land. A little over a century after first contact, in 1767, 82 percent of them had married outside the community, and they sold property as individuals.[77]

Lemkin's blindness to the question of survival and adaptation was rooted in his particular concept of culture. Despite his anthropological reading, he seems to have equated national culture with high culture. Consider how he regarded the matter in this quotation:

> All our cultural heritage is a product of the contribution of all nations. We can best understand this when we realize how impoverished our culture would be if the people doomed by Germany such as the Jews had not been permitted to create the Bible or give birth to an Einstein, a Spinoza; if the Poles had not had the opportunity to give the world a Copernicus, a Chopin, a Curie; the Greeks a Plato and a Socrates, the English a Shakespeare, the Russians a Tolstoy and a Shostakovich, the Americans an Emerson and a Jefferson, the Frenchmen a Renan and a Rodin.[78]



In this statement, the value of culture inhered in its elites who made contributions valuable for humanity as a whole. Recall that the social technique of genocide usually targeted cultural bearers, such as the intelligentsia and priestly class. Genocide could occur when they were exterminated, and when libraries, houses of religious worship, and other elite institutions of cultural transmission were destroyed, even if the mass of the population survived and continued some hybrid popular culture. Here is what Lemkin wrote about the Maya in twentieth-century Mexico centuries after their ravaging at the hands of the Spanish: "While the condition of the Indians has been improving since then, under a more progressive Mexican administration, their lot is still hard and their *cultural heritage has been irrevocably lost.* One million Indians still speak Maya dialect today. They still till the land as their forefathers had done but they have lost their civilized habits, their remarkable skills and knowledge long ago."[79] Clearly, this view is untenable today. Only white perceptions that "real" Indians must be "pure" prevented Europeans seeing that "Indianness" was retained even while Indians adapted their culture and intermarried with others. Lemkin does not seem to have considered the possibility that genocide could be attempted, that much destruction could take place, and that cultural diffusion occurred nonetheless.

### *The Question of Intention*

Even if genocide cannot be reduced to mass killing, the conservative case against the colonial essence of genocide is that Lemkin, in *Axis Rule*, mentions a "coordinated plan of different actions" that attacks groups "with the aim of annihilating" them.[80] Indeed, what kind of plan can be discerned in processes so haphazard and uncoordinated as imperial and colonial expansion, particularly on frontiers that extended beyond the reach of the state? Yet in his writings on colonial cases, Lemkin never spoke of a plan, but he did try to identify the "intent" of the colonists. With regard to the Spanish conquest of the Americas, he wrote that their intent was, in the case of "the empire of Peru," to "take possession of it as their lawful territory and to convert the Peruvians to the true faith."[81] The officially announced will of the Spanish Crown manifested an intention, such as the proclamation to the Maya about the Spanish right to their country: "If you do not ['recognize the Church and his Majesty the king as your rulers'], we will war

on you, take your wives and children away, dispose of your property and harm you as much as we can 'as to vassals who will not obey and refuse to receive their lord.'"[82] The reading of the Spanish sovereignty proclamation, whether natives were present or understood it, Lemkin observed, "seemed quite sufficient, in the eyes of the Spaniards, to produce obedience and justify genocide."[83] Lemkin did not take this claim on face value, regarding such announcements as "a mere fiction" because the preemptive massacres committed by Cortes were obviously "intended."[84] Elsewhere he wrote that the "motivation" of the Spanish in killing "rebellious Indians" was the "self-righteous attitude towards the Indians as Spanish property."[85]

The Spanish assumption of sovereignty was ultimately a pretext to kill, a posture inherited by subsequent English thinkers such as John Locke, who wrote that rebellious natives had "declared war against all mankind, and therefore may be *destroyed as a lion or tiger, one of those wild savage beasts with whom men can have no society or security.* And upon this is grounded that great law of Nature, 'Whoso sheddeth man's blood by man shall his blood be shed.' Also Cain was so fully convinced that every one had a right to destroy such a criminal, that, after the murder of his brother, he cries out, 'Every one that findeth me shall slay me,' so plain was it writ in the hearts of all mankind."[86] Lemkin was effectively arguing that occupations and settlements conducted on terms that neither recognized indigenous rights nor engaged in subsequent negotiations were bound to issue in genocide because resistance and its brutal suppression was inevitable.[87] The Nazis, too, fitted this pattern for Lemkin. He thought that Hitler regarded the Russian partisan warfare as but a pretext to "eradicate everyone who opposes us."[88]

Lemkin held individuals responsible for acts of genocide. Thus he found various Spanish leaders in the Americas guilty of genocidal acts.[89] Individual settlers could be guilty of genocidal acts as well, even if they were not authorized by the state. Lemkin never stipulated that genocide was solely a crime of state, and the UN convention concurred in naming individuals as well as state officials as potential perpetrators. Nonetheless, the illusion that genocide is tantamount to the Holocaust continues. Consider the following by an Australian historian:

> The wild times, which ended around 1850, spelt tragedy for Aboriginal people. However, it was not a story of genocide, as is often claimed, at least not according to the formal meaning of the word—that is, of official, intentional, premeditated killing. Intentional killing was carried out by settlers on a private and local level, however, leading to perhaps hundreds of deaths. Other deaths came from impulse and rage over property losses felt by possessive and fearful men. But there was never an official policy of killing Aborigines. Indeed, the British Government that held power during the era abhorred such violence and vainly tried to end it.[90]



In fact, this *is* a story of genocide because of the intentional killing of hundreds of Aborigines. No "official policy" is necessary for genocide to occur according to Lemkin's definition. An unofficial one is sufficient.

Lemkin also considered the issue of what might be called "unintended consequences." Discussing Nazi concentration and labor camps that were not death factories per se but that experienced very high rates of mortality, he postulated that genocidal intent could be inferred where mass death was not explicitly intended but where it was highly probable and reasonably foreseeable. "This is the phenomenon of wasting somebody else's life on a mass scale. This wanton relationship to human life was a natural result of the basic concept of genocide." The camp director was guilty because he "does not object in his mind and agrees with the eventuality of such destruction. In the criminal law of civil law countries such an intent is called 'dolus eventualis.'"[91]

This legal doctrine presents an interesting question for scholars of genocide and colonialism, because there is abundant evidence that Europeans were well aware of the devastation that their colonization wrought on indigenous populations. Robert Brown noted in 1873, for instance, that to save them one would need to keep "away from them . . . for where one is benefited and ameliorated by civilization a thousand are ruined . . . resulting sooner or later in . . . utter extinction."[92] To be sure, Europeans usually ascribed the inevitability of extinction to the supposed weakness of the "native" peoples, and they were well aware of the fatal factors: violence, disease, and fertility decline. But they were also confident that the value of their own civilization was sufficiently great to justify the destruction of the indigenous ones, howsoever caused.[93] President Andrew Jackson's annual address in 1830 exhibited this belief very clearly:

> Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been long busily employed in devising means to avert it, but its progress has never for a moment been arrested, and one by one many powerful tribes disappeared from the earth. To follow to the tomb the last of his race and to tread on the graves of extinct nations excite melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes as it does the extinction of one generation to make room for another.[94]

Whether Lemkin would ascribe a genocidal intention in these terms to settler colonialism in particular is probably impossible to say, but it is an important question to consider in light of recent jurisprudence in international law.[95] In the case of Radislav Krstic in 2001, the International Criminal Tribunal for the Former Yugoslavia held the accused not guilty of genocide because he had not been directly involved in the massacre of seven thousand Bosnian men and boys at Srebrenica. But his knowledge of

the genocidal intention of his comrades and their use of his troops was sufficient to convict him for participating in their "joint criminal enterprise," that is, the secondary offence of aiding and abetting genocide.[96] The tribunal's use of the law of conspiracy, complicity, and incitement means that international jurisprudence is catching up with social scientists who realized long ago that narrow, black-letter interpretations of the convention's stipulations regarding genocidal intention cannot do justice to the messy reality in which such intentions evolve. For all that, the tribunal's distinctions also help students of genocide and colonialism differentiate types of intention in collective projects like colonialism.

Whether colonialism is a joint criminal enterprise is not a question that is scientifically answerable. Who is to judge? Lemkin was caught on the horns of a dilemma. The (modern) empires he scrutinized for committing genocide were also those that spread civilization by the sword as well as the plough. Arguing that measures like forced assimilation, for instance, were only genocidal if considered illegal by civilized nations begs the question, because civilized nations were the states who engaged in such forced assimilation. The subaltern answer to the implicit theodicy has been given by Césaire: "They talk to me about progress, about 'achievements,' diseases cured, improved standards of living. *I* am talking about societies drained of their essences, cultures trampled underfoot, institutions undermined, lands confiscated, religions smashed, magnificent artistic creations destroyed, extraordinary *possibilities* wiped out."[97]

### *Nazi Imperialism and Colonialism*

If Lemkin viewed colonies and empires as the heart of genocide, did he include Nazism and the Holocaust? In some respects, yes; in others, no. This is how he linked the issues in an unpublished draft manuscript:

> The Nazi plan of Genocide was related to many peoples, races, and religions, and it is only, because Hitler succeeded in wiping out 6 million Jews, that it became known predominantly as a Jewish case.
>
> As a matter of fact, Hitler wanted to commit G. against the Slavic peoples, in order to colonize the East, and to extend the German Empire up to the Ural mts. Thereupon after the completion of the successful war he would have turned to the West and to subtract from the French people the 20 million Frenchmen he promised in his conversation with Rauschning. Thus the German Empire would have reached from the Ural Mts. to the Atlantic Ocean. Nazi Germany embarked upon a gigantic plan to colonize Europe, and since there are no free spaces local populations had to be removed in order to make room for Germans. Nazi Germany did not have a fleet to protect overseas possessions. Moreover Germany had never good experiences in the past with overseas colonization. It was thus much simpler to colonize the European continent.



> Hitler's plan covered the Poles, the Serbs, the Russians, the Frenchmen. . . . The main purpose of the Nazis was a commission of a G. against nations in order to get hold of their territory for colonisation purposes. This was the case of the Poles, and the Russians and the Ukrainians.[98]

It is evident that Lemkin did not think that genocide was restricted to the Jewish case. The Nazi empire and its colonization plans were central to its genocidal policies. At the same time, he distinguished the treatment of Europeans Jews and Roma from that of Slavs and colonization.

> The case against the Jews and the Gypsies was not based upon colonisatery [*sic*] but upon racial considerations. . . . The case against the Jews and Gypsies was of a purely racial rather than emotional political nature. The race theory served the purpose of consolidating internally the German people. The Germans had to be shown that they are racially valuable Nordics. Their favorable racial classifications could be understood better by comparing them with those who were called and classified as vermin of the earth—the Jews and the Gypsies.[99]

Given this distinction—if we cannot explain the Holocaust of European Jewry and genocide of the Roma in colonial terms—do we reach a conceptual limit in the linking of colony, empire, and genocide? To answer this question, we need to consider these keywords more generally.

## Empire, Imperialism, Colony, Colonization, Colonialism

The vocabulary of our subject comes from the Roman Empire. The historian Sallust is apparently the first to refer to the Roman state as *Imperium* in the first century BCE. Settlements of soldiers on territory it conquered were called *colonia*. As noted already, empire and colonization have been associated with global European domination. With characteristic Eurocentrism, F. A. Kirkpatrick wrote a century ago that "the story of empire, of dominion over rich and populous cultures, apart from any considerable European emigration, deals chiefly with the commercial and political conquest of India and other Asiatic lands by Europeans; the study of colonization deals mainly with the migration of Europeans into the New World."[100] This view may also suit anti-Orientalists for whom Europe is the root of all evil, but the fact is that empires of one type or another have dominated the political organization of humanity for thousands of years:[101] from the Nuba in North Africa, Assyrians in the Middle East, Manchus in China, and Zulus in Africa, to the tribute systems of Mesoamerica, Mongols of Central Asia, Mughals in India, Safavids in Iran, and multinational land empires of the Ottomans, Habsburgs, and Romanovs, not to mention the

"blue water" modern empires of Great Britain, France, Belgium, and Germany. Not that Western empires wanted to admit they had acquired territory by violent conquest. That is what rivals did.[102]

Can we conceptually clarify terms so laden with ideological and historical baggage? Are they irredeemably contaminated with political connotations? Careful differentiation is necessary. There is consensus that empire means the domination of one society by another, usually backed by military force. Imperialism is a process and set of policies to acquire such domination whether by annexation or through less formal means.[103] The imperial relationship to colonies has historical precedents. Empires customarily engaged in settlement and resettlement, colonizing frontier regions with loyal subjects. Russian monarchs, for example, encouraged Germans to settle in the Lower Volga in the eighteenth century because their serfs were immobile. By 1914, 1.7 million ethnic Germans lived in east-central Europe, vulnerable to Russian paranoia about their loyalties in the looming war with Germany.[104] Nonetheless, settlement does not necessarily imply colonization. The German settlements were not colonies of imperial Germany. Neither were the early Phoenician settlement colonies in this sense, nor English Puritans in North America, because they were autonomous migrations rather than outposts of a metropolitan center.

Agreement breaks down when colonialism is added to the mix. How does it relate to the other keywords? If Edward Said thought "imperialism was the theory, colonialism the practice of changing the uselessly unoccupied territories of the world into useful new versions of the European metropolitan society," others simply equated the two.[105] Another viewpoint sees the relationship reversed: "Imperialism is a special case of colonialism where there are colonies tied together into one political structure."[106] Still another group of scholars distinguish colonialism from imperialism by insisting that the former entails colonization—the permanent migration of settlers to new territories—whereas the latter does not.[107]

The problem with these articulations of the relationship between the terms is that they omit consideration of colonial rule. Empire can exist without colonization or colonialism. Thus Ottoman rule in Egypt was not colonial because of the large measure of local self-administration and absence of permanent settlers. India was not an English colony for similar reasons. In practice, the sovereignty of empires was not as absolute as supposed by theories of empire.[108] Colonialism, by contrast, is a specific form of rule, and as a process supplements colonization. It means the occupation of societies on terms that robs them of their "historical line of development" and that transforms them "according to the needs and interests of the colonial rulers."[109] Colonial rule can radically alter the structure of, even dismember, an indigenous society.



The distinction between colonization and colonialism is apparent in the difference between two related concepts, internal colonization and internal colonialism. The former is the settlement of peoples, usually in frontier areas, loyal to the metropole to ensure security and encourage economic development of semi- or unoccupied land within a national or imperial territory. The resettlement of Muslim Slavs from former Ottoman territory in the Balkans to the core territories of the empire in the leadup to the First World War, as described by Donald Bloxham in this volume, represents a version of internal colonization.[110] By contrast, the concept of internal colonialism, which originated with Lenin, first meant the Russian metropole's economic exploitation of the periphery, that is, of the country by the towns. The sociologist Alvin Gouldner thought that Stalinism embodied this capitalist economic formation in a socialist context: "Here, internal colonialism refers to the use of the state power by one section of society (the Control Center) to impose unfavorable rates of exchange on another part of the same society (e.g., the Subordinate Remotes), each being ecologically differentiated from the other. The control center governs by using the state to impose unequal exchange. . . . Where these routine mechanisms fail, the control center uses force and violence against the remote subordinates."[111] In the 1970s in particular, Marxist scholars employed the concept of internal colonialism to explain the underdevelopment of certain geographical regions. Drawing on Immanuel Wallerstein's distinction between core and periphery, they were interested in mapping the congruence between cultural and economic divisions of labor.[112]

The turn to cultural history in subsequent decades has seen scholars focus on other dimensions of internal colonialism. It is said to represent the "civilizing project" advanced by the center and its dominant ethnicity over other peoples in remote areas, which contrasts with the usual combination of military conquest and cultural pluralism of the Mesoamerican empires, for instance.[113] Nation building in France in the nineteenth century could be seen under this aspect.[114] Recent research in Chinese history has combined this new approach with a focus on biopolitics, namely the efforts of the state to categorize and map the social class, gender, ethnicity, and nationality of a region in order to better govern peoples and establish borders—indeed, to constitute the nascent nation in the first place.[115]

The nature of colonial rule is significant because governance and cultural autonomy are central to the question of genocide. In light of Lemkin's elaborate techniques of genocide, the proposition can be ventured that the greater the intensity of colonial rule, the greater the likelihood that it is genocidal. As Dominik Schaller shows in this volume, German colonialism in Africa is of particular interest to scholars precisely because its relative lateness meant that the state was intimately involved in creating highly

authoritarian and racially segregated societies. German immigrants ruled over deracinated Africans whose political, cultural, and economic independence had been smashed in order to transform them into a helot class of workers for German agriculture.[116]

Lemkin himself identified this kind of direct rule as genocidal. But what about other modalities of colonialism? As might be expected, the demographic question is uppermost in the minds of indigenous leaders and intellectuals. In 1978, Aimé Césaire condemned the French encouragement of emigration to the West Indies as "genocide through substitution."[117] The fact is that disease most likely accounted for the vast majority of indigenous deaths as much as immigration issued in the growth of European populations around the world. One historian likened this astonishing population substitution to a "demographic takeover." This phenomenon occurred in colonies—North America, South America, Australia, and New Zealand—that were less densely populated than Asia and Africa, and where diseases threatened locals rather than the colonists.[118] Even if this population decimation was not solely attributable to "natural causes" (indigenous populations were most vulnerable to disease when they were experiencing dislocation due to colonization and colonial rule), it is hard to make the case that disease was deliberately spread in most cases.[119] Unfortunately, Lemkin hardly reflected on the question of disease in colonial situations.[120]

These societies of "demographic takeover" did not just succeed because of passive population substitution, however. Well before state-led "scientific" colonialism, settlers and pastoralists managed to destroy indigenous societies by other less systematic means. "The destruction of nomadic societies, and their succession by relatively prosperous settler societies," Donald Denoon observed, "has occurred in temperate North America as well as temperate South America, in Siberia as well as Australia and southern Africa."[121] Here was a continuation of the transformation, since the early modern period, of pastoral societies displacing nomadic ones on the Eurasian continent. Denoon holds this displacement to be inevitable. "The coexistence of commercial farming and nomadism was impossible everywhere in the long run." Arguing along similar lines, Patrick Wolfe holds that settlers' interest in the land rather than labor of the nomads means that a logic of elimination characterizes settler colonialism: the nomads' connections to the land needed to be vitiated by their absorption into or expulsion from the new society.[122]

Conflict between "steppe and sown" had not been a zero-sum game in medieval central Asia. Although contemporaries regarded the Khazars, Pecenegs, and Western Oguz as aggressors, such mobile societies did not in fact seek to despoil sedentary ones, because they were needed for trade. The limitations of the nomadic economy, based on herds of stock, meant that



luxury and other goods had to be extracted from agricultural societies—whether by "trade or raid"—with which they lived in tense symbiosis.[123] This coexistence was possible because the interrelations were not colonial.

Wolfe's pattern certainly holds true when a "middle ground" became a colony. For instance, in British Columbia, approximately symmetrical relations of trade between British and Indians obtained until the 1850s, when it became a formal colony and land acquisition was the central determinant of interaction. The customary pattern of events unfolded. The British military tried to keep the peace, but imperatives for local rule and economizing in London meant that land policies were ultimately decided by settler politicians. They enclosed common land and legislated exclusive property rights over multiple usage so as to ensure that investments could be made good.[124] Indians could resist by moving, submitting petitions, and not cooperating with the new dispensation, but state and settler violence underwrote the eventual victory of the British social system.[125]

This victory was not always total. Indigenous agricultural communities were better able to resist settlers than nomads, often serving as a source of labor. Not all Indigenes "disappeared."[126] Indeed, the story is anything other than genocidal in many colonial contexts. Where was genocide in plantation and trading colonies: for instance, in the British occupation of Singapore (1819), the Falkland Islands (1833), Aden (1839), Hong Kong (1842), and Lagos (1861)?[127] The distinction between types of imperial rule was made well by Alexis de Tocqueville: "There are two ways to conquer a country; the first is to subordinate the inhabitants and govern them directly or indirectly. That is the English system in India. The second is to replace the former inhabitants with the conquering race. This is what Europeans have almost always done. The Romans, in general, did both. They seized the country's government, and in several parts of it they founded colonies that were nothing other than far-flung little Roman societies." He recommend a combination of the two approaches in Algeria: domination of the interior so the coast could be settled.[128] As we shall see, it is not only cases of settler colonialism that are potentially genocidal.

## Genocide and "Savage Wars of Peace"

Colonial and imperial wars are not usually considered genocidal. Once regions are "pacified"—that is, armed resistance is broken—the occupiers settle down to the business of governing. This rather benign view of such conflicts precludes the question of genocide by equating it with the Holocaust of European Jewry: where no death camps can be found, genocide cannot be said to have occurred. Leaving aside the issue of whether the

Holocaust unfolded in the clockwork fashion entertained in popular consciousness, and whether it can be understood apart from the Nazi imperial and colonial project in Europe, colonial conquest and warfare possess a number of potentially genocidal dimensions. In the first place, the aim of the colonizer was not just to defeat military forces but also to annex territory and rule over a foreign people. War aims were not limited, as they customarily were in intra-European wars; they were absolute. "Colonial conquerors came to stay." Second, the colonizer often ended up waging war against the entire population because it was difficult to distinguish between civilians and combatants, especially when guerilla-style resistance ensued. The often flat political structures of indigenous peoples meant that the colonizer could not easily identify leaders and "decapitate" the local polity.[129] Colonial war could mean total war on a local scale.

In the main, imperial troops prevailed over numerically superior opponents because they were regularly paid, well supplied, and trained. The ability to concentrate forces at one point was more decisive than technological superiority alone, especially if indigenous agents could be conscripted, such as the Native Mounted Police in colonial Queensland.[130] Such asymmetry did not always obtain, however. Consider the case of the Karifuna in the Antilles in the seventeenth century. The Spanish had smashed indigenous resistance by the middle of the seventeenth century and enslaved the inhabitants in agriculture and mining, but they were followed by French and English colonists on neighboring islands who wanted the land and to continue the slave economy. Difficulties in subduing the Karifuna on Antigua resulted in dozens of English deaths in the 1620s and 1630s, which led to a joint French and English effort on St. Kitts to kill and drive off as many of the natives as possible. Their survival and mingling with escaped African slaves led to calls in the 1670s for the extermination of the "Carib Indians." But the apathy of plantation owners and divisions between French and British authorities meant that such rhetoric remained hollow. Only the eventual hegemony of the British by the late eighteenth century enabled the roundup and depositing of the survivors on an inhospitable island off Honduras, where a third of them starved within four months.[131]

Equally difficult to subdue were the Indians of the Argentine frontier in the nineteenth century. Their experience demonstrates not only the tenacity of indigenous resistance, but also that neat models of invasion/resistance cannot capture the complexity of the colonial encounter. Well-armed and excellent horsemen, Indians prospered in the pampa, where their mobile lifestyle rendered them less vulnerable to the disease that devastated those who attempted agriculture. Roaming Spanish patrols made little inroads into the region in the early eighteenth century, so the imperial authorities were forced to ally themselves with certain tribes against others. Tribute



was paid to some of them for peace and information. A "middle ground" was achieved at this point with rough parity between different groups. The Roman model of settling soldiers on the frontier failed in the face of resistance by ranchers and plutocratic governments loathe to give away land. Domestic Argentine imperatives in the 1830s led to the demand for more grazing land and a military solution, but 50 percent of the badly paid and trained soldiers and militia were casualties of frontier service. By the 1850s, alternative policies to propitiate Indians by granting them land allotments had also failed, with Indians driving off ranchers and settlers. Other efforts in the 1870s to integrate Indians into frontier society by winning them from their raiding/tribute economy also failed. Anxious about the interests of neighboring Chile in the region, a hardline military solution was suggested in 1875 by Julio A. Roca, chief of frontier forces. "In my judgment, the best system to finish the Indians, that is, exterminating them or removing them beyond the Rio Negro, is an offensive war," by which he meant lightning strikes by mobile forces. With the telegraph, railroad, and better-armed troops, his offensives in 1878 were successful. Thousands were killed, with survivors driven to Chile. Missions were built in the place of destroyed villages.[132]

Imperial thinkers devoted considerable thought to the problem of "small wars," with their pattern of conquest followed by resistance. Although they advised against exasperating the conquered population, the destruction of villages and crops was countenanced if necessary. Certainly French and Russian authorities were happy to indulge in such scorched-earth tactics in their respective North African and Caucasian conquests during and after the 1830s.[133] Alexis de Tocqeville's liberal scruples were not shared by many French in Algeria, as he reported in 1833. On one view,

> to subjugate the Arabs, we should fight them with the utmost violence and in the Turkish manner, that is to say, by killing everything we meet. I have heard this view supported by officers who took it to the point of bitterly regretting that we have started to take prisoners in some places, and many assured me that they encouraged their soldiers to spare no one. For my part, I returned from Africa with the distressing notion that we are now fighting far more barbarously than the Arabs themselves. For the present, it is on their side that one meets with civilization.

At the same time, he regarded burning harvests, emptying silos, and interning civilians as "unfortunate necessities, but ones to which any people that wants to wage war on the Arabs is obliged to submit." The reason was because war was being waged on populations, not governments.[134]

Indeed, such tactics were a feature of imperial rule generally. In 133 BCE the Romans destroyed Numantia on the Iberian Peninsula for defying

Roman rule, as they had Carthage thirteen years earlier. Even the late sieges and subsequent destruction of Jerusalem between 70 and 136 CE can be seen in this light. In the euphemistically termed "Harrying of the North," William I ("the Conqueror"), who invaded England in 1066, put down serious Saxon resistance around Yorkshire by destroying all villages and livestock between York and Durham, causing famine and the starvation of up to one hundred thousand people. The aim was to destroy the local society so that it could not provide sustenance to rebels, who hid in marshes and forests, and so that it could not serve as a base for future Danish attack. The country was largely uninhabited for a century thereafter.[135] Continuing the tradition of vicious reprisals, the Elizabethan conquest and colonization of Ireland, which was contemporaneous with significant contact of Englishmen with Native Americans in the sixteenth century, saw the slaughter of men, women, and children where English conquest was resisted. The women and children were considered fair game because they sustained the men, and because the Irish were regarded as pagan.[136] The violent Cromwellian quelling of Catholic uprisings in Ireland in the next century, such as the massacre of Drogheda in 1649, followed the same logics, as did the Spanish counterinsurgency against the Yucatec Mayan uprising of 1761.[137] This pattern was repeated in the Anglo-Zulu war in 1879, when British forces used scorched-earth tactics and massacred wounded fighters and prisoners in their desperate efforts to put down Zulu resistance to imperial rule.[138]

Likely, no power surpassed the Mongols in the extent and violence of their reprisals. Chinggis Khan was pitiless towards disloyalty, exterminating the Merkit in 1217 for attacks on his forces years before. Although they were more interested in booty than conquest, the Mongols were prepared to launch bloody war where sedentary peoples would not hand over their goods. Cities that resisted were razed, and devastated regions took generations to recover. Samarkand was reduced in population by 75 percent in the first decades of the thirteenth century. When Chinggis died in 1227, the mourning army slaughtered the entire population of Zhongxing city.[139] All these cases would be considered genocide under international law today.[140]

Imperial and national elites were constantly worried about security on their peripheries.[141] In 1914, the imperial Russian army deported up to one million Jews living in its western borderlands because they were suspected of disloyalty and potential espionage for the Germans.[142] Between 1935 and 1938, similar paranoia led Soviet authorities to deport nine nationalities away from sensitive border areas. During the Second World War, they violently deported Chechen and Ingush people of the North Caucasus, some of whose number had allegedly collaborated with the invading Germans. In



the early 1930s, the famine in the Ukraine had been precipitated by anxieties that it might secede from the union.[143]

The security syndrome led to mass deaths in violent counterinsurgency. The contemporaneous Italian subjugation of Cyranaica in Libya resulted in the deaths of over 6,000 local fighters and the internment in camps of some 76,000 people, about half the total population.[144] In 1952, British authorities in colonial Kenya interned hundreds of thousands of supposed insurgents, killed up to 20,000 in combat, hanged over 1,000, and tortured many others. One historian claims up to 100,000 Mau Mau insurgents died in the camps.[145] Much of the murderous radicalization of the Pol Pot regime in mid-1978 was driven by regime paranoia about rebellious eastern border cadres and other Cambodians thought to be tainted by Vietnamese influence. The Cham nationality, which was targeted for destruction, was likewise considered "rebellious."[146]

The common motivation for deporting or destroying subnational groups is the accusation that they are rebellious, supporting rebellions, or cooperating with enemies across borders, such as the Ottoman Armenians in 1915.[147] The genocide in Darfur is also a counterinsurgency unfolding according to this pattern.[148] What these cases show is that real or imagined resistance to imperial or national rule can radicalize a policy of conquest or "pacification." Resistance leads to reprisals and counterinsurgency that can be genocidal when they are designed to ensure that never again would such resistance occur.[149] In the words of one scholar, such practices possess a "strategic logic" that can culminate in "final solutions."[150]

## Subaltern Genocide

If security anxieties have led to genocidal measures of military coercion, another policy option has been to colonize one's own borderlands. Imperial Germany's concerns about Polish population growth within its eastern border led to various schemes to counter "Polonization" with "Germanization," including the purchase of Polish-owned estates and their distribution to German peasant colonists. The sociologist Max Weber was one of many who advocated such measures.[151] The Sri Lankan government engaged in rural colonization schemes to displace Tamils.[152] The government of the Dominican Republic tried to counter the "pacific invasion" of Haitians by "colonizing" the border areas with Dominican peasants in the first decades of the twentieth century.[153]

What these examples show is that the perception of being colonized by outsiders leads to colonization projects of one's own. As might be expected, such perceptions are highly subjective. Thus nationalist Czechs in the first

half of the twentieth century regarded Germans who had lived in Bohemia and Moravia for hundreds of years as colonists, while German nationalists regarded those Germans as a beleaguered minority subject to an oppressive colonial rule.[154] Ukrainian nationalists saw themselves as subject to Polish colonial rule in the eastern borderlands of the interwar Polish state. Poles settled those expelled by the Ukrainians on their western border with Germany in order to colonize that vulnerable region. Ukrainians redistributed the lands of "former Polish colonists" to their compatriots.[155] In Rwanda, Hutus regarded themselves as indigenous and Tutsis as colonists from North Africa.

These points lead to broader questions: Can the founding of empires can be linked to the experience of a society's having been colonized and subjected to imperial conquest and rule? Are empires created to ensure that never again is that society dominated by another? Does the impulse for empire—the desire for invulnerability—come from previous feelings of abjection: empire both as security and compensation for past humiliations? Does, in other words, empire have an indigenous origin?

The beginning of the Spanish Empire in the Americas in the late fifteenth century is a case in point. It came in the wake of the *reconquista*, the Christian reconquest, conducted under Papal aegis, of the Iberian peninsula from the Moors who had occupied the area since the eighth century. Christians were settled in reconquered land.[156] Some view the continuation of the *reconquista* in the Americas as the beginning of Europe's poisoned gift to the world: the catastrophe of the ethnically and ideologically homogeneous nation-state that replaced the multicultural utopia of Islamic rule in Spain, with its harmonious coexistence of the three monotheistic faiths.[157] It can also be seen as chain in the continuity of conquest, reconquest, and yet more conquest that has marked human group interaction for thousands of years.

A contemporaneous example is imperial Russia. The Mongol invasions of the thirteenth century were overthrown by the Muscovite princes in the later fifteenth century in a Russian *reconquista*.[158] Within one hundred years, the Tsars, who were centralizing control of their lands, began to conquer the Mongol successor states of Kazan, Astrakhan, and Sibir (later Siberia) on the southeastern boundary. Expansion into the Caucasus and central Asia, at times genocidal as Robert Geraci's chapter in this book shows, ensued in the eighteenth and nineteenth centuries.[159]

That indigenous people would resist colonization did not always seem obvious to Europeans, who thought their gift of civilization would or should make them welcome. In the wake of Palestinian Arab riots against Jewish settlement in 1920 and 1921, Vladimir Jabotinsky berated Labor Zionist leaders for believing their presence would be tolerated by the "natives":



> Every reader has some idea of the early history of other countries which have been settled. I suggest that he recall all known instances. If he should attempt to seek but one instance of a country settled with the consent of those born there he will not succeed. The inhabitants (no matter whether they are civilized or savages) have always put up a stubborn fight. Furthermore, how the settler acted had no effect whatsoever. The Spaniards who conquered Mexico and Peru, or our own ancestors in the days of Joshua ben Nun behaved, one might say, like plunderers. But those "great explorers," the English, Scots and Dutch who were the first real pioneers of North America were people possessed of a very high ethical standard; people who not only wished to leave the redskins at peace but could also pity a fly; people who in all sincerity and innocence believed that in those virgin forests and vast plains ample space was available for both the white and red man. But the native resisted both barbarian and civilized settler with the same degree of cruelty.[160]

Jabotinksy's mention of cruelty raises the issue of the ritualized excess that often characterized indigenous resistance to colonialism, especially in decolonization struggles. Certainly, racism and oppression by the Other are factors in generating murderous fantasies.[161] But racism and oppression do not account for the atrocities in indigenous revenge. The reason for the excess, I suggest, is that the genocidal impulse and national liberation impulse are effectively the same: to preserve the endangered genus or ethnos against an Other that supposedly threatens its existence. This is the origin of what we might call *subaltern genocide:* the destruction of the colonizer by the colonized.

Examples abound of anxieties that one's people will be extinguished or erased by demographic supplanting or mortally endangered by security threats. Thus in 1804, a Haitian slave revolt targeted the island's entire white population.[162] In 1937, fifteen thousand ethnic Haitians in border areas were slaughtered by Dominicans who thought they were endangering the nation.[163] Many Serbs (especially those in Bosnia and Kosovo), still traumatized by the genocidal experience of the Second World War, felt demographically threatened in the early 1990s because 25 percent of Serbs lived outside of Serbia; they wanted a state to defend their ethnicity. The paranoia exhibited by the Khmer Rouge in their self-understanding as liberators of the homeland from foreign influence demonstrates this point in a gruesome manner.[164] The genocidal violence perpetrated against civilians in the Balkans was so grotesque because they were not held to be innocent, but dangerous bearers of a nationality that vitiated the identity of the other.[165] What is more, the subaltern "millenarian rebellions" against exploitative colonial rule were directed against perceived foreign elements that were threatening the survival of the indigenous people—just as in classical cases of imperial genocide.[166]

The connection between genocidal fantasies and national liberation movements has been made by anti-imperial thinkers who have blamed subaltern genocide on imperialism. Writing of the so-called Indian Mutiny, Karl Marx thought the "infamous" conduct of the "sepoys" was "only the reflex, in a concentrated form, of England's own conduct in India, not only during the epoch of the foundation of her Eastern Empire, but even during the last ten years of a long-settled rule. . . . There is something in human history like retribution; and it is a rule of historical retribution that its instruments be forged not by the offended, but by the offender himself."[167] Writing in the same vein, Jean-Paul Sartre noted that "In Algeria and Angola, Europeans are massacred at sight; it is the moment of the boomerang; it is the third stage of violence; it comes back on us, it strikes us, and we do not realize any more than we did the other times that it's we who have launched it."[168] Fanon agreed: "The violence of the colonial regime and the counter-violence of the native balance each other and respond to each other in an extraordinary reciprocal homogeneity."[169] The Tunisian Jew Albert Memmi was also attracted to the Marxist proposition that colonialism produced its own negation by bringing forth an utterly alienated colonized population whose only prospect of dignified life was the "complete liquidation of colonization."[170]

If an alienated "native" issued from colonialism, how was this alienation generated? These Francophone anticolonial thinkers in particular pointed out that the foundational binary between settler and native was a colonial product. In such a "Manichean world" (Fanon) of colonialism, in which the settler cast the native as the incarnation of absolute evil, the native had to invert this value hierarchy for his or her own self-respect. "Colonialism creates the patriotism of the colonized," wrote Sartre.[171] Memmi explained the source of this nativism in his famous book from 1957, *The Colonizer and the Colonized*. His basic message was also that "being considered and treated apart by colonialist racism, the colonized ends up accepting this Manichaean division of the colony and, by extension, of the whole world." Consequently, "in the eyes of the colonized, all Europeans in the colonies are *de facto* colonizers."[172]

What is more, the practical impossibility of assimilation—because of the colonizer's refusal and because of the self-denial entailed—meant that the native inevitably resorted to traditional values as a compensatory orientation. But these values, usually familial and religious, had become petrified by colonial pressure, and did not promote social progress. Nativism was reactionary. By ontologizing collectives in the same way as the settler, and "condemning each individual of that group," the colonized became "a xenophobe and racist."[173]

Sartre and Memmi did not applaud the chauvinism and racism of anticolonialist struggles, and Fanon's aversion to nativism is well known.



Racism and "a legitimate desire for revenge" could not "sustain a war of liberation," he thought. Memmi eventually left Tunis for Paris because, as a Jew, he found life impossible in postcolonial Muslim Tunisia.[174] As Marxists, they were cosmopolitan internationalists who preferred a popular front of anticolonialists that included sympathetic settlers, some closer to the liberation ideal than the Africans or Arabs. National liberation entailed transcending the terms of settler/native to create a new socialist nation of equal citizens. The colonial system needed to be transformed by expropriating the collaborating indigenous bourgeoisie, rather than simply expelling settlers.[175] They wished decolonization to be the assertion of freedom when the newly constituted people could gain political agency, enter history, and create its own authentic civilization, not just a variation of the colonizer's.[176]

At the same time, these writers told their European reading publics that their expectation of a nonviolent, nonracist, anticolonialist struggle was unrealistic.[177] Violent and racist anticolonialism was a predictable phase through which colonized peoples had to pass, even if it entailed "tragic mishaps."[178] Fanon himself was ambivalent, famously praising this violence as a "cleansing force" through which "the native frees himself from his inferiority complex and from his despair and inaction; it makes him fearless and restores his self-respect." This redemptive nationalism was necessary to assert the new postcolonial national culture: "the most elementary, most savage, and the most undifferentiated nationalism is the most fervent and efficient means of defending national culture."[179] Sartre supported Fanon's rendition of the struggle with some stirring quotations: the struggle's "irrepressible violence is neither sound and fury, nor the resurrection of savage instincts, nor even the effect of resentment: it is man recreating himself."[180] For all the romanticization evident here, these thinkers both expressed and explained the revolutionary violence of the colonized as the moment of salvation. It is genocidal in character.

Even by the time he died prematurely in 1961, Fanon was aware that, far from being a transitional political emotion, racism was being used by the "national bourgeoisie" to secure its own position in the postcolonial order. Rather than constructing a new nation beyond race, these elites were allowing precolonial tribal rivalries to recur.[181] Moreover, the new state appeared to the liberated populations less as their own democratic creation than as a distant apparatus that was milked by a dominant, rival ethnic grouping for its own benefit. Their security and identity was therefore more likely to inhere in pre-independence traditional ethnic attachments than in a chimerical supratribal national identity.[182] The catastrophe of postcolonial African political stability, civil war, and genocide has been blamed on this failure to transcend race during and after decolonization. Writing

in the tradition of the Francophone intellectuals, the historian Mahmood Mamdani has blamed this failure on colonialism: "That greater crime was to politicize indigeneity, first as a settler libel against the native, and then as a native self-assertion."[183]

## Colonialism, Subaltern Genocide, and National Socialism

Postcolonial chaos was not the only problem these thinkers blamed on European colonialism. They also held fascism in general, and National Socialism in particular, to be its poisoned fruit. Consistent with their Marxism, they saw colonialism as the apogee of capitalist exploitation. In a memorable phrase, Marx wrote of colonialism that "the profound hypocrisy and inherent barbarism of bourgeois civilization lies unveiled before our eyes, turning from its home, where it assumes respectable forms, to the colonies, where it goes naked."[184] Lenin had written of imperialism as the highest stage of capitalism, and Rosa Luxemburg continued this line of thinking, fearing "the triumph of imperialism" would mean "the destruction of all culture, and, as in ancient Rome, depopulation, desolation, degeneration, a vast cemetery." She is the source of the now well-known trope that Europe's criminal exploitation of the non-European world would be dialectically imported in heightened form into Europe itself: "It was clear to everyone, therefore, that the secret underhand war of each capitalist nation against every other, on the backs of Asiatic and African peoples must sooner or later lead to a general reckoning, that the wind that was sown in Africa and Asia would return to Europe as a terrific storm, the more certainly since increased armaments of the European states was the constant associate of these Asiatic and African occurrences. . . ."[185]

Of course, Luxemburg did not live to witness the Holocaust. It was the Francophone thinkers who applied the lesson to Nazism, regarding it as the culmination of both colonialism and capitalism. Nazism was intra-European colonialism.[186] In his famous *Discourse on Colonialism* of 1955, Césaire saw liberalism and capitalism as the essence of Nazism, which was less genocidal than exploitative and generally murderous. Writing fifteen years after the end of the Second World War, Fanon, who drew heavily on Césaire, connected colonialism, capitalism, and Nazism in the same way: "Deportations, massacres, forced labor, and slavery have been the main methods used by capitalism to increase its wealth, its gold or diamond reserves, and to establish its power. Not long ago, Nazism transformed the whole of Europe into a veritable colony."[187]

Fanon himself was ambivalent about who was the greater victim of this system, Jews or blacks—at one point likening the persecution and



extermination of Jews to "little family quarrels" (among Europeans), at another proclaiming his indignation and empathy because he could not disassociate himself "from the future that is proposed for my [Jewish] brother."[188] Even the latter formulation is an undialectical equation of experiences that he may have learned from older, diasporic black intellectuals like Oliver Cox and W. E. B. Du Bois, who associated Nazism with slavery and white racism. Du Bois, for instance, wrote in *The World and Africa* in 1947 that "there was no Nazi atrocity—concentration camps, wholesale maiming and murder, defilement of women or ghastly blasphemy of children—which the Christian civilization of Europe had not long been practicing against coloured folks in all parts of the world in the name of and for the defense of a Superior Race born to rule the world."[189] This kind of thinking, while understandable in a context when Europeans still ruled most of Africa, and African Americans were being lynched, participates in the phallic logic of trauma competition mentioned above and is not particularly helpful for understanding complex historical processes.[190]

Despite such limitations, these thinkers warrant mention not only because they represent a subaltern intellectual tradition that continues to influence anti-imperialist writers today.[191] In its more sophisticated moments, this tradition provides important insights into the relation of modern genocides to broader processes and structures by positing a theory of system radicalization. Hannah Arendt drew on them in her *The Origins of Totalitarianism*, which is receiving growing attention in the literature on colonialism and genocide because one-third of her book deals with imperialism.[192] Consider Césaire's work, which echoes many of Arendt's key arguments regarding imperialism. Colonialism demoralized the colonizer, making a mockery of European humanism. In colonialism, capitalism produced its own negation in the form of a barbarized system that returned to its source to destroy Europe. Nazism was therefore not simply any colonialism, but "the supreme barbarism that sums up all the daily barbarisms." He also advanced a theory about the phenomenon that Arendt later called "the banality of evil." The greatest criminal was not the ideological fanatic, but the European bourgeois, "the 'decent fellow' across the way," because he tolerated colonial abuses for over a century: the wars, the torture, and mass death, approving the hard line measures of politicians.[193]

Arendt and Césaire did not have to infer the link between Nazism and imperialism. Hitler self-consciously placed his movement in the tradition of European imperialism:

> We have the so-called white race that since the collapse of Antiquity has over around 2,000 years taken on a leading position in the world. I cannot understand the economic dominance of the white race over the rest of the world unless

> I related it closely to a political dominance that the white race possesses naturally for hundreds of years and that it has projected outwards. Think of any area; consider India: England has not won India with justice and law but with regard for the desires, aspirations or laws of the natives, and it has when necessary maintained its dominance with the most brutal measures [*Rücksichtslosigkeit*]. Just as Cortez or Pizarro claimed Central America and the northern states of South America not on the grounds of some legal basis but out of the absolute, inherited feeling of dominance of the white race. The settlement of the north American continent succeeded just as little from some democratic or international conception of legal claims, but out of a sense of justice that is rooted only in the conviction of superiority and with that the right of the white race.[194]

Having exhausted the prospects of "domestic (*innere*) colonization," he thought, it was necessary to colonize Europe itself.[195]

Hitler drew on the imperial experiences of other European nations in formulating his vision of Nazi German imperialism. British India provided the model for German ambitions in Ukraine: a thin layer of military and civilian administrators could occupy a vast landmass and population.[196] North America was a model of settler colonialism. "There is only one duty—to Germanise the country by immigration of Germans and to look upon the natives as redskins."[197] These quotations (and others could be adduced) give clues to Hitler's imperial vision. He wanted both an extractive/tribute empire in the manner of the British in India, but also settler colonies like North America. In Hitler, the imperial models of centuries of human history crystallized into a single, total, imperial fantasy of genocidal conquest and exploitation.[198] Indeed, an increasing body of research is bearing out Lemkin's insight into the imperial and colonial nature of Nazi rule in Europe.[199]

But why the enthusiasm for conquest and colonial rule at all? As Maria Klotz has shown in her analysis of the film *Die Weltgeschichte als Kolonialgeschichte* of 1926, a film sponsored by colonial revisionist groups that lobbied for the return of Germany's empire, Europeans at the time plotted the course of world history in colonial terms. *Kulturvölker* enter history by conquering and colonizing other nations and peoples. The defining distinction between nations was that of colonizer or colonized. Only the former was a participant in world history, in progress, civilization, in uplift. Preventing colonization was tantamount to relegation to an object rather than subject of history, indeed a denial of the right to existence. An examination of Hitler's philosophy of history reveals that he thought very much in these terms. He was convinced that conquest drives world history and human progress, and he spoke often about how the German destruction of Jewry and Bolshevism would rescue western civilization for the good of humanity.[200]



But even if the Nazis established an empire and subjected conquered peoples to colonial rule, can the Holocaust of European Jewry be explained in terms of imperial and colonial logics? Lemkin himself did not think so, referring to race hatred of Jews and Roma as the motivating force of their persecution, which has been a feature of "intentionalist" explanations of the Holocaust for decades.[201] What if we take a transnational or global approach that situates the Holocaust in processes that are universal in imperial and colonial situations? There are four aspects to such an approach:

1. The Nazi genocidal policies against Slavic peoples in occupied Poland and Ukraine stood in the tradition of imperial conquests since antiquity. It was never the intention of the Nazis to exterminate Poles or Ukrainians in their entirety, just as it was not the intention of European colonial powers in Africa to exterminate the Africans and Asians they occupied. The "natives" were needed for labor, although it should not be forgotten that the Nazis envisaged the starvation of tens of millions of "superfluous" people in their plans for the region. During the contingencies of total war, however, as David Furber and Wendy Lower demonstrate in their chapter here, utopian plans of Slavic expulsion and German settlement had to be shelved in favor of food production and stability. The vicious partisan warfare that developed in occupied Eastern Europe stood in the continuity of colonial wars, as well.[202]

2. The extermination of Europeans Jews, by contrast, needs to be understood, to begin with, in terms of subaltern genocide. The Nazis regarded Germans as an indigenous people who had been colonized by Jews, principally from Poland, the perceived home of world Jewry. From the time of Jewish emancipation, anti-Semites in Germany (and not just in Germany) had complained of a "Judaization" of public life, a term equating "Jewish rule" with capitalist modernization and social liberalization. Typical was Wilhelm Marr, the inventor of the term "anti-Semitism," who in 1879 likened Jewish emancipation to the might of the Roman Empire. "With the entire force of its armies, the proud Roman Empire did not achieve that which Semitism has achieved in the West and particularly in Germany."[203] Hitler thought in these terms. A careful reading of *Mein Kampf* reveals that he thought Germany had been under foreign occupation—that is, Jewish domination—since the middle years of the First World War, when the war industry supposedly fell into Jewish hands. For Hitler, "the Jew robbed the entire nation and pressed it under his rule."[204] He was wont to speak of Jews in terms of colonists, mixing bacteriological and colonial metaphors: "Never was a State founded by peaceful economy, but always only by the instincts of preserving the species, no matter whether they are found in the field of heroic virtues or sly cunning; the one results then in Aryan states of work and culture, the other in Jewish colonies of parasites."[205]

The colonization trope is also a feature of the notorious 1940 Nazi propaganda film *Der Ewige Jude*. Jews are depicted as a people with "Asiatic and Negroid" elements that enter central Europe by parasitically attaching themselves to previous empires. Maps of the globe show their spread.

> Everywhere they made themselves unwelcome. In Spain and France the people rose openly against them in the thirteenth and fourteenth centuries, and they wandered on, mainly to Germany. From there they followed the path of the Aryan culture-creative Germans, colonizing the East—until they finally found a gigantic, untapped reservoir in the Polish and Russian sections of eastern Europe.

And from there the Jews colonized the world, that is, the African, American, and Australian continents.[206]

What is more, his perception that Jews were undermining German nationality is couched in terms strikingly similar to Lemkin's eight techniques of genocide. Jews undermined German morality through prostitution, its strength through pacifism, its national spirit via the cosmopolitan press, and so on. Writing in the early 1920s when Germany was in the grip of the inflation crisis and paying massive reparations, Hitler concluded that "the [Weimar] Republic is a slave colony of foreign countries and has no citizens, but at best subjects." The internal enemy serving foreign interests was "the Jew." This situation spelled the end for his beloved Germany: "Carthage's fall is the horrible picture of such a slow self-earned execution of a nation."[207]

The perception that Germany was occupied was widespread in the early Weimar years in particular, as African French troops were stationed in the Rhineland to enforce the reparations stipulations of the Versailles treaty. A hysterical and largely successful propaganda campaign, focused especially on alleged rapes by the troops, was waged by rightwing activists who accused the western powers of betraying the white race by using their non-European troops to occupy and suppress a *Kulturvolk*, the Germans. This occupation, combined with the sequestration of German colonies by the Treaty of Versailles and League of Nations, reinforced the German impression that they had been cast outside the privileged community of colonizers and had become the colonized. Four hundred of the so-called Rhineland Bastards, the offspring of African soldiers and German women, were sterilized under the Nazi regime.[208]

The relentless drive to exterminate the Jews entirely, then, is best explained in terms of the subaltern's racist nationalism. The Nazis thought of themselves as a national liberation movement, a self-consciousness that continued the German policy during the First World War of supposedly liberating central European nations from Russian domination. If the Nazis' anti-Semitism was "redemptive," its particular intensity at this historical conjuncture cannot be read from centuries of anti-Semitism, which had not resulted in genocide like this before.[209] In the Nazi mind, the Second World War was a war of national liberation, and redemption inhered in the elimination of foreign Jewish rule. Understanding this version of anti-Semitism in light of both the political emotions common in central European nationalisms since the nineteenth century, and later anticolonial movements allows us to contextualize the Holocaust in broader, transnational trends. The racist rage of the subaltern subject was not confined to the non-European world.



3. The uncompromising nature of the Jewish persecution by the Nazis cannot be understood solely in terms of subaltern genocide, however.[210] That persecution also shared elements of the security syndrome of other empires. Although it was a fantastical belief, the vehemence of the Nazi conviction that Jews and socialists were responsible for Germany's defeat in 1918 and subsequent civil chaos needs to be appreciated more fully. The racial hatred that congealed in the paranoia around "Judeo-Bolshevism" was all too real. But if Jews were the primary target in this syncretistic formulation rather than Bolsheviks, this racial hatred cannot solely be read from centuries-long traditions of popular anti-Semitism either. The hatred was directed towards an Other that was not only the threatening colonizer, but also, paradoxically, a deadly security threat in the manner of civil and colonial wars. The nationalist trauma of 1918 to 1920—the military defeat and communist uprisings in Germany—drove many Germans to extreme measures to ensure that, like in so many other genocides, never again would inner enemies undermine the nation and war effort.[211] In fact, in this instance, the genocide would *preempt* insurgency and red terrorism. *Einsatzgruppen* shot Jewish men as potential partisans in the summer of 1941, and this measure was expanded to women and children soon thereafter, a "prophylactic" measure that the Soviets also used to eliminate perceived "unreliable elements" before they could foment rebellion and betray the state.[212] Heinrich Himmler articulated the link between the murder of the Jews and preemptive counterinsurgency in his notorious Posen speech in 1944: "In our history this is an unwritten and never-to-be-written page of glory, for we know how difficult we would have made it for ourselves if today—amid the bombing raids, the hardships and the deprivations of war—*we still had the Jews in every city as secret saboteurs, agitators, and demagogues. If the Jews were still ensconced in the body of the German nation, we probably would have reached the 1916–17 stage by now.*"[213]

4. Finally, the Nazis also viewed the eastern Jews they encountered in Poland and the Ukraine in terms of the traditional colonial Other: dirty, lazy, stateless, uncivilized.[214] They were treated in the customary colonial

manner: labor, food, and security considerations combined to determine their fate. Once areas were conquered and secured, surviving Jewish men were put to work until they were no longer needed. Women and children were murdered immediately by German forces because they were held to be "useless eaters." Food shortages led German civilian authorities to mass execution of ghettoized Jews in Poland. The extent and consistency of this pattern of exploitation and murder is striking, contingencies and exceptions notwithstanding.[215]

## Conclusion

The phobic consciousness responsible for this genocide continues to baffle historians because, in the main, they have confined their search to European sources.[216] The recent interest in colonial genocides, stimulated in part by the rediscovery of Hannah Arendt's writing on imperialism, goes some way to situating the Nazi project in global patterns. But the Holocaust was no colonial genocide in the common understanding of the term. It was an event, or multitude of events, that united four different, even contradictory imperial and colonial logics into one terrible paranoid mentality and praxis borne of a frustrated imperial nation struggling against a perceived colonizer.

## Acknowledgment

My thanks go to Robert Aldrich, Donald Bloxham, Geoff Eley, Wendy Lower, Mark McKenna, Bernard Porter, Pia Solberg, Lorenzo Veracini, and Natasha Wheatley for helpful comments on drafts of this chapter.

## Notes

1. Quoted in Melvin Richter, "Tocqueville on Algeria," *Review of Politics* 25, no. 3 (1963): 367.
2. Marcello Massenzio, "An Interview With Claude Levi-Strauss," *Current Anthropology* 42, no. 3 (2001): 419.
3. Richard Koebner and Helmut Dan Schmidt, *Imperialism: The Story and Significance of a Political Word, 1840–1960* (Cambridge, 1964); Philip D. Curtin, "Introduction: Imperialism as Intellectual History," in *Imperialism*, ed. Philip D. Curtin (London, 1971); Rupert Emerson, "Colonialism: Political Aspects," in *International Encyclopedia of the Social Sciences*, ed. David L. Sills, 10 vols. (New York, 1968), 2:1; Hans Daalder, "Imperialism," in ibid., 7:101. Symptomatic is Robert Strausz-Hupe and Harry H. Hazard, eds., *The Idea of Colonialism* (New York, 1958).
4. F. A. Kirkpatrick, *Lectures on British Colonization and Empire* (London, 1906), 1.
5. Theodore Roosevelt, *The Winning of the West*, 4 vols. (New York and London, 1889), 1:6, 11–12.
6. George Henry Lane-Fox Pitt-Rivers, *The Clash of Culture and the Contact of Races* (London, 1927), 17. I thank Jon Lane from bringing this quotation to my attention.
7. Georges Balandier, "The Colonial Situation: A Theoretical Approach (1951)," in *Social Change: The Colonial Situation*, ed. Immanuel Wallerstein (New York, 1966), 34.
8. Frantz Fanon, *The Wretched of the Earth*, preface Jean-Paul Sartre, trans. Constance Farrington (New York, 1963), 313.
9. Enrique Dussel, *The Invention of the Americas: Eclipse of "The Other" and the Myth of Modernity*, trans. Michael D. Barber (New York, 1995).
10. This view characterizes writers in neoconservative journals like *New Criterion*.
11. Yves Santamaria, "Afrocommunism: Ethiopia, Angola, and Mozambique," in *The Black Book of Communism: Crimes, Terror, Repression*, ed. Stéphane Courtois et al. (Cambridge, MA, 1999), 683–704. Drawing a link between Nazism and Islamism in order to valorize American modernity is Paul Berman, *Terror and Liberalism* (New York, 2003).
12. Benny Morris and Ari Shavit, "Survival of the Fittest," *Ha'aretz*, 9 January 2004; Morris, *The Birth of the Palestinian Refugee Problem Revisited*, 2nd ed. (Cambridge, 2004).
13. Dror Mishani and Aurelia Smotriez, "What sort of Frenchmen are they?" *Ha'aretz*, 17 November 2005; Alain Finkielkraut, "J'assume," *Le Monde*, 26 November 2005: "The intention of the Enlightenment was ambiguous. This ambiguity must keep us from aligning colonialism in purely criminal company. To integrate men in the catholicity of the Enlightenment is something different than a will to extermination. That can have, here or there, positive effects." A study in this vein praising W. E. B. Du Bois for being one of the few African American leaders to recognize the primacy of Jewish suffering over black suffering is Harold Brackman, "'A Calamity Almost Beyond Comprehension': Nazi Anti-Semitism and the Holocaust in the Thought of W. E. B Du Bois," *American Jewish History* 88 (2000): 53–93. For an alternative approach that highlights mutual recognition rather than hierarchy, see Michael Rothberg, "W. E. B. Du Bois in Warsaw: Holocaust Memory and the Color Line, 1949–1952," *Yale Journal of Criticism* 14, no. 1 (2001): 169–89.
14. After the end of the Cold War, a discourse of empire has accompanied one on globalization in relation to North American ascendancy: Niall Ferguson, *Colossus: The Rise and Fall of the American Empire* (New York, 2004); Bernard Porter, *Empire and Superempire: Britain, America and the World* (New Haven, CT, 2006); Charles S. Maier, *Among Empires: American Ascendancy and its Predecessors* (Cambridge, MA, 2006); Pratap Bhanu Metha, "Empire and Moral Identity," *Ethics & International Affairs* 17, no. 2 (2003): 49–62; David Cannadine, "'Big Tent' Historiography: Transatlantic Obstacles and Opportunities in Writing the History of Empire," *Common Knowledge* 11, no. 3 (2005): 375–92; Linda Colley, "Some Difficulties of Empire—Past, Present and Future," *Common Knowledge* 11, no. 2 (2005): 198–214. A study influenced by Edward Said that claims the "post-9/11" world is structured by colonial logics is Derek Gregory, *The Colonial Present* (Oxford, 2004).
15. Victoria E. Bonnell, "The Uses of Theory, Concepts and Comparison in Historical Sociology," *Comparative Studies in Society and History* 22, no. 2 (1980): 156–73.

16. Jürgen Zimmerer, "Kolonialer Genozid? Vom Nutzen und Nachteil einer historischen Kategorie für eine Globalgeschichte des Völkermordes," in *Enteignet,Vertrieben, Ermordet: Beiträge zur Genozidforschung*, ed. Dominik J. Schaller et al. (Zürich, 2004), 109–29; Alison Palmer, "Colonial and Modern Genocide: Explanations and Categories," *Ethnic and Racial Studies* 21, no. 1 (1998): 89–115; Raymond Evans, "'Crime Without a Name: Colonialism and the Case for 'Indigenocide,'" in this volume.
17. For important studies, see Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age*, ed. Isidor Wallimann and Michael Dobkowski (Westport, CT, 1987), 237–52; Barta, "Discourses of Genocide in Germany and Australia: A Linked History," *Aboriginal History* 25 (2001): 37–56; Barta, "Mr. Darwin's Shooters: On Natural Selection and the Naturalizing of Genocide," *Patterns of Prejudice* 39, no. 2 (2005): 116–137; Norbert Finzsch, "'It is Scarcely Possible to Conceive that Human Beings Could be so Hideous and Loathsome': Discourses of Genocide in Eighteenth- and Nineteenth-Century America and Australia," ibid., 97–115; Jürgen Zimmerer and Joachim Zeller, eds., *Völkermord in Deutsch-Südwestafrika: Der Kolonialkrieg (1904–1908) in Namibia und seine Folgen* (Berlin, 2003); Ann Curthoys and John Docker, "Introduction–Genocide: Definitions, Questions, Settler Colonies," *Aboriginal History* 25 (2002): 1–15; A. Dirk Moses, ed., *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History* (New York and Oxford, 2004); Moses, ed. (with Dan Stone), *Colonialism and Genocide* (London, 2007); Richard H. King and Dan Stone, eds., *Hannah Arendt and the Uses of History: Imperialism, Nation, Race, and Genocide* (Oxford and New York, 2007).
18. There is more detailed discussion in A. Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone (Houndmills, UK, 2004), 533–55.
19. See Evans, "Crime Without a Name," 138, for this pithy formulation.
20. Symptomatic of this danger are Peter Balakian, *The Burning Tigris: The Armenian Genocide and America's Response* (New York, 2003), and Samantha Power, *"A Problem from Hell": America in the Age of Genocide* (New York, 2002).
21. Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley, CA, 2005).
22. For example, Niall Ferguson, *Empire: How Britain Made the Modern World* (London, 2004); David Cannadine, *Ornamentalism: How the British Saw their Empire* (London, 2002); Alan Lester, *Imperial Networks: Creating Identities in Nineteenth Century South Africa and Britain* (London and New York, 2001); Nicholas Thomas, *Colonialism's Culture: Anthropology, Travel, and Government* (Cambridge, 1994). Robert J.C. Young avers that his book assumes the subject position of the subaltern intellectual but the index does not contain the word genocide: *Postcolonialism: An Historical Introduction* (Oxford, 2001).
23. Chris Gosden, *Archaeology and Colonialism: Cultural Contact from 5000 BC to the Present* (Cambridge, 2004), 25.
24. Donald Bloxham, "The Armenian Genocide of 1915–1916: Cumulative Radicalization and the Development of a Destruction Policy," *Past and Present*, no. 181 (November 2003): 189.
25. An exemplary recent contribution is Mark Levene, *Genocide in the Age of the Nation State*, 2 vols. (London, 2005).
26. See the special issue of the *Journal of Genocide Research* 7, no. 4 (2005) devoted to Lemkin as historian. See also John Docker's chapter in this volume.
27. Raphael Lemkin, "War Against Genocide," *Christian Science Monitor*, 31 January 1948, 2.



28. "Genocide (the Newest Soviet Crime)," as discussed by Professor Raphael Lemkin and Joseph P. Burns, WHHC-TV College Roundtable, 30 January 1953. Jacob Rader Marcus Center of the American Jewish Archives, Collection 60, Box 4, Folder 2.
29. Lemkin, "War Against Genocide," 2.
30. The chapters remain in the archives. Most of Lemkin's papers are contained in three places: the Manuscripts and Archive Division of the New York Public Library (LCNYPL), 42nd Street, New York; The American Jewish Historical Society (AHJS), 15 West 16th Street, New York; and The Jacob Rader Marcus Center of the American Jewish Archives (JRMCAJA), 3101 Clifton Avenue, Cincinnati, Ohio. His chapter on Tasmania is now published: Raphael Lemkin, "Tasmania," *Patterns of Prejudice* 39, no. 2 (2005): 170–96; For commentary, see Ann Curthoys, "Raphael Lemkin's 'Tasmania': An Introduction," ibid., 162–69.
31. Lemkin, "War Against Genocide," 2.
32. Cultural genocide was perpetrated by forced conversion and the coercive use of the German language, Lemkin argued. The knights dominated the sparsely settled inhabitants economically and socially by colonizing the area with peasants and towns people. JRMCAJA, Collection 60, Box 7, Folder 14. See Roger Bartlett and Karen Schönwälder, eds., *The German Lands and Eastern Europe* (London, 1999).
33. Eg. Raphael Lemkin, "Charlemagne," American Jewish Historical Society, P-154, Box 8, Folder 6. On the Mongols: JRMCAJA, Collection 60, Box 7, Folder 6. Lemkin was very interested the Pan-German interest in colonizing Poland in the nineteenth century: JRMCAJA, Collection 60, Box 6, Folder 13.
34. Raphael Lemkin "Description of the Project," LCNYPL, Reel 3, Box 2, Folder 1.
35. Raphael Lemkin, "The Concept of Genocide in Sociology," LCNYPL, Box 2, Folder 2. Emphasis added.
36. Raphael Lemkin, *Axis Rule in Occupied Europe* (Washington, DC, 1944), 79. Emphasis added.
37. A good recent discussion of the genocide concept is Martin Shaw, *What is Genocide?* (Cambridge, 2007).
38. Andrew Fitzmaurice, "Anti-Colonialism in Western Political Thought: The Colonial Origins of the Concept of Genocide." Cf. Tzvetan Todorov, *The Conquest of America: The Question of the Other* (New York, 1984), 146–82.
39. Raphael Lemkin, "Spain Colonial Genocide," AJHS, P-154, Box 8, Folder 12. For analysis, see Michael A. McDonnell and A. Dirk Moses, "Raphael Lemkin as Historian of Genocide in the Americas," *Journal of Genocide Research* 7, no. 4 (2005): 501–29.
40. Lemkin, *Axis Rule*, 81.
41. Raphael Lemkin, "Proposal for Introduction to the Study of Genocide," LCNYPL, Reel 3, Box 2, Folder 1.
42. Alexis de Tocqueville, *Writings on Empire and Slavery*, ed. Jennifer Pitts (Baltimore, MD and London, 2001); Jennifer Pitts, "Empire and Democracy: Tocqueville and the Algeria Question," *Journal of Political Philosophy* 8, no. 3 (2000): 295–318; Cheryl B. Welch, "Colonial Violence and the Rhetoric of Evasion: Tocqueville on Algeria," *Political Theory* 31, no. 2 (2003): 235–64;
43. Jean-Paul Sartre, *Colonialism and Neo-Colonialism*, preface Robert C. Young, ed. Azzedine Haddour, Steve Brewer, and Terry McWilliams (London and New York, 2001); James McDougall, "Savage Wars: Codes of Violence in Algeria, 1830s–1990s," *Third World Quarterly* 26, no. 1 (2005): 117–31; "Row with France," *Dreiser Studies* (June 2006): 5.
44. Aimé Césaire, *Discourse on Colonialism*, trans. Joan Pinkham (New York, 1972 [1955]), 11.

45. Richard White, *The Middle Ground: Indians, Empires, and Republics in the Great Lakes Region, 1650–1815* (Cambridge, 1991).
46. Raphael Lemkin, "The Concept of Genocide in Anthropology," LCNYPL, Box 2, Folder 2. He cited Bronislaw Malinowski, *A Scientific Theory of Culture and Other Essays* (Chapel Hill, NC, 1944); Arthur Toynbee, *A Study of History* (London, 1947); Ruth Benedict, *Patterns of Culture* (London, 1935); Leo Louis Snyder, *Race: A History of Modern Ethnic Theories* (New York, 1939); Herbert Seligmann, *Race Against Man* (New York, 1939).
47. Césaire, *Discourse on Colonialism*, 17.
48. Lemkin, "The Concept of Genocide in Anthropology."
49. C.R. Whittaker, "The Western Phoenicians: Colonisation and Assimilation," *Proceedings of the Cambridge Philological Society* CC (1974): 77–78.
50. Paul T. Cocks, "The King and I: Bronislaw Malinowski, King Sobhuza II of Swaziland and the Vision of Culture Change in Africa," *History of the Human Sciences* 13, no. 4 (2000): 25–47.
51. For an analysis of the different strains of British anti-imperialism, see Bernard Porter, *Critics of Empire: British Radical Attitudes to Colonialism in Africa 1895–1914* (London, 1968).
52. Raphael Lemkin, "The Germans in Africa," JRMCAJA, Collection 60, Box 6, Folder 9. Lemkin's views were similar to those of the leftist critics of German colonialism in Imperial Germany. They did not oppose colonial rule per se, but its abuses. For such criticisms, see Helmut Walser Smith, "The Talk of Genocide, the Rhetoric of Miscegenation: Notes on Debates in the German Reichstag Concerning Southwest Africa, 1904–14," in *The Imperialist Imagination: German Colonialism and Its Legacy*, ed. Sara Friedrichsmeyer, Sara Lennox, and Susanne Zantorp (Ann Arbor, 1998), 107–23.
53. Memorandum from Raphael Lemkin to R. Kempner, 5 June 1946. United States Holocaust Memorial Museum, R. Kempner Papers (RS 71.001). My thanks to Jürgen Matthäus for drawing my attention to this document.
54. Raphael Lemkin, "The Concept of Genocide in Anthropology."
55. Ibid.
56. Raphael Lemkin, "Memorandum on the Genocide Convention," AHJS, P-154, Box 6, Folder 5. Representative of this misunderstanding is Helen Fein, *Genocide: A Sociological Perspective* (London, 1993), 9–11.
57. William A. Schabas, *Genocide in International Law: The Crime of Crimes* (Cambridge, 2000), 179–85.
58. McDonnell and Moses, "Raphael Lemkin as Historian of Genocide in the Americas."
59. Lemkin, "The Concept of Genocide in Anthropology."
60. Lemkin, *Axis Rule*, 80. Emphasis added.
61. Lemkin, "Memorandum on the Genocide Convention." I have corrected his spelling of "proceeded." Because attacks on cultural symbols were embedded in a general attack, "where cultural genocide appears to be merely a step towards physical extermination, there will certainly be no difficulty in distinguishing it from diffusion." Lemkin, "The Concept of Genocide in Anthropology."
62. Raphael Lemkin, *Raphael Lemkin's Thoughts on Nazi Genocide: Not Guilty?*, ed. Steven L. Jacobs (Lewiston, NY, 1990), 299, 303. See Robert Bevan, *The Destruction of Memory: Architecture at War* (London: 2006) for an argument highlighting the destruction of the buildings as a signpost for ethnic cleansing and genocide.
63. I am adopting Patrick Wolfe's term "total cultural practice" that he himself adapted from Marcel Maus, who wrote of "total social phenomena": Patrick Wolfe, "On Being Woken Up: The Dream Time in Anthropology and in Australian Settler Culture," *Comparative Studies in Society and History* 33, no. 2 (1992): 198.
64. Raphael Lemkin, "The Concept of Genocide in Sociology," JRMCAJA, Collection 60, Box 6, Folder 13, 1.
65. Raphael Lemkin "Description of the Project," LCNYPL, Reel 3, Box 2, Folder 1.
66. This discussion of the eight techniques is taken from Lemkin, *Axis Rule*, 82–90. Lemkin was probably not thinking in terms of the "microphysics of colonial rule" that postcolonial historians have laid bare in their studies of the intimate spheres of colonialism. Cf. Ann Laura Stoler, *Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule* (Berkeley, CA, 2002).
67. Cited in Porter, *Critics of Empire*, 22. Cf. Elizabeth Elbourne, "The Sin of the Settler: The 1835–36 Select Committee on Aborigines and Debates Over Virtue and Conquest in Early Nineteenth-Century British White Settler Empire," *Journal of Colonialism and Colonial History* 4, no. 3 (2003).
68. Patrick Dodson, "Short-Term Fix Demeans Nation: We Have Proved Incapable of Confronting Our Past," *The Australian*, 26 May 2006. On Dodson, see Kevin Keeffe, *Paddy's Road: Life Stories of Patrick Dodson* (Canberra, 2003). The *Bringing them Home* report and various policies of "removing" mixed-descent indigenous Australian children from indigenous mothers are discussed in chapters by Robert Manne, Anna Haebich, and Russell McGregor in Moses, *Genocide and Settler Society*.
69. Robert van Krieken, "Rethinking Cultural Genocide: Aboriginal Child Removal and Settler-Colonial State Formation," *Oceania* 7, no. 2 (2005): 125–51. For an important study of French assimilation practices from the early modern period, see Saliha Belmessous, "Assimilation and Racialism in Seventeenth- and Eighteenth-Century French Colonial Policy," *American Historical Review* 110, no. 2 (2005): 322–49.
70. Raphael Lemkin, "Memorandum on the Genocide Convention," AHJS, P-154, Box 6, Folder 5. I have corrected Lemkin's spelling of "disapproved."
71. Raphael Lemkin, "Genocide as Crime under International Law," United Nations Bulletin 15 (January 1948): 71.
72. Matthew Lippman, "The Drafting of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide," *Boston University International Law Journal* 3, no. 1 (1985): 45.
73. On that discourse, see Maximilian C. Forte, "Extinction: The Historical Trope of Anti-Indigeneity in the Caribbean," *Issues in Caribbean Amerindian Studies* 6, no. 4 (August 2004–August 2005); Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930* (Ithaca, NY, 2003); John W. Burton, "Disappearing Savages? Thoughts on the Construction of an Anthropological Conundrum," *Journal of African and African Studies* 34, no. 2 (1999): 199–209.
74. Ronald Robinson, "Non-European Foundations of European Imperialism: Sketch for a Theory of Collaboration," in *Studies in the Theory of Imperialism*, ed. Roger Owen and Bob Sutcliffe (London, 1972), 117–41; Geir Lundestad, "Empire by Invitation? The United States and Western Europe, 1945–1952," *Journal of Peace Research* 23, no. 3 (1986): 263–77.
75. Mahmood Mamdani, "Historicizing Power and Responses to Power: Indirect Rule and Its Reform," *Social Research* 66, no. 3 (1999): 859–86; Leroy Vail, "Introduction: Ethnicity in Southern African History," in *The Creation of Tribalism in Southern Africa*, ed. Leroy Vail (Berkeley, 1989), 1–19; C. S. L. Chachage, "British Rule and African Civilization in Tanganyika," *Journal of Historical Sociology* 1, no. 2 (1988): 199–223; Archie Mafeje, "The Ideology of 'Tribalism'," *Journal of Modern African Studies* 9, no. 2 (1971): 253–61; cf. Michael Crowder, "Indirect Rule: French

and British Style," *Africa: Journal of the International African Institute* 34, no. 3 (1964): 197–205.

76. Dominik J. Schaller, "Raphael Lemkin's View of European Colonial Rule in Africa: Between Condemnation and Admiration," *Journal of Genocide Research* 7, no. 4 (2005): 534; Tess Lea, Emma Kowal, and Gillian Cowlishaw, eds., *Moving Anthropology: Critical Indigenous Studies* (Darwin, 2006).
77. Frederic W. Gleach, *Powhatan's World and Colonial Virginia: A Conflict of Cultures* (Lincoln, Neb., 1997); Jean M. O'Brien, *Dispossession by Degrees: Indian Land and Identity in Natick, Massachusetts, 1650–1790* (Cambridge, 1997); Noenoe K. Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Durham, NC, 2004).
78. Memorandum from Raphael Lemkin to R. Kempner, 5 June 1946. United States Holocaust Memorial Museum, R. Kempner Papers (RS 71.001). I have corrected spelling and punctuation in this quotation.
79. Raphael Lemkin, "Yucatan," AJHS, P-154, Box 8, Folder 12. Emphasis added.
80. Lemkin, *Axis Rule*, 79; cf. Steven T. Katz, *The Holocaust in Historical Context* (Oxford, 1994).
81. Raphael Lemkin, "Incas," JRMCAJA, Collection 60, Box 7, Folder 7/1.
82. Lemkin, "Yucatan."
83. Ibid. On the theory of universal monarchy, see Anthony Pagden, *Lords of All the World: Ideologies of Empire in Spain, Britain, and France, c. 1500–1800* (New Haven, CT, 1995), chap. 2.
84. Raphael Lemkin, "Aztecs," AJHS, P-154, Box 8, Folder 12.
85. Lemkin, "Yucatan."
86. John Locke, *Two Treatises on Civil Government* (London, 1884), 196–97 [para. 2:11]. Emphasis added. For an analysis of the English reception of the Spanish debates on colonialism, see Andrew Fitzmaurice, *Humanism and America* (Cambridge, 2003).
87. Lemkin, "Aztecs." His research notes taken on Native North American conflicts and massacres begin with some kind of Indian uprising.
88. Lemkin, *Thoughts on Nazi Genocide*, 196–97.
89. See McDonnell and Moses, "Lemkin as Historian of Genocide in the Americas."
90. Richard Broome, *Aboriginal Victorians* (Sydney, 2005), 84.
91. Lemkin, "The Concept of Genocide in Sociology," 2.
92. Brantlinger, *Dark Vanishings*, 9.
93. I discuss the nature of this theodicy in A. Dirk Moses, "Conceptual Blockages and Definitional Dilemmas in the Racial Century: Genocide of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36, no. 2 (2002): 7–36.
94. Quoted in Patrick Brantlinger, "Forgetting Genocide: or the Last of the Last of the Mohicans," *Cultural Studies* 12, no. 1 (1998): 19–20.
95. See the chapters in this volume of John Docker and Ann Curthoys for arguments that such acceptance of indigenous destruction is tantamount to genocide.
96. Mark Drumbl, "Prosecutor v Radislav Krstic: ICTY Authenticates Genocide at Srebrenica and Convicts for Aiding and Abetting," *Melbourne Journal of International Law* 5, no. 2 (2004): 434–50.
97. Césaire, *Discourse on Colonialism*, 21–22. Emphasis in the original.
98. Raphael Lemkin, "Hitler Case-Outline." Jacob Rader Marcus Center of the American Jewish Archives, Collection 60, Box 7, Folders 12 and 13. I have corrected spelling in this quotation. Thanks to Steven L. Jacobs and Dan Stone for furnishing me with a copy. For commentary, see Dan Stone, "Raphael Lemkin on the Holocaust," *Journal of Genocide Research* 7, no. 4 (2005): 539–50.



99. Lemkin, "Hitler Case-Outline."
100. Kirkpatrick, *British Colonization and Empire*, 5–6.
101. Anthony Pagden, *Peoples and Empires: Europeans and the Rest of the World from Antiquity to the Present* (London, 2001), 8–10.
102. Anthony Pagden, "Fellow Citizens and Imperial Subjects: Conquest and Sovereignty in Europe's Overseas Empires," *History and Theory* 44 (December 2005): 28–34; Peter C. Perdue, "Comparing Empires: Manchu Colonialism," *International History Review* 20, no. 2 (1998): 255–61.
103. See the lucid discussion in Ronald Grigor Suny, "The Empire Strikes Out: Imperial Russia, 'National' Identity, and Theories of Empire," in *A State of Nations: Empire and Nation-Making in the Age of Lenin and Stalin*, ed. Ronald Grigor Suny and Terry Martin (Oxford, 2001), 23–66; also Ross Hutchings, "Empire and the State: a Critical Theoretical Assessment," *Australian Journal of International Affairs* 60, no 3 (2006): 429–38. I leave aside the question of the reasons for imperialism expounded in Marxist theories.
104. James W. Long, *From Privileged to Dispossessed: The Volga Germans, 1860–1917* (Lincoln and London, 1988); Eric Lohr, *Nationalizing the Russian Empire: The Campaign against Enemy Aliens during World War I* (Cambridge, MA, 2003).
105. Edward Said, *The Question of Palestine* (New York, 1979), 78; Michael Doyle, *Empires* (Ithaca, NY, 1986), 31.
106. Gosden, *Archaeology and Colonialism*, 5. Cf. Young, *Postcolonialism*.
107. Ronald J. Horvath, "A Definition of Colonialism," *Current Anthropology* 13, no. 1 (1972): 45–51; Herbert Lüthy, "Colonization and the Making of Mankind," *Journal of Economic History* 21 (1961): 483–95.
108. Frederick Cooper, "Empire Multiplied: A Review Essay," *Comparative Studies in Society and History* 46, no. 2 (2004): 247.
109. Jürgen Osterhammel, *Colonialism: A Theoretical Introduction*, trans. Shelley L. Frisch (Princeton, NJ, 1997), 15. Cf. D.K Fieldhouse, who is far less critical of European colonial rule but comes close to this definition: Fieldhouse, *Colonialism 1870–1945: An Introduction* (London, 1983), 12–15.
110. Peter Calvert, "Internal Colonisation, Development and Environment," *Third World Quarterly* 22, no. 1 (2001): 51–63; Donald Bloxham, "Internal Colonization, Inter-Imperial Conflict, and the Armenian Genocide," in this volume.
111. Alvin W. Gouldner, "Stalinism: A Study in Internal Colonialism," *Telos*, no. 34 (1978): 5–48; David Goodman, "Guizhou and the People's Republic of China: The Development of an Internal Colony," in *Internal Colonialism: Essays around a Theme*, Monograph No. 3, Developing Areas Research Group, Institute of British Geographers, ed. David Drakakis-Smith and Stephen Wyn Williams (Edinburgh, 1983), 107–28
112. Michael Hechter, *Internal Colonialism: The Celtic Fringe in British National Development, 1536–1966* (London, 1975); Mervyn C. Hartwig, "Capitalism and Aborigines: The Theory of Internal Colonialism and its Rivals," in *Essays in the Political Economy of Australian Capitalism*, 4 vols., ed. Edward L. Wheelwright and Ken Buckley (Sydney, 1978), 3:119–41; *Ethnic and Racial Studies* 2, no. 3 (1979) special issue on internal colonialism; Colin W. Mettam and Stephen Wyn Williams, "Internal Colonialism and Cultural Divisions of Labour in the Soviet Republic of Estonia," *Nations and Nationalism* 4, no. 3 (1998): 363–88.
113. Steven Harrell, "Introduction: Civilizing Projects and the Reaction to Them," in *Cultural Encounters on China's Ethnic Frontier*, ed. Steven Harrell (Seattle and London, 1995).

114. Eugene Weber, *From Peasants to Frenchmen: The Modernization of Rural France, 1870–1914* (Palo Alto, CA, 1976), 485. Thanks to Lorenzo Veracini for drawing my attention to this reference.
115. Dru C. Gladney, *Dislocating China: Muslims, Minorities, and other Subaltern Subjects* (Chicago, 2004), 360–66; Laura Hostetler, *Qing Colonial Enterprise: Ethnography and Cartography in Early Modern China* (Chicago and London, 2001). Historians of China have been inspired by historians of colonialism: Emma Teng, *Taiwan's Imagined Geography: Chinese Colonial Travel Writing and Pictures, 1683–1895* (Cambridge, MA, 2004); James A. Millward, *Beyond the Pass: Economy, Ethnicity, and Empire in Qing Central Asia, 1759–1864* (Stanford, CA, 1998); Daniel McMahon, "Identity and Conflict on a Chinese Borderland: Yan Ruyi and the Recruitment of the Gelao During the 1795–97 Miao Revolt," *Late Imperial China* 23, no. 2 (2002): 53–86; Peter C. Perdue, "Empire and Nation in Comparative Perspective: Frontier Administration in Eighteenth-Century China," *Journal of Early Modern History* 5, no. 4 (2001): 282–304; Perdue, "Boundaries, Maps, and Movement: Chinese, Russian, and Mongolian Empires in Early Modern Central Eurasia," *International History Review* 20, no. 2 (1998): 263–86; Perdue, "Military Mobilization in Seventeenth and Eighteenth-Century China, Russia, and Mongolia," *Modern Asian Studies* 30, no. 4 (1996): 757–93.
116. Dominik Schaller, "From Conquest to Genocide: Colonial Rule in German Southwest Africa and German East Africa," in this volume.
117. Cited in Mireille Rosello, "The 'Césaire Effect', or How to Cultivate One's Nation," *Research in African Literatures* 32, no. 4 (2001): 86–87. See generally Robert Aldrich and John Connell, *France's Overseas Frontier* (Cambridge, 1992), 108.
118. Alfred Crosby, *Germs, Seeds, and Animals: Studies in Ecological History* (Armonk, NY, and London, 1994), 29–30.
119. A good critique of Crosby's fatalistic downplaying of human agency is Tom Griffiths, "Ecology and Empire: Towards an Australian History of the World," in *Ecology and Empire: Environmental History of Settler Societies*, ed. Tom Griffiths and Libby Robin (Melbourne, 1997), 2–3. See also McDonnell and Moses, "Lemkin as Historian of Genocide in the Americas," 519.
120. McDonnell and Moses, "Lemkin as Historian of Genocide in the Americas," 517–20.
121. Donald Denoon, *Settler Capitalism: The Dynamics of Dependant Development in the Southern Hemisphere* (Oxford, 1983), 1.
122. Ibid., 26. See Patrick Wolfe, "Structure and Event: Settler Colonialism, Time, and the Question of Genocide," in this volume. For literature on settler colonialism, see Andrew Armitage, *Comparing the Policy of Aboriginal Assimilation: Australia, Canada, and New Zealand* (Vancouver, 1995); Lynette Russell, ed., *Colonial Frontier: Indigenous-European Encounters in Settler Societies* (Manchester, 2001); Ronald Weitzer, *Transforming Settler States: Communal Conflict and Internal Security in Northern Ireland and Zimbabwe* (Berkeley, CA, 1990); Kate Darian-Smith, Liz Gunner and Sarah Nuttall, eds., *Text, Theory, Space: Land, Literature and History in South Africa and Australia* (London and New York, 1996); David Trigger and Gareth Griffiths, eds., *Disputed Territories: Land, Culture and Identity in Settler Societies* (Hong Kong, 2003); Tim Murray, *The Archaeology of Contact in Settler Societies* (Cambridge, 2004); Moses, *Genocide and Settler Society*.
123. Michael Adas, ed., *Agricultural and Pastoral Societies in Ancient and Classical History* (Philadelphia, 2001); Peter B. Golden, "Nomads and their Sedentary Neighbors in Pre-Cinggisid Eurasia," *Archivum Eurasiae Medii Aevi* 7 (1991): 41–81; Denis Sinor, "Inner Asian Warriors," *Journal of the American Oriental Society* 101, no. 2 (1981): 133–44; Nicola Di Cosmo, "Ancient Inner Asian Nomads: Their Economic Basis and its Significance in Chinese History," *Journal of Asian Studies* 52, no. 4 (1994): 1092–1126. My thanks to Fiona Kidd for these references. For a critique of agricultural societies, see Hugh Brody. *The Other Side of Eden. Hunter-Gatherers, Farmers, and the Shaping of the World* (London 2000).
124. Cf., Norbert Finzsch, "'The aborigines . . . were never annihilated, and still they are becoming extinct': Settler Imperialism and Genocide in Nineteenth Century America and Australia," in this volume; and John C. Weaver, *The Great Land Rush and the Making of the Modern World, 1650–1900* (Montreal and Kingston, 2003).
125. Cole Harris, "How Did Colonialism Dispossess Comments from an Edge of Empire," *Annals of the Association of American Geographers* 94, no. 1 (2004): 165–82. See also his *Making Native Space: Colonialism, Resistance, and Reserves in British Columbia* (Vancouver, 2002). Harris is influenced by Wolfe's concept of "logic of elimination," as are the editors of *Settler Colonialism in the Twentieth Century: Projects, Practices, Legacies*, ed. Caroline Elkins and Susan Pedersen (London, 2005). On Canada, Colin Samson, *A Way of Life that Does Not Exist: Canada and the Extinguishment of the Innu* (London, 2003). On colonial enclosures, Lance van Sittert, "Holding the Line: The Rural Enclosure Movement in the Cape Colony, 1865–1910," *Journal of African History* 43, no. 1 (2002): 95–118.
126. Denoon, *Settler Capitalism*, 27.
127. Timothy Parsons, *The British Imperial Century, 1815–1914: A World History Perspective* (Lanham, MD, 1999), 2.
128. De Tocqueville, *Writings on Empire and Slavery*, 61, 65.
129. H. L. Wesseling, "Colonial Wars: An Introduction," in *Imperialism and War: Essays on Colonial Wars in Asia and Africa*, ed. J. A. de Moor and H. L. Wesseling (Leiden, 1988), 3; Peter Paret, "Colonial Experience and European Military Reform at the End of the Eighteenth Century," in *Warfare and Empires*, ed. Douglas M. Peters (Aldershot, UK, 1997), 357–70.
130. Michael Howard, "Colonial Wars and European Wars," in de Moor and Wesseling, *Imperialism and War*, 218–23; George Raudzens, "Why did the Amerindian Defences Fail? Parallels in the European Invasions of Hispaniola, Virginia and Beyond," *War in History* 3, no. 3 (1996): 331–52; Luke Godwin, "The Fluid Frontier: Central Queensland, 1845–63," in *Colonial Frontiers: Indigenous-European Encounters in Settler Societies*, ed. Lynette Russell (Manchester, UK, 2001), 112.
131. Hilary Beckles, "The Genocide Policy in English-Karifuna Relations in the Seventeenth Century," in *Empire and Others: British Encounters with Indigenous Peoples, 1600–1850*, ed. Martin Daunton and Rick Halpern (London, 1999), 280–302. The Carib population of 8,000 fell to 630 by 1730, recovering to 900 by the mid-twentieth century. It comprised 1,136 in 1960 out of a total population of nearly 60,000, and nearly 2000 in 1978.
132. Richard W. Slatta, "'Civilization' Battles 'Barbarism': The Limits of Argentine Indian Frontier Struggle," in *The Military and Conflict between Cultures: Soldiers at the Interface*, ed. James C. Bradford (College Station, TX, 1997), 131–46.
133. C. E. Callwell, *Small Wars: A Tactical Textbook for Imperial Soldiers*, 3rd ed. (London, [1906] 1990), 26–27, 45, 145; Holquist, "To Count, to Extract, and to Exterminate."
134. De Tocqueville, *Writings on Empire and Slavery*, 70, 87.
135. Peter Rex, *The English Resistance: The Underground War against the Normans* (Stroud, UK, 2004), 87–105.
136. Nicholas P. Canny, "The Ideology of English Colonization: From Ireland to America," *William and Mary Quarterly*, 3rd series, 30, no. 4 (1973): 582–83.

137. Katie Kane, "Nits Make Lice: Drogheda, Sand Creek, and the Poetics of Colonial Extermination," *Cultural Critique*, no. 42 (1999): 81–103; Robert Path, "Culture, Community, and 'Rebellion' in the Yucatec Maya Uprising of 1791," in *Native Resistance and the Pax Colonial in New Spain*, ed. Susan Schroeder (Lincoln and London, 1998), 67–83.
138. Michael Lieven, "'Butchering the Brutes All Over the Place': Total War and Massacre in Zululand in 1879," *History* 84 (October 1999): 614–32.
139. David Christian, *A History of Russia, Central Asia, and Mongolia*, vol. 1, *Inner Eurasia from Prehistory to the Mongol Empire* (Oxford, 1998), 396–406.
140. For analyses of recent jurisprudence about genocidal intention and the question of how much of a group needs to be destroyed to constitute genocide, see Drumbl, "Prosecutor v Radislav Krstic"; and Cecile Aptel, "The Intent to Commit Genocide in the Case Law of the International Criminal Tribunal for Rwanda," *Criminal Law Forum* 13, no. 3 (2002), 273–91.
141. Michael Freeman, "Genocide, Civilization and Modernity," *British Journal of Sociology* 46, no. 2 (1995): 207–23.
142. Eric Lohr, "The Russian Army and the Jews: Mass Deportations, Hostages, and Violence during World War One," *Russian Review* 60, no. 2 (2001): 404–19.
143. Terry Martin, "The Origins of Soviet Ethnic Cleansing," *Journal of Modern History* 70 (December 1998): 813–861; N. F. Bugai and A. M. Gonov, "The Forced Evacuations of the Chechens and Ingush," *Russian Studies in History* 4, no. 2 (2002): 43–61; Nick Baron, "Stalinist Planning as Political Practice: Control and Repression on the Soviet Periphery, 1935–1938," *Europe-Asia Studies* 56, no. 3 (2004): 439–62.
144. John Gooch, "Re-Conquest and Suppression: Fascist Italy's Pacification of Libya and Ethiopia, 1922–39," *Journal of Strategic Studies* 28, no. 6 (2005): 1021; Nicola Labanca, "Colonial Rule, Colonial Repression and War Crimes in the Italian Colonies," *Journal of Modern Italian Studies* 9, no. 3 (2004): 300–13.
145. David Anderson, *Histories of the Hanged: Britain's Dirty War in Kenya and the End of Empire* (London, 2004); Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya* (London, 2004).
146. Ben Kiernan, *The Pol Pot Regime: Race, Power, and Genocide in Cambodia under the Khmer Rouge, 1975–79* (New Haven, CT, 1996), 399, 428.
147. Donald Bloxham, *The Great Game of Genocide: Imperialism, Nationalism, and the Destruction of the Ottoman Armenians* (Oxford, 2005).
148. Alex de Waal, "Counter-Insurgency on the Cheap," *London Review of Books* 26, no. 15 (5 August 2004).
149. Benjamin A. Valentino, Paul Huth, and Dylan Balch-Lindsay, "'Draining the Sea': Mass Killing and Guerrilla Warfare," *International Organization* 58 (Spring 2004): 375–407. Thanks to Carter Johnson for supplying me with this reference.
150. Benjamin A. Valentino, *Final Solutions: Mass Killing and Genocide in the Twentieth Century* (Ithaca, NY, 2004).
151. William W. Hagen, *Germans, Poles, and Jews: The Nationality Conflict in the Prussian East, 1772–1914* (Chicago and London, 1980), 134–35; Wolgang J. Mommsen, *Max Weber and German Politics, 1890–1920* (Chicago, 1974), 26–28.
152. Chelvadurai Manogaran, "Space-Related Identity in Sri Lanka," in *Nested Identities: Nationalism, Territory and Scale*, ed. G.H. Herb and D.H. Kaplan (Lanham, MD, 1999), 199–216.
153. Richard Lee Turtis, "A World Destroyed, A Nation Imposed: The 1937 Haitian Massacre in the Dominican Republic," *Hispanic American Historical Review* 82, no. 3 (2002): 589–635.



154. Tara Zahra, "Looking East: East Central European 'Borderlands' in German History and Historiography," *History Compass* 3 (2005): 10; Eagle Glassheim, "National Mythologies and Ethnic Cleansing: The Expulsion of Czechoslovak Germans in 1945," *Central European History* 33, no. 4 (2000): 463–86.
155. Timothy Snyder, "The Causes of Ukraine-Polish Ethnic Cleansing, 1943," *Past and Present*, no. 179 (2003): 197–234.
156. Elena Lourie, "A Society Organised for War: Medieval Spain," in Lourie, *Crusade and Colonisation: Muslims, Christians, and Jews in Medieval Aragon* (Aldershot, UK, 1990), 54–76; Pagden, *Lords of All the World*, 74.
157. Dussel, *The Invention of the Americas*, 13: "After centuries of experimentation in Andalusia, this victimization and sacrificial violence parading as innocence began its long destructive path." See also John Docker, *1492: The Poetics of Diaspora* (London and New York, 2001), 190, 201; and Ronald Wright, *Stolen Continents: Five Hundred Years of Conquest and Resistance in the Americas* (Boston and New York, 1992).
158. Mark Ferro, *Colonization: A Global History* (London, 1997), 2.
159. Robert Geraci, "Genocidal Fantasies and Impulses in Imperial Russia," in this volume; Michael Rywkin, ed., *Russian Colonial Expansion to 1917* (London, 1988); Michael Khodarkovsky, *Russia's Steppe Frontier: The Making of a Colonial Empire, 1500–1800* (Bloomington and Indianapolis, IN, 2005); Michael Khodarkovsky, "Of Christianity, Enlightenment, and Colonialism: Russia in the North Caucasus, 1550–1800," *Journal of Modern History* 71, no. 2 (1999): 394–431; Theodore R. Weeks, *Nation and State in late Imperial Russia: Nationalism and the Russification of the Western Frontier, 1863–1914* (Dekalb, IL, 1996); Jeff Sahadeo, "Conquest, Colonialism, and Nomadism on the Eurasian Steppe," *Kritika: Explorations in Russian and Eurasian History* 4, no. 4 (2003): 942–54; Dominic Lieven, "Dilemmas of Empire, 1850–1918: Power, Territory, Identity," *Journal of Contemporary History* 34, no. 2 (1999): 163–200; Keziban Acar, "An Examination of Russian Imperialism: Russian Intellectual and Military Descriptions of the Caucasians during the Russo-Turkish War of 1877–1878," *Nationalities Papers* 32, no. 1 (2004): 7–21; John P. Ledonne, *The Russian Empire and the World, 1700–1917: The Geopolitics of Expansion and Containment* (New York, 1996); W. Bruce Lincoln, *The Conquest of a Continent: Siberia and the Russians* (New York, 1994). Older literature: Richard A. Pierce, *Russian Central Asia, 1867–1917: A Study in Colonial Rule* (Berkeley, CA, 1960); Terence Armstrong, *Russian Settlement in the North* (Cambridge, 1965); Donald W. Treadgold, *The Great Siberian Migration: The Government and Peasant Resettlement from Emancipation to the First World War* (Princeton, NJ, 1957).
160. Zev Jabotinsky, "An Iron Wall (We and the Arabs)," in *Zionism: Background Papers for an Evaluation*, vol. 4, ed. Eliezer Schwied et al. (Jerusalem, n.d.), 67.
161. Nicholas A. Robins, *Native Insurgencies and the Genocidal Impulse in the Americas* (Bloomington and Indianapolis, IN, 2005).
162. Philippe R. Girard, "Caribbean Genocide: Racial War in Haiti, 1802–1804," *Patterns of Prejudice* 39, no 2 (2005): 137–61.
163. Richard Lee Turtis, "A World Destroyed, A Nation Imposed: The 1937 Haitian Massacre in the Dominican Republic," *Hispanic American Historical Review* 82, no. 3 (2002): 589–635.
164. See the chapters by Ben Kiernan and Alexander L. Hinton in this volume.
165. Jacques Semelin, "Analysis of a Mass Crime: Ethnic Cleansing in the Former Yugoslavia, 1991–1999," in *The Specter of Genocide: Mass Murder in Historical Perspective*, ed. Robert Gellately and Ben Kiernan (Cambridge, 2003), 353–370; Bette Denich, "Dismembering Yugoslavia: Nationalist Ideologies and the Symbolic Revival

of Genocide," *American Ethnologist* 21, no. 2 (1994): 367–90; Robert M. Hayden, "Imagined Communities and Real Victims: Self-Determination and Ethnic Cleansing in Yugoslavia," *American Ethnologist* 23, no. 4 (1996): 783–801; Damir Mirkovic, "The Historical Link between the Ustasha Genocide and the Croato-Serbian Civil War: 1991–1995," *Journal of Genocide Research* 2, no. 3 (2000): 363–73; Anthony Oberschall, "The Manipulation of Ethnicity: From Ethnic Co-operation to Violence and War in Yugoslavia," *Ethnic and Racial Studies* 23, no. 6 (2000): 982–1001.

166. Mike Davis, *Late Victorian Holocausts: El Nino Famines and the Making of the Third World* (2001), 177–210.
167. Karl Marx, *Karl Marx on Colonialism and Modernization*, ed. and intro. Shlomo Avineri (New York, 1969), 224
168. Jean-Paul Sartre, "Preface," in Fanon, *Wretched of the Earth*, 20.
169. Fanon, *Wretched of the Earth*, 88.
170. Albert Memmi, *The Colonizer and the Colonized*, intro. Jean-Paul Sartre (Boston, [1957] 1965), 151. Liah Greenfeld writes similarly of resentment—hate and envy—as the source of nationalism. See her *Nationalism: Five Roads to Modernity* (Cambridge, MA, 1992), 16.
171. Fanon, *Wretched of the Earth*, 93; Jean-Paul Sartre, "Introduction," in Memmi, *The Colonizer and the Colonized*, xxviii; Abdul R. JanMohamed, *Manichean Aesthetics: The Politics of Literature in Colonial Africa* (Amherst, MA, 1983), 4.
172. Memmi, *The Colonizer and the Colonized*, 130–31.
173. Ibid., 130, 139. Memmi's insight is very close to the theory of social regression advanced by Vamik Volkan. See his *Bloodlines: From Ethnic Pride to Ethnic Terrorism* (Boulder, CO, 1997); Volkan, *Blind Trust: Large Groups and their Leaders in Times of Crisis and Terror* (Charlottesville, VA, 2004); Volkan, "Traumatized Societies," in *Violence or Dialogue? Psychoanalytic Insights on Terror and Terrorism*, ed. Sverre Varvin and Vamik D. Volkan (London, 2003), 217–36.
174. Albert Memmi, *Jews and Arabs* (Chicago, 1975).
175. Fanon, *Wretched of the Earth*, 146, 158; Benita Parry, "Resistance Theory/Theorising Resistance or Two Cheers for Nativism," in *Colonial Discourse/Postcolonial Theory*, ed. Francis Barker, Peter Hulme, and Margaret Iversen (Manchester, UK, 1994), 172–191.
176. Cf. Steven T. Katz, *Historicism, The Holocaust, and Zionism: Critical Studies in Modern Jewish Thought and History* (New York and London, 1992), 299.
177. Memmi, *The Colonizer and the Colonized*, 134–37; Sartre, "Preface," in Fanon, *Wretched of the Earth*, 18, 21.
178. Fanon, *Wretched of the Earth*, 148.
179. Ibid., 94, 24.
180. Sartre, "Preface," in ibid., 22. "The native cures himself of colonial neurosis by thrusting out the settler through force of arms. When his rage boils over, he rediscovers his lost innocence and he comes to know himself in that he himself creates himself."
181. Fanon, *Wretched of the Earth*, 156–59.
182. Clifford Geertz, "The Integrative Revolution: Primordial Sentiments and Civil Politics in the New States," in *Old Societies and New States: The Quest for Modernity in Asia and Africa*, ed. Clifford Geertz (New York, 1963), 109–19.
183. Mahmood Mamdani, "Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism," *Comparative Studies in Society and History* 43, no. 4 (2001): 651–64.
184. Marx, in *The Marx-Engels Reader*, ed. Robert C. Tucker, 2nd ed. (New York, 1972), 663.



185. Rosa Luxemburg, "The Junius Pamphlet: The Crisis in the German Social Democracy," in *Rosa Luxemburg Speaks*, ed. and intro May-Alice Waters (New York, 1970), 269, 281.
186. I give a more detailed analysis in A. Dirk Moses, "Colonialism," in *The Oxford Handbook of Holocaust Studies*, ed. Peter Hayes and John K. Roth (Oxford, 2009).
187. Fanon, *Wretched of the Earth*, 101.
188. Frantz Fanon, *Black Skin/White Masks*, trans. Charles Lam Markmann (New York, 1967), 115, 89.
189. Cited in Richard H. King, *Race, Culture, and the Intellectuals, 1940–1970* (Washington, DC and Baltimore, MD, 2004), 47.
190. Representative of this kind of equation or trumping is Ward Churchill, *A Little Matter of Genocide* (San Francisco, 1997).
191. For instance, Marianna Torgonvik, *Gone Primitive: Savage Intellects, Modern Lives* (Chicago, 1990), 9, 13.
192. Pascal Grosse, "From Colonialism to National Socialism: Hannah Arendt's Origins of Totalitarianism," *Postcolonial Studies* 9, no. 1 (2006): 35–52; King and Stone, *Hannah Arendt and the Uses of History*. I discuss Arendt and imperialism in "Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century,'" 31–33.
193. Césaire, *Discourse on Colonialism*, 14–27; Hannah Arendt, *Eichmann in Jerusalem: A Report on the Banality of Evil* (London, 1963).
194. Adolf Hitler, *Hitler Reden und Proklamationen, 1932–1945*, vol. 1, *Triumph (1932–1938)*, ed. Max Domarus (Würzburg, 1962), 74–75. He argued against the doctrine of peaceful economic conquest by referring to the British Empire: "No nation has more carefully prepared its economic conquest with the sword with greater brutality and defended it later on more ruthlessly than the British": Hitler, *Mein Kampf* (New York, 1940), 189. See also the lucid discussion of Dan Stone, *History, Memory and Mass Atrocity* (London, 2006), chapter ten.
195. Hitler, *Mein Kampf*, 172–81. "If a people limits itself to domestic colonization, at a time when other races cling to greater and greater surfaces of the earth's soil, it will be forced to exercise self-restriction even while other nations will continue to increase," 174.
196. See David Furber and Wendy Lower, "Colonialism and Genocide in Nazi-Occupied Poland and Ukraine," in this volume.
197. See for instance, *Hitler's Table Talk, 1941–44*, ed. Hugh-Trevor Roper (London, 1973), 617.
198. Wendy Lower, *Nazi Empire-Building and the Holocaust in Ukraine* (Chapel Hill, NC, 2005), 25–26.
199. Jürgen Zimmerer, "The Birth of the Ostland Out of the Spirit of Colonialism: A Postcolonial Perspective on the Nazi Policy of Conquest and Extermination," *Patterns of Prejudice* 39, no. 2 (2005): 202–24; Moses, "Conceptual Blockages and Definitional Dilemmas in the 'Racial Century'; Enzo Traverso, *The Origins of Nazi Violence* (New York and London, 2003); Benjamin Madley, "From Africa to Auschwitz: How German South West Africa Incubated Methods Adopted and Developed by the Nazis in Eastern Europe," *European History Quarterly* 33, no. 3 (2005): 429–64. German scholars Götz Aly and Susanne Heim have been arguing that the Holocaust had its origins in a "territorial solution" to the "Jewish question" in east-central Europe in the context of Nazi plans for a more general "ethnic reordering" of the region for German settlers: Aly and Heim, *Architects of Annihilation: Auschwitz and the Logic of Destruction* (London, 2002); David Furber, "Near as Far in the Colonies: The

Nazi Occupation of Poland," *International History Review* 26, no. 3 (2004): 541–79; Dieter Pohl, "War, Occupation, and the Holocaust in Poland," in Stone, *The Historiography of the Holocaust*, 88–119; Rolf-Dieter Müller, 'From Economic Alliance to a War of Colonial Exploitation," in *Germany and the Second World War*, vol. 4, *The Attack on the Soviet Union*, ed. Horst Boog, et al. (Oxford, 1998), 118–224.

200. Marcia Klotz, "Global Visions: From the Colonial to the National Socialist World," *European Studies Journal* 16, no. 2 (1999): 37–68.
201. I discuss this question in A. Dirk Moses, "Structure and Agency in the Holocaust: Daniel J. Goldhagen and his Critics," *History and Theory* 37, no. 2 (1998): 194–219.
202. Ben Shepherd, "*Wehrmacht* Security Regiments in the Soviet Partisan War, 1943," *European History Quarterly* 33, no. 4 (2003): 493–529; Mark Mazower, "Military Violence and National Socialist Values: The Wehrmacht in Greece 1941–1944," *Past and Present*, no. 134 (1992): 129–158; Truman Anderson, "Incident at Baranivka: German Reprisals and the Soviet Partisan Movement in Ukraine, October-December 1941," *Journal of Modern History* 71, no. 3 (1999): 585–623.
203. Wilhelm Marr, "The Victory of Judaism over Germandom (1879)," in *The Jew in the Modern World: A Documentary History*, ed. Paul Mendes-Flohr and Jehuda Reinharz, 2nd ed. (New York and Oxford, 1995), 332.
204. Hitler, *Mein Kampf*, 252.
205. Ibid., 140.
206. See the analysis in Klotz, "Global Visions," 44.
207. Hitler, *Mein Kampf*, 590, 969.
208. See the discussion in Jared Poley, *Decolonization in Germany: Weimar Narratives of Colonial Loss and Foreign Occupation* (Oxford, 2005), 151–76.
209. Cf. Saul Friedländer, *Nazi Germany and the Jews*, vol. 1, *The Years of Persecution* (New York, 1997).
210. This is how Mahmood Mamdani reads the Nazis in *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda* (Princeton, NJ, 2001), 9–11.
211. Levene, *Genocide in the Age of the Nation State*, vol. 1, 187; vol. 2, 225.
212. Christian Gerlach, "The Wannsee Conference, the Fate of the German Jews, and Hitler's Decision in Principle to Exterminate All European Jews," *Journal of Modern History* 70 (December 1998): 759–812; Peter Holquist, "To Count, to Extract, and to Exterminate: Population Statistics and Population Politics in Late Imperial and Soviet Russia," in *A State of Nations*, ed. Ronald Grigor Suny and Terry Martin (Oxford, 2001), 111–44.
213. Lucy Dawidowicz, ed., *A Holocaust Reader* (West Orange, NJ, 1976), 133.
214. See Furber and Lower, "Colonialism and Genocide in Nazi-Occupied Poland and Ukraine."
215. Ulrich Herbert, ed., *National Socialist Extermination Policies* (New York, 2000).
216. See the nominalism of Traverso, *Origins of the Nazi Violence*.

*– Chapter 2 –*

# Anticolonialism in Western Political Thought

## *The Colonial Origins of the Concept of Genocide*

Andrew Fitzmaurice

### Introduction

Most chapters in this book are concerned by the degree to which the term "genocide," coined by Raphael Lemkin in 1944 and adopted by the United Nations in 1948, can be used to understand the devastation wrought by colonization over the past five hundred years.[1] This chapter will invert that question: that is, it will show that Lemkin's understanding of genocide developed out of a critique of colonization that had its origins in the sixteenth century and was sustained by successive generations of writers on natural and human rights.

In order to understand that the concept of genocide is itself a product of the history of colonization, we must first excavate the anti-imperial tradition to which it belongs. It is a tradition that has been obscured by a generation of scholarship. Since at least the 1980s, scholars have sought to demonstrate that the dispossession of indigenous peoples and the destruction of indigenous societies proceeded within European legal frameworks. "A will to empire," as Robert M. Williams has put it, "proceeds most effectively under a rule of law."[2] Liberalism has been shown to have blood on its hands.[3] Or, rather, key figures in the liberal canon have been shown to have been apologists for colonization (even though few of them would have described themselves as "liberals"). It is argued that the idea of rights in the writings of thinkers including Francesco de Vitoria, Hugo Grotius, John Locke, and Emeric de Vattel developed in step with the rationalization of empire. In this chapter, I argue that these "revisionist" accounts have buried a profound scepticism in the history of Western legal thought about the justice of colonization. Ironically, the revisionist account has also

. . . [le droit de] colonization sur le sol d'un autre peuple».” Cf. Muthu, *Empire Against Enlightenment*, 5: “The anti-imperialist writings of the latter half of the eighteenth century failed to rally later thinkers to the cause of exposing imperialist injustices, defending non-European peoples against imperial rule, and attacking the standard rationales for empire.”

83. Jèze, *Étude Théorique et Pratique sur l'Occupation*, 104–5 (my translation): “Si l'on a affaire à des peuples pasteurs ou chasseurs (comme les Hottentots, les Tongouses et la plupart des nations américaines), dont le genre de vie exige des contrées vastes et désertes, on ne peut avoir recours à la violence, mais il faut obtenir un contrat, et même il n'est pas permis de profiter de l'ignorance de ces indigènes relativement à la cession de leurs terres.”
84. Ibid., 105 (my translation): “Les conquêtes des Européens dans les Indes, en Afrique et en Amérique, ont violé tous les principes de loi naturelle et du droit des gens.” The quotation is from Gérard de Rayneval, *Institutions du Droit de la Nature et des Gens* (Paris, 1803). See also Rayneval, *Institutions du Droit de la Nature et des Gens*, 2 vols. 3rd ed. (Paris, 1851), 367–69 for the extent of Rayneval's anticolonial thought.
85. Jèze, *Étude Théorique et Pratique sur l'Occupation*, 112 (my translation): “Après mûres réflexions, c'est en faveur du droit absolu des indigènes que nous nous décidons. La théorie contraire, croyons-nous, ne fait que consacrer, sous prétexte de civilisation, la maxime «la Force prime le Droit», et violer, sous des apparences juridiques, la règle fondamentale de l'égalité des races.”
86. Pierre Péan, *Une Jeunesse Française. François Mitterrand, 1934–1947* (Paris, 1994), 45–61.
87. It is interesting to note that both Lemkin and Jèze wrote on international financial movements—one of the most troubling issues of the interwar years. Lemkin's *La Réglementation des Paiements Internationaux* (Paris, 1939) does not cite Jèze's *Les Paiements Internationaux* (Paris, 1926), but the authors' parallel interests indicate one of the contexts within which early twentieth century authors thought about rights.
88. American Jewish Historical Society, New York, Box 8, Folder 12, “Spanish colonial genocide”; Box 7, Folder 1, “Incas”; Box 8, Folder 12, “Yucatan.” My thanks to Dirk Moses for his generosity in providing copies of these manuscripts.
89. New York Public Library, Reel 3, Box 2, Folder 1, “Proposal for Introduction to the Study of Genocide.” Note that Lemkin places the term “humanitarian” in the context of international law.
90. On Lemkin's colonial writings, see also John Docker, “Are Settler-Colonies Inherently Genocidal? Re-reading Lemkin,” in this volume; and Ann Curthoys, “Raphael Lemkin's 'Tasmania': An Introduction,” *Patterns of Prejudice* 39, no. 2 (2005): 162–69.
91. It is true that Lemkin distinguished the crime of genocide from the violation of human rights. His understanding of genocide was based upon group or collective rights, whereas since the fifteenth century the rights tradition had been dominated by a concern with individual rights. Moreover, he was mounting a strategic defence of the genocide treaty within the UN (See, for example, Raphael Lemkin, “Memorandum on the Genocide Convention,” 3, Collection 60, Box Number 4, Folder No. 4/6, Jacob Rader Marcus Center of the American Jewish Archives, Hebrew Union College, Cincinnati, OH). Some UN delegates thought that existing “legislation” on human rights covered the crimes under the genocide treaty and that therefore it was not necessary to have the separate crime of genocide. Having said that, Lemkin was fully aware of the genesis of the concept of genocide within the rights tradition, regarding the Genocide Convention as a distinct branch from that tradition.

*– Chapter 3 –*

# Are Settler-Colonies Inherently Genocidal?

## *Re-reading Lemkin*

John Docker

> Our whole cultural heritage is a product of the contributions of all peoples. We can best understand this if we realize how impoverished our culture would be if the so-called inferior peoples doomed by Germany, such as the Jews, had not been permitted to create the Bible or to give birth to an Einstein, a Spinosa [*sic*]; if the Poles had not had the opportunity to give to the world a Copernicus, a Chopin, a Curie, the Czechs a Huss, and a Dvorak; the Greeks a Plato and a Socrates; the Russians, a Tolstoy and a Shostakovich.
>
> —Raphael Lemkin, “Genocide—A Modern Crime”[1]

> . . . colonialism cannot be left without blame.
>
> —Raphael Lemkin, “Introduction to the Study of Genocide”[2]

In this chapter, I will explore the conjoining of genocide and colonialism in the writings of Raphael Lemkin, the brilliant Polish-Jewish jurist (1900–1959). I will highlight three aspects of his thought: First, that the concept of genocide as created by Lemkin offers the groundwork for the delineation and discussion of different kinds of genocide in history—for example, genocide as episode or genocide as a more extended process. Second, that Lemkin's concept of genocide links settler-colonies and genocide in a constitutive and inherent relationship. Finally, that Lemkin, in his published work, but more powerfully in his unpublished manuscripts, developed a methodology that permits the possibility of subtle, intricate, and multifaceted analyses of settler-colonial histories in relation to genocide as an extended process that may also involve more sharply destructive episodes and events.

I will be stressing throughout the importance to Lemkin of the notion of cultural genocide. In his illuminating, unfinished autobiography, "Totally Unofficial Man," written shortly before he died in 1958, Lemkin regrets that he could not persuade the relevant UN committee meeting in Paris after World War II to include an article in the final convention on "cultural genocide": "I defended it successfully through two drafts. It meant the destruction of the cultural pattern of a group, such as the language, the traditions, the monuments, archives, libraries, churches. In brief: the shrines of the soul of a nation. But there was not enough support for this idea in the Committee. . . . So with a heavy heart I decided not to press for it." He had to drop an idea that, as he put it, "was very dear to me."[3]

## Strengths of Lemkin's Definitions

Lemkin's thinking about genocide began well before the German unleashing of World War II. In 1933, he was a young public prosecutor in Warsaw, already immersed in his life project to have certain egregious crimes outlawed. Hitler had just been elected to the government in Germany. Lemkin was at the last moment prevented by the Polish government, fearful he would embarrass it, from leaving Poland to present a paper at a League of Nations conference on the unification of penal law held in Madrid.[4] The paper, presented in his absence, proposed the creation of the crimes of barbarity and vandalism as new offences against the law of nations, that is, against the whole international community. Acts of barbarity—which he also calls acts of extermination—undermine the fundamental basis of an ethnic, religious, or social collectivity. They are acts that, taken as a whole, range from massacres and pogroms to the ruining of the economic existence of the members of a collectivity, as well as "all sorts of brutalities" that attack the "dignity of the individual" as part of the campaign of extermination of the group. Lemkin also proposed for the same conference the crime of vandalism, the destruction of the cultural heritage of a collectivity as revealed in the fields of science, arts, and literature. Lemkin noted that the contribution of any particular collectivity to "world culture" forms the wealth of all humanity, even while exhibiting unique characteristics. Thus the destruction of any work of art of any nation must be regarded as an act of vandalism directed against world culture. Such acts, Lemkin said, reveal an asocial and destructive spirit that shocks the conscience of humanity, while generating extreme anxiety about the future.[5]

What is notable is that already in 1933, under the heading of barbarity and vandalism, Lemkin had assembled many of the features of his now-famous definition of genocide in his 1944 book *Axis Rule in Occupied Europe*.[6] In particular, we can note the breadth of his 1933 formulations, that barbarity and vandalism involve a systematic and organized destruction of the social order of a collectivity, in terms that may involve direct killing as well as actions that are economic, moral, intellectual, and cultural. In his 1944 definition, he again says that genocide is composite and manifold, that it signifies a coordinated plan of different actions aiming at the destruction of the essential foundations of life of a group. Such actions can, but do not necessarily entail mass killing. They involve considerations that are political, social, legal, intellectual, spiritual, economic, biological, physiological, religious, and moral. Such actions involve health, food, and nourishment, of family life and care of children, and of birth as well as death, in relation to genocide and as part of genocide. Such actions involve consideration of the honor and dignity of peoples, and the future of humanity as a world community.[7]



The continuity between 1933 and 1944 concerns the wide range of destructive acts against a group. Yet there is also something significantly new added in 1944, when Lemkin says that genocide may involve two phases, that it is a two-fold process. Here is the key passage from the opening page of chapter nine of *Axis Rule*: "Genocide has two phases: one, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, 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 of the area by the oppressor's own nationals."[8] Whereas in 1933 Lemkin had focused on genocide as an episode or act or event, now he writes that genocide can also be a process, a process that describes and entwines genocide and settler-colonialism.

## Explorations of an Idea

Nonetheless, in his published work Lemkin never seems to have discussed genocide in relation to European settler-colonies as part of a world-historical process. In *Axis Rule* Lemkin refers to how the German "occupant," in order to impose its national pattern, "organized a system of colonization" in areas that Germany wished to incorporate, including western Poland, Luxemburg, and Alsace-Lorraine: "The Polish population have been removed from their homes in order to make place for German settlers who were brought in from the Baltic States, the central and eastern districts of Poland, Bessarabia, and from the Reich itself. The properties and homes of the Poles are being allocated to German settlers; and to induce them to reside in these areas the settlers receive many privileges, especially in the

way of tax exemptions."[9] In an April 1945 essay, "Genocide—A Modern Crime," he again refers to colonization, writing with irony that where "the people, such as the Poles, could not achieve the dignity of embracing Germanism, they were expelled from the area and their territory (western Poland) was to be Germanized by colonization."[10] It seems clear that during World War II, Lemkin conceived his idea of linking genocide and colonization chiefly from the example of Nazi colonization of western Poland.[11]

Lemkin was deeply concerned not only with contemporary events, however momentously catastrophic, but also with historical genocides. In "Totally Unofficial Man," he says that from his "very young days" he was interested in historical accounts of examples of extermination of national, racial, and religious minorities. Lemkin here writes that he always "felt that history is much wiser than are lawyers and statesmen." He confides that from an early age he "took a special delight in being alone, so that I could think and feel without outer disturbances," and that "loneliness" became the essential condition of his life. History, it appears, was his lifelong companion. As is well known, during the postwar years he worked tirelessly in the fledgling UN circles to persuade influential people to bring about a UN convention criminalizing genocide.[12] Lemkin reflects that even during the most stressful days and nights he would read or re-read history books to keep himself "articulate and determined," and he persuaded delegates to read historical cases of genocide: "Let history," he wrote, "make a plea to them." He realized, he continued, that just showing *Axis Rule* to committees and delegates was not enough, because it drew only on one criminal experience alone, the Nazis. It was necessary to "draw on all available experiences of the past." He started digesting historical cases of genocide and submitting them to delegates in the form of memoranda.[13]

In the autobiography, Lemkin relates the examples of genocide that stirred him from an early age, examples drawn from antiquity through to modern times. They include the destruction of the Christians by Nero; the Mongol hordes overrunning Russia, Poland, Silesia, and Hungary in 1241; the persecution of Jews in Russia by Tzar Nicholas I; the destruction of the Moors in Spain; and the devastation of the Huguenots. When in 1941 Lemkin and other refugees reached Japan on the way to exile and haven in the United States, he reflected on the atrocious persecution of 30,000 Japanese Catholics in the seventeenth century, who had been converted by Portuguese and Spanish missionaries.[14]

In a footnote to chapter nine of *Axis Rule*, Lemkin refers to classical examples of wars of extermination in which nations and groups of a population were completely or almost completely destroyed, including the destruction of Carthage in 146 BC and of Jerusalem by Titus in AD 72; the religious wars of Islam and the Crusades; the massacres of the Albigenses and Waldenses; and the siege of Magdeburg in the Thirty Years' War. And wholesale massacres occurred in the wars waged by Genghis Khan and Tamerlane.[15]



From his published work, in *Axis Rule*, and in his essays and autobiography, it would seem clear that the historical instances of genocide, though many and extensive, which inspired Lemkin's lonely, lifelong quest to have genocide indicted in international law, did not include the European settler-colonies of the Americas, or southern Africa, or Australia. However, in his unpublished research and writings during the 1940s and 1950s and until his death in 1959, Lemkin did not confine genocide to European history, and he also pondered with subtlety and insight the difficult problem of intention in relation to genocide and settler colonial societies.[16]

## Lemkin's Manuscripts: A Book Takes Shape

The American Jewish Historical Society in New York contains boxes of Lemkin manuscripts with titles like (I preserve Lemkin's spelling here) "German Massacre at Herrero (Southwest Africa) General Assembly Report, Essay and Pamphlets"; "British Treatment of Ireland"; "Charlemagne"; "German Oppression of Slavs and East Europeans"; "German Oppression of Slavs and East Europeans (Polish)"; "History of Genocide Projected Book and North American Indian Research Correspondence"; and "Spanish Treatment of South American Indians"; and research index cards with headings that include "Moriscos," "North American Indians—Enslavement," "North American Indians—European Expropriation of Land," "North American Indians—Extermination," "North American Indians—Forced Relocation," "North American Indians—Miscellany," "Spaniards—American Indians," "Spaniards—Peruvian Indians," "Spaniards—Yucatan Indians," and a more general card title, "Psychology and Sociology of Genocide."[17]

Upon inspection, it becomes readily apparent that Lemkin in the 1940s was working on a book, with the help of student research assistants, on the history of global genocide. Some chapters were evidently to concern genocide in antiquity, as with the cases of genocide that the Assyrians committed against peoples in the ancient world, including the Hebrews and Babylonians (Subseries 2, Box 8, Folder 1). In Box 8, Folder 6, there is an evocation of Charlemagne, whom Lemkin foregrounds as one of history's more prominent "genocidists" (Lemkin's own term): in 772, Lemkin notes here, Charlemagne inaugurated a war of conquest against the pagan Saxons who resided on the eastern frontier of the Frank dominions, a bloody war that continued for over thirty-three years. Lemkin

refers to Charlemagne's determination in 774 either to compel the Saxons to embrace the Christian religion or to exterminate them.[18] Another folder concerns early modern Europe, as with the persecutions of Catholics under Elizabeth in the sixteenth century (Box 8, Folder 4) or British treatment of Ireland (Box 8, Folder 5), especially by Cromwell and his "Plantation regime, whereby land was taken away from the Irish, Catholics could hold no land, positions, nor could they vote. A scheme of 'transplantation' (like the similar Turkish efforts) was inaugurated, former land-owners were kicked out and their holdings taken over by imported land lords." There is mention here of "economic" and "cultural" genocide against the Irish from early modern European to modern times.

Plainly, in these manuscript essays and notes, Lemkin was giving shape to a historical and comparative approach that was based on, yet temporally and spatially extends, his definition of genocide in *Axis Rule*. A scholar who had only just created the very word *genocide* in 1944, was now a few years later creating a method of how to analyze and discuss genocidal situations in the ancient world and European history generally; a method that he also was about to apply to examples of European colonization around the globe.

In 1947, Lemkin was seeking financial assistance to conduct the research for his book on genocide. His application to the Rockefeller Foundation was unsuccessful; Lemkin receiving a chillingly cold rejection letter (Folder 11: Note from a Roger F. Evans, Assistant Director of Social Sciences for the Rockefeller Foundation, dated 6 November 1947). Happily, however, Folder 11 reveals that Lemkin did receive support from another source, the Viking Fund, a foundation for scientific charitable and educational purposes located in New York. In a progress report to Paul Fejos, the director of research for the Viking Fund, he writes that work on the project had began on 1 March 1948, and that the Yale Law School was providing an office and typing facilities and was paying for the expenses of a research assistant. Lemkin tells the fund that data was being collected under "headings covering physical, biological and cultural genocide," with emphasis laid upon the role played by "governments, groups and individuals in the commission of the crime," and that "psychological and sociological factors are also being examined." Lemkin lists the "following genocide cases" as those upon which data was being collected (I preserve his spelling):

1. The Early Christians.
2. The Jews in the Middle Ages; the Jews in Tzarist Russia.
3. The Morescos in Spain.
4. The Indians in Latin America.
5. The Valdenses.



6. The Armenians.
7. The Hugenots.
8. The Greeks in Turkey.
9. The Turks under Greek occupation in 1922.
10. The Indians in North America (in part).

Lemkin adds that part of the research material was being "made available to several members of the United Nations Drafting Committee on Genocide, with whom the author of the project is in constant contact."

There is also close by a letter dated 25 May 1948 from a researcher "Birgit" who relates that since her research for him on Yucatan, she has written material on the sale of liquor and on Indian slavery; on the Plains Indians and the Californian Indians (including forceful eviction from fertile valleys into barren mountains where Indians starved: "Wanton murder and milit. action against Indians who refused to leave, rebelled or returned occasionally to get food"); on the Sandy Creek Massacre of Plains Indians ("worst type of atrocities a [*sic*] la Europe"), the Washita Massacre, and the Wounded Knee Massacre; on the destruction of buffalo to starve Indians; on the prohibition of tribal culture in early reservations and the withholding of food supply; on individual land allotment to destroy tribal life. Birgit writes she "used extensively" John Collier's *The Indians of the Americas* in her research for Lemkin in the Public Library in New York.[19]

In a further letter dated 22 July 1948 to the Viking Fund's Paul Fejos, Lemkin reports that his genocide volume continues to progress, and offers a general reflection on the book as a history: "The historical analysis is designed to prove that genocide is not an exceptional phenomenon, but that it occurs in intergroup relations with a certain regularity like homicide takes place between individuals." Lemkin informs Fejos that owing to the "expansion of the volume and the necessity for additional research," Dean Wesley A. Sturges of the Yale Law School has generously provided funds for five hundred additional hours for his research assistant.

It is clear from the letters in Box 8, Folder 11 that the project was indeed expanding. Additional support fortunately came from another New York funding body, the Lucius N. Littauer Foundation. A letter from Harry Starr, its president and treasurer, acknowledges Lemkin's "written application and the several discussions we have had thereon," and assures him that funds of $5,000 will be made available to the Lemkin Research Fund on Genocide at the Yale University Law School. Starr writes that he understands from Lemkin that the grant will assist in the employment of "several research assistants" necessary for the completion of the manuscript, which is to be published "in two volumes." The project, as Lemkin had outlined to him, would be to examine "every genocide of importance" from ancient times to the present, in its "historical, legal, psychological,

political, sociological, economic, religious and cultural aspects." In each case, there would be a survey of the "background and conditions" leading up to the genocide, the "method and techniques used in the commission of the crime," and its "effect upon society through loss of life and destruction of economic resources and cultural values."

Lemkin's book on the study and history of genocide was well on its way, a remarkable achievement considering how much time he must also have been devoting to consulting with and advising UN committee members about the proposed convention banning the crime. As Lemkin had said, the two activities of historical research and contemporary international law proceeded in tandem, feeding into each other.

## Lemkin's Methodology

Lemkin continued to work on the book during the 1950s. In a letter in Box 8, Folder 11 dated 26 February 1951 to the Lucius N. Littauer Foundation, he writes to Harry Starr thanking him for the foundation's continued support; he felt that the Foundation's generosity would enable him to finish the book and to "express finally in a scientific way many ideas on the subject of Genocide which tortured my mind for many years." He also confides to Starr that he prefers to "base the research on documents than on books," and for that reason had recently spent some time "in the New York Libraries and in private collections on the search for hitherto unpublished documents concerning the extermination of the gypsies and Armenians."

After these letters, Box 8, Folder 11 included two typed pages headed "Revised Outline for Genocide Cases," which summarize Lemkin's approach to the historical study of genocides, and which probably date from around 1951. I reproduce the diagrammatic outline as follows, retaining his spelling.

REVISED OUTLINE FOR GENOCIDE CASES

1. Background
   - Historical
2. Conditions leading to genocide
   - Fanaticism (religious, racial)
   - Irredentism (national aspirations)
   - Social or political crisis and change
   - Economic exploitation (e.g. slavery)
   - Colonial expansion or milit. conquest
   - Accessability of victim group
   - Evolution of genocidal values in genocidist group (contempt for the alien, etc.)
   - Factors weakening victim group
3. Methods and techniques of genocide
   - *Physical*:
     - Massacre and mutilation
     - Deprivation of livelihood (starvation, Exposure, etc.—often by deportation)
     - Slavery—exposure to death
   - *Biological*:
     - Separation of families
     - Sterilization
     - Destruction of foetus
   - *Cultural*:
     - Desecration and destruction of cultural symbols (books, objects of art, religious relics, etc.)
     - Loot
     - Destruction of cultural leadership
     - Destruction of cultural centers (cities, churches, monasteries, schools, libraries)
     - Prohibition of cultural activities or codes of behavior
     - Forceful conversion
     - Demoralization
4. The Genocidists
   - Responsibility
   - Intent
   - Motivation
   - Feelings of guilt
   - Demoralization
   - Attitude towards victim group
   - Opposition to genocide within genocidist group
5. Propaganda
   - Rationalization of crime
   - Appeal to popular beliefs and intolerance; sowing discord (divide and rule)
   - Misrepresentation and deceit
   - Intimidation
6. Responses of victim group
   - *Active*:
     - Submission
     - Escape (suicide, hiding, etc.)
     - Disguise
     - Emigration (planned)
     - Polit. subordination
     - Assimilation
     - Resistance
     - Demoralization
   - *Passive (emotional, mental)*
     - Terror
     - Conceptions of genocidist and his crimes
7. Responses of outside groups
   - Opposition to genocide
   - Indifference to "
   - Condonement of "

Collaboration in "
Demoralization (exploitation of genocide situation)
Fear as potential victims

8. Aftermath
Cultural losses
Population changes
Economic dislocations
Material and moral deterioration
Political consequences
Social and cult. changes

In the next folder, Box 8, Folder 12, Lemkin evokes examples of genocide drawn from the Americas, where he puts into practice and continuously deploys the categories of analysis of the diagrammatic summary. Notable here is that Lemkin does not exculpate the colonizers in terms of death by illness. In "Spanish Treatment of South American Indians Essay, n.d.," Lemkin, drawing in particular on the observations of Las Casas, successively evokes "Methods of Genocide—Physical," which include massacre, slavery, and deprivation of livelihood; family life was disregarded, bread made of root-meal was often the only food; when the slaves fell sick, they were left to die or at best sent home. The treatment of Indian women constituted an aspect of biological genocide, the "death of the race." Slave mothers, exhausted with hunger and fatigue, could not nurse their babies. Children were not infrequently carried off by the Spanish; some Indian women were not only violated indiscriminately but also taken to "fill the Harems of the Spanish colonists." In terms of physical genocide, the population of the islands catastrophically fell. In the Bahamas, the population dropped from fifty thousand to nearly zero. The population of Nicaragua was almost entirely wiped out; in fourteen years more than six hundred thousand had died as beasts of burden. Lemkin says Las Casas claimed that the total of Indians killed in Spanish America exceeded twenty million. Lemkin adds that this number does not include those who died from overwork, the slaves killed in the mines, or the Indians killed during active combat, nor the prisoners who were executed.

Cultural genocide could occur in many ways. Cultural centers were destroyed. Religion was important. Lemkin refers to the "subtle kind of cultural genocide" committed by the Spanish missions that abounded in Mexico, California, Louisiana, and elsewhere. He notes that "while most of the Indians may not have been converted by actual force, it may well be assumed that they had little idea of either Christianity or the life and burdens in store for them after baptism." Once they yielded to the admonitions of the fathers, their fate was sealed; they could no longer escape from the reach of the church, or the mission. The missionaries, for example in a church in San Francisco, gave mass in Latin and Spanish, and made no effort to learn the native tongue. Corporal punishment was inflicted on Indians of both sexes who failed in their religious duties; if an Indian escaped from the mission village, he was brought back by soldiers and lashed.



Continuing to apply his method, Lemkin evokes and gives examples of other categories of genocide—from economic to political. There was looting and pillaging of Indian wealth. There was destruction of Indian leadership in the murder of one chief or king after another. Under the heading of "Responsibility," he argues that with few exceptions the colonists of New Spain were guilty of genocide: "the colonists were guilty on all counts." The colonists and their supporters at court in Spain firmly resolved to frustrate all efforts at stopping the genocide, including not enforcing the royal orders against slavery and other abuses, and keeping vital information from the king; wherever they could, the colonists and their metropolitan supporters tried to frustrate the efforts of Las Casas to gain a hearing in Spain.

Lemkin then discusses further genocidal aspects of Spanish colonization under headings like "Motivation," including a mordant account of the motives of Columbus, which included not only greed for gold and riches but also a desire, stated to Queen Isabella, to convert the masses of the Orient to Catholicism. He is highly critical of Columbus and the historical example he set for the future of colonization in the Americas:

> After his discovery of the West Indies and the first flush of excitement at finding such peaceful and friendly natives in a charming country, Columbus hardened to become a model to the later colonists. He may have been disappointed at not discovering the riches he had hoped for. At any rate he mismanaged his colony and tolerated all kinds of genocidal crimes. To atone for the growing stories of poor discoveries and of his mismanagement, he sent Indian slaves to Spain. Natives to him constituted the principal wealth of the island and he wanted to impress the crown with them and derive a profit in turn. Thus he set the infamous example for what was to become the shame and scandal of Spanish conquest in the New World . . .

Lemkin suggests an aspect of colonization and imperial domination of others (upon which Hannah Arendt also reflected): "the impact of sudden wealth and power" leads to the demoralization or degeneration of the moral standards of the Europeans—the colonizers, the conquerors, the genocidists.[20]

Nevertheless, Lemkin does not present the motivations and ethical thinking of the genocidist group as uniform, and here his discussions are indeed subtle and far-reaching for the general history of European colonizing, with implications for the ethical conduct and capacities of humanity itself. In particular, he distinguishes between metropolitan society and colonial settlers. In terms of relationships between the European metropole

and colonies across the seas, Lemkin observes under the heading "Opposition from Within" that the Spanish government never authorized slavery in New Spain. In 1500, Queen Isabella ordered governor Bobadilla to respect the liberty and safety of the Indians, but Bobadilla, who had many Indian slaves, paid no attention to the royal order. In the face of such persistent violation of the crown's orders, Queen Isabella instituted a new system called *encomienda*, which was to take the place of the notorious slave system and serve for the protection as well as the voluntary and peaceful conversion of the Indians to Christianity. However, the colonists quickly took advantage of the new situation, using *encomienda* as a cloak for renewed slavery, now rendered more odious by the hypocrisy involved. Lemkin generalizes sociologically that genocide is "largely a function of interest," and that particular groups, while enforcing genocide against one group or a number of groups, will declare themselves opponents of genocide against another group or other groups. Queen Isabella, he reflects, while she became a patron of the Indians and sought to protect their liberty and welfare against colonial abuses, had herself "just committed outrageous genocide against the Moors of Spain, both physical and cultural."

Lemkin argues that the relationship between oppressor and victim in history is always unstable. He points to the "strange transformation of genocidal victim into genocidists," as with the Protestant Germans, who had left Europe because of cultural genocide directed against them, but had then perpetrated physical genocide in Venezuela for profit. Once persecuted as heretics, the Germans who now colonized Venezuela in the sixteenth century "were no less cruel than the Spanish." Nonetheless, Lemkin warns against perceiving either genocide or opposition to genocide as "motivated purely by selfish considerations, or group loyalties," for there is often the surprising appearance of individuals whose opposition goes beyond personal or group interest or who ignore such interests entirely: "Thus Las Casas went much beyond the ordinary ecclesiastic opposition to genocide in the Indies; he preached a doctrine of humanitarianism which was actually beyond the values of his own time." Perhaps, I thought as I read this salute to Las Casas, we can say the same of Lemkin himself in his passionate intellectual and legal opposition to genocide in history.

Lemkin then considers the Spanish colonization of the Americas in terms of his other categories: Rationalization and Misrepresentation (the Indians possessed, says Lemkin, a "high degree of culture" in such places as Yucatan, Mexico, and Peru, but the early Spanish conquerors spread stories among the people of Spain that the Indians were subhuman and cannibalistic; Las Casas's reputation was "constantly sullied by those who wished to protect the cause of genocide"). He discusses Responses of Victims (submission, escape, family and mass suicide, resistance, dread of



Christianity). There is also an essay here on Yucatan in which again Lemkin's analysis carries out his wide-ranging method of genocide research, outlining through various categories the destruction and death of a whole way of life, of the foundations of a group's existence.

## Recurring Features

In Subseries I, Box 7, Folder 2, in a typescript essay defining the "Nature of Genocide," Lemkin observes that the "techniques of physical genocide have repeated themselves through history." Such recurring techniques include "mass mutilations" as an "essential element of the crime of genocide." Another recurring technique is evident in the Spanish treatment of the Moriscos: their deportation from Spain where they were loaded on ships in "unbearable sun," with thousands dying from sunstroke. He compares this technique of deportation under lethal sun to the deportation and forced march of 1,200,000 Armenians, with only ten per cent surviving. Another recurring technique in terms of biological genocide is an attack on the family, with the separation of men and women and the taking away of the opportunity of procreation; Lemkin here refers to situations that have variously involved Turks, Quakers, Greeks, Slavs, Albigenses, and Huguenots. Another recurring technique is the transfer of children: "The children can be taken away from a given group for the purpose of educating them within the framework of another human group, racial, religious, national or ethnical." In this regard, Lemkin cites many instances in history, the Huguenots, Albigenses, Turkey; Jewish children were transferred in Russia under the Tsars.[21] He also includes the genocide of political groups as a recurrent feature.

In Series III, Subseries I, Folder 7, Lemkin expands on the theme of the removal of children in history. He quotes from a lecture given by a Professor A.N. Tairintanes, Faculty of Law, Athens University, on the occasion of the inauguration of the Save the Children Campaign, Athens, 29 May 1949. In the reign of Sultan Selim and afterwards, Turkish abductors, their ears plugged so that the wailings of the bereaved mothers would not reach their hearts, entered Greek villages to take children. In the twentieth century, Communist guerrillas have taken away Greek children, some 28,000 of them in northern Greece, and removed them behind the iron curtain.

Death through illness, hunger, and disease may be recurring features, and the colonizers cannot be considered blameless, as if they are mere bystanders. Lemkin in Folder 10 of Series III, Subseries I raises the issue of genocide and disease. Referring to Collier's *Indians of the Americas*, Lemkin argues that the bringing of Indians into settlements was censurable as

genocide inasmuch as this social dislocation, the removal of the Indians from their own lands, exposed them to epidemic diseases due to overcrowding.

Lemkin points to the difficulty of establishing intention. In Folder 10 there is a copy of a handwritten letter, originally in the British Museum, from Geo. Croghan, Fort Pitt, April 1763 to His Excellency Sir Jeffery Amherst. Along with the quoting from this notorious letter urging the spreading of smallpox among "this Execrable Race," there is a note by Lemkin: "Information to be checked at the British Museum." He requests a researcher to find out if the plan had ever been carried out and if there were any other plans by the British at the time for mass extermination. Lemkin suggests here that even if a genocidal intention can be established, research still has to confirm that it was carried out, reminding one of Claude Rawson's distinction in *God, Gulliver and Genocide* (2001) between a *velleity* that does not wish to be acted on and a *desire* that does seek historical realization.[22]

## North America

Reading over the Research Index Cards in Subseries 3, Box 9, Folders 1–21, dated 1948/49, we can see Lemkin focusing on aspects of genocide perpetrated by the English, French, and postindependence Americans that constitute a comprehensive historical process over a number of centuries, including deep into the nineteenth century: dispossessing indigenous peoples of their land (with or without permission of central authorities), kidnapping, enslavement, removal, and deportation often involving forced marches, taking of children, disease through overcrowding on reservations with inadequate food and medicine, self-destruction brought on by introduction and sale of liquor, curtailing and deprivation of legal rights, cultural genocide (as in re-education of children in boarding schools, cutting off of braids, forbidding of native languages, prohibitions on Indian culture and banning of religious ceremonies, forcing children to become Christians), and mass death.

On a card entitled "North American Indians—Enslavement," Lemkin links slavery with cultural genocide: "Slavery may be called cultural genocide par excellence. It is the most effective and thorough method of destroying a culture, and of de-socializing human beings" (Card 11). Lemkin here refers to slavery in New England with captives taken in the Pequot War, in Massachusetts, New Plymouth, and Connecticut; also slavery in the mid-seventeenth century of Indians in Virginia, North Carolina, and Maryland.

In Box 9, Folder 12 of Series III, Subseries 3, Lemkin makes an interesting distinction between "cultural change" and "cultural genocide." The



Indians were forced to accept, after the loss of their hunting grounds, "the economic and social system of the white man," and such may be referred to as "cultural change" of a "radical and perhaps inhumane type (considering the misery of the generations undergoing the change)." Such severe cultural change only "becomes cultural genocide (and physical genocide)" when no adequate measures were taken to facilitate the charge from nomadic to agricultural life, with the Indians through cession and warfare being left "landless and foodless."

Even when (Lemkin notes in the same place) Indian peoples were already "agriculturalized," as with the five Southern tribes, there was "forcible removal to western territory under deplorable conditions," which was both "cultural and physical genocide": "There was here no question of purchasing uncultivated land and of 'civilizing' the Indian. The only intent was the expulsion of the Indian to make room for whites." I consider the distinction between cultural change and cultural genocide below.

In Box 9, Folder 12 of Series III, Subseries 3, on a card entry entitled "Collier. Cultural Genocide Against Plains Indians," Lemkin refers to the use of "concentration camps" as part of the white attempts to defeat them, which also included starvation and systematic slaughtering of food sources like the buffalo. The deployment of the term "concentration camps" is interesting if we think of Hannah Arendt's contention that a distinguishing feature of twentieth-century totalitarianisms, of the Nazis and Stalin's Russia, is the presence not just of the detention but the *concentration* camp; in the concentration camp, Arendt argued passionately, an attack is made on the existential conditions necessary for human life: "a present in which to think, a space in which to act," an enforced denial of the spatial and temporal requirements of freedom.[23] For Arendt, the concentration camp represented an unprecedented attack on human freedom in modernity, an unprecedented *total dominion* over human life. For Lemkin, it would appear from such references to North American colonization, concentration camps and their constituent total dominion were a recurring feature of historical genocide, including the history of Western colonialism.[24]

Lemkin's cards present harrowing reading. Such is particularly so in Lemkin's evocation of the forced removal and deportations of Indians, who always mourned the loss of their homelands. Series 3, Subseries 3, Box 9, Folder 14 refers, for example, to the deportation of the Cherokee from Georgia. The Choctaw deportation of the early 1830s involved great suffering, including a deportation insisted on by the authorities in winter, with Lemkin commenting: "I do not understand why they were not made to leave in the spring or summer." Many deportees, poorly clad, died from exposure, demoralization, and cholera. Lemkin points out that the Choctaw were deeply soil-bound and unwilling to emigrate. In the Creek

removal, warrior prisoners were chained together in a ninety-mile march, the warriors followed by the old and infirm, in intense heat, with infectious diseases rampant; the sick were transported on overcrowded boats. There was destitution and misery. Lemkin observes that physical genocide was carried out on the remaining Creeks. While the Creek warriors were enlisted for service against the Seminole, their families remained east in "concentration camps": again the use of a term usually associated with the kind of twentieth-century phenomenon Lemkin himself studied at length.

## Cultural Change and Cultural Genocide

The New York Public Library contains material from Lemkin that seems to refer to his thinking about genocide in the middle or latter 1950s. In an essay "Introduction to the Study of Genocide," in Reel 3, Box 2, Folder 1, from which I have already quoted for my second epigraph and that appears to be a description of his project for a grant or for a publisher, Lemkin characteristically defines genocide in a wide-ranging way. It is an "organic concept of multiple influences and consequences," and has "always existed in history": "genocide followed humanity through history and . . . the last centuries have been particularly abundant in genocide cases." In a section entitled "Scope of Project," Lemkin again lists the "categories" that constitute his methodology for the still-unfinished book (including "Psychosociological reactions" of Victims, Perpetrators, and Outside World), and outlines his chapter plan, with chapter headings for a section entitled Modern Times where he instates "Tasmanians" and, in pencil, "Natives of Australia," as well as "Maoris of NZ."[25] There is an essay here of some one hundred typed pages on American Indians and genocide.

There are also extended and careful observations on the distinction between cultural change and cultural genocide. In Reel 3, Box 2, Folder 1, Lemkin writes that cultural genocide "must not be confused with the gradual changes a culture may undergo," occurring "by means of the continuous and slow adaptation of the culture to new situations," where a very common type of adaptation is to "outside influences" and the "assimilation of certain foreign culture traits." Lemkin refers to such adaptation as "the process of cultural diffusion," and then asks: "What then is the exact distinction between diffusion and genocide?" His answer is that genocide involves complete and violent change, "that is, the destruction of a culture . . . the premeditated goal of those committing cultural genocide." In the section Lemkin entitled "Scope of the Project," he refers to the "basic changes" that have occurred in societies "through the gradual disintegration of culture and through the cultural exhaustion of various societies."



Again, genocide is only involved when there are "surgical operations on cultures and deliberate assassination of civilizations."

In his "Introduction to the Study of Genocide," Lemkin refers to his aim of examining in the projected book the "etiology and the reasons motivating the crime of genocide" in different historical periods and in different cultures. He thinks cultural anthropology will play a part in explaining the ways genocide can be "explained as resulting from a cultural conflict," for example in the "encounter between migratory nomadic societies and sedentary ones."[26] Such an observation could be applied to the way migratory nomadic societies of the Spanish and British Empires, the white colonizers/migrants coming from afar, across the seas, from 1492 onwards, invaded the lands of "sedentary" indigenous groups in the Americas or Australia, sedentary within their particular territories and nations and civilizations even if as traditional peoples they moved about within those territories; their homes, for example in Australia or North America, may not have been individual houses, but their territories were nevertheless their sedentary world, involving profound attachment to and imbrication in a nurturing cosmos.[27]

Cosmos is a term Lemkin himself deploys. In Reel 3, Box 2, Folder 1, he writes that the philosophy of the Genocide Convention is based on the "formula of the human cosmos": "This cosmos consists of four basic groups: national, racial, religious and ethnic." Such groups are to be protected by the convention "not only by reasons of human compassion but also to prevent draining the spiritual resources of mankind."

## Conclusions

We can only mourn the fact that Lemkin's manuscript writings were not published as he hoped, for in them the inherent and constitutive relationship between genocide and settler-colonialism is argued strongly, given subtle, intricate methodological form, and brought descriptively to life.[28] In the ways he formulates his theory and presents his historical consciousness of crimes against humanity, Lemkin was concerned that humanity should establish a duty of care to all the world's peoples and cultures, as when he writes that the loss of the culture of any disintegrated or crippled group,[29] to employ his own metaphors, is a loss to world culture, to the human cosmos; or when in his autobiography he avers that from his time as a refugee fleeing Poland, he wished his life to proceed by "enlarging the concept of my world-awareness, or rather of the oneness of the world."[30] A notion of world culture necessitates a notion of world history: that is what Lemkin's unfinished and unpublished book somberly promised to the world.

Lemkin certainly does not posit a comforting narrative of progress for the Christian West. He writes in the preface to *Axis Rule* that the extremely inhuman treatment in occupied Europe of the Jews promoted the "anti-Christian idea" of the inequality of human beings and of German racial superiority.[31] Yet in the historical examples he mentions in both his published and unpublished work, there are appalling instances of Christian persecution of Jews, Moors, and those regarded as the wrong kind of Christian. Further, when discussing in his unpublished essay "Introduction to the Study of Genocide" (in New York Public Library, Lemkin papers, Reel 3, Box 2, Folder 1) how to explain why genocide might occur in history, he feels that in situations of "conflict of cultures," for example the encounter between "migratory nomadic societies and sedentary ones," such conflict was "particularly violent when the ideas of the absolute appeared in the course of the encounter of various religions." Here Lemkin seems to be suggesting that monotheism in history is particularly productive of violence including genocidal violence.

Lemkin is also clearly profoundly uneasy about Western law, in particular, that throughout the 1930s it did not include provision for crimes against the destruction of human groups. He always regretted that the 1933 Madrid conference did not enact his proposals in international law. Had his proposals been ratified by the countries represented there, the new laws could have inhibited the rise of Nazism by declaring attacks upon national, religious, and ethnic groups as international crimes and that the perpetrators of such crimes could be indicted whenever they appeared on the territory of one of the signatory countries.[32]

We ignore Lemkin's wide-ranging definition of genocide, inherently linked with colonialism, at our peril. In his autobiography, he wrote: "After a war is lost, a nation may rebuild its technical and financial resources, and may start a new life. But those who have been destroyed in genocide have been lost for ever. While the losses of war can be repaired, the losses of genocide are irreparable."[33] Lemkin's definition can stir us to the understanding and passion we need to oppose the genocidal destruction of groups and collectivities that will continue to occur in history as a permanent potential of what human groups do to other human groups.

## Notes

1. Raphaël Lemkin, "Genocide – A Modern Crime," *Free World – A Magazine devoted to the United Nations and Democracy* (April 1945), 39–43, accessed at http://www.preventgenocide.org/lemkin/freeworld1945.htm. This essay is a development of my paper "Are Settler-Colonies Inherently Genocidal? Some Thoughts on Lemkin," Genocide and Colonialism, ANU Humanities Research Centre conference held at The University of Sydney, 18–20 July 2003. A shorter version of the chapter was given as "Raphael Lemkin's History of Genocide and Colonialism," paper for United States Holocaust Memorial Museum, Center for Advanced Holocaust Studies, Washington, DC, 26 February 2004. For helpful discussion and interest I would like to thank Ann Curthoys, Ned Curthoys, Jim Fussell, Ben Kiernan, Wendy Lower, Dirk Moses, Aron Rodrigue, and Jürgen Zimmerer. See also Ann Curthoys and John Docker, "Defining Genocide," in *The Historiography of Genocide*, ed. Dan Stone (Houndmills, 2008).
2. Lemkin Papers, New York Public Library, Reel 3, Box 2, Folder 1.
3. Raphael Lemkin, "Totally Unofficial Man," in *Pioneers of Genocide Studies*, ed. Samuel Totten and Steven Leonard Jacobs (New Brunswick, NJ, 2002), 393. Cf. A. Dirk Moses, "Genocide and Settler Society in Australian History," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*, ed. A. Dirk Moses (New York, 2004), 22.
4. Lemkin, "Totally Unofficial Man." 373.
5. Lemkin's 1933 proposals can be accessed at http://www.preventgenocide.org/lemkin/madrid/1933-english.htm. See also Samantha Power, *"A Problem from Hell": America and the Age of Genocide* (New York, 2002), 21–23, and Moses, "Genocide and Settler Society," 21.
6. See also A. Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone (London, 2004), 537.
7. Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (Washington, DC, 1944), chap. 9, "Genocide," 79–95; Ann Curthoys and John Docker, "Introduction—Genocide: Definitions, Questions, Settler-Colonies," *Aboriginal History* 25 (2001): 5–11.
8. Lemkin, *Axis Rule*, 79.
9. Ibid., 82–83.
10. Lemkin, "Genocide—A Modern Crime."
11. Cf. David Furber, "Near as Far in the Colonies: The Nazi Occupation of Poland," *International History Review* 26, no. 3 (2004): 541–79. For the relationship between Nazism and colonialism more generally, see Jürgen Zimmerer, "Colonialism and the Holocaust: Towards an Archaeology of Genocide," in Moses, *Genocide and Settler Society*, 49–76. See also Wendy Lower, *Nazi Empire Building and the Holocaust* (Chapel Hill, NC, 2005).
12. See Power, *"Problem from Hell,"* chaps. 1–5.
13. Lemkin, "Totally Unofficial Man," 366–69, 387–92.
14. Ibid., 366, 370, 379–80, 387–88.
15. Lemkin, *Axis Rule*, 80, note three. Concerning the Roman destruction of Carthage, see Ben Kiernan, "Le premier génocide: Carthage, 146 A.C.," *Diogène*, no. 203 (2003): 32–48; apropos Magdeburg, see Mark Levene and Penny Roberts, eds., *The Massacre in History* (New York, 1999), 100, 235.
16. For an excellent discussion of intention, see Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, ed. Isidor Wallimann and Michael N. Dobkowski (New York, 1987), 237–43, 246–49, and Moses, "Genocide and Settler Society," 28–30. See also Tanya Elder, "What You See Before Your Eyes: Documenting Raphael Lemkin's Life by Exploring his Archival Papers, 1900–1959," *Journal of Genocide Research* 7, no. 4 (2005): 469–99.

17. Helen Fein, *Genocide: A Sociological Perspective* (London, 1993), 11, writes that in his unpublished work Lemkin's examples of genocide include: "Albigensians, American Indians, Assyrians in Iraq, Belgian Congo, Christians in Japan, French in Sicily (c. 1282), Hereros, Huguenots, Incas, Mongols, the Soviet Union/Ukraine, Tasmania." In a footnote, Fein thanks Rabbi Steven L. Jacobs for showing her an inventory of Lemkin's unpublished papers (1942–1959) held at the American Jewish Archives in Cincinnati, Ohio, and an inventory of the New York Public Library collection of Lemkin correspondence and writings; the citation of examples is "from the NYPL collection, box 2."
18. Cf. Ann Curthoys and John Docker, *Is History Fiction?* (Sydney, 2005), chap. 6, comparing Lemkin here with Leopold von Ranke's *History of Latin and Teutonic Nations* (1824) in relation to Charlemagne.
19. See John Collier, *Indians of the Americas: The Long Hope* (1947; New York, 1948). Collier's book covers American Indian "prehistory" and also history both south and north of the Rio Grande. My thanks to Jim Fussell for his present of a copy of Collier's book.
20. Cf. Hannah Arendt's comment that imperialism from 1884–1914 was a formative influence on the twentieth-century development of totalitarianism including National Socialism: *The Origins of Totalitarianism* (London, 1967), 123. Cf. Ned Curthoys, "The Politics of Holocaust Representation: The Worldly Typologies of Hannah Arendt," *Arena Journal*, no. 16 (2000/1): 49–74. See also Michael A. McDonnell and A. Dirk Moses, "Raphael Lemkin as Historian of Genocide in the Americas," *Journal of Genocide Research* 7, no. 4 (2005): 501–29.
21. Cf. Isabel Heinemann, "'Until the Last Drop of Good Blood': The Kidnapping of 'Racially Valuable' Children and Nazi Racial Policy in Occupied Eastern Europe," in Moses, *Genocide and Settler Society*, 244–66.
22. See Claude Rawson, *God, Gulliver, and Genocide: Barbarism and the European Imagination, 1492–1945* (Oxford, 2001), passim; see also the review by John Docker in *Journal of Genocide Research* 5, no. 1 (2003): 161–65.
23. Elizabeth Young-Bruehl, *Hannah Arendt: For Love of the World* (New Haven, CT, 1982), 204, 210–11, 253.
24. Zimmerer, "Colonialism and the Holocaust," 66, refers to notorious "concentration camps" maintained by the Germans in Southwest Africa to intern Herero and Nama men, women, and children; he points out in an endnote, 76, note 89, that the term 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, then the Germans in Southwest Africa.
25. Ann Curthoys has edited Lemkin's long essay on the Tasmanian genocide, on Reel 3 of the New York Public Library Lemkin collection, for publication in *Patterns of Prejudice* 39, no. 2 (2005) 170–196; see also Ann Curthoys, "Genocide in Tasmania: The History of an Idea," in this volume. Cf. David B. MacDonald, "Daring to Compare: the Debate about a Maori 'Holocaust' in New Zealand," *Journal of Genocide Research* 5, no. 3 (2003): 383–403.
26. Dan Stone has drawn on anthropology to explore aspects of the Holocaust. See his *History, Memory and Mass Atrocity: Essays on the Holocaust and Genocide* (London and Portland, OR, 2006).
27. See Ann Curthoys, "Whose Home? Expulsion, Exodus, and Exile in White Australian Historical Mythology," *Journal of Australian Studies*, no. 61 (1999): 1–18.
28. See also Curthoys and Docker, "Introduction—Genocide," 14.
29. For "disintegration" of group life, see Lemkin, "Genocide—A Modern Crime" (and another metaphor in this essay, when Lemkin refers to a "coordinated plan aimed at destruction of the essential foundations of the life of national groups so that these groups wither and die like plants that have suffered a blight"); see Lemkin, "Genocide as a Crime under International Law," *American Journal of International Law* 41, no. 1 (1947): 145–51, for the phrase "to cripple permanently a human group."
30. Lemkin, "Totally Unofficial Man," 377.
31. Lemkin, *Axis Rule*, xi.
32. Ibid., xiii, 92–93. See also Lemkin, "Genocide under International Law," 147: "On November 22, 1946, during the discussion of genocide in the United Nations General Assembly, Sir Hartley Shawcross, United Kingdom Attorney General and delegate declared that the failure of this proposal made it impossible to punish some of the serious Nazi crimes."
33. Lemkin, "Totally Unofficial Man," 366.

– *Chapter 4* –

# Structure and Event

## *Settler Colonialism, Time, and the Question of Genocide*

Patrick Wolfe

### A Logic of Elimination

Introducing his first collection in this series, Dirk Moses had favorable things to say about the term "logic of elimination," which I coined some years ago to express the essential characteristic of the settler-colonial project.[1] I offered this term, rather than "genocide," to mark both the specificity of settler colonialism and its positive dimensions, in particular the multifarious procedures whereby settler-colonial societies have sought to eliminate the problem of indigenous heteronomy through the biocultural assimilation of indigenous peoples. Whatever else one may wish to say about this approach, it does seem to beg the question of genocide. Thus Moses took it as one among a number of alternative approaches to the historical analysis of genocide.[2] Gratifying though it is, therefore, his endorsement is also a calling to account. Why add to our conceptual vocabulary? Does the logic of elimination express anything significant that is not already encompassed in genocide? Such questions are of much more than academic significance. Genocide is a crime under international law, the crime of crimes, with sanctions and penalties to match, so playing fast and loose with its definition could fatally diminish the redress available to its victims. By the same token, our attempts to understand genocide, like attempts to understand other global scourges, are valuable to the extent that they offer the possibility of prevention. Genocide must go the way of smallpox. That is why we study it.

Moses favored my approach because, to him at least, it suggested a way into the question of genocidal agency that avoids both the Scylla of reified social systems and the Charybdis of spontaneous individual voluntarism.



The logic of elimination is a primary motivation or agenda of settler colonialism that distinguishes it from other forms of colonialism, such as chattel slavery on the US model or franchise colonialism on the British-India model. Whereas the latter depend on native labor, settler colonialism is first and foremost a territorial project, whose priority is replacing natives on their land rather than extracting an economic surplus from mixing their labor with it. Within a given colonial society, different colonial relationships usually coexist. In the US, for instance, Indians were generally cleared from their land rather than being put to work on it, to be replaced by enslaved Black people who provided the labor to be mixed with the land. In Australia, something comparable could be said about the relationship between coerced convict labor and Aboriginal dispossession in the south, or about the role of indentured Pacific Islander labor in the northeast. Thus settler colonialism has both negative and positive dimensions. Negatively, it strives for the dissolution of native societies. Positively, it erects a new colonial society on the expropriated land base. As I put it, settler-colonizers come to stay—invasion is a structure not an event.[3] In its positive aspect, elimination is an organizing principle of settler-colonial society, rather than a one-off (and superseded) occurrence. In the wake of the crudely homicidal eliminationism of the frontier, settler societies characteristically devise a number of often coexistent strategies to eliminate the threat posed by the survival in their midst of irregularly dispossessed social groups who were constituted prior to and independently of the normative basis on which settler society is established.[4] These strategies include expulsion and other forms of geographical sequestration, as well as programs of incorporation that seek to efface the distinguishing criteria—biology, culture, mode of production, religion, etc.—whereby native difference is constructed in settler discourse. Positively, therefore, the outcomes of the logic of elimination can include officially encouraged miscegenation, the breaking down of native title into alienable individual freeholds, native citizenship, child abduction, religious conversion, and a whole range of cognate biocultural assimilations. All these strategies, including frontier homicide, are characteristic of settler colonialism. Some of them are more controversial in genocide studies than others.

These eliminatory strategies all reflect the centrality of land, which is not merely a component of settler society but its basic precondition. No amount of good intentions or improved racial theorizing can alter this fundamental fact if they are not accompanied by territorial (re-)cession. So long as it persists with its claim to colonial territory, therefore, the metropolitan power cannot distance itself from the ostensibly unauthorized activities of frontier land grabbers. The logic of elimination unites the diplomatic niceties of the law of nations and the maverick rapine of the squatters' posse

within a cohesive project that implicates individual and nation-state, official and unofficial alike. This, I think, is what Moses found appealing in the approach:

> In their clamor for government protection and the implementation of exterminatory policies, the Europeans on the frontier articulated the logic of the colonization process in its most pure form: driven by international market forces, they seized the land of Aboriginal groups without compensation or negotiation, and excluded them from their sources of food. A struggle for survival ensued in which, from the European perspective at the time, the Aborigines had to be subdued, and, if necessary, exterminated. For if the settlers did not get their way and were forced to abandon the land, the economic system would collapse and with it the colonization project itself. In these circumstances, the structure or objective implication of the process became consciously incarnated in its agents, and this is the moment when we can observe the development of the specific genocidal intention that satisfies the UN definition.[5]

This excerpt expresses something of the structural complexity of settler colonialism. Frontier individuals' "clamor for government protection" not only presupposed a commonality—based on incessantly refurbished discursive elements such as race, nation, civilization, etc.—between the private and official realms. In most cases (Queensland was a partial exception), it also presupposed a global chain of command linking remote colonial frontiers to London. Behind it all lay the driving engine of international market forces, which linked Australian wool to Yorkshire mills and, complementarily, to cotton produced under different colonial conditions in India, Egypt, and the slave states of the Deep South. As Cole Harris put it in relation to the dispossession of Indians in British Columbia, "combine capital's interest in uncluttered access to land and settlers' interest in land as livelihood, and the principal momentum of settler colonialism comes into focus."[6] The Industrial Revolution, misleadingly figuring in popular consciousness as an autochthonous metropolitan phenomenon, required colonial land and labor to produce its raw materials just as centrally as it required metropolitan factories and an industrial proletariat to process them, whereupon the colonies were further required as a market.

In its modern (which is to say, post-Columbian) form, the settler-colonial logic of elimination partakes of the structural complexity of the global system, reconciling individual motivations to the overarching imperatives of statecraft and capitalist expansion. Yet this is not the only sense in which I term it a structure rather than an event. As already suggested, in addition to its complexity as a social formation, settler-colonial discourse is continuous over time. In this regard, I find Moses's reading of my approach too limited to the frontier. There is irony in this, since he finds my "structuralist schema" too static and unable to account for historical change, in particular for "how and why the settler-colonial system radicalizes from assimilation to destruction."[7] I do not wish to defend my approach for the mere sake of it, but it seems to me that some important issues for the relationship of settler colonialism and genocide are involved. First, I detect an implicit teleology in the assumption that settler colonialism will radicalize from assimilation to destruction rather than, say, the other way around. Second, I regard assimilation as itself a form of destruction. Third, the confinement of eliminatory discourse to frontier homicide limits the equivalence between genocide and settler colonialism to the settler-colonial strategy in which that equivalence is most straightforwardly manifest. This inhibits—possibly even precludes—investigation of the relationship between genocide and other eliminatory strategies that are characteristically deployed in settler-colonial societies. With apologies for pushing my own barrow, therefore, I feel bound to insist that my account explicitly set out to situate the changing historical modalities of the logic of elimination in both Australia and the US. In Australia, this logic subtends the overlapping historical phases that I term confrontation, confinement, and assimilation, the latter phase extending into the present in the form of the deceptively emancipatory provisions of native title legislation. In the US, a strikingly similar set of strategies is somewhat complicated by the even-more deceptive construction of Indian sovereignty presupposed in measures such as allotment and tribal registration.[8] In short, the logic of elimination not only refers to the summary liquidation of indigenous people, though it includes that. It also refers to a structural feature of settler-colonial society that is historically continuous. It is in both foregoing senses—as a complex social formation and as a continuity through time—that settler colonization is a structure rather than an event, and it is on this basis that I shall consider its relationship to genocide.[9]



## The Tide of History

To start at the top, with the European sovereigns who laid claim to the territories of non-Christian (or, in later secularized versions, uncivilized) inhabitants of the rest of the world: justifications for this claim were derived from a disputatious arena of scholarly controversy that had been prompted by European conquests in the Americas and is misleadingly referred to, in the singular, as the doctrine of discovery.[10] Though a thoroughgoing diminution of native entitlement was axiomatic to discovery, the discourse was primarily addressed to relations between European sovereigns rather than to relations between Europeans and natives.[11] Competing theoretical formulas were designed to restrain the endless rounds of war-making

over claims to colonial territory that European sovereigns were so prone to indulge in. The rights accorded to natives tended to reflect the balance between European powers in any given theater of colonial settlement. In Australia, for instance, where British dominion was effectively unchallenged by other European powers, Aborigines were accorded no rights to their territory, informal variants on the theme of *terra nullius* (*pace* Henry Reynolds) being taken for granted in settler culture. In North America, by contrast, treaties between Indian and European nations were premised on a sovereignty that reflected Indians' capacity to permute local alliance networks from among the rival Spanish, British, French, Dutch, Swedish, and (in the west) Russian presences.[12]

Even where native sovereignty was recognized, however, ultimate dominion over the territory in question was held to inhere in the European sovereign in whose name it had been "discovered." Through all the diversity among the theorists of discovery, a constant theme is the clear distinction between dominion, which inhered in European sovereigns alone, and natives' right of occupancy, also expressed in terms of possession or usufruct, which entitled natives to pragmatic use (understood as hunting and gathering rather than agriculture)[13] of a territory that Europeans had discovered. The distinction between European dominion and native occupancy illuminates both the inclusive cohesion of the settler-colonial project and its groundedness in the elimination of native societies.

Through being the first European to visit and properly claim a given territory, a discoverer acquired the right, on behalf of his sovereign and vis à vis other Europeans who came after him, to buy land from the natives. This right, known as preemption, gave the discovering power (or, in the US case, its successors) a monopoly over land transactions with the natives, who were prevented from disposing of their land to any other European power. On the face of it, this would seem to pose little threat to people who did not wish to dispose of their land to anyone. Indeed, this semblance of native voluntarism has provided scope for some limited judicial magnanimity in regard to Indian sovereignty.[14] In practice, however, the corollary did not apply. Preemption sanctioned European priority but not indigenous freedom of choice. As Harvey Rosenthal observed of the concept's extension into the US constitutional environment, "the American right to buy always superseded the Indian right not to sell."[15] The mechanisms of this priority are crucial. Why should ostensibly sovereign nations, residing in territory solemnly guaranteed to them by treaties, decide that they are willing, after all, to surrender their ancestral homelands? More often than not (and nearly always up to the wars with the Plains Indians, which did not take place until after the Civil War), the agency that reduced Indian peoples to this abjection was not the US Cavalry or some other official instrument, but irregular, greed-crazed



invaders who had no intention of allowing the formalities of federal law to impede their access to the riches available in, under, and on Indian soil.[16] If the government notionally held itself aloof from such disreputable proceedings, however, it was never far away. Consider, for instance, the complicity between bayonet-wielding troops and the "lawless rabble" in this account of events immediately preceding the eastern Cherokee's catastrophic "Trail of Tears," one of many comparable 1830s removals whereby Indians from the southeast were displaced west of the Mississippi to make way for the development of the slave-plantation economy in the Deep South:

> Families at dinner were startled by the sudden gleam of bayonets in the doorway and rose up to be driven with blows and oaths along the weary miles of trail that led to the stockade [where they were held prior to the removal itself]. Men were seized in their fields or going along the road, women were taken from their wheels and children from their play. In many cases, on turning for one last look as they crossed the ridge, they saw their homes in flames, fired by the lawless rabble that followed on the heels of the soldiers to loot and pillage. So keen were these outlaws on the scent that in some instances they were driving off the cattle and other stock of the Indians almost before the soldiers had fairly started their owners in the other direction. Systematic hunts were made by the same men for Indian graves, to rob them of the silver pendants and other valuables deposited with the dead. A Georgia volunteer, afterward a colonel in the Confederate service, said: "I fought through the civil war and have seen men shot to pieces and slaughtered by thousands, but the Cherokee removal was the cruelest work I ever knew."[17]

On the basis of this passage alone, the structural complexity of settler colonialism could sustain libraries of elaboration. A global dimension to the frenzy for native land is reflected in the fact that, as economic immigrants, the rabble were generally drawn from the ranks of Europe's landless. The cattle and other stock were not only being driven off Cherokee land; they were being driven into private ownership. Once evacuated, the Red man's land would be mixed with Black labor to produce cotton, the white gold of the Deep South. To this end, the highest echelons of the formal state apparatus fused seamlessly with the disorderly pillaging of a nomadic horde who may or may not have been "lawless," but who were categorically White. Moreover, in their indiscriminate lust for any value that could be extracted from the Cherokee's homeland, these racialized grave-robbers are unlikely to have stopped at the pendants. The burgeoning science of craniology, which provided a distinctively post-eighteenth-century validation for their claim to a racial superiority that entitled them to other people's lands, made Cherokee skulls too marketable a commodity to be overlooked.[18] In its endless multidimensionality, there was nothing singular about this one sorry removal, which all of modernity attended.

Rather than something separate from or running counter to the colonial state, the murderous activities of the frontier rabble constitute its principal means of expansion. These have occurred "behind the screen of the frontier, in the wake of which, once the dust has settled, the irregular acts that took place have been regularized and the boundaries of White settlement extended. Characteristically, officials express regret at the lawlessness of this process while resigning themselves to its inevitability."[19] In this light, we are in a position to understand the pragmatics of the doctrine of discovery more clearly. Understood as an assertion of indigenous entitlement, the distinction between dominion and occupancy dissolves into incoherence. Understood processually, however, as a stage in the formation of the settler-colonial state (specifically, the stage linking the theory and the realization of territorial acquisition), the distinction is only too consistent. As observed, preemption provided that natives could transfer their right of occupancy to the discovering sovereign and to no one else. They could not transfer dominion because it was not theirs to transfer; that inhered in the European sovereign and had done so from the moment of discovery. Dominion without conquest constitutes the theoretical (or "inchoate") stage of territorial sovereignty.[20] In US Chief Justice John Marshall's words, it remained to be "consummated by possession."[21] This delicately phrased "consummation" is precisely what the rabble were achieving at New Echota in 1838. In other words, the right of occupancy was not an assertion of native rights. Rather, it was a pragmatic acknowledgment of the lethal interlude that would intervene between the conceit of discovery, when pompous navigators proclaimed European dominion over whole continents to trees or deserted beaches, and the practical realization of that conceit in the final securing of European settlement, formally consummated in the extinguishment of native title. Thus it is not surprising that native title had hardly been asserted in Australian law than Mr. Justice Olney was echoing Marshall's formula, Olney's twenty-first-century version of consummation being the "tide of history" that provided the pretext for his notorious judgment in the Yorta Yorta case.[22] As observed, the logic of elimination continues into the present.

In sum, then, settler colonialism is an inclusive, land-centered project that coordinates a comprehensive range of agencies, from the metropolitan center to the frontier encampment, with a view to eliminating indigenous societies. Thus its operations are not dependent on the presence or absence of formal state institutions or functionaries. Accordingly—to begin to move toward the issue of genocide—the occasions on or the extent to which settler colonialism conduces to genocide are not a matter of the presence or absence of the formal apparatus of the state. A failure to recognize this can lead to unfortunate conclusions. For instance, Paul Bartrop has compared the 1843 Warrigal Creek massacre of Kurnai (Gunnai) people in what is now



eastern Victoria, Australia, to the better-known 1864 massacre of Cheyenne people in Sand Creek, Colorado, concluding that the Sand Creek massacre amounted to genocide while the Warrigal Creek one did not.[23] This is an extremely grave conclusion to inscribe, since it amounts to an assertion that, while descendants of the massacred Cheyenne should be entitled to genocide redress, descendants of the massacred Kurnai may not be. Thus it is disturbing to find that Bartrop bases his conclusion on the inadequate (and anyway misleading) ground that the formal apparatus of the state was involved in the Sand Creek massacre but not in the Kurnai one. There is no question as to the involvement of the state in the Sand Creek massacre, which was carried out by the Third Colorado Volunteers under the command of Colonel John Chivington, who had received orders from state governor John Evans. When it comes to Warrigal Creek, however, Bartrop relies on the fact that, at the time the massacre was committed, the Crown Lands Commissioner had yet to arrive in the area in person, so law and order (i.e., the White man's) "existed solely in name."[24] In consequence, though a genocidal intent to destroy the Kurnai was unquestionably present "if measured by the settlers' murderous standards,"

> their standards cannot be applied, owing to the existence of a higher authority in the land that proscribed their actions and worked (sometimes resolutely, sometimes not) to nullify their behavior. It is that authority, the colonial government, that must be assessed when bringing the charge of genocide, because it was the ultimate legal arbiter of right and wrong throughout the land. And there is no evidence that demonstrates the government sought the destruction of the [Kurnai].[25]

Thus the government was not present, but its law applied "throughout the land." How could this law apply at all under the circumstances that Bartrop depicts, even if "solely in name"? The reason is, of course, that, three-quarters of a century earlier, Captain James Cook had asserted British dominion over the land of the Kurnai. Bartrop wants this aspect of the state to be present throughout the land but, at the same time, he wants to avoid the implications of that dominion being consummated by the tide of history that his murderous settlers represented. In the event, the colonial state retrospectively endorsed the settlers' activities by way of extant fee-simple titles to Kurnai land whose provenance Bartrop does not consider.

## Race, Colonialisms, and Difference

Attempts, such as Bartrop's, to lose responsibility for indigenous deaths in an extra-state vacuum that nonetheless ends up being formally incorporated

into the state would seem to be the prompt for Alison Palmer's distinction between "society-led" and "state-led" genocides.[26] So far as settler colonialism is concerned, this understandable distinction is not necessary. Moreover, while it is clearly the case, as Zygmunt Bauman has argued, that the pace, scale, and intensity of certain forms of modern genocide require the centralized technological, logistical, and administrative capacities of the modern state,[27] this does not mean that settler-colonial discourse should be regarded as pre- (or less than) modern. Rather, as a range of thinkers—including, in this particular connection, W.E.B. Du Bois, Hannah Arendt, and Aimé Césaire—have argued, some of the core features of modernity were pioneered in the colonies.[28]

It is a commonplace that the Holocaust gathered together the instrumental, technological, and bureaucratic constituents of Western modernity. Accordingly, despite the historiographical energy that has already been devoted to the Holocaust, the genealogical field available to its historian remains apparently inexhaustible. Thus we have recently been informed that its historical ingredients included the guillotine and, for the industry-scale processing of bodies, the techniques of Chicago cattle-yards.[29] Yet the image of the dispassionate genocidal technocrat that the Holocaust certainly spawned is by no means the whole story. Rather, as Dieter Pohl, Jürgen Zimmerer, and others have pointed out, a substantial number of the Nazis' victims, including Jewish and "Gypsy" (Sinti and Rom) ones, were murdered not in camps but in deranged shooting sprees that were more reminiscent of sixteenth-century Spanish behavior in the Americas than of Fordism, while millions of Slav civilians and Soviet soldiers were simply starved to death in circumstances that could well have struck a chord with late-eighteenth-century Bengalis or mid-nineteenth-century Irish people.[30] This is not to suggest a partition of the Holocaust into, say, modern and atavistic elements. It is to stress the modernity of colonialism.

I have already pointed to colonialism's centrality to the global industrial order. This means that the expropriated Aboriginal, enslaved African American, or indentured Asian is as thoroughly modern as the factory worker, bureaucrat, or flaneur of the metropolitan center. The fact that the slave may be in chains does not make him or her medieval. By the same token, the fact that the genocidal Hutus of Rwanda often employed agricultural implements to murder their Tutsi neighbors en masse does not license the racist assumption that, because neither Europeans nor the latest technology were involved, this was a primordial (read "savage") blood-letting. Rwanda and Burundi are colonial creations—not only so far as the obvious factor of their geographical borders is concerned, but, more intimately, in the very racial boundaries that marked and reproduced the Hutu/Tutsi division. As Robert Melson has observed in his



sharp secondary synopsis of it, "the Rwandan genocide was the product of a postcolonial state, a racialist ideology, a revolution claiming democratic legitimation, and war—all manifestations of the modern world."[31] The mutual Hutu/Tutsi racialization on which this "post" colonial ideology was based was itself an artifice of colonialism. In classic Foucauldian style, the German and, above all, Belgian overlords who succeeded each other in modern Rwanda had imposed a racial grid on the complex native social order, co-opting the pastoral Tutsi aristocracy as a comprador elite who facilitated their exploitation of the agriculturalist Hutu and lower-order Tutsis. This racial difference was elaborated "by Belgian administrators and anthropologists who argued—in what came to be known as the 'Hamitic Hypothesis'—that the Tutsi were conquerors who had originated in Ethiopia (closer to Europe!) and that the Hutu were a conquered inferior tribe of local provenance."[32] Shades of the Franks and the Gauls. In their inculcation with racial discourse, Rwandans were integrally modern. Even the hoes with which some Hutus murdered their Tutsi compatriots symbolized the agriculture that not only encapsulated their difference from their victims. As such, these hoes were also the instruments of the Hutus' involvement in the global market.

The issue of race is a constant companion of both genocide and modernity as a whole. European xenophobic traditions such as antisemitism, islamophobia, or negrophobia are considerably older than race, which, as many have shown, became discursively consolidated fairly late in the eighteenth century.[33] But the mere fact that race is a social construct does not of itself tell us very much. As I have argued, different racial regimes encode and reproduce the varied relationships of inequality into which Europeans coerced the populations concerned. For instance, Indians and Black people in the US have been racialized in opposing ways that reflect their antithetical roles in the development of US society. Black people's enslavement produced an inclusive taxonomy that automatically enslaved the offspring of a slave and anyone else. In the wake of slavery, this taxonomy became fully racialized in the "one-drop rule," whereby any amount of African ancestry, no matter how remote, and regardless of phenotypical appearance, makes a person Black. For Indians, in stark contrast, non-Indian ancestry compromised their indigeneity, producing "half-breeds," a regime that persists in the form of blood-quantum regulations. As opposed to enslaved people, whose reproduction augmented their owners' wealth, indigenous people obstructed settlers' access to land, so their increase was counterproductive. In this way, the restrictive racial classification of Indians straightforwardly furthered the logic of elimination. Thus we cannot simply say that elimination, genocide, or any other racially framed practice is targeted at a given race, since a race cannot be taken as given. It is made in the targeting.[34]

Black people were racialized as slaves; slavery constituted their blackness. Correspondingly, the original owners of the land were removed, killed, romanticized, assimilated, fenced in, bred White, and otherwise eliminated *as Indians*. Roger Smith has missed this point in seeking to distinguish between victims murdered for where they are and victims murdered for who they are.[35] So far as indigenous people are concerned, where they are *is* who they are, and not by their reckoning alone. As Deborah Bird Rose has pointed out, to get in the way of settler colonization, all the native has to do is stay at home.[36]

## Good, Dead, and Other Indians

The question remains, though: to get in the way of what? We have yet to come to grips with the insatiable dynamic whereby settler colonialism always needs more land. The answer that springs most readily to mind is agriculture, though it is not necessarily the only one. The whole range of primary sectors can motivate the project. In addition to agriculture, therefore, we should think in terms of forestry, fishing, pastoralism, and mining (the last straw for the Cherokee was the discovery of gold on their land.) With the exception of agriculture, however (and, for some peoples, pastoralism,), none of these is sufficient in itself. You cannot eat lumber or gold; fishing for the world market requires canneries. Moreover, sooner or later, miners move on, while forests and fish become exhausted or need to be farmed. Accordingly, while the fact that agriculture springs most readily to mind no doubt reflects its sovereign place in the Western imaginary (where it goes on echoing the Neolithic revolution, endlessly re-enacted by Ceres and Apollo, Cain and Abel, etc.), agriculture is central to settler colonialism in an objective sense. It not only supports the other sectors. It is inherently sedentary and, therefore, permanent. In contrast to extractive industries, which rely on what happens to be there, agriculture is a rational means/end calculus that is geared to vouchsafing its own reproduction, generating capital that projects into a future where it repeats itself (hence the farmer's dread of being reduced to eating seed stock). Moreover, as John Locke never tired of pointing out, agriculture supports a larger population than nonsedentary modes of production.[37] In settler-colonial terms, this means that an agricultural population can be expanded by continuing immigration at the expense of native lands and livelihoods. The inequities, contradictions, and pogroms of metropolitan society ensure a recurrent supply of fresh immigrants—especially, as noted, from among the landless. In this way, individual motivations dovetail with the global market's imperative for expansion. Through its ceaseless expansion, agriculture (including, for this purpose, commercial pastoralism) progressively eats into indigenous territory, a primitive accumulation that turns native flora and fauna into a dwindling resource and curtails the reproduction of indigenous modes of production. In the event, indigenous people are either rendered dependent on the introduced economy or reduced to the stock raids that provide the classic pretext for colonial death squads (Moses's "genocidal moments").



None of this means that indigenous people are by definition nonagricultural. Whether or not they actually do practice agriculture, however (as in the case of the Indians who taught Whites to grow corn and tobacco,), natives are typically represented as unsettled, nomadic, rootless, etc., in settler-colonial discourse. In addition to its objective economic centrality to the project, agriculture, with its life-sustaining connectedness to land, is a potent symbol of settler-colonial identity. Accordingly, settler-colonial discourse is resolutely impervious to glaring aporias such as sedentary natives or the fact that the settlers themselves have come from somewhere else. Thus it is significant that the feminized, finance-oriented (or, for that matter, wandering) Jew of European antisemitic mythology should assert an aggressively masculine agricultural self-identification in Palestine.[38] The reproach of nomadism renders the native removable. Moreover, if the natives are not already nomadic, then the reproach can be turned into a self-fulfilling prophecy through the burning of corn or the uprooting of olive trees.

But if the natives are already agriculturalists, then why not simply incorporate their productivity into the colonial economy? At this point, we begin to get closer to the question of just who it is (or, more to the point, who they are) that settler colonialism strives to eliminate—and, accordingly, closer to an understanding of the relationship between settler colonialism and genocide. To stay with the Cherokee removal: when it came to it, the factor that most antagonized the Georgia state government (with the at least tacit support of Andrew Jackson's federal administration) was not actually the recalcitrant savagery of which Indians were routinely accused, but the Cherokee's unmistakable aptitude for civilization. Indeed, they and their Creek, Choctaw, Chickasaw, and Seminole neighbors, who were also targeted for removal, figured revealingly as the "Five Civilized Tribes" in Euro-American parlance. In the Cherokee's case, two dimensions of their civility were particularly salient: they had become successful agriculturalists on the White model, with a number of them owning substantial holdings of Black slaves, and they had introduced a written national constitution that bore more than a passing resemblance to the US one.[39] Why should genteel Georgians wish to rid themselves of such cultivated neighbors? The reason why the Cherokee's constitution and their agricultural prowess stood out as such singular provocations to the officials and legislators of the state of

Georgia—and this is attested over and over again in their public statements and correspondence—is that the Cherokee's farms, plantations, slaves, and written constitution all signified *permanence*.[40] The first thing the rabble did, let us remember, was burn their houses.

Brutal and murderous though the removals of the Five Nations generally were, they did not affect each member equally. This was not simply a matter of wealth or status. Principal Cherokee chief John Ross, for example, lost not only his plantation after setting off on the Trail of Tears. On that trail, one deathly cold Little Rock, Arkansas, day in February 1839, he also lost his wife, Qatie, who died after giving her blanket to a freezing child.[41] Ross's fortunes differed sharply from those of the principal Choctaw chief Greenwood LeFlore, who, unlike Ross, signed a removal treaty on behalf of his people, only to stay behind himself, accept US citizenship, and go on to a distinguished career in Mississippi politics.[42] But it was not just his chiefly rank that enabled LeFlore to stay behind. Indeed, he was by no means the only one to do so. As Ronald Satz has commented, Andrew Jackson was taken by surprise when "thousands of Choctaws decided to take advantage of the allotment provisions [in the treaty LeFlore had signed] and become homesteaders and American citizens in Mississippi."[43] In addition to being principal chiefs, Ross and LeFlore both had White fathers and light skin. Both were wealthy, educated and well connected in Euro-American society. Many of the thousands of compatriots who stayed behind with LeFlore lacked any of these qualifications. There was nothing special about the Choctaw to make them particularly congenial to White society—most of them got removed like Ross and the Cherokee. The reason that the remaining Choctaw were acceptable had nothing to do with their being Choctaw. On the contrary, it had to do with their *not* (or, at least, no longer) being Choctaw. They had become "homesteaders and American citizens." In a word, they had become individuals.

What distinguished Ross and the removing Choctaw from those who stayed behind was collectivity. Tribal land was tribally owned—tribes and private property did not mix. Indians were the original communist menace. As homesteaders, by contrast, the Choctaw who stayed became individual proprietors, each to his own, of separately allotted fragments of what had previously been the tribal estate, theirs to sell to White people if they chose to. Without the tribe, though, for all practical purposes they were no longer Indians (this is the citizenship part.) Here, in essence, is assimilation's Faustian bargain: have our settler world, but lose your indigenous soul. Beyond any doubt, this is a kind of death. Assimilationists recognized this very clearly. On the face of it, one might not expect there to be much in common between Captain Richard Pratt, founder of the Carlisle boarding school for Indian youth and leading light of the philanthropic "Friends of the Indian" group, and General Phil Sheridan, scourge of the Plains and author of the deathless maxim, "The only good Indian is a dead Indian." Given the training in individualism that Pratt provided at his school, however, the tribe could disappear while its members stayed behind, a metaphysical variant on the Choctaw scenario. This would offer a solution to reformers' disquiet over the national discredit attaching to the Vanishing Indian. In a paper for the 1892 Charities and Correction Conference held in Denver, Pratt explicitly endorsed Sheridan's maxim, "but only in this: that all the Indian there is in the race should be dead. Kill the Indian in him and save the man."[44]



## Group Death

But just what kind of death is it that is involved in assimilation? It will not do to slip in a metaphor to usurp the reality of genocide. As we know, the etymology of "genocide" combines the senses of killing and of grouphood. Both are indispensable, and there is no priority between them. As we also know, the term "homicide" combines the senses of killing and of individuality. So far as I know, when it comes to killing an individual, there is no alternative to terminating their somatic career.[45] Yet, when Orestes was arraigned before the Furies for the murder of his mother Clytemnestra, whom he had killed to avenge her murder of his father Agamemnon, he was acquitted on the ground that, in a patrilineal society, he belonged to his father rather than to his mother, so the charge of matricide could not stand. Now, without taking this legend too seriously, it nonetheless illustrates (as legends are presumably meant to) an important point. Orestes' beating the charge did not mean that he had not actually killed Clytemnestra. It meant that he had been brought before the wrong court (the Furies dealt with intrafamily matters that could not be resolved by the mechanism of feud). Thus Orestes may not have been guilty of matricide, but that did not mean he was innocent. It meant that he might be guilty of some other form of illegal killing—one that could be dealt with by the blood feud or other appropriate sanction (where his plea of obligatory revenge may or may not have succeeded.) In other words, as in those languages where a verb is inflected by its object, the nature of a justiciable killing depends on its victim. There are seemingly absolute differences between, say, suicide, insecticide, and infanticide. For judicial purposes, genocide refers to the intentional destruction, in whole or in part, of a group. "Group" is more than a purely numerical designation. *Genos* refers to a denominate group with a membership that persists through time (Raphael Lemkin translated it as "tribe"). It is not simply a random collectivity, such as, say, the passengers

on a bus. Accordingly, with respect to Robert Gellately and Ben Kiernan (concerning both the title of their excellent book and their reference, in this context, to 9/11), the strike on the World Trade Center is an example of mass murder, but not, in my view, of genocide. Certainly, the bulk of the victims were US citizens. On the scale of the whole, however, not only was it an infinitesimal part of the group "Americans" (which, strictly, is not a consideration), but it was a one-off event.[46] This does not mean that the perpetrators of 9/11 are not guilty. It means that a genocide tribunal is the wrong court to bring them before. Mass murders are not the same thing as genocide, though the one action can be both. Thus genocide has been achieved by means of summary mass murder (to cite examples already used) in the frontier massacring of indigenous peoples, in the Holocaust, and in Rwanda. But there can be summary mass murder without genocide, as in the case of 9/11, and there can be genocide without summary mass murder, as in the case of the continuing postfrontier destruction, in whole and in part, of indigenous *genoi*. Lemkin knew what he was doing when he used the word "tribe."[47] Richard Pratt and Phillip Sheridan were both practitioners of genocide. The question of degree is not the definitional issue.

Vital though it is, definitional discussion can seem insensitively abstract. In the preceding paragraph, part of what I have had in mind has, obviously, been the term (which Lemkin favored) "cultural genocide." My reason for not favoring the term is that it confuses definition with degree. Moreover, though this objection holds in its own right (or so I think), the practical hazards that can ensue once an abstract concept like "cultural genocide" falls into the wrong hands are legion. In particular, in an elementary category error, "either/or" can be substituted for "both/and," from which genocide emerges as either biological (read "the real thing") or cultural—and thus, it follows, not real. In practice, it should go without saying that the imposition on a people of the procedures and techniques that are generally glossed as "cultural genocide" is certainly going to have a direct impact on that people's capacity to stay alive (even apart from their qualitative immiseration while they do so). At the height of the Dawes-era assimilation program, for instance, in the decade after Richard Pratt penned his Denver paper, Indian numbers hit the lowest level they would ever register.[48] Even in contemporary, post–native-title Australia, Aboriginal life expectancy clings to a level some twenty-five percent below that enjoyed by mainstream society, with infant mortality rates that are even worse.[49] What species of sophistry does it take to separate a quarter "part" of the life of a group from the history of their elimination?

Clearly, we are not talking about an isolated event here. Thus we can shift from settler colonialism's structural complexity to its positivity as a structuring principle of settler-colonial society across time.



## Bioculture

The Cherokee Trail of Tears, which took place over the winter of 1838–39, presupposed the Louisiana Purchase of 1803, when Thomas Jefferson had bought approximately one-third of the present-day continental United States at a knockdown price from Napoleon.[50] The greatest real estate deal in history provided the territory west of the Mississippi that successive US governments would exchange for the homelands of the eastern tribes, whom they were bent on removing. For various reasons, these removals, which turned eastern tribes into proxy invaders of Indian territory across the Mississippi, were a crude and unsatisfactory form of elimination. In particular, they were temporary, it being only a matter of time before the frontier rabble caught up with them.[51] When that happened, as Annie Abel resignedly observed in concluding her classic account of the removals, "titles given in the West proved less substantial than those in the East, for they had no foundation in antiquity."[52] Repeat removals, excisions from reservations, grants of the same land to different tribes, all conducted against a background of endless pressure for new or revised treaties, were the symptoms of removal's temporariness, which kept time with the westward march of the nation. In the end, though, the western frontier met the one moving back in from the Pacific, and there was simply no space left for removal. The frontier had become coterminal with reservation boundaries. At this point, when the crude technique of removal declined in favor of a range of strategies for assimilating Indian people now that they had been contained within Euro-American society, we can more clearly see the logic of elimination's positivity as a continuing feature of Euro-American settler society.

With the demise of the frontier, elimination turned inwards, seeking to penetrate through the tribal surface to the individual Indian below, who was to be co-opted out of the tribe, which would be depleted accordingly, and into White society. The Greenwood LeFlore situation was to be generalized to all Indians. The first major expression of this shift was the discontinuation of treaty making, which came about in 1871.[53] Over the following three decades, an avalanche of assimilationist legislation, accompanied by draconian Supreme Court judgments that notionally dismantled tribal sovereignty and provided for the abrogation of existing treaties,[54] relentlessly sought the breakdown of the tribe and the absorption into White society of individual Indians and their tribal land, only separately. John Wunder has termed this policy framework "the New Colonialism," a discursive formation based on reservations and boarding schools that "attacked every aspect of Native American life—religion, speech, political freedoms, economic liberty, and cultural diversity."[55] The centerpiece

of this campaign was the allotment program, first generalized as Indian policy in the Dawes Severalty Act of 1887 and subsequently intensified and extended, whereby tribal land was to be broken down into individual allotments whose proprietors could eventually sell them to White people.[56] Ostensibly, this program provided for a cultural transformation whereby the magic of private property ownership would propel Indians from the collective inertia of tribal membership into the progressive individualism of the American dream. In practice, not only did Indian numbers rapidly hit the lowest level they would ever record, but this cultural procedure turned out to yield a faster method of land transference than the US Cavalry had previously provided. In the half century from 1881, the total acreage held by Indians in the United States fell by two-thirds, from just over 155 million acres to just over 52 million.[57] Needless to say, the coincidence between the demographic statistics and the landownership ones was no coincidence. Throughout this process, reformers' justifications for it (saving the Indian from the tribe, giving him the same opportunities as the White man, etc.) repeatedly included the express intention to destroy the tribe in whole.[58] With their land base thus attenuated, US citizenship was extended to all Indians in 1924. In 1934, under the New Deal Indian Reorganization Act, allotment was abandoned in favor of a policy of admitting the tribe itself into the US polity, only on the condition that its constitution be rewritten into structural harmony with its US civic environment. A distinctive feature of the model constitutions that the Secretary of the Interior approved for tribes that registered under the 1934 act was blood quantum requirements, originally introduced by Dawes Act commissioners to determine which tribal members would be eligible for what kind of allotments.[59] Under the blood quantum regime, one's Indianness progressively declines in accordance with a "biological" calculus that is a construct of Euro-American culture. [60] Juaneño/Jaqi scholar Annette Jaimes has termed this procedure "statistical extermination."[61] In sum, the containment of Indian groups within Euro-American society that culminated in the end of the frontier produced a range of ongoing complementary strategies, whose common intention was the destruction of heterodox forms of Indian grouphood. In the post–World War II climate of civil rights, these strategies were reinforced by the policies of termination and relocation, held out as liberating individual Indians from the thralldom of the tribe, whose compound effects rivaled the disasters of allotment.[62] A major difference between this and the generality of noncolonial genocides is its sustained duration.

I have previously rehearsed the continuity of the logic of elimination through postfrontier Australian society at some length, and more than once, so I shall leave it as read here.[63] Nonetheless, it is important to reiterate the fundamentally destructive nature of assimilation programs. In an



excess of voluntarism that mistakes responsible officials' (in the main, Paul Hasluck's) expressions of intent for the fullness of state activity, Russell McGregor has asserted that, because officials talked publicly of preparing Aborigines for assimilation into full membership of mainstream Australian society, post–World War II Aboriginal assimilation was cultural as opposed to biological and, therefore, not genocidal.[64] Apart from the fact that Hasluck-era policy sought to elevate Aborigines from out of their group and into mainstream Australian society as individuals (a strategy aimed at eliminating the group), and from the fact that, however it may be ideologically rationalized, child abduction is child abduction, the unexamined assumption that "culture" and "biology" are discrete categories is untenable.[65] In the Australian context alone, many scholars apart from myself have recognized that "the genetic and cultural codes recapitulated each other."[66] To take an example from genocide's definitional core, Article II (d) of the UN Convention on Genocide, which seems to have been relatively overlooked in Australian discussions, includes among the acts that constitute genocide (assuming they are committed with intent to destroy a target group in whole or in part) the imposition of "measures intended to prevent births within the group." Given that child abduction, assuming it is "successful", brings about a situation in which second-generation offspring are born into a group that is different from the one from which the child/parent was originally abducted, there is abundant evidence of genocide being practised in postwar Australia on the basis of Article II (d) alone. Yet it is impossible to draw simple either/or lines between culture and biology in cases such as this. Though a child was physically abducted, the eventual outcome is as much a matter of a social classification as it is of a body count. Nonetheless, the intentional contribution to the demographic destruction of the "relinquishing" group is unequivocal.

## Structural Genocide

Why, then, logic of elimination rather than genocide? As stated at the outset, settler colonialism is a specific social formation and it is desirable to retain that specificity. So far as I can tell, an understanding of settler colonialism would not be particularly helpful for understanding the mass killings of, say, witches in medieval Europe, Tutsis in Rwanda, enemies of the people in Cambodia, or Jews in the Nazi fatherland (the *Lebensraum* is, of course, another matter). By the same token, with the possible exception of the witches (whose murders appear to have been built into a great social transition,) these mass killings would seem to have little to tell us about the long-run structural consistency of settler colonizers' attempts to elimi-

nate native societies. In contrast to the Holocaust, which was endemic to Nazism rather than to Germany (which was by no means the only—or even, historically, the most—antisemitic society in Europe) settler colonialism is relatively impervious to regime change. The genocide of American Indians or of Aboriginal people in Australia has not been subject to election results. So why not a special kind of genocide?—Raymond Evans' and Bill Thorpe's etymologically deft "indigenocide," for instance,[67] or one of the hyphenated genocides ("cultural genocide," "ethnocide," "politicide," etc.)[68] that have variously been proposed? The apparently insurmountable problem with the qualified genocides is that, in their very defensiveness, they threaten to undo themselves. They are never quite the real thing, just as patronizingly hyphenated ethnics are not fully Australian or fully American. Apart from this categorical problem, there is a historical basis to the relative diminution of the qualified genocides. This basis is, of course, the Holocaust—the nonparadigmatic paradigm that, being the indispensable example, can never merely exemplify. Keeping one eye on the Holocaust, which is always the unqualified referent of the qualified genocides, can only disadvantage indigenous people because it discursively reinforces the figure of lack at the heart of the non-Western. Moreover, whereas the Holocaust exonerates antisemitic Western nations who were on the side opposing the Nazis, those same nations have nothing to gain from their liability for colonial genocides. On historical as well as categorical grounds, therefore, the hyphenated genocides devalue indigenous attrition. No such problem bedevils analysis of the logic of elimination, which, in its specificity to settler colonialism, is premised on the securing—the obtaining and the maintaining—of territory.[69] This logic certainly requires the elimination of the owners of that territory, but not in any particular way. To this extent, it is a larger category than genocide. For instance, the style of romantic stereotyping that I have termed "repressive authenticity," which is a feature of settler-colonial discourse in many countries, is not genocidal in itself, though it eliminates large numbers of empirical natives from official reckonings and, as such, is often concomitant with genocidal practice.[70] Indeed, depending on the historical conjuncture, assimilation can be a more effective mode of elimination than outright killing, since it does not involve such a disruptive affront to the rule of law that is ideologically central to the cohesion of settler society.[71] When invasion is recognized as a structure rather than an event, its history does not stop (or, more to the point, become relatively trivial) when it moves on from the era of frontier homicide. Rather, narrating that history involves charting the continuities, discontinuities, adjustments, and departures whereby a logic that initially informed frontier killing transmutes into different modalities, discourses, and institutional formations as it undergirds



the historical development and complexification of settler society. This is not a hierarchical procedure.

Despite these and other advantages that my term seems to offer, however, in the end I cannot get around Robert Gellately and Ben Kiernan's salutary admonition that tampering with the definition of genocide could lead to some of its victims being found ineligible for redress.[72] After all, as recent Australian experience has shown, there is no shortage of influential cultural players who are only too willing to deny, distort, and suppress information on the issue.[73] Thus the problem becomes one of how to retain the specificity of settler colonialism without downplaying its impact by resorting to a qualified genocide. I suggest that, to express settler colonialism's genocidal dimension, the term "structural genocide" avoids the questions of degree (and, therefore, of hierarchy among victims) that are entailed in qualified genocides, while retaining settler colonialism's structural induration (it also lets in the witches, whose destruction, as Charles Zika has shown, was closely linked to the coeval transatlantic destruction of Native Americans[74]). Given a historical perspective on structural genocide, we can recognize its being in abeyance (as, mercifully, it seems to be in contemporary Australia) rather than being a thing of the past—which is to say, we should guard against the recurrence of what Moses terms "genocidal moments" (social workers continue to take Aboriginal children in disproportionate numbers, for example.[75]) Focusing on structural genocide also enables us to appreciate some of the concrete empirical relationships between spatial removal, mass killings, and biocultural assimilation. For instance, where there is no space left for removal (as occurred on the demise of the frontier in the US and Australia, or on the Soviet victory on Nazi Germany's eastern front), mass killings or assimilation become the only eliminatory options available. Under these circumstances, the resort to mass killings can reflect the proclaimed inassimilability of the victim group, as in the case of Jews in relation to the "Aryan" bloodstock.[76] Correspondingly, assimilation programs can reflect the ideological requirements of settler-colonial societies, which characteristically cite native advancement to establish their egalitarian credentials to potentially fractious groups of immigrants.[77]

The demise of the frontier was not, however, a local phenomenon. As J.A. Hobson and, following him, V.I. Lenin so influentially noted, imperialism had been central to the expansion of industrial capitalism.[78] Once the space for further colonization of the extra-European world had been effectively exhausted, the expanded universe of European imperialism turned back in on itself, bringing the contest over existing imperial possessions to the point of world war. Oversimplified as it is (though not thereby inaccurate), this generalization is enough, for our purposes, to underline the

crucial point, in relation to settler colonialism and genocide, that Germany emerged from World War I effectively bereft of overseas imperial possessions. As a number of scholars have noted, the push for German living space (*Lebensraum*) in western Poland, which involved clearing that region of Jewish, Slav, and other supposedly non-German populations, evinced many of the characteristic features of settler colonialism, in particular mass killings, removals (until precluded by the Soviets), and the assimilation of Poles alleged to look like Aryans.[79] It is important to note that territorial separation was not involved here. Nothing that I have said about settler colonialism requires there to be a spatial hiatus (or "blue water") between metropole and colony.[80] Settler colonization occurs and persists to the extent that a population sets out to replace another one in its habitation, regardless of where the colonizing population originated.

How, then, might any of this help to predict and prevent genocide?

## Indications

In the first place, it shows us that settler colonialism is an indicator. Unpalatable though it is (to speak as a member of a settler society), this conclusion has a positive aspect, which is a corollary to settler colonialism's temporal dimension. Since settler colonialism persists over extended periods of time, structural genocide should be easier to interrupt than short-term genocides. For instance, it seems reasonable to credit the belated UN/Australian intervention in East Timor with warding off the likelihood of a continued or renewed genocidal program. Realpolitik is a factor, however. Thus the relief of Timor would not seem to hold out a great deal of hope for, say, Tibet.

Since settler colonialism is an indicator, it follows that we should monitor situations in which settler colonialism intensifies or in which societies that are not yet or not fully settler-colonial take on more of its characteristics. Israel's progressive dispensing with its reliance on Palestinian labor would seem to present an ominous case in point.[81] Colin Tatz has argued, conclusively in my view, that, while Turkish behavior in Armenia, Nazi behavior in Europe, and Australian behavior toward Aborigines (among other examples) constitute genocide, the apartheid regime in South Africa does not. His basic reason is that African labor was indispensable to apartheid South Africa, so it would have been counterproductive to destroy it. The same can be said of African American slavery. In both cases, the genocide tribunal is the wrong court.

The US parallel is significant because, unlike in South Africa, the formal apparatus of oppression (slavery) was overcome but Whites remained



in power.[82] On emancipation, Blacks became surplus to some requirements and, to that extent, more like Indians. Thus it is highly significant that the barbarities of lynching and the Jim Crow reign of racial terror should be a postemancipation phenomenon.[83] As valuable commodities, slaves had only been destroyed *in extremis*. Even after slavery, Black people continued to have value as a source of super-cheap labor (providing an incitement to poor Whites), so their dispensability was tempered.[84] Today in the US, the blatant racial zoning of large cities and the penal system suggests that, once a colonized people outlives its utility, settler societies can fall back on the repertoire of strategies (in this case, spatial sequestration) whereby they have also dealt with the native surplus. There could hardly be a more concrete expression of spatial sequestration than the East Jerusalem, and West Bank walls. There again, apartheid also relied on sequestration. Perhaps Colin Tatz, who insists that Israel is not genocidal,[85] finds it politic to allow an association between the Zionist and apartheid regimes as the price of preempting the charge of genocide. It is hard to imagine that a scholar of his perspicacity can have failed to recognize the Palestinian resonances of his statement, made in relation to Biko youth, that "they threw rocks and died for their efforts."[86] Nonetheless, as Palestinians become more and more dispensable, East Jerusalem, Gaza and the West Bank become less and less like Bantustans and more and more like reservations (or, for that matter, like the Warsaw Ghetto).

All this and more follows, it seems to me, from the recognition that settler-colonial invasion is a structure rather than an event.

## Acknowledgment

My thanks to Dirk Moses for his helpful editorship and to Zora Simic for her comments. A different version of the analysis presented in this chapter has been published as "Settler Colonialism and the Elimination of the Native," *Journal of Genocide Research* 8, no. 4 (2006): 387–409.

## Notes

1. Patrick Wolfe, "Nation and MiscegeNation: Discursive Continuity in the Post-Mabo Era," *Social Analysis* 36 (1994): 93–152; Wolfe, *Settler Colonialism and the Transformation of Anthropology: The Politics and Poetics of an Ethnographic Event* (London, 1999); Wolfe, "Land, Labor, and Difference: Elementary Structures of Race," *American Historical Review* 106 (2001): 865–905.

2. A. Dirk Moses, "Genocide and Settler Society in Australian History," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian History*, ed. A. Dirk Moses (New York, 2004), 30–35.
3. Wolfe, *Settler Colonialism*, 2; idem, "Nation and MiscegeNation," 96.
4. A pioneering expression of a comparable perspective in the Australian context was Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Aboriginal Australia," in *Genocide and the Modern Age: Etiology and Case Studies of Mass Death*, ed. Isidor Wallimann and Michael N. Dobkowski (Westport, CT, 1987), 237–52.
5. Moses, "Genocide and Settler Society," 34.
6. Cole Harris, "How Did Colonialism Dispossess? Comments from an Edge of Empire," *Annals of the Association of American Geographers* 94 (2004): 179.
7. Moses, "Genocide and Settler Society," 32.
8. For Australia, see for example Wolfe, "Nation and MiscegeNation." For Australian and US policies together, see idem, "The Limits of Native Title," *Meanjin* 59, no. 3 (2000): 129–44; idem, "Land, Labor, and Difference."
9. My approach shares ground with Raphael Lemkin's two phases of genocide: "One, destruction of the national pattern of the oppressed group; the other, the imposition of the national pattern of the oppressor. This imposition, in turn, may be made upon the oppressed population which is allowed to remain, or upon the territory alone, after removal of the population and colonization of the area by the oppressor's own nationals." *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York, 1944), 79.
10. For varying analyses and discussions of the principal formulations of the doctrine of discovery, see for example Anthony Anghie, "Francisco de Vitoria and the Colonial Origins of International Law," in *Laws of the Postcolonial*, ed. Eve Darian-Smith and Peter Fitzpatrick (Ann Arbor, MI, 1999), 89–107; Andrew Fitzmaurice, *Humanism and America. An Intellectual History of English Colonisation, 1500–1625* (Cambridge, 2003); David Kennedy, "Primitive Legal Scholarship," *Harvard International Law Journal* 27 (1986): 1–98; Mark F. Lindley, *The Acquisition and Government of Backward Territory in International Law* (London, 1926); Robert A. Williams, Jr., *The American Indian in Western Legal Thought: The Discourses of Conquest* (Oxford, 1990), esp. 233–86.
11. This observation unites almost all commentators, whatever their political inclination. Cf. for example Anthony Anghie, "Finding the Peripheries: Sovereignty and Colonialism in Nineteenth-Century International Law," *Harvard International Law Journal* 40 (1999): 69; L.C. Green, "Claims to Territory in Colonial America," in *The Law of Nations and the New World*, ed. L.C. Green and Olive P. Dickason (Edmonton, 1989), 125.
12. See for example Wilcomb E. Washburn, ed., *History of Indian-White Relations* (Washington, DC, 1988); William C. Sturtevant, ed., *Handbook of North American Indians*, 11 vols. (Washington, DC, 2001), 4: 5–39.
13. As Mr. Justice Johnson put it in his concurrence with Chief Justice Marshall's judgment in *Cherokee v. Georgia*, "the hunter state bore within itself the promise of vacating the territory, because when game ceased, the hunter would go elsewhere to seek it. But a more fixed state of society would amount to a permanent destruction of the hope, and, of consequence, of the beneficial character of the pre-emptive right." *Cherokee v. Georgia* (30 *US* [5 Peters] 1, 1831), 23.
14. The judgments most often cited in this connection are *Worcester v. Georgia*, 31 *U.S.* 515 (6 Peters 1832); Ex parte *Crow Dog*, 109 *U.S.* 556 (1883); and *Williams v. Lee*, 358 *U.S.* 217 (1959). I present a critique of the limitations of these judgments, and of the limitations of US-style Indian sovereignty as a whole, in an article entitled "Against the Intentional Fallacy: Marking the Gap between Rhetoric and Outcome in US Indian Law and Policy," under consideration by a journal.
15. Harvey D. Rosenthal, "Indian Claims and the American Conscience: A Brief History of the Indian Claims Commission," in *Irredeemable America: The Indians' Estate and Land Claims*, ed. Imre Sutton (Albuquerque, NM, 1985), 36.
16. The classic accounts from a well-established literature include Annie H. Abel, "The History of Events Resulting in Indian Consolidation West of the Mississippi River," in *American Historical Association Annual Report for 1906*, 2 vols. (Washington, DC, 1906), 2: 233–450; Angie Debo, *A History of the Indians of the United States* (Norman, OK, 1970); Foreman, *Indian Removal*; Helen Hunt Jackson, *A Century of Dishonor: A Sketch of the United States Government's Dealings with Some of the Indian Tribes* (New York, 1885).
17. James M. Mooney, *Historical Sketch of the Cherokee* (Chicago, 1975 [1900]), 124.
18. The most lively source on the ghoulish enterprise of craniology/craniometry remains Stephen J. Gould, *The Mismeasure of Man* (Harmondsworth, UK, 1981). For a superbly written account with an Australian focus, see Helen MacDonald, *Human Remains: Episodes in Human Dissection* (Melbourne, 2005).
19. Wolfe, "Limits of Native Title," 144.
20. Williams, *American Indian*, 269.
21. *Johnson v. McIntosh*, 21 U.S. 543 (8 Wheaton 1823), 573.
22. For discussion of Olney's "tide of history" concept, see Jackie Delpero, "'The Tide of History': Australian Native Title Discourse in Global Context" (MA thesis, Victoria University of Technology, 2003); David Ritter, "The Judgement of the World: The Yorta Yorta Case and the 'Tide of History,'" *Australian Historical Studies* 123 (April 2004): 106–21.
23. Paul R. Bartrop, "Punitive Expeditions and Massacres: Gippsland, Colorado, and the Question of Genocide," in *Genocide and Setter Society*, 194–214.
24. Ibid., 199.
25. Ibid., 203.
26. Alison Palmer, *Colonial Genocide* (Adelaide, 2000), 199.
27. Zygmunt Bauman, *Modernity and the Holocaust* (Cambridge, 1989).
28. In 1902, the renowned English liberal J.A. Hobson expressed the fear "that the arts and crafts of tyranny, acquired and exercised in our unfree Empire, should be turned against our liberties at home." *Imperialism: A Study* (London, 1902), 160. For Du Bois, see Hannah Arendt, *The Origins of Totalitarianism* (New York, 1966). On Césaire, see Lorenzo Veracini's chapter in this book.
29. Enzo Traverso, *The Origins of Nazi Violence*, trans. Janet Lloyd (New York, 2003); Charles Patterson, *Eternal Treblinka: Our Treatment of Animals and the Holocaust* (New York, 2002).
30. "The [Central Government-region Jewish] ghetto clearings amounted to wild, day-long shooting sprees in particular sections of cities, at the end of which bodies were lying in the main streets leading to train stations." Dieter Pohl, "The Murder of Jews in the General Government," in *National Socialist Extermination Policies: Contemporary German Perspectives and Controversies*, ed. Ulrich Herbert (New York, 2000), 99. See also the discussion in Stephen R. Welch, "A Survey of Interpretive Paradigms in Holocaust Studies and a Comment on the Dimensions of the Holocaust," Yale Center for International and Area Studies Working Paper, no. GS17 (New Haven, CT, 2001), 9, n. 24, 25; Jürgen Zimmerer, "Colonialism and the Holocaust: Towards an Archaeology

of Genocide," in Moses, *Genocide and Settler Society*, 48–76. On colonial starvations and the "New Imperialism," see Mike Davis, *Late Victorian Holocausts: El Niño Famines and the Making of the Third World* (London, 2001).

31. Robert Melson, "Modern Genocide in Rwanda: Ideology, Revolution, War, and Mass Murder in an African State," in *The Specter of Genocide*, ed. Robert Gellately and Ben Kiernan (Cambridge and New York), 326.
32. Ibid., 327–28.
33. See for example Collette Guillaumin, "The Idea of Race and its Elevation to Autonomous Scientific and Legal Status," in *Racism, Sexism, Power and Ideology* (London, 1995), 61–98; Ivan Hannaford, *Race: The History of an Idea in the West* (Baltimore, MD, 1996); Kenan Malik, *The Meaning of Race: Race, History and Culture in Western Society* (London, 1996); George L. Mosse, *Toward the Final Solution: A History of European Racism* (Madison, WI, 1985); Tzvetan Todorov, *On Human Diversity: Nationalism, Racism, and Exoticism in French Thought* (Cambridge, MA, 1993). For discussion, see my "Race and Racialisation: Some Thoughts," *Postcolonial Studies* 5, no. 1 (2002): 51–62.
34. Robert Manne misses this point ("Aboriginal Child Removal and the Question of Genocide," in *Genocide and Settler Society*, 219–20). Responding to a question posed in 1937 by Western Australian Aboriginal affairs functionary A.O. Neville ("Are we going to have a population of 1,000,000 blacks in the [Australian] Commonwealth, or are we going to merge them into our white community and eventually forget that there ever were any aborigines in Australia?"), Manne suggests that, in order to "grasp the genocidal implications" of the question, "we need only replace the words 'blacks' and 'Aborigine' [*sic*] with the word 'Jew'" and locate the posing of the question in Berlin rather than Canberra. Apart from its contrivedness, this analogy fails because the Nazi racialization of Jews did not conduce to their assimilation. Rather, the reverse was the case. As Robert Gellately has observed, "Although we can point to some similarities in Nazi plans and actions for Jews and Slavs, there was, and remains one crucial difference: in principle Jews could never be saved, never convert, nor be assimilated." "The Third Reich, the Holocaust, and Visions of Serial Genocide," in *Specter of Genocide*, 262.
35. Roger W. Smith, "Human Destructiveness and Politics: The Twentieth Century as an Age of Genocide," in *Genocide and the Modern Age*, 31.
36. Deborah Bird Rose, *Hidden Histories: Black Stories from Victoria River Downs, Humbert River and Wave Hill Stations* (Canberra, 1991), 46.
37. "For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compasse) ten times more, than those, which are yeilded [*sic*] by an acre of Land, of an equal richnesse, lyeing wast in common." John Locke, *Two Treatises of Government* (Cambridge, 1963 [1698]), 312.
38. See, for instance, the Adi Nes photograph used as publicity for the Jewish Museum of New York's 1998/99 "After Rabin: New Art from Israel" show. www.thejewishmuseum.org/site/pages/content/exhibitions/special/rabin/rabin_zoom/rabinL1.html. The "New Jew" is an established Zionist theme. In introducing his terrorist memoir, for instance, future Israeli prime minister Menachim Begin announced that, in addition to his Jewish readers, he had also written the book for Gentiles, "lest they be unwilling to realise, or all too ready to overlook, the fact that out of blood and fire and tears and ashes a new specimen of human being was born, a specimen completely unknown to the world for over eighteen hundred years, 'the FIGHTING JEW.' " *The Revolt*, Samuel Katz, trans. (London, 1979), xxv, capitals in original.



39. "[John] Ross—the successful self-made Cherokee entrepreneur—was really what white Georgians feared. Their biggest obstacle to acquiring the Cherokee lands was the cultivator's plow and overseer's whip—not the war club, bow, and scalping knife." Sean M. O'Brien, *In Bitterness and in Tears: Andrew Jackson's Destruction of the Creeks and Seminoles* (Westport, CT, 2003), 229. For the Constitution of the Cherokee Nation, see *The Cherokee Phoenix*, 28 February 1828.
40. The capacity to achieve permanence was typically put down to European ancestry, as in Andrew Jackson's exasperated disparagement of the "designing half-breeds and renegade white men" who had encouraged Chickasaw reluctance to cede land. Theda Perdue, *"Mixed Blood" Indians: Racial Construction in the Early South* (Athens, GA, 2003), 70, 95–96. With particular reference to the Cherokee, Governor George Gilmer of Georgia responded to Ross's organization of the *Cherokee v. Georgia* Supreme Court case with the assertion that real Indians were incapable of civilized improvements: "Upon examination, it will be found that the Aboriginal [*sic*] people are as ignorant, thoughtless, and improvident, as formerly . . . that the chief [Ross,] the president of the council, the judges, marshals and sheriffs, and most of the persons concerned in the administration of the [Cherokee] Government, are the descendants of Europeans." *Sketches of Some of the First Settlers of Upper Georgia* (Baltimore, MD, 1965), 294, 296.
41. Foreman, *Indian Removal*, 310.
42. Perdue, *"Mixed Blood" Indians*, 68.
43. Ronald N. Satz, *American Indian Policy in the Jacksonian Era* (Lincoln, NE, 1975), 83.
44. From Richard H. Pratt, "The Advantages of Mingling Indians with Whites" [1892], in Francis P. Prucha, ed., *Americanizing the American Indians: Writings by the "Friends of the Indian", 1880–1900* (Cambridge, MA, 1973), 261. As this article was going off to the publishers, Ward Churchill's *Kill the Indian, Save the Man: The Genocidal Impact of American Indian Residential Schools* (San Francisco, 2004) arrived in Australia. Apart from recommending this book, I cannot comment on it adequately in a footnote, so I am putting it off until another time.
45. Apart, that is, from conceivable vegetative states that modern medicine may be able to induce and sustain, but of which I remain thankfully unaware.
46. So far, at least. If al-Qaeda were to repeat the procedure a sufficient number of times, then 9/11 could emerge as the onset of a genocide. Definitionally, in other words, as in the case of other patterned or cumulative phenomena, genocide can obtain retrospectively.
47. He had alternatives. Liddell and Scott give "race, stock, family" as primary meanings of *genos*, with secondary meanings including offspring, nation, caste, breed, gender (!), and "class, sort, kind." "Tribe" is listed as a subdivision of *ethnos* ("a number of people living together, a company, body of men . . . a race, family, tribe"). Henry G. Liddell and Robert Scott, *Greek-English Lexicon* (Oxford, 1869), 314, 426. Cf. Lemkin, *Axis Rule*, 79.
48. Russell Thornton, *American Indian Holocaust and Survival: A Population History Since 1492* (Norman, OK, 1987), 133.
49. "In 1998–2000, life expectancy for Aboriginal and Torres Strait Islander peoples was shorter by 21 years for males and 20 years for females, compared with the total population. . . . In 1998–2000, the death rate for Indigenous infants was around four times the rate in the total population." Australian Bureau of Statistics, *Australian Social Trends: Health—Mortality and Morbidity: Mortality of Aboriginal and Torres Strait Islander Peoples* (Canberra, 2002), 1. See also House of Representatives Standing Committee on Family and Community Affairs, *Health is Life: Report on the Inquiry into Indigenous Health* (Canberra, 2000); Neil Thomson, "Trends in Aboriginal Infant Mortality," in *A*

*Matter of Life and Death: Contemporary Aboriginal Infant Mortality*, ed. Alan Gray (Canberra, 1990), 1–8.

50. What Jefferson bought was French dominion. The rawly unsettled nature of the Purchase territory (at least, outside New Orleans and its environs and outpost settlements such as Detroit and St. Louis) was illustrated by the rapid commissioning of Lewis and Clark's 1803 expedition to chart it.
51. This was the reality behind the mushrooming frontier demographies. "In the decade before 1820, the population of the new state of Alabama increased by a startling 1,000 per cent." O'Brien, *In Bitterness and in Tears*, 221. For an illuminating catalogue of Creek responses to this invasion, see Richard S. Lackey, comp., *Frontier Claims in the Lower South. Records of Claims Filed by Citizens of the Alabama and Tombigbee River Settlements in the Mississippi Territory for Depredations by the Creek Indians During the War of 1812* (New Orleans, 1977).
52. Abel, "Indian Consolidation," 412.
53. "No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty." 16 *Stat.*, 566 (Act of 3 March 1871), c. 120, s. 1. For discussion, see Vine Deloria, Jr. and David E. Wilkins, *Tribes, Treaties, & Constitutional Tribulations* (Austin, TX, 1999), 60–61; Francis P. Prucha, *The Great Father: The United States Government and the American Indians*, abridged ed. (Lincoln, NE, 1986), 165.
54. In particular, *US v. Kagama*, 118 U.S. 375 (1886); *Lone Wolf v. Hitchcock*, 187 U.S. 553 (1903).
55. John R. Wunder, *"Retained By The People": A History of American Indians and the Bill of Rights* (New York, 1994), 39, 17.
56. The best source on this campaign remains the authoritative report that found its way into the House hearings preceding the Indian Reorganization Act of 1934: D.S. Otis, *The Dawes Act and the Allotment of Indian Lands*, ed. Francis P. Prucha (Norman, OK, 1973 [1934]).
57. *Statistical Abstract of the United States* (US Bureau of the Census, Department of Commerce, 1955), 180.
58. See, for example, Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880–1920* (Cambridge, 1989); Prucha, *Americanizing the American Indians*, passim.
59. Thomas J. Morgan, "What Is an Indian?", *Sixty-Fifth Annual Report of the Commissioner for Indian Affairs* (Washington, DC, 1892), 31–37.
60. "Thus the key factor in colonial and 'post'-colonial race relations is not, as some have argued, simple demographic numbers, since populations have to be differentiated before they can be counted. Difference, it cannot be stressed enough, is not simply given. It is the outcome of differentiation, which is an intensely conflictual process." Wolfe, "Land, Labor, and Difference," 894.
61. M. Annette Jaimes, "Federal Indian Identification Policy: A Usurpation of Indigenous Sovereignty in North America," in *The State of Native America: Genocide, Colonization, and Resistance* (Boston, 1992), 137. Patricia Limerick is almost as succinct: "Set the blood quantum at one quarter, hold to it as a rigid definition of Indians, let intermarriage proceed as it has for centuries, and eventually Indians will be defined out of existence. When that happens, the federal government will finally be freed from its persistent 'Indian problem.'" *The Legacy of Conquest: The Unbroken Past of the American West* (New York, 1987), 338.



62. Donald L. Fixico, *Termination and Relocation. Federal Indian Policy, 1945–1960* (Albuquerque, 1986); Charles F. Wilkinson and Eric R. Biggs, "The Evolution of the Termination Policy," *American Indian Law Review* 5 (1977): 139–84.
63. Wolfe, "Nation and MiscegeNation"; idem, *Settler Colonialism*, chapter 6.
64. Russell McGregor, "Governance, Not Genocide: Aboriginal Assimilation in the Post-war Era," in *Genocide and Settler Society*, 290–311.
65. In attaching a temporal correlate (roughly, World War II) to his insulation of these two categories, McGregor misrepresents my discussion of the policy of Aboriginal assimilation, citing it as an example of the mistaken claim that the "foundations of a national assimilation policy" were laid at the 1937 Canberra Conference on Aborigines ("Governance, Not Genocide," 294, n. 15). Technically, that conference did provide such a foundation, since state Aboriginal policies had not previously been coordinated on the national (Commonwealth) level. To accommodate this consideration, and to express the coordinated nature of the resolution, on the page that McGregor cites (Wolfe, *Settler Colonialism*, 11), I stated that the policy was "standardized" in 1937. I nowhere stated that it was "founded" anything like as late as that. On the contrary, in a number of places, I explicitly asserted 1886 as the founding date (e.g., "the 1886 Victorian [Aborigines] Act was the first official expression of the national policy of assimilation," 181. See also, *inter alia*, 31, 175). It would seem that more than mere carelessness is involved here. In the same footnote, McGregor includes Stuart Macintyre in the same misrepresentation. On the page before the one that McGregor cites, Macintyre states that the policy of absorbing Aborigines was "first adopted in Victoria in 1886 and followed elsewhere by 1912." Macintyre, "Assimilation," in *The Oxford Companion to Australian History*, ed. Graeme Davison, John Hirst, and Stuart Macintyre (Melbourne, 1998), 41f. On the following page, the one that McGregor cites, Macintyre accurately states that the 1937 Conference representatives "declared that the destiny of the mixed-race [Aboriginal] population was to be absorbed into the white population." There is no suggestion that this was the first time that such a policy had been declared and, here again, no mention of foundations.
66. Wolfe, "Nation and MiscegeNation," 111; idem, *Settler Colonialism*, 180. Scholars who have made this point subsequently are too numerous to mention. Among those who made it before my 1994 discussion, see for example Jeremy Beckett, "The Past in the Present, the Present in the Past: Constructing a National Aboriginality," in *Past and Present: The Construction of Aboriginality* (Canberra, 1988), 191–217; Gillian Cowlishaw, "Colour, Culture and the Aboriginalists," *Man* 22 (1988): 221–37; Andrew Lattas, "Aborigines and Contemporary Australian Nationalism: Primordiality and the Cultural Politics of Otherness," in *Writing Australian Culture*, ed. Julie Marcus (special issue of *Social Analysis* no. 27 1990. ), 50–69.
67. Raymond Evans and Bill Thorpe, this volume, also "The Massacre of Aboriginal History," *Overland* 163 (2001): 36.
68. For examples (some of which are actually hyphenated), see Katherine Bischoping and Natalie Fingerhut, "Border Lines: Indigenous Peoples in Genocide Studies," *Canadian Review of Social Anthropology* 33 (1996): 484–85; Robert K. Hitchcock and Tara M. Twedt, "Physical and Cultural Genocide of Various Indigenous Peoples," in *Genocide in the Twentieth Century*, ed. Samuel Totten, William S. Parsons, and Israel W. Charny (New York, 1995), 498–501. For "politicide" ("a process that covers a wide range of social, political, and military activities whose goal is to destroy the political and national viability of a whole community of people"), see Baruch Kimmerling, *Politicide: Ariel Sharon's War Against the Palestinians*, rev. edn (London, 2006).

69. Ever alert to the damaging implications in this connection of Israel's invasion of Palestinian territory, Colin Tatz belittles the significance of "a contest for land and what the land held" as merely "explain[ing] away" colonial ethnocide (*With Intent to Destroy: Reflecting on Genocide* [London, 2003], 180). Lower down the same page, however, he observes that "We need to remember that Aboriginal Australians were deemed expendable not just because they were considered 'vermin', or because they sometimes speared cattle or settlers, but because they failed the Lockean test of being a people capable of a polity and a civility, to wit, they couldn't or wouldn't exploit the land they held, at least not in the European sense."
70. Wolfe, "Nation and MiscegeNation," 110–18; idem, *Settler Colonialism*, 168–90. For US examples, see for example Robert F. Berkhofer, Jr., *The White Man's Indian. Images of the American Indian from Columbus to the Present* (New York, 1979); Hugh Honour, *The New Golden Land: European Images of America from the Discoveries to the Present Time* (New York, 1975). For responses to the phenomenon, see for example Fergus M. Bordewich, *Killing the White Man's Indian. Reinventing Native Americans at the End of the Twentieth Century* (New York, 1996); Ward Churchill, *Indians Are Us? Culture and Genocide in Native North America* (Monroe, ME, 1994).
71. Thus we need not detain ourselves with wondering, counterfactually, why settlers should have refrained from killing every last Aboriginal person (or, as the question has been put more generally by Tim Rowse: "How Did a Liberal Tradition of Respect for Indigenous Rights Survive at All in Twentieth-Century Australia?" in *After Mabo: Interpreting Indigenous Traditions* [Melbourne, 1994], 24). Even apart from the question of indigenous resistance, settler colonialism has, as observed, two principal aspects—not only the removal of native society but also its concomitant replacement by settler institutions. This latter, positive aspect involves the establishment and legitimation of civil hegemony, a project that would be pointlessly complicated by the openly irregular slaughter of people who no longer have the capacity seriously to obstruct the formation of settler society. The logic of elimination is not simply killing for its own sake but elimination for a purpose, and by a variety of strategic means. As I put it in 1994, "Since the requirement for legitimacy rendered massacres relatively inefficient, [child] abduction represents a purer solution to the same social imperative." ("Nation and MiscegeNation," 117).
72. "To contest categorization of a genocide may even serve to deny victims of such an event the legal remedy to which they have legitimate resort." Gellately and Kiernan, ed., *Specter of Genocide*, 379–80.
73. With courageous persistence, Robert Manne has pursued the inconsistencies and misrepresentations of this group, who are well financed and litigious: "In Denial: The Stolen Generations and the Right," *Australian Quarterly Essay* 1 (2001): 1–113; Manne, ed., *Whitewash: On Keith Windschuttle's Fabrication of Aboriginal History* (Melbourne, 2003). Ward Churchill has a comparable, if less judicious, record in the USA. See *A Little Matter of Genocide: Holocaust and Denial in the Americas, 1492 to the Present* (San Francisco, 1997).
74. Charles Zika, "Fashioning New Worlds from Old Fathers: Reflections on Saturn, Amerindians and Witches in a Sixteenth-century Print," in *Dangerous Liaisons: Essays in Honour of Greg Dening*, ed. Donna Merwick (Melbourne, 1994), 249–81; idem, "Cannibalism and Witchcraft in Early-Modern Europe: Reading the Visual Images," *History Workshop Journal* 44 (1997): 77–105.
75. "At June 2002, 22% (4,200) of children in out-of-home care were Aboriginal or Torres Straight [*sic*] Islander children. This represented a much higher rate of children in out-of-home care among Indigenous children than non-Indigenous children (20.1 per 1,000 compared with 3.2 per 1,000)." An indication of the progress that Indigenous people in Australia have achieved since the darkest days of the assimilation policy is contained in the sentence that follows this excerpt: "In all jurisdictions, the Aboriginal Child Placement Principle outlines a preference for Indigenous children to be placed with other Aboriginal or Torres Straight [*sic*] Islander peoples, preferably within the child's extended family or community," in Australian Bureau of Statistics, *Australia Now* (Canberra, 2004), s. 2, "Australian Social Trends, 2003: Family and Community-Services: Child Protection."
76. Given the matrilineal transmission of (and relative difficulty of conversion to) Judaism, this factor indicates vigilance in relation to Palestine.
77. "Assimilated natives would be proof positive that America was an open society, where obedience and accommodation to the wishes of the majority would be rewarded with social equality." Hoxie, *Final Promise*, 34. See also George P. Castile, "Indian Sign: Hegemony and Symbolism in Federal Indian Policy," in *State and Reservation. New Perspectives on Federal Indian Policy*, ed. George P. Castile and Robert L. Bee (Tucson, AZ, 1992), 176–83.
78. Hobson, *Imperialism*; N. [V.I.] Lenin, *Imperialism, the Highest Stage of Capitalism* (Moscow, 1970 [1916]). For discussion, see Wolfe, "History and Imperialism: A Century of Theory, from Marx to Postcolonialism," *American Historical Review* 102 (1997): 389–93.
79. Isabel Heinemann, "'Until the Last Drop of Good Blood': The Kidnapping of 'Racially Valuable' Children and the Nazi Racial Policy in Occupied Eastern Europe," in *Genocide and Settler Society*, 244–66; Jürgen Zimmerer, "The Birth of the *Ostland* Out of the Spirit of Colonialism: A Postcolonial Perspective on the Nazi Policy of Conquest and Extermination," *Patterns of Prejudice* 39, no. 2 (2005): 197–219; Zimmerer, "Colonialism and the Holocaust."
80. For the Blue Water Thesis, whereby the United Nations accepted a definition of "colony" as geographically separate from its administering nation, see Ward Churchill, *Perversions of Justice. Indigenous Peoples and Angloamerican Law* (San Francisco, 2004), 51.
81. A drive to replace Palestinian labor with cheap immigrant labor began in the early 1990s in response to the first Intifada. Though this policy was officially abandoned as it generated its own problems, around eight percent of Israel's population continues to be made up of illegal immigrants (who are, by definition, non-Jewish). See Shmuel Amir, "Overseas Foreign Workers in Israel: Policy Aims and Labor Market Outcomes," *International Migration Review* 36 (Spring 2002): 41–58; Eric Beauchemin, "Illegal in Israel," Radio Netherlands broadcast, 16 November 2004: www.radionetherlands.nl/humanrights/illegalinisrael; Leila Farsakh, "An Occupation that Creates Children Willing to Die. Israel: An Apartheid State?" *Monde Diplomatique* (English language edition, 4 November 2003). http://mondediplo.com/2003/11/04apartheid. Distinguished Hebrew University of Jerusalem sociologist the late Baruch Kimmerling prognosticated ominously of the Israeli regime: "The escalating racist demagoguery concerning the Palestinian citizens of Israel may indicate the scope of the crimes that are possibly being considered, perhaps planned, and which wait only for the proper time for them to be implemented." *Politicide*, 30.
82. Even though formal legislative power was, for a time, exercized by Blacks in Black-majority Southern states during Reconstruction. See Thomas C. Holt, *Black Over White: Negro Political Leadership in South Carolina during Reconstruction* (Urbana, IL, 1977).

83. W. Fitzhugh Brundage, *Lynching in the New South: Georgia and Virginia, 1880–1930* (Urbana, IL, 1993); Leon F. Litwack, *Trouble in Mind: Black Southerners in the Age of Jim Crow* (New York, 1998); Joel Williamson, *The Crucible of Race: Black-White Relations in the American South Since Emancipation* (Oxford, 1984), 180–223.
84. "Slave labor could be analyzed in economic, social, and political terms [in traditional histories,] but free labor was often defined as simply the ending of coercion, not as a structure of labor control that needed to be analyzed in its own way." Thomas C. Holt, Rebecca J. Scott, and Frederick Cooper, *Beyond Slavery: Explorations of Race, Labor, and Citizenship in Postemancipation Societies* (Chapel Hill, NC, 2000), 2–3.
85. Though he is too scrupulous a scholar not to acknowledge that "Israeli actions may become near-genocidal." *With Intent to Destroy*, 181.
86. "[C]apital punishment being an unquestioned, routine penalty for chucking stones at Israelis." Robert Fisk, *The Great War for Civilisation: The Conquest of the Middle East* (London, 2005), 546. Quote in text from Tatz, ibid., 117. I have chosen not to patronize Professor Tatz by quoting approvingly from his otherwise excellent book, on account of our fundamental divergence over the issue of Zionism, which I wholeheartedly oppose, and, in particular, of my disdain for his attempts to confuse anti-Zionism with antisemitism (e.g., 19; 27; 127). Apart from anything else, these attempts do grave injustice to the real victims of antisemitism.

*– Chapter 5 –*

# "Crime Without a Name"

## *Colonialism and the Case for "Indigenocide"*

Raymond Evans

> My father said the truth is a rabbit in a bramble patch. And all you can do is circle around it and point and say it's somewhere in there. But you can't put your hand on it and touch it. You can't put your hand on that furry, quivering body. All you can say is it's somewhere in there.
>
> —Pete Seeger[1]

> Suppose the truth was awful, suppose it was just a black pit, or like birds huddled in the dust of a dark cupboard? Suppose only evil were real, only it was not evil since it had lost even its name?
>
> —Iris Murdoch[2]

### The Problem with the Concept of Genocide for Colonialism

The "composite mathematician" Nicolaus Bourbaki, in developing a range of theorems across some two-dozen volumes of the *Éléments de Mathematique*, invented a symbol that has the appearance of a large, bold 'Z' with rounded corners—rather like a roadside warning sign. It is inserted helpfully into texts to denote points at which argument becomes potentially slippery or contentious. This symbol is called a *tournant dangereux:* a precarious corner in the evolution of an argument's logic. At noisy meetings of the Bourbakis (as the French mathematicians engaged upon the grand project were called) it was common for speakers, enunciating faulty theorems, to be challenged by loud cries of "coconut tree!" from the floor. This cry reflected the Polynesian custom of maintaining one's position near the top of a tree while others shook it from below, in order to test one's ongoing prowess. The Bourbakis' expletive thereby denoted

98. Ben Kiernan, *How Pol Pot Came to Power: Colonialism, Nationalism, and Communism in Cambodia, 1930–75*, 2nd ed. (New Haven, CT, 2004), ix–xx, chap. 1.
99. Ben Kiernan, *The Pol Pot Regime: Race, Power and Genocide in Cambodia under the Khmer Rouge, 1975–1979*, 2nd ed. (New Haven, CT, 2002), 296–98, 423–25; Alexander Laban Hinton, *Why Did They Kill ? Cambodia in the Shadow of Genocide* (Berkeley, CA, 2005), 154, 219.

– *Chapter 10* –

# Genocide in Tasmania
## *The History of an Idea*

Ann Curthoys

> The naval armament of the Persians wintered at Miletus, and in the following year proceeded to attack the islands off the coast, Chios, Lesbos, and Tenedos, which were reduced without difficulty. Whenever they became masters of an island, the barbarians, in every single instance, netted the inhabitants. Now the mode in which they practise this netting is the following. Men join hands, so as to form a line across from the north coast to the south, and then march through the island from end to end and hunt out the inhabitants.
>
> —Herodotus, *The Histories* (6.31)

> Our fields and forests, which once furnished us with abundance of vegetable and animal food, now yield us no more; they and their produce are yours. You prosper on our native soil, and we are famishing!
>
> —Paul E. de Strzelecki, 1845[1]

### Introduction

It is a paradox of world history that while Tasmania, one of Australia's six states and an island to the south of the Australian mainland, has long and frequently been cited internationally as having witnessed a clear-cut case of genocide, such a characterization is rarely adopted within Australia. The aim of this chapter is to elucidate how this came to be so. In the course of attempting to historicize and explain this paradox, I will explore the complex history of ideas about the rapid decline of indigenous populations in the wake of colonization, and the ways these ideas have been consistently tied to political agendas and broader worldviews, both historically and in the present. I also argue that the separation of and divergence between international and Australian approaches since the 1970s has been deleterious

for both genocide studies and Australian historical scholarship. Finally, I make a case for seeing the Tasmanian events as a case of genocide, though not of state planning, mass killing, or extinction.

Although the interpretations of Tasmanian history vary considerably, they generally tell a story of largely peaceful, though sporadically violent, interactions between Europeans and indigenous peoples between 1803 and 1827, when European settlement under direct British government supervision was generally sparse. Matters changed dramatically in the next few years, when British settlement intensified, affecting traditional sources of food. Fierce Aboriginal attacks on European settlement prompted harsh reprisals by settlers and government forces; the result was widespread frontier conflict especially between 1827 and 1830. As conflict continued, and in an attempt to protect both the settlers and the remaining Aboriginal people, Lieutenant-Governor Arthur adopted a policy of land clearance, that is, of removing all Aboriginal people from the island, known until 1852 as Van Diemen's Land, with the hope of confining them to an offshore island. To this end, the government sponsored the "Black Line" of October and November 1830, when soldiers swept the length and breadth of the colony to capture any remaining Aboriginal people, somewhat reminiscent of the Persians "netting" the inhabitants of Greek islands, as evoked by Herodotus. When the Black Line failed in its objectives, the authorities turned to conciliation and persuasion. Aboriginal numbers were by this time already falling rapidly and George Augustus Robinson, working as a government agent, eventually succeeded in persuading the remaining two hundred or so Aboriginal people to move to Flinders Island, just off the Tasmanian coast, in 1830/31. Although Robinson and others had high hopes of here "preserving the race," the numbers continued to drop alarmingly. By the mid 1830s, with just over 120 survivors remaining, and very few births on the island, it seemed clear that as a people they would not survive. By 1847, the numbers on Flinders Island had again fallen, the island was abandoned, and the remnant population of forty-seven people taken to Oyster Cove, about thirty miles from Hobart on the Tasmanian mainland. Their numbers continued to plummet, until in 1876 the last Tasmanian of full descent, Truganini, passed away, widely described as "the last of her race." The extinction of the Aboriginal Tasmanians appeared to be complete.[2]

The Tasmanian case is significant for several reasons. First, Tasmania has long held a particular place in our consciousness of the destruction of indigenous peoples. When French and British maritime explorers first encountered the indigenous people of what was then Van Diemen's Land in the late eighteenth century, the latter had been separated from contact with other human groups since the end of the last ice age, about 8,000–10,000 years before. As geographer and world historian Jared Diamond wrote,



we are fascinated by isolated societies. "Tasmania," he says, "holds the record for the longest isolation known in human history."[3] Also striking is their rapid demise in the wake of British colonization. Many indigenous peoples throughout the Americas and Australia met similar fates, and in retrospect we can see that what happened in Tasmania was not unusual in the history of settler colonialism. Yet it has long attracted particular notice, partly because, as Australian historian Charles Rowley pointed out in *The Destruction of Aboriginal Society*, the indigenous Tasmanians' isolation from other indigenous peoples made it especially easy to think of them as an entirely separate people.[4] The disappearance of entire peoples on the mainland, where the boundaries between peoples were unclear to European observers, has been far less evident or obvious. Furthermore, in contrast to the mainland, where a mix of imperial and local settler authorities oversaw the taking of land, the displacement of the indigenous peoples of Tasmania was conducted entirely within the period of British rule. As a result of this long-standing focus on Tasmania, our interest now must lie not only in the historical events themselves but also in the peculiar attention they have received ever since.

Importantly, the terminology has changed over this long period of discourse about the destruction of the indigenous Tasmanians and indigenous peoples generally. In the nineteenth-century discussion of such disappearance, the common terms were *extirpation*, *extermination*, and *extinction*. These three words could be used interchangeably, but they did have slightly distinct meanings: "extirpation" usually denoted a *process* emphasising settler agency; "extinction" described an *outcome* in which no members of a particular human group remained; while "extermination" tended to mean the connection between the two, a process conducted by settlers with extinction as its outcome. Since the Second World War, modern discussions have been both enhanced and made more complicated by the introduction of a new word, *genocide*, which has now largely displaced these earlier terms. The term *genocide* was coined in 1944 by the eminent Polish Jewish jurist, Raphael Lemkin, in his remarkable text, *Axis Rule in Occupied Europe*.[5] Initially concerned by the rise of Nazism in Germany and later by its policies and practices of destroying Jews and Slavs, and replacing them with German settlers in Eastern Europe, Lemkin argued that international law could be developed and invoked to prevent a recurrence of attempts to destroy whole peoples. A new word was needed to describe these crimes: *genocide*, literally, the killing of a people. Importantly for modern historians, Lemkin's aims were not only to establish a new crime, and mechanisms for its prevention, but also to reinterpret the course of human history in light of his new concept. In his published work, but also especially his unpublished work that I consider in this chapter, he hoped that his notion

of genocide could be used to interpret past episodes of group destruction through land seizure, the importation of diseases, the taking of women and children, and other ways of removing the very foundations of group life. While the concept of genocide derives much of its modern relevance and impact from the example of Nazi rule in Europe, it was for Lemkin also a way of characterizing long-term instances of genocide in European colonialism. Its dual existence as both a legal and a historical term has been both productive and confusing, as I will explore.

## Ideas about Extermination and Extinction in Tasmania, 1820s–1870s

Extinction discourse accompanied settler colonization everywhere. As Patrick Brantlinger points out, discourses of extinction found expression in "art, literature, journalism, sciences, and governmental rhetoric"; it was often elegiac in form, expressing both sorrow at the loss of whole peoples and at the same time a confident belief that the white colonies and nations would arise as savage peoples receded.[6] A strong recurrent feature of extinction discourse—and this was to become particularly true in Tasmania—was a special interest in the last survivor of a given human group. By the 1820s, there were many literary accounts of disappearing races in North America, with the best-known and emblematic example being James Fennimore Cooper's *The Last of the Mohicans*, published in 1826.[7] As the indigenous population of Van Diemen's Land began to fall rapidly from the late 1820s, colonial governors, settlers, and British officials were aware of these American events and discourses and, with varying degrees of concern, contemplating the possibility that the same might happen around them.

The belief that the indigenous peoples of Van Diemen's Land would soon disappear entirely developed around 1830. In response to the report of an Aborigines Committee established by Lieutenant-Governor Arthur to advise him on how to prevent further Aboriginal attacks on settlers, Sir George Murray as secretary of state for the colonies wrote (in an oft-quoted passage) on 5 November 1830 as follows: "The great decrease that has of late years taken place in the amount of the aboriginal population, renders it not unreasonable to apprehend that the whole race of these people may, at a not distant period, become extinct."[8] Three weeks later, and before receiving Murray's dispatch, Arthur expressed a similar view, writing to Murray of his belief that only capture and confinement could protect the colony and arrest "the eventual extirpation of the race itself."[9]

As the 1830s progressed, and as the remaining couple of hundred indigenous people gathered on Flinders Island continued to die and few children were born, the conviction that they would soon completely disappear spread



beyond official dispatches to the settler population generally. In 1835, Henry Melville, a journalist, publisher, and writer who had arrived in the colony seven years earlier, wrote that: "It is generally believed that this race of human beings will soon become extinct altogether, as the deaths are common, and the increase nothing equal in proportion."[10] Melville blamed the early settlers of the 1800s and 1810s. Whereas the colonists of his own time had genuinely had something to fear from Aboriginal attacks, he thought, those who came much earlier had attacked without provocation: "Nothing can be offered in extenuation of the conduct of the first Colonists towards these bewildered creatures, and the historian must ever lament that he has to record outrages so inhuman and so unjust on the part of a British community."[11] Melville saw the Aboriginal people of Van Diemen's Land (VDL) as "easy, quiet, good-natured and well-disposed towards the white population," and thought they had been treated worse than American tribes by the Spaniards, deprived of their hunting grounds and other sources of food, and thus driven to retaliate.[12] The Americas continued to influence colonial thinking; a year later, Major Thomas Ryan wrote that unless the government did all it could to "propagate the species," the "race of Tasmania, like the last of the Mohicans, will pine away and be extinct in a quarter of a century."[13]

Meanwhile, a British House of Commons committee in 1835 and 1836 was examining the situation of indigenous people in British settlements around the world. Led by the evangelical abolitionist, Sir Thomas Fowell Buxton, the Christian, liberal, and humanitarian committee had a prior agenda: to protect, civilize, and convert the indigenous peoples in British colonies. The Report of the committee, published in two volumes in 1836/37, argued that indigenous peoples were being morally degraded and physically destroyed through direct violence, alcohol, and introduced diseases. The committee did not think that colonization should or could be slowed or stopped; rather the solution was Christianization. Although the Committee was poorly informed of events in Van Diemen's Land, interviewing few with direct experience of what had happened there, its report concluded that: "Whatever may have been the injustice of this encroachment, there is no reason to suppose that either justice or humanity would now be consulted by receding from it."[14]

Discussion of the fate of the indigenous people of Van Diemen's Land shifted in the mid 1830s from *whether* the people would disappear, to *why*. The great British scientist Charles Darwin was one of those pondering why after he visited Van Diemen's Land in the *Beagle* in February 1836, and learned of the removal a few years earlier to Flinders Island. "Thirty years," he wrote, "is a short period, in which to have banished the last aboriginal from his native island."[15] Darwin pondered the universality of extinction in the wake of European settlement: "Besides these several evident causes of

destruction, there appears to be some more mysterious agency generally at work. Wherever the European has trod, death seems to pursue the aboriginal. We may look to the wide extent of the Americas, Polynesia, the Cape of Good Hope, and Australia, and we shall find the same result. . . . The varieties of man seem to act upon each other in the same way as different species of animals; the stronger always extirpating the weaker."[16]

This idea of inevitability and something mysterious being at work took hold in the European imagination, though there were also some, like Colonial Office official Herman Merivale, who in 1840 retorted that there was nothing mysterious about it; there were clear reasons, "appreciable causes," such as the effects of firearms on the destructiveness of intertribal fighting, the loss of food, the effects of alcohol, the disastrous effects of epidemics (especially smallpox), or the effects of a sudden change in habits, which he mentioned specifically in relation to the Aboriginal Tasmanians on Flinders Island.[17] Count Strzelecki, a Polish noble and geologist who visited many colonies of settlement around the world, including the Australian colonies between 1839 and 1843, thought the main reason for Aboriginal depopulation was declining fertility, the result either of sterility from venereal and other diseases or because indigenous women (he thought) who had had sexual intercourse with the settlers could no longer conceive children with men of their own race.[18] As the dying and depopulation continued, settlers developed their own theories and explanations, such as the idea that the indigenous people were dying because they had given up, had lost the will to live.[19]

By the 1860s, in British scientific circles, the Tasmanians (as they were known after 1852) had become the prototypical case. On 19 January 1864, when the Anthropological Society in London debated the extinction of the so-called lower races, the opening speaker, Richard Lee, noted that the "natives of Tasmania are almost, if not quite, extinct. . . . Nowhere has the disappearance of a native race been more complete in modern times than in Tasmania." At the same meeting, T. Bendyshe challenged the idea of inevitable and perhaps mysterious extinction as a consequence of colonization, arguing that the problem was not the "mere presence of the white man," but the taking of a people's land. He asked of those who invoke mystery rather than loss of land: "But how or on what were these people to live *after* their lands were occupied?"[20]

The Tasmanian events had thus come to represent a clear, unambiguous, incontrovertible, and well-documented example of the extermination of an entire people. Although there were differences between different commentators over the facts, explanation, or morality of what had happened, there was no significant deviation between local settler and metropolitan British understandings of events and issues. They were in this



period inextricably entwined, as ideas and knowledge moved back and forth from colony to metropole.

James Bonwick's remarkable and still-read book, *The Last of the Tasmanians* (1870), published forty years after the removal of the people from the Tasmanian mainland, told the story of an almost extinct people in considerable detail. Having first become interested in the subject after a visit to the ill-fated Flinders Island settlement in 1859, he worked with colonial government records and interviewed some early settlers. He also used his own knowledge from living in the colony in the 1840s; he writes, for example, that he had "on several occasions heard men declare that they thought no more of shooting a Black than bringing down a bird."[21] Bonwick's explanation for the near-disappearance of the Tasmanians was the British and settler appropriation of indigenous land. After discussing the early visits by maritime explorers, he writes: "The Whites came again. They came not as curious visitors, but to make a home in the land. They came not to share the soil with the dark man, but to appropriate it."[22] He thought it ironic that on the one hand the British authorities instructed Collins to live in amity and kindness with the natives, and to punish offenders against them, and on the other remained "utterly oblivious of their rights to the land."[23] Bonwick thought the "wild man" had two choices: to "prostrate themselves beneath the feet of the usurpers and quietly submit to slavery," or to "refuse to sell their birthright of freedom, and take the consequences." It was no surprise to Bonwick that they chose the latter course.[24] Bonwick noted official attempts to stop the conflict, and their futility. The events in Tasmania, he thought, provided a story like that written by Las Casas in his "Short Account of the Destruction of the Indies." In both cases, the government tried impotently to protect the natives "against the avarice and cruelty of its subjects."[25]

Bonwick stresses not only the direct effects of land loss in frontier conflict, but also the indirect effects; disease, ill health, and lower fertility, in effect an inventory of the effects of colonization on indigenous people. His wide-ranging account was used by Charles Darwin the following year in *The Descent of Man* (1871). In a section entitled "Extinction of the Races of Man," Darwin largely abandons the idea of a "mysterious" disappearance, and explores a large number of possible reasons for indigenous population decline, including loss of land and therefore sustenance, new diseases and spirituous liquors, loss of will to live, and general ill health. After stressing the complexity of the matter, he concludes that fertility decline, a result of being forced "to desert their homes and to change their habits," was especially important in the disappearance of indigenous peoples.[26]

In 1874, another Tasmanian settler, J.E. Calder, listed many of the same causes as Bonwick had, with one important exception: he largely

excluded loss of life through direct frontier violence. On the frontiers of settlement, he suggested, it was the Aborigines and not the Europeans who had generally prevailed. "Aggressiveness," he wrote, "was almost always on the side of the blacks; and in this unequal contest the musket of the Englishman was far less deadly than the spear of the savage, at least five of the former dying for one of the latter."[27] The rapid population decline had other causes: "Whole tribes . . . which had probably never had a shot fired at them . . . had absolutely and entirely vanished." His list of alternative explanations included infecundity resulting from prostitution, disease, and the settler's favorite, the loss of will to live.[28] His version of events, minimizing the effects of frontier violence and emphasizing indigenous people's self-destruction, remained long in local Tasmanian, and Australian, historical consciousness.

## The Extinction Thesis

Soon after Calder's account appeared, public interest had turned towards the impending death of Truganini, the last known Tasmanian of full descent. Such a death was seen to signify *extinction*, since in nineteenth-century thinking mixed-race descendants did not signify the survival of a people. Accordingly, when Truganini died on 8 May 1876, the Tasmanians were duly pronounced extinct, a conviction that has lasted well into our own time. Indeed, so fixed did the idea of the complete extermination of the Tasmanian Aboriginal people become, that it was not until the 1980s that most Australians learned there were indeed descendants, after all.[29]

The question of extinction became especially important in late nineteenth- and early twentieth-century racial discourse, when belief in white racial superiority and fear of competition from other races reached a peak in Europe, the Americas, and other settler societies. Australian and international (mainly British) understandings continued to be much the same on this issue. Charles Pearson, an Englishman who had spent twenty years in Australia, took indigenous extinctions for granted in his influential book, *National Life and National Character: A Forecast*. He warned that not all "inferior races" were doomed to extinction, distinguishing sharply between the "evanescent" races, such as the Australian Aborigines and American Indians who disappeared wherever Europeans went, and the enduring races, like Indians, Chinese, and Africans ("Negroes") who were "too numerous and sturdy to be extirpated" and who would in time challenge Europeans for world supremacy.[30]

The attribution of extinction to a particular form of racial inferiority lasted well into the twentieth century. In Australia, the story of the



extinction of the Tasmanian Aborigines settled into an orthodoxy that was rarely explored in any detail.[31] Aboriginal people had not only (apparently) disappeared from the earth, but from history as well.[32] Some reference to violent conflict did remain, for example in Ernest Scott's immensely popular *A Short History of Australia*, which included three and a half pages on the Tasmanian conflict. One of Australia's first history professors, Scott attributed blame to the settlers, who he said provoked the Tasmanians through frequent cases of "murder and outrage."[33] And a very few still remembered the Tasmanians with understanding. Mary Bennett, a humanitarian who intervened strongly in Aboriginal affairs in the 1930s, wrote an unusually sympathetic book, *The Australian Aboriginal as a Human Being*, where she pointed out that 1930 was the centenary of the Black Line, followed so soon afterwards by the removal of the people to Flinders Island. She recounted how a Mr. Gardiner, who had lived for a long time on Flinders Island while the Aboriginal station was there, had told her father how "old men and women and children were seen in the early morning to ascend Mount Arthur (!) and perch themselves upon the top and wait until the sun lifted the mists from the peaceful ocean, and when the blue mountains of their native land became visible they would raise their swarthy attenuated arms, and with tears rolling down their cheeks, exclaim, 'Country belonging to me!'"[34]

Both inside and outside Australia, the Tasmanians by this time had largely become not real people to be mourned, but simply the cold objects of science. As Lyndall Ryan has related, scientists in England, France, Germany, and Australia debated in the early years of the twentieth century whether the extinct Tasmanian Aborigines, seen as representatives of early Stone Age man, were the missing link between ape and man. It was generally agreed they had been unusually primitive as a result of their long isolation from other peoples, though some also attributed this to a supposed smaller-than-usual brain capacity. For Professor Fred Wood Jones, isolation meant not only a failure to evolve to a higher state, but also the loss of skills previously held, an idea subsequently picked up by archaeologists and popularized.[35]

## New Understandings: The Impact of World War II

From the late 1930s, changes in government policy and thinking about the place of Aboriginal people in Australia's future began to have an impact on historical scholarship. World War II, especially as knowledge and understanding grew of the Nazi campaign to exterminate the Jews, also had a profound impact on thinking about race and history. Several specialist

studies on Australian Aboriginal history, all involving original research, were completed just before or during the war, though in wartime conditions they took varying amounts of time to appear in print.[36] One of these was by Clive Turnbull, a Tasmanian-born journalist working for the Melbourne *Herald*, whose book *Black War: The Extermination of the Tasmanian Aborigines*, appeared in 1948.[37] So radical a break did it mark that it is worth close examination.

*Black War* signalled a challenge to the comfortable extinction discourse that had prevailed since the 1870s. It began: "Not, perhaps, before has a race of men been destroyed utterly within 75 years. This is the story of a race which was so destroyed, that of the aborigines of Tasmania."[38] More clearly than anyone since Bonwick, Turnbull attributed this destruction directly to the effects of colonization. He places the blame squarely with the British authorities who made the decision to colonize the island, first as a prison and later as a place of profit: "Either object [prison or profit] might have been, and both were, fatal to the aborigines who were superfluous and, indeed, a hindrance to those achievements. Their fate was written when [Governor] King turned his thoughts toward the island as a penal settlement."[39] Indeed, he wrote on page two: "The extinction of the people of Van Diemen's Land was foreseen from the earliest years of the European settlement but that did not in any degree dissuade the Government from its course."[40] Turnbull writes that while many were "appalled by the atrocities committed upon the natives" the policy of colonization was not abandoned. After all, he says, "the only remedy would have been to deny to the invaders all property rights in the island." This was not done, and instead the authorities attempted "one pious palliative after another," to little effect, until "eventually the aborigines solved the problem in the way most convenient for all by dying."[41]

The idea of a mysterious disappearance in the wake of a meeting of two incompatible cultures was still popular in Australia, and Turnbull set out to refute it. "These people," he wrote, "were not destroyed by a foreign culture. They were destroyed by arms and expatriation as part of a ruthless policy."[42] They were destroyed "not only by a different manner of life but by the ill-will of the usurpers of the race's land."[43] In explanation of what he means by "policy," he says: "It was not so much that there was a general will for the extermination of the aborigines—though that was sometimes expressed—as that there was no general will against it."[44] He concludes: "They were driven from their land because the colonists wished to occupy it; and when they retaliated they were taken from the island to get them out of the way."[45]

Turnbull makes an interesting distinction between active and passive "ill-will"; active ill will was expressed in brutality, while passive ill will



"deplored extermination while condoning, and participating in the rewards of, a system which made extermination inevitable."[46] It was the latter that most concerned him, and that he saw at work in the British settlement of Tasmania. He ponders how such indifference to human life could be possible in a civilized community, and we can see here how his thinking about Nazi atrocities against the Jews had influenced his ideas about colonizers and indigenous peoples: "Beyond its [the civilized community's ] confines the moral geometry no longer applies. Van Diemen's Land aborigines, Incas, natives of the Congo, 'Non-Aryans,' move in another dimension and it is possible for all imperialist peoples to live in satisfaction and self-esteem by their own rules while conducting, in the extra-moral and extra-racial universe, such adventures as the common quality of rapacity may indicate as desirable."[47]

He concluded his book by reflecting on the long and continuing history of indigenous peoples dying while their conquerors profit. Modern Australians, he pointed out, are the beneficiaries of these long-ago events: "Today the whole wealth of Australia may be ascribed to territories taken from the aborigines."[48] That he was influenced not only by revulsion against Nazi anti-Semitism, but also events closer to home, is clear in the final pages of the book, where he draws attention to what he understood as the impending disappearance of the Aboriginal peoples of Victoria. The attitudes that underlay the original dispossession, he warns, have not disappeared: "The aborigines of Tasmania have gone; the aborigines of Victoria are going, and for the miserable remnant there is from the community at large neither interest nor pity."[49] Attitudes of indifference while indigenous peoples disappear are still with us: "It must not be supposed that the story of the Tasmanian aborigines belongs to a past with which we have no connection, or that their fate, were the colonization of Van Diemen's Land about to take place now, would necessarily be different."[50]

Turnbull does not use the word "genocide," coined by Lemkin just a few years earlier; he had probably not heard of it when writing his book, apparently completed some considerable time before its actual publication in 1948. Nevertheless, it is clear that he, like Lemkin, was at least in part prompted by the horrors of the Second World War, and the example of Nazi Germany in attempting the destruction of an entire people.[51] As Lyndall Ryan argues, it seems that he wanted to use the heightened awareness of the horrors of Nazi policies and practices towards the Jews to shock Australians into recognition of the enormity of their own history.[52]

Unbeknownst to Turnbull, Lemkin himself was at the same time reaching similar conclusions about what had happened in Tasmania. Lemkin in the late 1940s extensively researched and wrote many chapters towards a book, or series of books, on the history of genocide. He never finished the

project, and it remained unpublished at the time of his death in 1959, and is unpublished still. Chapter plans, extensive notes, and draft chapters, are, however, held in three different archives in the US.[53] In these plans, notes, and chapters Lemkin covered many genocidal episodes throughout human history: the Albigensians, Carthage, the forced deportation of the Cherokee, the Herero, and many others. One of the forty planned chapters was about Tasmania. His research on Tasmania relied on secondary sources, especially Bonwick, though he also consulted other works by Giblin, Backhouse, Calder, Melville, Merivale, and West. It was written without benefit of Clive Turnbull's *Black War*, which was just appearing on the other side of the world as he wrote.

In this chapter, we see Lemkin applying his own method of analysis to Tasmania. In each case of genocide or suspected genocide, he thought it important to consider the conditions leading to genocide, the methods and techniques used, the question of intent and motivation of the genocidists, the responses of the victim group and of outside groups, and the aftermath. Having given the bare bones of the Tasmanian story, he headed one section with a question: "Intent to Destroy—who is guilty—Government or Individuals?" His answer is both, especially individuals. He places the blame for the destruction of Tasmanian society first on settlers and convicts who attacked the Aboriginal people, provoking them to retaliation, and second on the governing authorities who, while neither planning nor conducting genocide, failed in their basic duty of protection. He also discusses at some length the rapid decline in the birth rate, the result of conditions of warfare, loss of land, and the loss of women to sealers and others. He also had sections on cruelty, legal status, and the effects of liquor and disease, and paid particular attention to the effects of confinement on Gun Carriage, Bruny, and Flinders Islands, which left the people "lifeless and dispirited."[54] In short, his account clearly classes the events in Tasmania as genocide, but he does not see it as state organized or as purely a matter of frontier violence.

## Separate Development: Genocide Studies and Australian Historiography

While Lemkin's work on Tasmania remained unknown, his new word *genocide* did not. The older terms *extermination* and *extinction* (*extirpation* had long gone) dropped from historians' and popular vocabulary to be replaced by *genocide*. This change in terminology had some extremely important consequences. Where *extermination*, *extirpation*, and *extinction* placed the Tasmanian events in a long ago past, out there away from the present, *genocide* connected them to an ongoing present, to legal and political as well as historical considerations. To call something "genocide" rather than "extermination" was somehow seen as far more serious for modern Australians; the questions of intent and responsibility were so much closer to home.



The direct connection that "genocide" implied between the past and the present meant, however, that the application of the new term to Tasmania operated quite differently in international scholarship and Australian historiography. Genocide scholarship had really got under way in the 1970s, and grew dramatically in the 1980s, almost wholly generated by scholars educated in the US and writing in English in the US, Canada, and Israel.[55] Among its concerns were the uniqueness of the Holocaust, whether the killing of political groupings could be included in the definition of genocide even though the UN Convention excluded them, and the role of the state and planning in defining genocide. Most scholars in the field wanted to widen the definition from that accepted by the UN to include political groups, but also narrow it by defining genocide as necessarily through mass murder conducted and managed by the state.[56] On the basis of very limited knowledge of Tasmanian history, and interpreting the Black Line and the removal to Flinders Island as an example of a state-led and planned desire to destroy a whole people, these scholars took the view that Tasmania constituted a clear case of genocide.[57]

Furthermore, the idea of Tasmanian genocide spread far beyond the work of specialist genocide scholars, and appears also in a wide range of international scholarly and popular work.[58] The long-standing story of the Black Line, the removal to Flinders Island, and the (supposed) extinction of the Tasmanians, built from a multitude of sources of which Bonwick was possibly the most important, was now redefined as "genocide." Perhaps, in popular consciousness, Tasmania came to be readily accepted as a clear case of genocide for two reasons. First, there seems to be some slippage between two distinct ideas, extinction and genocide; everyone "knew" that Tasmania was a case of colonial *extinction;* therefore it seemed to follow it must be a case of *genocide.* Second, as Henry Reynolds points out, the central role played by government in controlling relations with Aboriginal people in Tasmania (in contrast to mainland Australia, where settlement and its destructive consequences frequently ran far beyond government boundaries of control) fitted in well with, and seemed to exemplify, the emphasis on the role of the state in much genocide theory and scholarship at the time. The extent of Aboriginal resistance to settlement, and attacks on the settlers, was either unknown or ignored.[59] In any case, the term "genocide" quickly replaced "extermination" and "disappearance" in international commentary, slipping in almost unnoticed where the former terms used to be.

In Australia itself, however, international genocide scholarship was little known, and local historiography went in quite a different direction. Although some commentators—legal, historical, and cultural—did apply the concept of genocide to Australian history, they did so only casually and in passing.[60] Indeed, there was not a great deal of historical research into the Tasmanian events for two decades after the publication of *Black War*. Despite the 1950s and 1960s being a period of rapid growth in the writing of Australian history, there were no new specialist monographs on the destruction of Tasmanian society. The general histories produced to meet the growth in university and other study of Australian history had even less Aboriginal material than their predecessors.[61] As a result, Bonwick's *The Last of the Tasmanians* and Turnbull's *Black War* remained the standard texts on the destruction of Tasmanian Aboriginal society for many years.

A number of historians in the 1970s and 1980s began to look at Tasmanian history more closely, investigating hitherto little-used archives and other documentary material. The most comprehensive study was by Lyndall Ryan, who completed her PhD on the history of the Aboriginal Tasmanians in 1976, revised and published as a book in 1981. Using much more extensive archival sources than previous historians, she drew a detailed picture that in general supported Clive Turnbull's story of violence and disregard for human life, and of humanitarian impulses powerless to affect the outcome. She saw the reasons for the decline in Aboriginal population as a mix of the effects of direct frontier violence, loss of women "through exchange with the sealers and stock-keepers," and the conditions on Flinders Island.[62] She explicitly discounted disease as a factor before the people's relocation to Bruny and Flinders Islands, but saw it as of major importance under conditions of incarceration.[63]

She departed from Turnbull significantly, however, in rejecting the notion of extinction. The effects of the loss of women to the sealers she saw as double edged; on the one hand, this loss was an important reason for population decline in certain bands, especially along the north coast, but on the other it "saved Aboriginal Tasmanian society from extinction."[64] She emphasized that modern indigenous Tasmanians are descended from these unions, and traced the history of their descendants in considerable detail. Recognizing the permeability of racial boundaries in a way the traditional extinction thesis did not, Ryan regarded the descendants as they regard themselves, as indications of the survival, against all odds, of the indigenous peoples of Tasmania.

At around the same time, Noel Plomley edited and published Robinson's journals, thus adding enormously to the public availability of relevant records, and also wrote his own historical analyses.[65] He outlined the reasons for decline especially well. There are two prerequisites for living, he wrote, "one an adequate food supply and the other a stable social environment."[66] In Tasmania, the indigenous people lost both, the latter with the "removal of native women from the tribes to enslave them, the stealing of Aboriginal children, and the destruction of the family and social life of the tribe."[67] Though Plomley seemed unaware of Lemkin's work, he was in fact applying Lemkin's wide-ranging criteria to Tasmania and concluding that the circumstances there constituted the destruction of the foundations of life of a human group.[68] He did not, however, call it genocide. He seems to have shared the view of most historians, and indeed of most Australians, that "genocide" was synonymous with the "Holocaust" and therefore inappropriate in discussions of Australian history.[69]



## Bringing Genocide Home

If the specialist historians rejected the idea of a Tasmanian genocide, one significant Australian historian did not. A very thoughtful attempt to apply the burgeoning genocide scholarship to Australia came from Tony Barta, in two groundbreaking articles in the mid-1980s. Barta is in fact an Australian expert in German history, with a good general knowledge of Australian colonial history. In the first article, "After the Holocaust: Consciousness of Genocide in Australia," he focused on Lemkin's definition of genocide as no historian working in Australia had done before him. He drew attention to that key section of Lemkin for any discussion of colonialism, contending that genocide proceeds in two phases: "destruction of the national pattern of the oppressed group" followed by "the imposition of the national pattern of the oppressor."[70] Such a definition clearly applied to the Australian case: as he said, "there is no dispute that the basic fact of Australian history is the appropriation of the continent by an invading people and the dispossession, with ruthless destructiveness, of another." There can also be no doubt, he continued, "about the disintegration of Aboriginal society, traditional culture, and religion, the destruction of the Aborigines' economic existence, their languages, their personal security, liberty, health, and dignity." That there was great loss of life cannot be doubted, and he pointed to Tasmania, Victoria, and New South Wales. "If ever a people has had to sustain an assault on its existence of the kind Lemkin described it would seem to have been over the last two hundred years in Australia."

Barta then argued that the problem in seeing Australian history as an example of genocide was, however, that in Australia "genocide" had come to be understood as synonymous with the Holocaust. He commented on the effects: the very restricted sense of the applicability of the concept of

genocide means that Australians could and would continue to fail to acknowledge the shadow in their own past. "Whatever took place in our past, it was nothing like that," as he put it. And if it was nothing like that, then it was not so bad. It cannot be called genocide. Barta insists that to describe Australian colonial history as genocide is not to equate it with the Holocaust; the Holocaust was in fact "a policy of genocide pushed to its ultimate extreme."[71]

Another problem with describing the Australian situation as genocide was, of course, the question of intention. In a second intervention three years later, Barta pursued this issue, developing the idea of genocidal *relations* as distinct from genocidal *policy*.[72] Returning to a distinction between a genocidal state and genocidal society that he had started to develop in the first article,[73] he now argued that in the Australian case the appropriation of land, implicitly "a relationship of genocide," was "fundamental to the type of society rather than to the type of state."[74] It was not, Barta wrote, a matter of ill will on either side, but rather "the objective nature of the relationships" between the white capitalist wool producers and black hunter-gatherers, a relationship of land, which constituted the genocidal character of colonialism in the Australian context.[75]

Barta's work gradually had some impact in Australia, though not on the specialist historians of Tasmania. In an article in 1994 entitled "Nation and MiscegeNation," Patrick Wolfe put forward a similar case to Barta's, describing settler colonialism in Australia as having a "logic of elimination," owing to the fact that the colonizers primarily wanted land rather than labor.[76] Raymond Evans and Bill Thorpe, experts on Aboriginal history in Queensland, also took up some of Barta's suggestions, proposing the concept of "indigenocide" as an alternative to the concept of genocide in relation to indigenous peoples.[77]

In the late 1990s, political developments again had an impact on Australian historical scholarship, as they had done in the 1940s and again in the 1970s. The Human Rights Commission's *Bringing Them Home* report of 1997, which reported on the history and effects of Aboriginal child removal in the nineteenth and twentieth centuries, brought the genocide question to public notice. The report contended that Australian child removal practices fell within the definition of genocide used in the UN 1948 Genocide Convention, ratified by Australia in 1949. The convention specifically includes "forcibly transferring children of the group to another group" with the intention of destroying the original group in whole or in part. The report explained: "Genocide is not only the mass killing of a people. The essence of genocide is acting with the intention to destroy the group, not the extent to which that intention has been achieved."[78] But this explanation fell on deaf ears. Most Australians understood genocide to



signify mass killing and especially the Holocaust, and were shocked and outraged to find child removal described as genocide.

The *Bringing Them Home* report influenced discussion of genocide and Australia in relation not only to the stolen generations but also to frontier violence and the disappearance of indigenous peoples in the wake of colonization. By 2000, there was a renewed interest in the subject among Australian historians. A. Dirk Moses, like Barta an expert in German history, but as an Australian interested in the question of genocide in Australian history, criticized Barta's notion of genocidal relations, arguing that one cannot do away with intention to this degree. Agency, he insisted, was indispensable. Rather, colonization as an historical process has a genocidal potential that is released in certain circumstances he called "genocidal moments." The evidence showed, he suggested, that the term *genocide* is less appropriately applied to Tasmania (where it is usually thought most relevant) than to Queensland (which has rarely been discussed in this context).[79]

The following year, Henry Reynolds, in his book, *An Indelible Stain? The Question of Genocide in Australia's History*, made a similar case. After outlining the definition of genocide in the UN Genocide Convention of 1948, he assessed a number of historical events in Australia against it and concluded that while the Australian frontier, notably in Queensland, was marked by "genocidal moments," "when settlers and police systematically pursued particular groups of Aborigines with the intention of destroying them," colonial Tasmania did not represent one of these moments.[80] There was no evidence, he suggested, of governmental intent to destroy a people: in his words, although Tasmania's Governor Arthur "was determined to defeat the Aborigines and secure the permanent expropriation of their land . . . there is little evidence to suggest that he wanted to reach beyond that objective and destroy the Tasmanian race in whole or in part."[81]

The gulf between international and national approaches largely remains, though the gap is closing with the appearance of at least two collections of essays, and the publication in the *Journal of Genocide Research* of a number of articles comparing the destruction of Tasmanian society with indigenous genocides elsewhere, in the Americas and southern Africa.[82] Nevertheless, despite this growing conversation, most international genocide scholars still consider the term *genocide* applicable to Tasmania while most specialist scholars on Tasmanian history still do not.[83]

## Conclusion: Genocide After All

The separation of Australian from international debates and scholarship has had some deleterious effects for both. Genocide scholars have declared

Tasmania to be a case of state planning and mass killing on the basis of little knowledge of events, while the general avoidance of the "genocide" word within Australia has meant reluctance amongst specialists in Australian history to engage in comparative and conceptual analysis.[84] To engage in both—detailed historical analysis, and conceptual and comparative study—would, I suggest, lead to some new ways to conceptualize both the destruction of indigenous societies on the one hand and the nature of genocide on the other.

Most historians agree that colonization meant the Tasmanians lost the foundations of life—food, reproductive capacity, health, and a homeland. They also agree that the colonizers in Britain and the colony were aware of populations disappearing in the Americas in the wake of colonization. Most agree also that from the beginning, but especially from the 1820s, when two very different societies were competing for land, it was clear to everyone that if colonization continued, the indigenous population would rapidly decline and could possibly disappear. To continue with colonization under these circumstances was, I would argue, to participate knowingly in what later generations came to call a genocidal process. It is a clear case of colonization without sufficient regard for the effects on the indigenous peoples of the removal of the foundations of life, resulting in the replacement of one human group by another. It is genocide.[85]

The insights of earlier scholars such as Bonwick, Turnbull, and Barta seem too often to have been forgotten or rejected. All three had placed the blame for the near destruction of the Aboriginal Tasmanians squarely at the hands of both the British authorities and the British settlers themselves. It seems to me they were absolutely correct to do so. To seek to take land whatever the consequences—and these were in fact either already known or highly predictable from experience in North America and the Caribbean—is surely a genocidal project. By and large, and despite moments of angst within British ruling elites in the 1830s in particular, the British authorities, and later the settler governments that replaced them, not only continued with land seizure and population replacement, but also consistently failed to take sufficiently serious measures to control settler land hunger and violence. Historians need to recognize fully the seriousness of these colonizing decisions, both imperial and local. This is not to reject recognition of indigenous violence, or the importance of the loss of fertility as an explanation for population decline, or the fact of the survival and political claims of the current descendants. It is to say that if we understand genocide to include the taking of actions that are *known to be likely to lead to the destruction of an entire people*, then the colonization of Tasmania must surely be included.



At the same time, international genocide and colonization scholarship needs to exercise greater care. Generalizations have been made about Tasmanian history with little recourse to the detailed Australian studies that demonstrate that it is not a clear and sustained case of state planning or of mass killing, but rather of land seizure undertaken without sufficient regard for the indigenous peoples of the island, characterized by a fairly short period of violent conflict between settlers and indigenous peoples for the land. It was a colonization attended by a wide range of governmental policies, including futile attempts, too little and too late, to protect the indigenous people from settler attack and from the effects of the loss of the necessaries of life itself.

It is time for a more robust exchange between genocide and Tasmanian historical scholarship if we are to understand better just what did happen in Tasmania in the first half of the nineteenth century, how best to conceptualize it, and how to consider what that historical knowledge might mean for us now, morally and intellectually, in the present.

## Notes

1. Paul E. de Strzelecki, "On the Aborigines of New South Wales and Van Diemen's Land," in *A Physical Description of New South Wales and Van Diemen's Land* (London, 1845), 356.
2. Lyndall Ryan, *The Aboriginal Tasmanians* (Sydney, 1981), 1996; Henry Reynolds, *The Fate of a Free People* (Melbourne, 1995); Noel Plomley, *The Aboriginal/Settler Clash in Van Diemen's Land, 1803–1831*, Occasional Paper no. 6, Queen Victoria Museum and Art Gallery (Tasmania, 1992); Keith Windschuttle, *The Fabrication of Aboriginal History* (Sydney, 2002).
3. Jared Diamond, "Ten Thousand Years of Solitude," *Discover* 14, no 3 (1993): 50.
4. Charles Rowley, *The Destruction of Aboriginal Society* (Melbourne, 1970), 43; Lyndall Ryan, "The Aborigines in Tasmania, 1800–1974 and their problems with the Europeans" (Ph.D diss., Macquarie University, 1975), 43.
5. Raphael Lemkin, *Axis Rule in Occupied Europe: Laws of Occupation, Analysis of Government, Proposals for Redress* (New York, 1944).
6. Patrick Brantlinger, *Dark Vanishings: Discourse on the Extinction of Primitive Races, 1800–1930* (Ithaca NY, 2003), 3–4.
7. For discussions of this literature see: Robert F. Berkhofer, *The White Man's Indian: Images of the American Indian from Columbus to the Present* (New York, 1978); Brian W. Dippie, *The Vanishing American: White Attitudes and US Indian Policy* (Middletown, CT, 1982); Francis A. de Caro, "Vanishing the Red Man: Cultural Guilt and Legend Formation," *International Folklore Review* 4 (1986): 74–80.
8. Despatch, 5 November 1830, Papers on Van Diemen's Land, 1831, No. 259, 56, as quoted in "Report from the Select Committee on Aborigines (British Settlements) with

the Minutes of Evidence, Appendix and Index," *Great Britain, Parliamentary Papers*, 1836 (538), VII, I, 14.

9. Governor Arthur, Memorandum, Sorell Camp, 20 November 1830, in *Great Britain, Parliamentary Papers, Colonies, Australia*, vol. 4, 244, as quoted in Windschuttle, *Fabrication of Aboriginal History*, 196.
10. Henry Melville, *The History of the Island of Van Diemen's Land from the Year 1824 to 1835* (London, 1835), 121–22.
11. Melville, *History of Van Diemen's Land*, 122.
12. Ibid., 23.
13. Report of Major Thomas Ryan upon the Aboriginal Establishment, Flinders Island, March 1836, Robinson Papers, vol. 24, Mitchell Library, Sydney, Australia, as quoted in Lyndall Ryan, "Extinction Theorists and Tasmanian Aborigines," in *The Future of Former Foragers in Australia and Southern Africa*, ed. Carmel Schrire and Robert Gordon (Cambridge, MA, 1985), 48.
14. Clive Turnbull, *Black War: The Extermination of the Tasmanian Aborigines* (Melbourne, 1965, first published 1948), 241. For the Report's comments on VDL, see Great Britain, *Parliamentary Papers*, 1837 (425), vol. VII: *Report of the Select Committee on Aborigines (British Settlements)*, 13–14. See also Elizabeth Elbourne, "The Sin of the Settler: The 1835–1836 Select Committee on Aborigines and Debates over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire," *Journal of Colonialism and Colonial History* 4, no. 3, (2003).
15. Charles Darwin, *Journal of Researches into the Natural History and Geology of the Countries Visited During the Voyage of H.M.S. Beagle round the World Under the Command of Capt. Fitzroy* (London, 1839), 447. On Darwin, see Tony Barta, "Mr Darwin's Shooters: On Natural Selection and the Naturalizing of Genocide," *Patterns of Prejudice* 39, no. 2 (2005): 116–37.
16. Darwin, *Journal of Researches*, 520.
17. Herman Merivale, *Lectures on Colonization and Colonies* (London, 1928), 544. The lectures in this book were delivered before the University of Oxford in 1839, 1840, and 1841.
18. Strzelecki, *Physical Description of New South Wales and Van Diemen's Land* (London, 1845), 347.
19. Henry Reynolds points out that the idea of the Tasmanians having lost the will to live appears also in recent texts by Clive Turnbull, Robert Hughes, N.G. Butlin, and Peter Conrad: see Reynolds, *Fate of a Free People*, 189.
20. Richard Lee and T. Bendyshe, untitled papers, *The Anthropological Review* II (1864): xcv–cxiii. See also Sven Lindqvist, *"Exterminate all the Brutes": One Man's Odyssey into the Heart of Darkness and the Origins of European Genocide* (London, 1998), 130–31.
21. James Bonwick, *The Last of the Tasmanians* (London, 1870), 57–58.
22. Ibid., 28.
23. Ibid., 31.
24. Ibid., 28.
25. Ibid., 57. For a more detailed discussion of Bonwick, see my chapter, "The History of Killing and the Killing of History," in *Archive Stories*, ed. Antoinette Burton (Durham, NC, 2005).
26. Charles Darwin, *The Descent of Man and Selection in relation to Sex*, 2nd ed. (London, 1882), 183, 191; see also Russell McGregor, "The Doomed Race: A Scientific Axiom of the Late Nineteenth Century," *Australian Journal of Politics and History* 39, no. 1 (1993): 16–17.



27. J.E. Calder, "Some Account of the Wars of Extirpation, and Habits of the Native Tribes of Tasmania," *The Journal of the Anthropological Institute of Great Britain and Ireland* 3 (1874): 8.
28. Ibid., 28.
29. Ryan, *The Aboriginal Tasmanians*, 218–20. Ryan notes that in fact another Aboriginal Tasmanian woman of full descent, Suke, died on Kangaroo Island, off the South Australian coast, in 1888. Truganini is, nevertheless, still generally regarded as the "last" Tasmanian.
30. Charles Pearson, *National Life and National Character: A Forecast* (London, 1893), 33.
31. See my entry on "Aboriginal History" in *The Oxford Companion to Australian History*, ed. Graeme Davison, John Hirst, and Stuart Macintyre, 2nd ed. (Melbourne, 2002).
32. Stephen Roberts, *History of Australian Land Settlement, 1788–1920* (London, 1969), 181, xiii; RW Giblin, *The Early History of Tasmania*, vol. II, *1804–28* (London, 1938), xxviii.
33. Ernest Scott, *A Short History of Australia* (Melbourne, 1964, [1916]).
34. M.M. Bennett, *The Australian Aboriginal as a Human Being* (London, 1930), 38–39. Another rare mention in the 1930s was William E.L.H. Crowther, "The Passing of the Tasmanian Race, 1803–1876," *Medical Journal of Australia* (3 February 1934).
35. Ryan, "Extinction Theorists and Tasmanian Aborigines," 49–51.
36. See also Edmund Foxcroft, *Australian Native Policy: Its History, Especially in Victoria* (Melbourne, 1941); Paul Hasluck, *Black Australians: A Survey of Native Policy in Western Australia, 1829–1897* (Melbourne, 1942).
37. Clive Turnbull, *Black War: The Extermination of the Tasmanian Aborigines* (Melbourne, 1965, [1948]).
38. Ibid., 1.
39. Ibid., 23.
40. Ibid., 2.
41. Ibid., 24.
42. Ibid., 28.
43. Ibid., 1.
44. Ibid., 28.
45. Ibid., 240.
46. Ibid., 1.
47. Ibid., 2.
48. Ibid., 241.
49. Ibid., 237.
50. Ibid., 238.
51. Given the lack of discussion of the topic within Australia until the late 1970s (and there was little even then), he may still not have been aware of "genocide" when he wrote a short essay entitled "Tasmania: The Ultimate Solution" for Frank Stevens's edited collection, *Racism: The Australian Experience: A Study of Race Prejudice in Australia*, vol. 3 (Sydney, 1972). In this essay, he sounds remarkably like Raphael Lemkin, whose work he seems not to know, when he writes "all of life is diminished by the loss of any part of it," 233.
52. Lyndall Ryan, "The Struggle for Trukanini 1830–1997," *Tasmanian Historical Research Association Papers and Proceedings* 44, no 3 (1977): 153–73.
53. There are archival collections at The Jacob Rader Marcus Center of the American Jewish Archives, Hebrew Union College-Jewish Institute of Religion, Cincinnati, OH

campus; The American Jewish Historical Society, New York; and in the New York Public Library.

54. For a more detailed account of this chapter, and a reproduction of the chapter itself, see Ann Curthoys, "Raphael Lemkin's 'Tasmania': An Introduction," *Patterns of Prejudice* 39, no. 2 (2005): 162–69
55. See Helen Fein, *Genocide: A Sociological Perspective* (London, 1993), 5; Samuel Totten and Steven L. Jacobs, *Pioneers of Genocide Studies* (New Brunswick, NJ, 2002).
56. A. Dirk Moses, "The Holocaust and Genocide," in *The Historiography of the Holocaust*, ed. Dan Stone (London, 2004), 533–55.
57. Henry Reynolds has traced the expressions of this view in works written or edited by the key figures in genocide studies: Reynolds, *An Indelible Stain?* 50–52. Other examples are given by Dirk Moses, "Genocide and Settler Society in Australian History," in *Genocide and Settler Society: Frontier Violence and Stolen Indigenous Children in Australian* History, ed. A. Dirk Moses (New York, 2004), 42, note 75. Examples from the 1990s and 2000s include *The History and Sociology of Genocide: Analyses and Case Studies*, ed. Frank Chalk and Kurt Jonassohn (New Haven, CT, 1990); Ward Churchill, *A Little Matter of Genocide* (San Francisco, 1997), 405; Ian Hernon, *The Savage Empire: Forgotten Wars of the 19th Century* (New York, 2000), 62; David Maybury-Lewis, "Genocide against Indigenous Peoples," and Samuel Totten, Williams S. Parsons, and Robert K. Hitchcock, "Confronting Genocide and Ethnocide of Indigenous Peoples," in *Annihilating Difference: The Anthropology of Genocide*, ed., Alexander L. Hinton (Berkeley, CA, 2002), 45, 61f.
58. A search of the Amazon.com website in mid-2004 gave literally hundreds of examples. Some of the most recent are: *The Specter of Genocide: Mass Murder in Historical Perspective*, ed Robert Gellately and Ben Kiernan (Cambridge and New York, 2003), 55, 378; Stephen Oppenheimer, *The Real Eve: Modern Man's Journey out of Africa* (New York, 2003), 31; Niall Ferguson, *Empire: the Rise and Demise of the British World Order and the Lessons for Global Power* (New York, 2003), 109–10; Stanley Crouch, *Reconsidering the Souls of Black Folk* (Philadelphia, 2003), 183; Robert B. Edgerton, *Africa's Armies: From Honor to Infamy—A History from 1791 to the Present* (Boulder, CO, 2002), 183; Jan Morris, *Heaven's Command: An Imperial Progress* (Fort Washington, PA, 2002), 437; and John Pilger, *Heroes* (Cambridge, MA, 2002), 604.
59. Henry Reynolds, "Genocide in Tasmania?" in *Genocide and Settler Society*, ed. Moses, 145–46.
60. For some references to these casual usages, see Reynolds, *An Indelible Stain?*, 29, and Tony Barta, "Relations of Genocide: Land and Lives in the Colonization of Australia," in *Genocide and the Modern Age*, ed. Michael Dobkowski and Isidor Wallimann (New York, 1987), 237–51, n. 3. Reynolds draws attention to Tom Haydon's 1978 film, *The Last Tasmanian: A Story of Genocide*, and also to Justice Murphy's judgment in *Coe v. Commonwealth of Australia* (1979) to the effect that Aboriginal people were killed or forcibly removed from their land "in what amounted to attempted (and in Tasmania almost complete) genocide." For brief references to genocide in Tasmania by historians such as Robert Hughes and Noel Butlin, see Reynolds, "Genocide in Tasmania?," 127.
61. Curthoys, "Aboriginal History," in *The Oxford Companion to Australian History*, ed. Davison, Hirst, and Macintyre.
62. Ryan, *The Aboriginal Tasmanians*, 176.
63. Ibid., 175.
64. Ibid., 71.



65. N.J.B. Plomley, *Weep in Silence: A History of the Flinders Island Aboriginal Settlement* (Hobart, 1987). See also N.J.B. Plomley, *The Tasmanian Aborigines: A Short Account of Them and Some Aspects of Their Life* (Launceston, Tasmania, 1977).
66. Plomley, *The Aboriginal/Settler Clash*, 5.
67. Ibid., 6–7.
68. See Lemkin, *Axis Rule*, 79.
69. See A. Dirk Moses, "Genocide and Holocaust Consciousness in Australia," *History Compass* 1 (2003) AU 28: 1–11. http://www.history-compass.com
70. Tony Barta, "After the Holocaust: Consciousness of Genocide in Australia," *Australian Journal of Politics and History* 31, no. 1 (1984): 154.
71. Ibid., 155.
72. Barta, "Relations of Genocide," 237–51.
73. Barta, "After the Holocaust," 160.
74. Barta, "Relations of Genocide," 239. Barta defines a genocidal society as "one in which the whole bureaucratic apparatus might officially be directed to protect innocent people but in which the whole race is nevertheless subject to remorseless pressures of destruction inherent in the very nature of the society." He then says: "It is in this sense that I would call Australia, during the whole 200 years of its existence, a genocidal society" (240).
75. A similar argument to Barta's has been developed more recently by Alison Palmer in relation to Queensland. Alison Palmer, *Colonial Genocide* (Adelaide, 2000), 209.
76. Patrick Wolfe, "Nation and MiscegeNation: Discursive Continuity in the Post-Mabo Era," *Social Analysis*, no. 36 (1994): 93–152.
77. Raymond Evans and Bill Thorpe, "Indigenocide and the Massacre of Aboriginal History," *Overland* 163 (Winter 2001): 21–39. See also Evans' chapter in this volume.
78. Australian Human Rights and Equal Opportunity Commission, *Bringing Them Home: a Guide to the Findings and Recommendations of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families* (Canberra, 1997), 27.
79. A. Dirk Moses, "An Antipodean Genocide? The Origins of the Genocidal Moment in the Colonization of Australia," *Journal of Genocide Research* 2, no. 1 (2000): 91–92. In a later article, Moses shifted his position slightly to argue for a fairly weak criterion of intention; we can, he says, detect it indirectly. When authorities refuse to cease the colonization project even when the drastic effects on indigenous populations are known, they can be held at least partly responsible for the genocidal outcomes: idem, "Conceptual Blockages and Definitional Dilemmas in the Racial Century: Genocide of Indigenous Peoples and the Holocaust," *Patterns of Prejudice* 36, no. 4 (2002): 29–31.
80. Reynolds, *An Indelible Stain?*, 130.
81. Ibid., 78.
82. See the special issue of *Aboriginal History* 25 (2001); Moses, ed., *Genocide and Settler Society;* Benjamin Madley, "Patterns of Frontier Genocide 1803–1910: The Aboriginal Tasmanians, the Yuki of California, and the Herero of Namibia," *Journal of Genocide Research* 6, no. 2 (2004): 167–92; Ashley Riley Sousa, "'They Will be Hunted Down like Wild Beasts and Destroyed!': A Comparative Study of Genocide in California and Tasmania," *Journal of Genocide Research* 6, no. 2 (2004): 193–209.
83. In the political arena, the term *genocide* cannot be used, the National Museum of Australia being explicitly instructed not to use the term in its exhibitions. Speech by Dawn Casey, former Director of the National Museum of Australia, at a conference entitled "Narrating Frontier Families," Australian National University, 5 August 2004.

84. Comparative analysis has come from scholars like Barta, Wolfe, and Moses with expertise in other national histories.
85. For similar arguments, see (for the Karuwali in southwest Queensland) Pamela Lukin Watson, "Passed Away? The Fate of the Karuwali," in Moses, *Genocide and Settler Societies*, 174–93, and Moses, "Genocide and Settler Society in Australian History," in ibid., 28–35.

– *Chapter 11* –

# "THE ABORIGINES . . . WERE NEVER ANNIHILATED, AND STILL THEY ARE BECOMING EXTINCT"

## *Settler Imperialism and Genocide in Nineteenth-century America and Australia*[1]

Norbert Finzsch

### Conceptualization

Genocides in modern history tend to be perceived as chronologically limited occurrences that punctuate time, rather than as repetitive and enduring processes. They paradigmatically culminate in historical *events* like the holocaust of 1941–1945 or the mass killings of Armenians in Turkey between 1915 and 1918, which have a plot and are narratable in a successive manner.[2] Although it is intuitive to perceive genocides in this way, it fails to grasp the implications of far-reaching policies and practices that operate below the threshold of public perception and political debate, but that may be no less genocidal than spectacular eruptions of focused and intense violence.[3] In this chapter, I focus on one enduring development of this type, namely, "settler imperialism."[4] This variety of imperialism is the rhizomatic expansion of settler colonies and settler states, directed against "exterior" indigenous populations, achieved in the context of a democratic and egalitarian society of white, predominantly Protestant Anglo-Saxon settlers organized in farms and family households. I argue that settler imperialism is inherently genocidal, since "an invading group quite literally supplants the indigenous population on its own landbase."[5] It is a variety of imperialism that is not based on the towering role of capitalist industrialism, but rests on a link between agrarian home production on the frontier and rentier capitalism in the cities. In this respect, settler imperialism has no periphery and no core, since the capital-owning elites in the cities and